

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, SEPTEMBER 16, 2003, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, September 16, 2003 at 7 38 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by two Special Meetings-- a Closed Session to discuss Public Employment, City Manager, in accordance with Government Code §54957, from 6 30 P M to 6 50 P M , and a Salute to Service Program, 7 04 PM to 7 24 PM-- at which all City Councilmembers were in attendance Staff in attendance at the City Council Meeting was City Manager Donald R Hopper, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION: Pastor Gregory Douglass led the Invocation

FLAG SALUTE: Councilmember Tom Adams led the Flag Salute

ROLL CALL. In attendance were Councilmembers Tom Adams, Dan Kirby, Mary Ann Lutz, Mayor Pro Tem Joe Garcia, and Mayor Rob Hammond

REPORT OF CLOSED SESSION(S):

City Attorney Steele reported that the following agendized item was discussed No reportable action was taken and direction was given to Staff

September 2, 2003

1 Government Code §54957, Public Employment, Public Employee Evaluation City Manager

PRESENTATIONS

1. Highlights of Legislative Year by Assemblyman Carol Liu

Assemblyman Carol Liu gave an abbreviated summary of the highlights of the Legislative year A question and answer period ensued Councilmembers thanked Assemblyman Liu for her support on various pieces of legislation throughout the year

2. Citizen Commendations to Robert Murphree and Hector Ledesma for Aiding Police Officer David Valenzuela

Police Chief Roger Johnson introduced Robert Murphree and Hector Ledesma to the Mayor, City Council and the community

Hector Ledesma and Robert Murphree were formally recognized for their willingness to set aside their own safety and come to the aid of Monrovia Police Officer David Valenzuela On August 19, 2003, Officer Valenzuela was seated in his patrol car when a mentally ill person savagely attacked him The officer was pinned inside his vehicle while he desperately attempted to protect himself from the attack Messrs Ledesma and Murphree witnessed the attack and, without hesitation, removed the attacker from the patrol car and subdued the suspect until he was handcuffed

3. Certificate of Recognition to Rodney Jefferson for Organization of the Second Annual "A Game Basketball Clinic"

Mayor Hammond presented a certificate of recognition to Rodney Jefferson for his organization of the Second Annual "A" Game Basketball Clinic, a week-long basketball camp for children and teens held August 11-15, 2003

PROCLAMATIONS:

Mayor Hammond proclaimed October 5-11, 2003 as "Fire Prevention Week" This year's theme was "When Fire Strikes, Get Out! Stay Out!" Members of the Fire Department will be visiting Monrovia elementary schools and teaching about safe fire practices The certificate was presented to Battalion Chief David Cruz

STUDENT GOVERNMENT REPRESENTATIVE REPORT: City Council Liaison Sable Smith was introduced and reported on activities and events at Monrovia High School

A. CONSENT CALENDAR

Item *K was removed from the Consent Calendar at the request of a resident

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to approve the Consent Calendar consisting of Items * B, *J-2, *J-3.

ROLL CALL.

Ayes: Councilmembers Adams, Kirby, Lutz, Mayor Pro Tem Garcia, Mayor Hammond
Motion carried: 5-0

Cyrus Kemp, Monrovia, expressed concern over fire service fees on the water billing and funding from the Wilderness Preserve fund for a third fire company, and requested that the warrants not be adopted City Manager Hopper explained that the third fire company maintained the Wilderness Preserve, and that Staff was attempting to retrieve documents regarding the fire service fee for Mr Kemp

***B MINUTES** The Minutes of the Regular Meeting of September 2, 2003, were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS

1 Cindy York, Monrovia Day Association, introduced Princesses Anna O'Campo and Tabathia Cordell who gave an update of what the Court was doing Ms York explained that Queen Ashley Frew could not be in attendance due to prior commitments Councilmember Lutz presented a bag of teddy bears to the Court for their Teddy Bear Program

2 John Watson, Monrovia, presented a copy of the Monrovia Old House Preservation Group's Welcome Package, noting that over 400 packets had been delivered to new homeowners and renters since January The City Council thanked him for all the time and work expended in this project

