

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, MAY 4, 2010, 7:30 P.M.**

CONVENE: Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, May 4, 2010, at 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of Andrey and Luka Cemerski, born March 9, 2010, to parents Saso Cemerski and Sanja Stojicevic. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

INVOCATION: Dr. John Mastrogiovanni gave the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember Clarence Shaw led the Pledge of Allegiance.

ROLL CALL: In attendance were Councilmember Joe Garcia, Clarence R. Shaw, Becky A. Shevlin and Mayor Mary Ann Lutz. Mayor Pro Tem Tom Adams was excused.

PRESENTATIONS/PROCLAMATIONS:

PR-1 Proclaiming May 2010 as "Older American Month" and Introduction of Patricia A. Myers as the "2010 Monrovia Older American"

Penny Arroyo, Recreation Coordinator, and Community Services Commissioner Chairperson Brian Ulm assisted the Mayor and City Council in presenting Monrovia's 2010 "Older American" Patricia Myers with a proclamation.

PR-2 Recognition of the Sponsors of the Neighborhood Conference 2010

Dan McConnell, Housing Coordinator, and Alexis Newell, Neighborhood Services Specialist, reviewed the event, with the aid of a PowerPoint presentation, and assisted the Mayor and City Council in presenting Certificates of Appreciation to the sponsors of the recently concluded Monrovia Area Partnership Neighborhood Conference held on Saturday, April 24.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Savannah Spicer was excused.

ORDER OF BUSINESS: City Manager Scott Ochoa announced that Consent Calendar item CC-3 would be continued to the next meeting.

CONSENT CALENDAR: It was moved by Councilmember Shaw, seconded by Councilmember Garcia, to approve the Consent Calendar, with the exception of item CC-3. There were no objections. The Consent Calendar consisted of the following Agenda items:

CC-1 Unadopted Minutes of the April 20, 2010, Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 9 in the Amount of \$551,157.73 and Voucher Nos. 164558 through 164829 in the Amount of \$1,115,045.61.

CC-3 Proposed Membership in the Emerald Necklace Coalition and Execution of the Emerald Necklace Accord: This matter was postponed to the May 18, 2010, Regular Meeting.

CC-4 Primrose Avenue Street Slurry Seal, Project No. C-3044; Award of Contract to Copp Contracting Inc., in the Amount of \$125,525.00: As part of the City's Street Resurfacing and Slurry Seal Program, Primrose Avenue from Foothill Boulevard to Hillcrest Boulevard was scheduled for pavement rehabilitation. Primrose Avenue was one of many streets on the City's five-year capital improvement program for rehabilitation based on the City's Pavement Management System. Primrose Avenue was selected due to the estimated cost of construction that closely corresponded to the funding available from Proposition C funds which were allocated for fiscal year 2009-2010 in the amount of \$160,000.00.

The City received approval for funding the project on March 16, 2010, from Proposition C funds in the amount of \$160,000.00. The engineer's estimated cost for this project was \$160,000.00.

The project was advertised for bid solicitations for two weeks in April 2010. Construction would start early May 2010 and be completed by June 30, 2010.

On April 19, 2010, the City Clerk received three bids ranging from \$125,525.00 to \$142,000.00. The apparent low bidder was Copp Contracting, Inc., in the amount of \$125,525.00. Staff reviewed the bid proposal and found that all documents were in order. Funds were available for this project through Proposition C.

Staff recommended that the City Council award a contract to Copp Contracting Inc., in the amount of \$125,525.00 and reject all other bids.

PUBLIC INPUT:

1. Stephanie Blumenthal, Monrovia
2. Kurt Thorgerson, Monrovia
3. Donna Baker, Monrovia Day Association, and Pam Fitzpatrick, Old Town Merchants Association
4. John Georgino, Monrovia
5. Cyrus Kemp, Monrovia
6. Dr. John Mastrogiovanni, Monrovia Arcadia Ministerial Association
7. Chuck Keen, American Legion Post 44

PUBLIC HEARINGS/MEETINGS: None.

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

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of May 4, 2010, of the Monrovia Redevelopment Agency Board of Directors at 8:19 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

MRA ROLL CALL: Those in attendance were Boardmembers Joe Garcia, Clarence R. Shaw, Becky A. Shevlin and Chairman Mary Ann Lutz. Vice-Chairman Tom Adams was excused.

