

**MINUTES OF THE ADJOURNED REGULAR MEETING OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, JULY 6, 2011, 7:30 P.M.**

**CONVENE:** Mayor Mary Ann Lutz convened the Adjourned Regular Meeting of the Monrovia City Council of Tuesday, July 6, 2011, at 7:32 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of Makenna Grace Jenkins, born June 17, 2011, to Jim and Jaylene Jenkins, preceded by a Closed Session, 6:33 p.m., at which all Councilmembers were present, with the exception of Councilmember Shaw who was excused, to discuss CS-1 Conference with Labor Negotiator Pursuant to Government Code §54957.6; Agency Negotiator: Theresa St. Peter; Group Employees: All Groups; CS-2 Real Property Negotiations Pursuant to Government Code §54956.8; Negotiating Parties: Redevelopment Sr. Project Manager, City Manager, and Agency Attorney Under Negotiation: Price and Terms of Payment for the Following Properties: (1) Real property located at 1714 South California Avenue and Identified as Assessor's Parcel Number 8513-012-908; (2) Real property located at 1620 South California Avenue and Identified as Assessor's Parcel Number 8513-012-909; (3) Real property located at 475 East Duarte Road and Identified as Assessor's Parcel Number 8513-012-910; (4) Real property located at 1616 South California Avenue and Identified as Assessor's Parcel Number 8513-012-911 & 912; and (5) Real property Identified as Assessor's Parcel Number 8513-012-913; and CS-3 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Excalibur Property Holdings, LLC, a California Limited Liability Company, and George W. Brokate, an Individual, BS129985. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

**INVOCATION:** Pastor Dorothy Scott led the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Joe Garcia led the Pledge of Allegiance.

**ROLL CALL:** In attendance were Councilmembers Tom Adams, Becky A. Shevlin, Mayor Pro Tem Joe Garcia, and Mayor Mary Ann Lutz. Councilmember Clarence R. Shaw was excused due to being mobilized to active duty.

**REPORT OF CLOSED SESSION:**

**RCS-1 Conference with Labor Negotiator Pursuant to Government Code §54957.6; Agency Negotiator: Theresa St. Peter; Group Employees: All Groups.** City Manager Ochoa stated there was no reportable action.

**RCS-2 Real Property Negotiations Pursuant to Government Code §54956.8; Negotiating Parties: Redevelopment Sr. Project Manager, City Manager, and Agency Attorney Under Negotiation: Price and Terms of Payment for the Following Properties: (1) Real property located at 1714 South California Avenue and Identified as Assessor's Parcel Number 8513-012-908; (2) Real property located at 1620 South California Avenue and Identified as Assessor's Parcel Number 8513-012-909; (3) Real property located at 475 East Duarte Road and Identified as Assessor's Parcel Number 8513-012-910; (4) Real property located at 1616 South California Avenue and Identified as Assessor's Parcel Number 8513-012-911 & 912; and (5) Real property Identified as Assessor's Parcel Number 8513-012-913.** City Manager Ochoa stated there was no reportable action.

**RCS-3 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Excalibur Property Holdings, LLC, a California Limited Liability Company, and George W. Brokate, an Individual, BS129985.** City Manager Ochoa stated there was no reportable action.

**PRESENTATIONS/PROCLAMATIONS:**

**PR-1 2011 Concert & Fireworks Show Sponsor Recognition**

Recreation Supervisors Lisa Hansberger and Kerri Zessau assisted the Mayor and City Council in recognizing the sponsors of the "Music & Melody" 2011 Concert and Fireworks Show. The event, held on July 4 in Library Park, included a concert featuring the Delgado Brothers Band. The concert was

sponsored by Mayor Mary Ann and Corey Lutz. The fireworks show was sponsored by the Monrovia Old Town Merchants, Green Dot Corporation and Chris Shevlin of Chicago Title Insurance Company.

**PR-2 Recognition of Retiring Boardmembers and Commissioners; Eric Mozilo, Library Board, Louise Wright-Robertson, Library Board, Thomas Gerfen, Community Services Commission, Chris Lowe, Planning Commission, and Jhaila Brown, Planning Commission**

The Mayor and City Council recognized retiring Library Board members Eric Mozilo and Louise Robertson, Community Services Commissioner Thomas Gerfen, and Planning Commissioners Chris Lowe, and Jhaila Brown for their dedication and service to the community. Louise Robertson was in attendance to receive a plaque for her years of service.