3 Cyrus Kemp, Monrovia, expressed concern about the cost of paramedics as compared to other cities

4 Francie Cash, President, Monrovia Board of Education, thanked the City Council for initiating and forming a new Adopt-a-School program Three schools had been chosen by Councilmembers and the City Manager had chosen Plymouth Elementary School

5 Sam DiGiovanna, Fire Department Chief, responded to transportation by subscription, noting that Monrovia was the only City that had paramedics who did not transport, and had given transporting up to private firm At that time, Monrovia had but one squad He stated that Staff was looking into a more efficient way to run paramedic programs

Mayor Hammond called for a break from 8 58 P M to 9 06 P M

D. PUBLIC HEARINGS/MEETINGS:

1. Amendment to Title 2 (Administration and Personnel) and Title 17 (Zoning) of the Monrovia Municipal Code Pertaining to Regulations Regarding Second Unit Development Pursuant to Assembly Bill 1866; Introduction and First Reading of Ordinance No. 2003-09

Alice Griselle, Director of Community Development, reviewed the Staff Report

Last year, Assembly Bill 1866 was signed into law and went into effect on July 1, 2003 AB 1866 further limits the ability of local jurisdictions to regulate second units, sometimes referred to as "granny flats" Previous to the adoption of AB 1866, state law required all local jurisdictions to permit second units in single-family zones, but allowed them to be approved through a *discretionary* process The approval of all second units must now be approved through a *ministerial* (by right) process This meant that a second dwelling unit would be treated as an addition to a single family dwelling and would be reviewed by the Development Review Committee (DRC) only through the design review process If the proposal met the development standards of the zoning ordinance, the DRC could only review its architectural compatibility with the main dwelling and other structures on the property

The Staff Report compared the existing regulations for second dwelling units with the proposed Ordinance Staff worked closely with the City Attorney's Office in drafting an ordinance that complied with state law by allowing second dwelling units to be built throughout the City At the same time, the ordinance was drafted as stringently as possible to minimize potential negative impacts to the neighborhood by requiring detached units to be single story, one enclosed parking space, one unit to be owner occupied and limitations on unit size This amendment brought the Zoning Ordinance in compliance with state law and in conformity with the adopted Housing Element of the City's General Plan

At its meeting of August 13, 2003, the Planning Commission held a Public Hearing to review the proposed ordinance After the close of the Public Hearing, the Commission adopted Planning Commission Resolution No 2003-06 recommending approval of Ordinance No 2003-09 to the City Council

PUBLIC HEARING OPENED: Mayor Hammond opened the Public Hearing

For None

Against Cyrus Kemp, Monrovia

PUBLIC HEARING CLOSED: Mayor Hammond closed the Public Hearing as there was no one else who wished to speak for or against the matter

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to introduce, waive further reading of Ordinance No. 2003-09, and send a letter to the Assembly expressing the concerns of the City Council with regard to the regulations City Attorney Steele read as follows

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO REGULATIONS REGARDING SECOND UNIT DEVELOPMENT PURSUANT TO ASSEMBLY BILL 1866

It was moved by Mayor Pro Tem Garcia, seconded by City Councilmember Lutz, to read by title only Ordinance No. 2003-09.

ROLL CALL: Ayes Councilmembers Adams, Kirby, Lutz, Mayor Pro Tem Garcia
Noes: Mayor Hammond
Motion carried: 4-1

**CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING
WITHOUT ADJOURNING CITY COUNCIL MEETING**

CONVENE: Chairman Rob Hammond convened the Regular Meeting of September 16, 2003 of the Monrovia Redevelopment Agency Board of Directors at 9 25 P M in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

ROLL CALL. Those in attendance were Boardmembers Tom Adams, Dan Kirby, Mary Ann Lutz, Vice Chairman Joe Garcia, and Chairman Rob Hammond

A CONSENT CALENDAR:

It was moved by Boardmember Adams, seconded by Vice Chairman Garcia, to approve the Consent Calendar consisting of Item *B

ROLL CALL Ayes Boardmembers Adams, Kirby, Lutz, Vice-Chairman Garcia, and Chairman Hammond
Motion carried. 5-0

***B. MINUTES.** The Minutes of the Regular Meeting of September 2, 2003 were approved by order of the Consent Calendar

MRA REPORTS:

1 Exclusive Negotiating Agreement between Monrovia Redevelopment Agency and Zelman Retail Partners, Incorporated, a California Corporation, relating to a Fifty-Five Acre Parcel Generally Bounded by Evergreen Avenue to the North, Duarte Road to the South, Myrtle Avenue to the West, and Shamrock Avenue to the East

Scott Ochoa, Assistant Executive Director, reviewed the Staff Report

In 2002, the Monrovia Redevelopment Agency added a total of 120 acres of land into the Central Redevelopment Project Area through the 6th Amendment. The majority of the property added is generally located south of the 210 Freeway, between Magnolia Avenue on the West, Shamrock Avenue on the East, and Duarte Road on the South. This approximately 80 acres is privately owned and improved with a hodgepodge of older and obsolete industrial and commercial buildings, and a number of single family residences that previously were part of the neighborhoods to the north of the freeway.

With the Gold Line Phase II slated to pass alongside this site, the westerly 25 acres (between Myrtle and Magnolia) was identified as a prime site for a transit-oriented development. However, on the easterly 55 acres between Myrtle and Shamrock, the vision was more fluid, particularly given the assortment of uses, the large size, and the equally significant land assembly cost. Because of the strong demographic of Monrovia's market area, the lack of available land along the 210 Freeway corridor, and the City's need to further diversify its local economic base, Agency staff feels that regional retail may satisfy multiple agency objectives.

Over the last six months, the Redevelopment Agency was contacted by a number of land development firms seeking the opportunity to put together a proposal for the potential redevelopment of the site. Because any developer would need to invest significant amounts

of time, money and energy toward cultivating the development possibilities, it is not uncommon that they would request some assurance from the Agency that if they made the investment in various analyses and site plans, and a project materialized, they would have the first opportunity to enter into a disposition and development agreement with the Agency

The appropriate vehicle for this type of relationship was an Exclusive Negotiating Agreement (ENA) The Agency has utilized exclusive negotiating agreements in the past Such agreements are typically tied to a specific timeframe, in this case, six months It is important to note that, although the ENA requires the parties to work diligently toward the preparation and submission of a DDA to the Agency Board, the ENA does not represent the Agency Board's approval or endorsement of a specific development concept

The ENA, on file with the Office of the City Clerk, was prepared by the Redevelopment Agency's special counsel The agreement specified the rights and responsibilities of the parties and also outlines a progression of submittals by the developer, to ensure that the process continues to move forward Additionally, the developer is required, within 90 days, to advance funds to the Agency to be used for the Agency's independent market and pro forma analyses, property appraisals, and other related studies The amount of the advance shall be \$100,000 By the ENA, the developer understood that this amount may not be a total and final estimate

After meeting with and reviewing qualifications of a number of different land development firms, Agency staff identified Zelman Retail Partners, Inc as the strongest and most qualified developer to undertake the redevelopment of this site Zelman is based in Los Angeles and has extensive experience working with redevelopment agencies on large scale projects Zelman's principal is Ben Reiling Specializing in "power center" retail projects, Zelman Retail Partners, Inc has developed in excess of 8,000,000 square feet of retail, commercial and industrial space worth over \$1,000,000,000 Among their most prominent recent projects are the Empire Center in Burbank, the Moorpark Marketplace in Moorpark, and the Westgate Center in Anaheim

Staff recommended approval of the Exclusive Negotiating Agreement with Zelman Retail Partners, Inc Assistant City Manager Ochoa stated that Ben Reiling, President, Zelman Retail Partners, Inc , was in attendance to answer any questions that should arise

It was moved by Boardmember Adams, seconded by Boardmember Lutz, to approve an Exclusive Negotiating Agreement with Zelman Retail Partners, Inc.