MRA CONSENT CALENDAR: It was moved by Boardmember Garcia, seconded by Boardmember Shaw, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following item:

MRA CC-1 Unadopted Minutes of the April 20, 2010, Regular Meeting of the Monrovia Redevelopment Agency

MRA PUBLIC HEARINGS/MEETINGS: None.

MRA ADMINISTRATIVE REPORTS: None.

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 8:19 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

RCC1 Mayor Lutz reported that:

- (a) **Monrovia Fire Department Centennial Celebration:** Battalion Chief Ron Pelham reviewed planned activities for the upcoming Centennial Celebration.
- (b) **Brush Clearance Update:** Battalion Chief Scott Haberle reviewed the Fire Department's Wildland Interface Hazardous Mitigation Plan.
- (c) **Economic Development Update:** City Manager Scott Ochoa gave a brief update on the successes of economic development efforts in Monrovia and the challenges continually faced as a result of the State's financial crisis and continual takeaways.

(d) **Neighborhood Conference Recap:** As this was included in the presentation under PR-2, Mayor Lutz concluded that additional reporting was unnecessary; however she had received one speaker card and took this time for public input on the matter.

Public Input:

1. Larry Spicer, Monrovia Area Partnership Community Leader

(e) The annual Girl Power conference would be held at the Community Center on May 22, 2010; she reviewed the various programs offered at a cost of just \$10 per participant.

RCC2 Mayor Pro Tem Adams was excused.

RCC3 Councilmember Garcia reported that:

(a) The Monrovia Historic Preservation Group would hold its annual Mother's Day Tour on Sunday, May 9, 2010.

RCC4 Councilmember Shaw reported that:

(a) **Programming Update at Community Media of the Foothills:** Community Media of the Foothills Executive Director Lance Mungia gave an update on the recent studio and equipment upgrades, programming, workshops, and played an informational video currently airing on KGEM.

Public Input:

1. Cyrus Kemp, Monrovia

(b) He thanked Staff for putting on the Neighborhood Conference and commended them on the remarkable job they did.

(c) He reminded the community to celebrate the Fourth of July weekend in Monrovia.

RCC5 Councilmember Shevlin reported that:

(a) She attended the Smart Gardening Workshop on Saturday, May 1, 2010, co-sponsored by the County of Los Angeles, and thanked Heather Maloney and Sharon Gallant of the Public Works Department for their hard work.

(b) She thanked everyone who participated in and supported the Monrovia Reads Cinco de Mayo event.

(c) She thanked Dr. Mastrogiovanni for reminding the community about the National Day of Prayer event on Friday, May 7, 2010.

(d) She displayed the new Shop in Monrovia yard sign available from the City or Chamber of Commerce.

(e) She encouraged the community to attend the annual Fireman's Pancake Breakfast set to take place on May 8, 2010, at Fire Station 101, and reviewed many of the activities planned for the event.

(f) At the end of the month there would be several Memorial Day events at Live Oak Park and the Arcadia County Park.

ADMINISTRATIVE REPORTS

AR-1 Legislative Bulletin

Dan Bell, Management Analyst, reviewed the Staff Report.

This report highlighted and summarized pending State legislation that might be important to Monrovia and provided a brief analysis of the potential impacts to the City. Mr. Bell paid specific attention to SB919 relating to the PERS (Public Employees' Retirement System) pension benefits. The recommendations made by Staff reflected the City's priorities and programs, as well as the direction taken by the League of California Cities, and were as follows: Support, AB715, SB346; Oppose, AB155; Bills in Suspense: Oppose, AB479; Watch, SB919. Staff was directed to contact Monrovia's elected representatives for their support.

It was moved by Councilmember Shevlin, seconded by Councilmember Garcia, to approve the Legislative Bulletin and direct staff to contact Monrovia's elected representatives for their support.

AR-2 Interim Moratorium on the Opening and Licensing of New Massage Establishments and the Issuance of New Massage Practitioner Permits During the Time of the City's Review and Adoption of Amendments to Relevant Licensing and Zoning Regulations; Ordinance No. 2010-09U and Set for

Public Hearing on June 15, 2010 for the Extension of Ordinance No. 2010-09U; Introduction and First Reading of Ordinance No. 2010-09

Craig Steele, City Attorney, reviewed the Staff Report.