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** To resume in September.

**ORDER OF BUSINESS:** City Manager Scott Ochoa stated that RCC-1(d) would be moved and combined with AR-2, and requested that MRA CC-2 and MRA CC-3 would be pulled from the agenda.

**CONSENT CALENDAR:** It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Shevlin, to approve the Consent Calendar. The motion carried unanimously. The Consent Calendar consisted of the following Agenda items:

**CC-1 Unadopted Minutes of the June 21, 2011, Regular Meeting of the Monrovia City Council:** The City Council approved the Minutes as presented.

**CC-2 Payroll No. 13 in the Amount of \$589,404.39 and Voucher Nos. 172018 through 172309 in the Amount of \$1,150,140.75:** The City Council approved the Payroll and Vouchers as presented.

**CC-3 Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Pertaining to the Official Zoning Map Changing the P/QP (Public/Quasi Public) Zone to the SP (Specific Plan) Zone on Property Located at the Southeast Corner of Royal Oaks Drive and Sierra Terrace (APN 8530-001-059) and Adding the Rose Gardens at Santa Teresita Specific Plan; Adoption of Ordinance No. 2011-03.** The City Council adopted Ordinance No. 2011-03.

**CC-4 Amendment to Title 5 (Business Taxes, Licenses and Regulations) and Title 17 (Zoning) of the Monrovia Municipal Code Relating to Massage Regulations; Adoption of Ordinance No. 2011-05.** The City Council adopted Ordinance No. 2011-05.

**CC-5 Hold Harmless Agreement between the City of Monrovia and the City of Arcadia Related to Use of Arcadia Fire Pump Testing Facility.** The City Council approved the Hold Harmless Agreement between the City of Monrovia and the City of Arcadia related to use of the Arcadia Fire Pump Testing Facility.

**CC-6 Agreement with David Turch & Associates for Legislative Advocacy Services in the Amount of \$2,000 per Month for the Period Ending June 30, 2012.** The City Council approved the agreement with David Turch and Associates, and authorized the City Manager to execute the necessary documents.

**CC-7 Agreement with Ewing & Beland in the Amount of \$1,500.00 per Month for the Period Ending June 30, 2012, to Provide Website Design, Maintenance, Repair, and Hosting Services.** The City Council approved the agreement with Ewing & Beland for the period ending June 30, 2012, and authorized the City Manager to execute the necessary documents.

**CC-8 Street and Traffic Signal Improvements at Myrtle Avenue and Huntington Drive, and Myrtle Avenue and Chestnut Avenue, Project No. C-3028, ARRA Project No. ESPL-5069(011); Acceptance of Work, Approval of Change Orders, Direction to File Notice of Completion and Release of Retention in the Amount of \$31,014.44 to Freeway Electric, Inc., for a Total Contract Amount of \$310,144.35.** The City Council accepted the work as completed, approved the change orders, directed Staff to file the Notice of Completion and approved release of the retention payment in the amount of \$31,014.44 thirty-five days after filing the Notice of Completion.

**CC-9 Cancellation of the August 16, 2011, Regular City Council Meeting.** The City Council approved the cancellation of the August 16, 2011, Regular City Council Meeting.

**CC-10 Indemnification of MTA and CalTrans Related to Elimination of Soundwalls at Certain Locations in the City of Monrovia, Resolution No. 2011-37.** The City Council adopted Resolution No. 2011-37.

**CC-11 Set for Public Hearing on July 19, 2011; Adoption of the Los Angeles County Congestion Management Program (CMP) Local Implementation Report.** The City Council set July 19, 2011, as the date of the Public Hearing.

#### **PUBLIC INPUT**

1. Fred Guibara, Monrovia
2. Hugh Hoyland, Monrovia
3. Bruce Pfeiffer, Monrovia
4. Nicole Wells and Annie Lamb, Monrovia High School Band
5. Dan Bacani, NAI Capital Commercial

#### **PUBLIC HEARINGS / MEETINGS:**

**PH-1 Fiscal Year 2011-2012 Citywide Lighting and Landscaping Maintenance Assessment District, Resolution No. 2011-28**

Ron Bow, Director of Public Works, reviewed the Staff Report.

Mayor Lutz opened and closed the Public Hearing as there was no present who wished to speak for or against the matter.

**It was moved by Councilmember Shevlin, seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2011-28.** The motion carried unanimously.

**PH-2 Fiscal Year 2011-2012 Citywide Park Maintenance Assessment District, Resolution No. 2011-29**

Ron Bow, Director of Public Works, reviewed the Staff Report.