**ROLL CALL: Ayes: Boardmembers Adams, Kirby, Lutz, Vice-Chairman Garcia, and Chairman Hammond
Motion carried. 5-0**

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9 39 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS: None
F. COMMUNICATIONS AND PETITIONS None

G. CITY COUNCILMEMBERS & SUB-COMMITTEES:

Mayor Hammond reported that:

(a) Oral Report by City Engineer regarding Bella Vista/Estrella Avenues Maintenance and Timeline. City Engineer Doug Benash responded to concerns addressed

by residents regarding tree trimming, tree removal, tree replacement, and standing water along the curb. He provided the City Council with a timeline of events, and reported that all residents in the area had been informed of the schedule of events for resolving the above issues. Residents were given a choice of the type of tree for replacement. Staff would purchase and plant the tree, which residents would be asked to water. Mayor Hammond asked for a completed update when the project was finished.

(b) Federal Grant to Cover Wash. Mayor Hammond reported that he, Councilmember Adams, Councilmember Garcia and Mayor Blakely went to Washington, D C in September 2002 to speak to elected representatives. They met with Congressman Dreier and asked for assistance in covering the washes in Monrovia which were pertinent to development. He stated that the City needed \$450,000.00 to cover those areas, which would result in development and, subsequently, new jobs. The City was successful in receiving the \$450,000.00 in grant money to cover the wash, thanks to the lobbying by the City Council. He noted that it was important to continue the lobbying efforts by the City Council, and applauded Congressman Dreier for the wonderful job he has done for obtaining grants for Monrovia.

(c) Consideration and approval of City Manager Services Agreement: Human Resources/Risk Management Director Theresa St. Peter presented a Staff Report which outlined a cost savings for the City with the approval of a City Manager Services Agreement with retiring City Manager Hopper.

City Manager Donald R. Hopper announced his retirement effective March 18, 2004. The City Council commenced the process of recruiting applicants to fill the City Manager's position. Recognizing that this process would take both time and money, the City Council and Mr. Hopper agreed to a retirement date of September 18, 2003 and to convert the remaining six months to a "Special Service Agreement," thereby saving the City the cost of on-going employee benefits. At the Council's direction in a recent Closed Session, Staff prepared the attached agreement for the City Council's consideration.

The agreement provided that Mr. Hopper will continue to work as City Manager for a six-month period. He would be compensated at a rate equal to the total of his current salary and automobile allowance. He would not be entitled to any benefits, vacation or sick leave accrual as an independent contractor. The City would secure City Manager services while realizing a savings of approximately \$18,000.00, since the City would not be paying for Mr. Hopper's employee benefits, retirement contributions and payroll taxes.

The proposed agreement would reduce the amount the City currently pays the City Manager as a contracted employee. Staff recommended approval of a consulting agreement with Donald R. Hopper.

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to approve a consulting agreement with Donald R. Hopper for a six-month period ending March 18, 2004, and authorize the Mayor to execute the agreement on behalf of the City. There were no objections.

(d) Selection of Bob Murray Associates for the Recruitment of City Manager Services: Mayor Hammond reported that at the Closed Session of September 16, 2003, the City Council gave direction to Staff to obtain the services of Bob Murray Associates for the recruitment of City Manager Services for the City of Monrovia.

It was moved by Mayor Hammond, seconded by Councilmember Adams, to secure the services of Bob Murray Associates for the recruitment of City Manager Services. There were no objections.

2 Mayor Pro Tem Garcia reported that

(a) On September 8-10, 2003, he, Mayor Hammond and Councilmember Lutz attended the League of California League of Cities Conference in Sacramento, but spent much of the time lobbying legislators on behalf of AB712

(b) He encouraged all to attend the October 9, 2003 Monrovia Reads program at various schools Those wishing to read to the students needed to contact Joanne Spring

(c) The annual Monrovia Reads Spaghetti Dinner and Auction will be held October 9, 2003 at 6 00 P M at the Monrovia Historical Museum

3. Councilmember Adams reported that

(a) After the dedication, ribbon cutting and tour of the new Youth Center, citizens should stop by Home Depot for Fire Prevention training and fun

4. Councilmember Kirby reported that

(a) He had been very pleased to have been the first person to apply for a passport through the Office of the City Clerk on September 8, 2003 He stated that it had been a good experience and very painless At his request, City Clerk Proctor reported that, to date, nine passport applications had been processed and a number of pictures had been taken for various reasons, including new Passports, renewal of Passports, Green Cards, and Credit Card id's She urged the public to take advantage of the Passport Office in City Hall

