

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, AUGUST 5, 2008, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, August 5, 2008, at 7:36 P.M. In attendance were City Manager Scott Ochoa, Acting City Attorney William B. Rudell and City Clerk Linda B. Proctor. (The previously scheduled Closed Session to discuss negotiations was cancelled.)

INVOCATION: City Clerk Linda Proctor gave the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember Tom Adams led the Flag Salute.

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

PRESENTATIONS/PROCLAMATIONS: None

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September.

CONSENT CALENDAR It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Kirby, to approve the Consent Calendar. There were no objections.

The Consent Calendar consisted of the following Agenda items.

CC-1 Unadopted Minutes of the July 15, 2008 Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 15 in the Amount of \$694,957.45 and Voucher Nos. 152432 through 152806 in the Amount of \$2,506,083.03

CC-3 Denial of Liability Claim; Rick Sengupta vs. City of Monrovia: Mr. Sengupta alleged that on February 7, 2008, he was arrested by a Monrovia Police Officer. During the course of such arrest, he maintained that his rights were violated under federal and state discrimination statutes. A review of Police Department records indicated that the interaction and subsequent arrest of Mr. Sengupta were handled in an appropriate manner and no discrimination occurred. Therefore, the City bore no responsibility for this matter.

CC-4 Purchase of One Automated License Plate Reader from PIPS Technology in the Amount of \$25,011.00: The Police Department requested to purchase one PIPS Technologies Automated License Plate Reader. The Staff Reports contained information relative to the purchase and use of the PIPS Technology Automated License Plate Reader, as well as the use of Homeland Security Grant Program funding for this expenditure.

CC-5 Memorandum of Four-Year Agreement for the Administration and Cost Sharing of the Coordinated Monitoring Plan for the Los Angeles River (LAR) and Tributaries Metals Maximum Daily Loads (TMDL) in the Total Amount of \$21,596.00: Several segments of the Los Angeles River (LAR) and its tributaries were identified on the 1998 and 2002 Clean Water Act (CWA) list of impaired water bodies due to various metals. A TMDL established a maximum limit for a specific pollutant that could be discharged into a water body without exceeding water quality standards and impairing beneficial uses. The LAR Metals (TMDL) required responsible entities to submit a Coordinated Monitoring Plan (CMP) for each jurisdiction in the River, within 15 months of the effective date of the TMDL. Preparation and implementation of a CMP was a mandatory TMDL requirement. The CMP's goals were to monitor water quality at key locations along the river.

The County of Los Angeles would be responsible for the installation of the automated sampling equipment. The City of Los Angeles would be responsible for the monitoring services. The Gateway Cities Council of Governments (GCCOG) would administer the CMP. The GCCOG's direct and actual administration costs would be fully paid by the participating agencies. The GCCOG anticipated costs of

\$10,000 00 per year in administrative costs, which would be shared among the 42 agencies, based on the funding formula

Based on the Metal TMDL's allocation formula, the current estimated cost for the City of Monrovia was \$10,718 00 for the FY 2008-09, \$3,902.00 for FY 2009-10, and \$3,488 00 for FY 2010-11 & 2011-12 Funds were available in the Storm Drain Fund

CC-6 Animal Shelter Services Agreement with Inland Valley Humane Society & S.P.C.A. in the Amount of \$35,000.00 for the Fiscal Year 2008-09: The Police Department requested approval to enter into a contract for Animal Shelter Services with Inland Valley Humane Society & S.P.C.A. in the amount of \$35,000 00 for the Fiscal Year 2008-09 and authorize the City Manager to execute the necessary documents. Funds were available for this fee in the Police Department's Animal Control Budget

CC-7 Butler Building Relocation and Reassembly, Project No. C-2055; Acceptance of Work, Notice of Completion and Release of Retention to Tower Steel Corporation in the Amount of \$3,860.00: An Award of Contract was issued on September 18, 2007 to Tower Steel Corporation in the amount of \$38,600 00 for the Disassembly, Relocation and Reassembly of the Butler Building Tower Steel worked quickly and efficiently to properly disassemble, transport from 138 East Olive Avenue and store the Butler Building steel material at Fire Station No. 2. The steel building was fully reassembled on July 3, 2008 Funding for this project was available in the Fire Department's Expenditure Control Budget.