Mayor Lutz opened and closed the Public Hearing as there was no present who wished to speak for or against the matter.

**It was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to adopt Resolution No. 2011-29.** The motion carried unanimously

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

**MRA CONVENE:** Chairman Mary Ann Lutz convened the Adjourned Regular Meeting of July 6, 2011, of the Monrovia Redevelopment Agency at 8:27 p.m. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

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

#### **MRA CONSENT CALENDAR:**

##### **Public Input:**

1. Robert Silverstein, Attorney at Law, representing Excalibur Holdings and George Brokate, spoke regarding MRA CC-4.

City Manager Ochoa provided clarification on the purpose and extent of the proposed contract considered under item MRA CC-4

**It was moved by Councilmember Shevlin, seconded by Councilmember Garcia, to approve the Consent Calendar, with the exception of MRA CC-2 and MRA CC-3, which were pulled during Order of Business above.** The motion carried unanimously. The Consent Calendar consisted of the following Agenda items:

**MRA CC-1 Unadopted Minutes of the June 21, 2011, Regular Meeting of the Monrovia Redevelopment Agency:** The Agency Board approved the Minutes as presented.

**MRA CC-2 Exclusive Negotiating Agreement (ENA) with Olson Urban Housing LLC for Property Located at the 800 and 900 Blocks of South Myrtle Avenue:** This item was pulled from the agenda.

**MRA CC-3 Agreement with John L. Hunter & Associates for Environmental Remediation Services at 204 West Pomona Avenue in an Amount not to Exceed \$18,615.00:** This item was pulled from the agenda

**MRA CC-4 Agreement with Cerrell Associates, Inc., for Public Relations Services in the Amount of \$7,500.00 per Month:** The Agency Board approved the agreement with Cerrell Associates, Inc., for public relations services and authorized the Executive Director to execute the necessary documents.

#### **MRA PUBLIC HEARINGS/MEETINGS:**

**MRA PH-1 Continued from June 21, 2011 – Joint Public Hearing; Purchase and Sale Agreement between the Monrovia Redevelopment Agency and the Metro Gold Line Foothill Extension Construction Authority for the Total Consideration of \$39,627,818; Resolution Nos. 7-2011 and 2011-22**

On June 7, 2011, Staff presented the Staff Report for this item, the Public Hearing was opened, and testimony was received from members of the public. Following the close of the Public Hearing, the Council voted 4-1 to continue the matter to the June 21 meeting in order to allow the parties involved additional time to come to terms. On June 21, 2011, the City Council again voted 4-1 to continue the matter to the July 5, 2011 meeting.

City Manager Ochoa requested that the City Council continue the item to July 19, 2011, to allow for further discussions with the Gold Line Foothill Extension Construction Authority.

#### **Public Input:**

1. Robert Silverstein, Attorney at Law, incorporated by reference the June 7, 2011, objections submitted previously and asked that they be included in the record.
2. Henry Gray, Monrovia

Following discussion, **it was moved by Mayor Pro Tem Garcia, seconded by Councilmember Shevlin, to continue the Public Hearing to July 19, 2011.** The motion carried with the following roll call vote: **AYES:** Councilmember Shevlin, Mayor Pro Tem Garcia, and Mayor Lutz. **NOES:** Councilmember Adams. **EXCUSED:** Councilmember Shaw.

**MRA ADMINISTRATIVE REPORTS:** None.

**MRA ADJOURNMENT:** Chairman Lutz adjourned the Meeting at 8:53 P.M.

**CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT  
ADJOURNING CITY COUNCIL MEETING**

**MFA CONVENE:** Chairman Mary Ann Lutz convened the Adjourned Regular Meeting of July 6, 2011, of the Monrovia Financing Authority at 8:54 p.m. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

**MFA ROLL CALL:** Those in attendance were Commissioners Tom Adams, Becky A. Shevlin, Vice-President Joe Garcia, and President Mary Ann Lutz. Commissioner Clarence R. Shaw was excused.

**MFA CONSENT CALENDAR:** It was moved by Commissioner Adams, seconded by Vice-President Garcia, to approve the Consent Calendar. The motion carried unanimously. The Consent Calendar consisted of the following item:

**MFA CC-1 Unadopted Minutes of the June 21, 2011, Regular Meeting of the Monrovia Financing Authority.** The Financing Authority Board adopted the minutes as presented.