(b) The Mary Wilcox Youth Center would be dedicated on September 20, 2003, Recreation Park at the former Armory site at 10 00 A M Mini-tours of the new facility would be provided He invited all to attend

5. Councilmember Lutz reported that

(a) She congratulated Mayor Hammond who was sworn as a member of the Independent Cities Association (ICA) Board on September 11, 2003

(b) She invited all to attend the Bavarian-themed Oktoberfest on October 3, 2003, during the Family Festival Proceeds will benefit the Child Care Health Partnership

(c) She congratulated all who worked on the recent Housing Fair, noting that it was a huge success

H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES:

1. Proposed Amendments to Title 2 of the Monrovia Municipal Code Relating to Terms of Commissions, Boards and Committees

Scott Ochoa, Assistant City Manager, reviewed the Staff Report

At its December 10, 2002 meeting, the City Council took up the matter of appointing citizens to serve on City commissions and boards During that discussion the Council debated a wide variety of complex issues ranging from "de-politicizing" the overall selection and appointment process, standardization of selection and appointment procedures, and, the introduction of "new blood" versus the value of retaining experienced and expert commissioners At that time, the Council directed Staff to study the issues surrounding the terms of office of the City's commissions and boards, the selection process currently employed, and existing appointment procedures

A committee comprised of key City staff studied the issues that the Council identified Included in this group were the City Manager, City Attorney, City Clerk, Community Development Director and Community Services Director If the City Council concurred with the committee's findings and recommendations, then Staff would prepare an ordinance for the Council's consideration that would incorporate the changes contained herein

The committee's findings on the "de-politicizing" appointments were two-fold. First, the standardization of interview process would ensure a "level playing field" with respect to the screening of applicants for their interests in serving the community, their qualifications, and their "fit" on the respective boards and commissions. Second, beyond tightening the controls on the actual process, there is little else that can effectively be done.

The appointment of commissioners and board members is an inherently political process. Essentially, Councilmembers are elected by voters based on the appeal of their message or "agenda." It flows logically that, within the restrictions and requirements of the Municipal Code, city councils would want to surround themselves with commissioners and board members that share the same values and ideals. For example, if the stated goal of the City Council was to develop and maintain affordable housing, it is highly unlikely that an anti-affordable housing activist would be appointed to the Planning Commission.

Currently, the Municipal Code outlines the overall procedure for the noticing and selection of board members and commissioners. However, there is relatively less detail with respect to the actual administration of the process. In that manner, the City has relied on practice and not policy for issues such as who sits on the interview panel and how applicants are rated relative to one another. With that in mind, the committee recommended that the Code be amended to state that Selection Committees for the respective boards and commissions consist of three people-- the City Council liaison to the board or commission, the board or commission chair (or vice-chair if the chair is an applicant), and the department director that staffs the board or commission. Further, it is recommended that the interviews be conducted in the same manner as the City's interviews for prospective employees, incorporating written evaluation forms, pre-established and consistent questions, and debriefing interviews among the selection committee to ensure a consensus on the nominees.

As the committee also examined other issues relating to Code sections relating to "expiration dates for terms of office" and "automatic resignation," as those subjects are discussed in Chapter 2.46.

The Council wanted to facilitate a citizen's desire to serve the community, while maintaining the institutional knowledge and wisdom of the City boards and commissions' most outstanding thinkers and leaders. And while these appear to be mutually exclusive goals, the Committee identified certain adjustments that can be made to help provide more balance.

Currently, the Municipal Code contains language that regulates commissioners and board members' terms of office. These regulations allow for a commissioner or boardmember to serve two consecutive terms. Although they must apply and interview to get on the commission or board initially, at the conclusion of their first term, they may request reappointment, and the Mayor may reappoint them to a second term without the noticing the vacancy or conducting a selection process. At the conclusion of their second term, the commissioner or boardmember may reapply for appointment to the commission or board. However, they must compete for the appointment through the interview and selection process.

This procedure was originally inserted into the Code in 1993 as a way to require sitting boardmembers and commissioners to demonstrate their desire and willingness to serve, as well as help ensure that incumbents couldn't simply expect automatic reappointment. The Council has never expressed a firm interest in "term limits" because of that practice's unintended, and oftentimes negative, consequences. Nevertheless, the Council wanted to maintain its flexibility with respect to appointments to boards and commissions.