CC-8 Award of Contract; Upgrade of Supervisory Control and Data Acquisition (S.C.A.D.A.) Software to Emerson Process Management in the Amount of \$33,741.00: In 2002, the Utilities Division installed a state-of-the-art water production monitoring system know as S.C.A.D.A. The hardware and software system needed to be upgraded to maintain the essentials for proper functioning and bring the system to the current operating platform with technical and support service for the next three years Funds were available in the Water Fund.

CC-9 Award of Contract; Replacement of the City's Water Chlorination system to Emerson Process Management in the Amount of \$75,436.72: The Utilities Division used gas chlorination as a form of treatment to the City's drinking water. In maintaining a gas chlorination system, Federal and State regulations required that risk mitigation measures be implemented with this type of system The implementation of these regulations was very costly and not supported by our Fire Department who recommended liquid sodium hypochlorite It was comparable to twice the concentration of household liquid bleach, minimizing any health risk to the public or Staff, and met all of the State and Federal regulations

CC-10 Award of Contract; Preparation of a Specific Plan for the Development of Phase I of the Station Square Transit Village Project to Hogle-Ireland in the Amount of \$39,980.00: On January 15, 2008, the City Council approved a General Plan Amendment that allowed a mixed use, transit oriented development adjacent to the Santa Fe Railroad Depot and other properties south of the 210 Freeway, between Magnolia and Shamrock Avenues. The Redevelopment Agency and City Staff had been working with the development team of Samuelson and Fetter towards finalizing a development concept for Phase I of the Transit Village Phase I would consist of multiple family residential, office, mixed use and open space uses on property located west of Myrtle Avenue, south of Evergreen Avenue, east of Magnolia Avenue and north of the Los Angeles County Metropolitan Transportation Authority owned rail line (future Gold Line Extension route)

The City's General Plan required that a Specific Plan be prepared that would lay out development guidelines and land use regulations for development in the Station Square Transit Village Planned Development Area Specific Plans contained detailed regulations, conditions, programs and design criteria unique to a particular development. Typically, this type of document was prepared by a company with extensive experience in land use planning Staff identified six companies that had the experience necessary to prepare the specific plan document. These firms were MetroPlan, LLC, Hogle-Ireland, RTKL Associates, Inc.; Veronica Tam and Associates, Willdan and the Planning Center. The City received proposals from the Planning Center, \$50,000 00, MetroPlan, LLC, \$48,000 00, and Hogle-Ireland, \$39,980 00.

Hogle-Ireland, the low bidder, had extensive experience working with the City of Monrovia Their development team of Laura Stetson and Sam Gennaway were responsible for the recent successful Land

PH-2 Proposed Integrated Solid Waste Management Fee Increases, Resolution No. 2008-47

Management Analyst II Heather Maloney reviewed the Staff Report

In 1989, the State of California enacted the California Integrated Waste Management Act, Assembly Bill 939 (AB 939), requiring all jurisdictions to achieve at least 50% diversion of solid waste from landfills through waste reduction, reuse, or recycling by the year 2000. The law provided for severe penalties for failure to comply of up to \$10,000/day fine.

The Monrovia Municipal Code authorized the City to charge a Residential Waste Management fee. To increase the City's Residential AB 939 fees for fiscal years 2008-09 through 2010-11, and program implementation, along with the proposed rate increases, fees would be phased in over three years with the first increase effective September 1, 2008. The charge was calculated based upon the increased cost of implementing the Monrovia Environmental Accords. The current monthly charge was \$1.44; proposed were \$2.28 effective September 1, 2008; \$3.12 effective July 1, 2009; and \$3.96 effective July 1, 2010.

The proposed monthly per unit fee would be increased by the percentage change in the Consumer Price Index (CPI) each year, effective starting July 1, 2011 and effective July 1 each following fiscal year.

The revenue sources, Recycling Haulers Permit, \$200.00, Residential Franchise Fees, \$61,000.00, Residential AB939 Fees, \$197,000.00, and Hazardous Waste Pick-up Program, \$29,000.00, currently funded the City's programs related to AB 939 compliance, source reduction and recycling element, and the Integrated Waste Management Plan implementation.

Current revenues did not provide adequate funding to maintain the Integrated Waste Management Program to its current levels and fully implement the programs. The new annual program cost was estimated at \$643,600.00. The proposed AB 939 fee increases would provide revenues to meet the additional need and supply adequate funding for a self-sustaining integrated waste management program.