**MFA PUBLIC HEARINGS/MEETINGS:** None

**MFA ADMINISTRATIVE REPORTS:** None

**MFA ADJOURNMENT**

### RECONVENE MONROVIA CITY COUNCIL MEETING

#### REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

**RCC-1 Mayor Lutz** reported on:

- (a) Councilmember Clarence Shaw would be recognized through Blue Star Program.
- (b) **“Keep Kids Alive - Drive 25” Campaign;** Interim Chief Hunt reviewed the proposed Residential Traffic Safety Program which would launch on August 2, 2011.
- (c) **Appointments to Fill the Unexpired Terms of Scott Austin on the Historic Preservation Commission and Eric Mozilo on the Library Board:** It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Shevlin, to appoint David Palomares to the Historic Preservation Commission to fill the unexpired term of Scott Austin ending June 30, 2013, and Barbara Radford to the Library Board to fill the unexpired term of Eric Mozilo ending June 30, 2013. The motion carried unanimously.
- (d) **Appointment of Delegate and Alternates for Governing Board of the Independent Cities Risk Management Authority:** It was moved by Councilmember Garcia, seconded by Councilmember Shevlin, to adopt Resolution No. 2011-34. The motion carried unanimously.
- (e) **Update on Elimination of Redevelopment:** This item was combined with and heard under AR-2 Legislative bulletin

**RCC-2 Mayor Pro Tem Garcia** reported on:

- (a) **Update on Draft Redistricting Maps;** City Manager Ochoa reviewed the Evolution of the Maps prepared by the California Citizens Redistricting Commission.

**RCC-3 Councilmember Adams** reported on:

- (a) **Thriving Neighborhood Survey:** Alexis Newell, Neighborhood Services Specialist, reviewed results of the Survey. Mayor Pro Tem Garcia asked Staff to look into maintaining an interactive survey on the City's website.

**RCC-4 Councilmember Shaw** was excused.

**RCC-5 Councilmember Shevlin** reported on:

- (a) Current and upcoming events and programming at the Library.
- (b) Summer Concerts in the Park.
- (c) Upcoming City of Hope Blood Drive sponsored by Foothill Gym.
- (d) She reminded everyone to Shop Monrovia.

#### ADMINISTRATIVE REPORTS:

**AR-1 Issuance of 2011-2012 Tax Revenue and Anticipation Notes; Resolution No. 2011-31**

Mark Alvarado, Director of Finance, reviewed the Staff Report.

After brief discussion, **it was moved by Mayor Pro Tem Adams, seconded by Councilmember Shevlin, to adopt Resolution No. 2011-31.** The motion carried unanimously.

**AR-2 Legislative Bulletin**

Dan Bell, Management Analyst II, reviewed the Staff Report, focusing on recent legislation signed by Governor Brown related to elimination of redevelopment agencies, AB X1 26 and AB X1 27.

Mayor Lutz stated for the record that Senator Huff and Assembly Members Donnelly and Portantino voted no on the bills.

City Attorney Steele provided an overview of the current known effects of the bills signed by Governor Brown related to Redevelopment Agencies. More information would be provided at next council meeting in order for the City Council to decide which steps to take in the next few months, explaining that there were a lot of moving parts, potential lawsuits, internal inconsistencies and unintended consequences.

Following extensive discussion, **it was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to approve the Legislative Bulletin and direct Staff to contact Monrovia's representatives.** The motion carried unanimously.

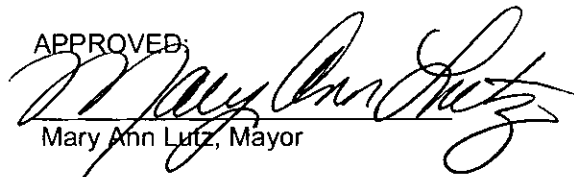
**SCHEDULED MEETINGS:** The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, July 19, 2011, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Special Meeting – Salute to Service at 7:00 p.m.

**PUBLIC INPUT, CONTINUED, IF NEEDED:** None.

**ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED:** None.

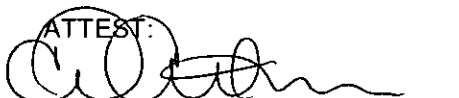
**ADJOURNMENT:** At 10:04 p.m. Mayor Lutz adjourned the Meeting.

APPROVED:



Mary Ann Lutz, Mayor

ATTEST:



Alice D. Atkins, CMC, City Clerk