The committee found that the problem with the current procedure was that the Council's discretion was actually impaired because, more often than not, the sitting commissioner's "request for reappointment" after their first term has essentially become an automatic

reappointment Unfortunately, the de facto application of this process has confused, and perhaps even discouraged, otherwise qualified and interested candidates from applying for commission positions

The committee's recommendation was to simplify the process Basically, all sitting commissioners and boardmembers, including Library Boardmembers, should be required to apply and compete for appointments at the end of each term This would allow the Council to regularly solicit new talent and neighborhood leaders from within the community, yet it would not impede the Council's ability to continue to bring back those commissioners and boardmembers whose expertise and insights are undeniable and vital to the City

The City Council has three options at this time

- 1 Concur with the committee's findings and recommendations, or
- 2 Reject the committee's findings and recommendations, and make no changes to the Monrovia Municipal Code, or
- 3 Direct Staff to re-examine this issue and prepare new recommendations

Staff recommended Option No 1

Discussion ensued Recommendations by the City Council included consideration of automatic resignation of a commissioner or boardmember who missed five meetings in a one-year period, whether excused or not, as he/she was doing the community a disservice by lack of attendance, forego a list of reasons for excused absences, acknowledge that sometimes there are legitimate reasons for absences, extending the current December 31st end of term to June 30, 2004, starting the process in April for July 1st appointments, to coincide with the City's fiscal year, and verify that current commissioners and boardmembers can work for the six additional months, provision that all commissioners would apply each time after a three-year term of office expired, continuation of staggering all terms, consideration of filling the seat and appointing an alternate in case of absence, and add to recruitment procedures flyers to the Chamber of Commerce for the monthly newsletters or for its counter, announcements to churches and service clubs, and including the call for commissioners and boardmembers on the website along with the process (see City of Alhambra's website)

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to direct Staff to prepare an ordinance incorporating the committee's and City Council's recommendations amending Title 2 of the Monrovia Municipal code relating to Terms of Commissions, Boards and Committees

ROLL CALL Ayes: Councilmembers Adams, Kirby, Lutz, Mayor Pro Tem Garcia, Mayor Hammond
Motion carried: 5-0

I. ADMINISTRATIVE REPORTS

1. Contract Services for Integrated Library System Upgrade with Dynix Corporation in the Amount of \$93,691.00

Nancy Hoven, Sr Librarian, reviewed the Staff Report

The Monrovia Public Library Board recommended the upgrade of the library's Dynix, Inc automation system from its current text-based system, which is 12 years old, to Dynix, Inc's current web-based library automation system The upgrade is necessary because Dynix, Inc was beginning to phase out its support of the old system The new Horizon system allowed for many enhancements that were now commonplace in public libraries, such as access to the

library's catalog from home The cost of the upgrade was \$93,691 00 and would be financed out of the California State Public Library Fund, and not impacting the city's general fund

It was moved by Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to authorize the purchase of the Horizon library automation software and necessary peripherals required in order to upgrade the current Dynix automation system in an amount not to exceed \$93,691 00 from Public Library Grant funds.

**ROLL CALL: Ayes Councilmembers Adams, Kirby, Lutz, Mayor Pro Tem Garcia, Mayor Hammond
Motion carried: 5-0**

2 Investment Advisory Services Agreement with MBIA Financial Corporation

Mark Alvarado, Director of Finance, reviewed the Staff Report

The services that MBIA Municipal Investors Service Corporation (the "Advisor") will perform are similar to that of the City's investment broker/dealers They will provide professional advice on the purchase of investment securities They will be able to provide advice on up to \$10 million of purchases The advisor will be required to meet all of the requirements of the City's investment policy In addition, all transactions will be handled by a third party custodial agent

Based on the assumption that the City follows the advisor's advice, Staff anticipated that the performance (investment earnings) of this \$10 million will be greater than the performance we can generate using individual brokers

These investment services will cost up to \$12,000 00 per year, or 12% of up to \$10 million This is equal to 12 investment "basis points," i e , the difference between a security earning 5 25% and one earning 5 13% is 12 basis points Staff fully expects that the professional advice offered will exceed the maximum 12 basis points cost

If at any time the City believed the advice being offered was not worth the cost, the City could terminate the agreement Costs will be prorated for that annual period The advantage of this investment advisory agreement was that the advisor had a fiduciary responsibility for a portion of the City's investment portfolio in terms of the investment earnings

It was moved by Mayor Pro Tem Garcia, seconded by City Councilmember Lutz, to approve the Investment Advisory Services agreement.