Public notifications were mailed on June 20, 2008 to the property owners and included the proposed fee amount, how it was calculated, the reason for the fee, and the date, time, and location of the Public Hearing for the proposed fee.

Discussion ensued, resulting in the opinion of the City Council to request further information regarding funding of the various programs, and a list of each program, its benefit and its cost for the City Council to prioritize. Councilmember Adams expressed concern at the 175% increase ultimately resulting from this action. City Manager Ochoa stated that the matter would be brought back in the next quarter.

Mayor Hammond opened and closed the Public Hearing as there was no one who wished to speak for or against the matter. No action was taken on the Resolution due to the direction of the City Council.

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

MRA CONVENE: Chairman Rob Hammond convened the Regular Meeting of August 5, 2008 of the Monrovia Redevelopment Agency Board of Directors at 8:17 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, Joe Garcia, Mary Ann Lutz, Vice-Chairman Dan Kirby, and Chairman Rob Hammond.

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

MRA CC-1 Unadopted Minutes of the July 15, 2008 Regular Meeting of the Monrovia Redevelopment Agency

MRA-CC-2 Direction to Interview Banks Regarding Financing Options for Property Acquisition, and Approval of First Amendment of Purchase and Sale Agreement: Staff sought direction from the Agency Board to proceed with interviewing banks regarding financing options for property acquisitions for future development around the Station Square project. In addition, Staff requested the Agency Board to approve the first amendment of the purchase and sale agreement

The City and the Agency anticipated purchasing approximately 10.5 acres in an area located between California Avenue and Shamrock Avenue, just north of Duarte Road. The total acquisition price was \$16.5 million, plus financing costs. The City and the Agency were reviewing different financing options. One component might be securing an approximately \$8 to \$10 million bank loan. Along with tax allocation notes that might be sold, the goal was to create a financing structure that optimally balanced notes and a real estate loan, in the interest of reducing the overall costs of the financing.

As part of securing the acquisition, the Agency Staff recommended an amendment to the purchase and sale agreement. This amendment would extend the acquisition period until mid September, thereby giving the City and Agency time to secure the most cost effective financing structure possible. The cost of the extension was a fee not to exceed \$300,000.00, which reflected a premium of less than 2% of the overall purchase price. It was anticipated that this outlay might save the Agency money by allowing enough time to cultivate the best financing structure. Already, Staff was negotiating several competing offers.

MRA PUBLIC HEARINGS/MEETINGS: None

MRA ADMINISTRATIVE REPORTS: None

MRA ADJOURNMENT: Chairman Hammond adjourned the Meeting at 8:18 P.M.

CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MFA CONVENE: President Rob Hammond convened the August 5, 2008 Meeting of the Monrovia Financing Authority Meeting at 8:18 P.M.

MFA ROLL CALL: In attendance were Commissioners Adams, Garcia, Lutz, Vice-President Kirby, and President Hammond.

MFA CONSENT CALENDAR: It was moved by Vice President Kirby, seconded by Commissioner Garcia, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda item:

MFA CC-1: Unadopted Minutes of the July 1 and 15, 2008 Meetings of the Monrovia Financing Authority

MFA PUBLIC HEARINGS/MEETINGS: None

MFA ADMINISTRATIVE REPORTS: None

MFA ADJOURNMENT: President Hammond adjourned the Meeting at 8:18 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:

RCC1 Mayor Hammond reported that:

(a) Opposition of to AB2321 (Feuer) Relating to the Los Angeles County One-Half Cent Sales Tax Increase, Resolution No. 2008-51: He reported that it was a smack in the face to San Gabriel valley residents as Los Angeles City Mayor Antonio Villaraigosa and Supervisor Zev Yaroslavsky reneged on their promise to fund the Gold Line to Azusa at a recent meeting of the MTA. MTA was now proposing a ½ cent sales tax on the ballot, but it would only be paying for a maintenance facility along the proposed line and would not fund the Gold Line extension. **It was moved by Mayor Hammond, seconded by Councilmember Adams, to adopt Resolution No. 2008-51 and send a copy of the resolution with a**

cover letter to the MTA and all cities along the alignment. Mayor Hammond was commended by the City Council for his leadership, noting that he was the Valley's strongest advocate