In 2009, the Legislature passed SB 731 (Business and Professions Code Section 4600 et seq.), which created a new entity, the California Massage Therapy Council ("CAMTC"), with regulatory authority over the certification of massage therapists and practitioners throughout the State of California. SB 731 also imposed new limitations on the authority of cities to enact or enforce regulations applicable to CAMTC-certified individuals and massage establishments employing only those individuals, thus preempting the application of certain land use, zoning and facility requirements on such massage establishments. This new law would affect the City's regulation of new massage establishments and new practitioners.

There was an urgent need for the City Council, the Planning Commission, and City staff to review existing regulations applicable to massage establishments and massage practitioners contained in the Monrovia Municipal Code and explore regulatory options that were consistent with the requirements of SB 731. In the interim, this moratorium was necessary to protect the public health, safety and welfare by ensuring that new massage establishments and practitioners did not go to work in the City while the City was studying potential changes to its regulations, because such new uses and practitioners could be inconsistent with the regulations the City ultimately adopted. This interim moratorium was authorized by Government Code Section 65858.

Staff recommended adopting the interim moratorium on opening and licensing new massage establishments and new massage practitioners pending study and changes to the City's massage regulations.

It was moved by Councilmember Shaw, seconded by Councilmember Shevlin to adopt Urgency Ordinance No. 2010-09U and set for public hearing on June 15, 2010 the extension of Urgency Ordinance 2010-09U; and to introduce, read by title only and waive further reading of Ordinance No. 2010-09.

**ROLL CALL Ayes: Councilmembers Garcia, Shevlin, Shaw, Mayor Lutz
 Noes:
 Excused: Mayor Pro Tem Adams
 Motion Carried: 4-0**

City Attorney Steele read the title of Ordinance No. 2010-09 as follows:

AN INTERIM ORDINANCE OF THE CITY OF MONROVIA, CALIFORNIA, PROHIBITING THE OPENING AND LICENSING OF NEW MASSAGE ESTABLISHMENTS AND THE ISSUANCE OF NEW MASSAGE PRACTITIONER PERMITS

City Attorney Steele stated for the record that a duly noticed hearing on this matter would be held on June 15, 2010, at 7:30 P.M. or soon thereafter.

AR-3 Participation in CalPERS Section 20903, Two Years Additional Service Credit Program

Theresa St. Peter, Director of Human Resources and Risk Management, reviewed the Staff Report.

In the past two years, the City had struggled to balance its budget due to the loss of revenue during the economic recession. Last year, the City amended its contract with CalPERS to allow certain miscellaneous employees to retire from the City within an "open window" period and receive two years of additional service credit with PERS. As a result, twelve employees retired and the City was able to eliminate these positions or other positions within the work unit and the City would realize a savings of over \$900,000 a year.

Going into the next fiscal year the City was facing an additional budget deficit of \$1 million. Therefore, Staff proposed to offer the two years additional service credit retirement program again. This would allow the City to eliminate additional positions in order to assist in closing the current budget gap.

In providing the two years additional service credit program, the City would see an immediate as well as long term savings. Nine positions had been identified to be included in the program for this year.

PUBLIC INPUT:

1. Cyrus Kemp, Monrovia

After discussion, it was moved by Councilmember Garcia, seconded by Councilmember Shaw, to authorize staff to bring forward a resolution to grant another designated period for two years additional service credit.

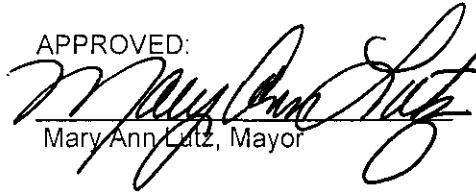
SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, May 18, 2010, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ADJOURNMENT: At 10:15 P.M. Mayor Lutz adjourned the Meeting in memory of Carl Nicholas Fabrizio, father of Battalion Fire Chief Chris Fabrizio.

APPROVED:



Mary Ann Lutz, Mayor

ATTEST:



Alice D. Atkins, CMC, City Clerk