**ROLL CALL. Ayes Councilmembers Adams, Kirby, Lutz, Mayor Pro Tem Garcia, Mayor Hammond
Motion carried. 5-0**

J RESOLUTIONS & ORDINANCES

1 Adoption by Reference of the Monrovia Municipal Code, 2003 Edition, Introduction and First Reading of Ordinance No 2003-15, and Set for Public Hearing on October 7, 2003 for Second Reading and Adoption

Linda B Proctor, City Clerk, reviewed the Staff Report

As the Municipal Code had not been re-codified nor had a legal update since 1983, Staff recommended to the City Council on June 25, 2002 that American Legal Publishing be awarded a Professional Services Agreement for a legal review and change of format

Based on the legal analysis and internal comparison by the City Attorney, City Clerk and a designated member from each department (for codes pertinent to each department), non-substantive corrections were made as needed. Generally, the amendments were minor in nature and the Code has not been substantively changed, merely reformatted for ease of use and updated to reflect current laws and City policies.

The revised Code Books were received from the Publisher, and, as the final step to the project so that the Code may be placed into use, it was necessary for the City Council to adopt an ordinance approving the replacement of the existing Code Book with the recodified edition. Language in the Ordinance is in compliance with State law.

There was no fiscal impact with the adoption of this Ordinance.

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to introduce, waive further reading, and read by title only Ordinance No. 2003-15. As there were no objections, City Attorney Steele read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA ADOPTING BY REFERENCE THE MONROVIA MUNICIPAL CODE (2003 EDITION).

It was moved by Mayor Pro Tem Garcia, seconded by City Councilmember Lutz, to set the matter for Public Hearing on October 7, 2003 for the second reading and adoption of Ordinance No. 2003-15.

**ROLL CALL: Ayes: Councilmembers Adams, Kirby, Lutz, Mayor Pro Tem Garcia, Mayor Hammond
Motion carried. 5-0**

***2. Amendment to Title 9, Chapter 9.44 of the Monrovia Municipal Code Relating to Regulation of Noise, Second Reading and Adoption of Ordinance No. 2003-12**

This matter was approved by order of the Consent Calendar.

This was the second reading and final adoption of Ordinance No. 2003-12 amending Title 9 of the Monrovia Municipal Code, relating to regulation of noise. Staff continued to recommend approval of this ordinance.

***3. Amendment of the Monrovia Municipal Code Relating to Approving and Adopting the Seventh Amendment to the Amended Redevelopment Plan; Second Reading and Adoption of City Ordinance No. 2003-13**

This matter was approved by order of the Consent Calendar.

This was the second reading and final adoption of Ordinance No. 2003-13 relating to approving and adopting the Seventh Amendment to the Amended Redevelopment Plan. Staff continued to recommend approval of this ordinance.

K. PAYROLL & VOUCHERS: Payroll No. 19 in the net amount of \$453,017.69, and Voucher Numbers 113300 through 113577 non-sequentially in the amount of \$1,045,444.14 was approved by order of the Consent Calendar.

L. SCHEDULED MEETINGS:

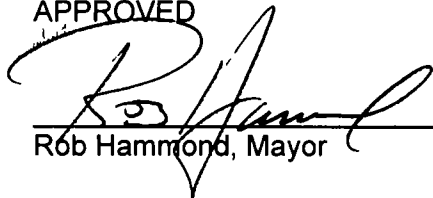
The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, October 7, 2003, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

M. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED: None

N **CLOSED SESSION.** None

O **ADJOURNMENT.** The City Council Meeting was adjourned at 10 43 P M in memory of Timothy Hoffman

APPROVED


Rob Hammond, Mayor

ATTEST


Linda B Proctor, CMC, City Clerk