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

(b) Opposition to the Metropolitan Transportation Authority's Plans for the Conversion of Existing High Occupancy Vehicles (HOV) Lanes to Occupancy Toll (HOT) Lanes on the I-210 and I-10 Freeways: Mayor Hammond reported that the 210 and 10 Freeways were going to be used as guinea pigs for the conversion, although at this point the 10 Freeway only had been designated. **It was moved by Mayor Hammond, seconded by Councilmember Lutz, to adopt Resolution No. 2008-51.**

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

RCC2 Mayor Pro Tem Kirby had no report

RCC3 Councilmember Adams reported that:

(a) This upcoming Thursday, Councilmember Garcia would be installed as the President of the Los Angeles Division of the League of California Cities

(b) AB 811; Providing for an Incentive to Encourage the Construction of Renewable Energy Facilities in California: He requested that Staff bring back to the City Council a future program that would result in income to fund the Environmental Accords.

RCC4 Councilmember Garcia reported that.

(a) He reminded the community to be prepared after having recently experienced an earthquake in Chino Hills. Information on preparedness was listed on the City's website

RCC5 Councilmember Lutz reported that

(a) Prior to the Council Meeting, She and Mayor Pro Tem Kirby attended the National Night Out annual event. She stated that the Police Department had done a fabulous job, and that its new armored car for the Task Force and other items were on display. It was a great time for the community to meet the Police Officers and understand what the department offered

(b) Update on Proposed Youth Sports Program: She reported that this past year, the City Council found that there were holes in the activities that it needed to attend to. It realized that the Youth Sports Program should be offered again to give the youth other activities beside gang involvement. This last year they found holes they needed to attend to and realized that the Youth sports program should come back. At her request, Recreation Division Manager Michele Tompkins presented a PowerPoint presentation, noting the program would begin in September and focus on 4th and 5th graders. Community Services Chairman Paul Larsen spoke in favor of the program. Mayor Pro Tem Kirby offered any help he could give

REPORTS OF STAFF MEMBERS: There were none.

ADMINISTRATIVE REPORTS:

AR-1 Issuance of 2008 Pension Obligation Bonds; Resolution No. 2008-49

Finance Director Mark Alvarado reviewed the Staff Report.

City employees were currently enrolled in a defined benefit (DB) retirement program administered by CalPERS. Under DB plans, pension actuaries project an estimated amount of money that a retirement plan must have on hand in order to meet future retirement obligations. When insufficient funds were available, the pension plan experienced an unfunded liability.

Staff identified a unique opportunity to potentially realize significant cost savings by utilizing pension obligation bonds (POB's) to raise money to pay off the unfunded liability in the City's safety retirement plan, which CalPERS projected to be \$13,134,302.00 as of June 30, 2008.

oppose were AB2754, SB1296, SB1338, AB983; and bills where were being watched were SB375, AB811, and AB1016.

As of this evening, the legislature had yet to approve a budget. In an effort to find a solution to the state budget deficit which they had created, the legislature was currently considering "borrowing" local government, Transportation and Redevelopment Tax Increment funds. This created a dangerous situation for local government. While the voters of California overwhelmingly approved the protection of these funds, in both 2004 and again in 2006, the language of Prop 1A allowed them to employ this tactic but the state had to repay the balance in addition to heavy interest within a three year period. Therefore, this action would only further deepen the state deficit in the future and decrease the security of local budgets during this current economic downturn. Staff sent letters to our legislators requesting that they stay mindful that local government was already suffering through these tough economic times along with the state and urged them to find a better solution to the state financial crisis.

It was moved by Councilmember Lutz, seconded by Councilmember Adam, to approve the Legislative Bulletin and adopt Resolution No. 2008-48. There were no objections.

SCHEDULED MEETINGS

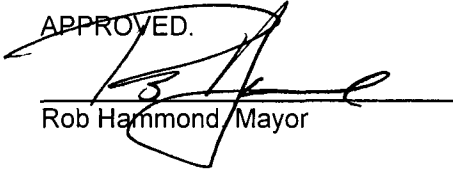
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, September 2, 2008, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California. The August 19, 2008 had been cancelled.

PUBLIC INPUT, CONTINUED, IF NEEDED. None

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED None

ADJOURNMENT: Mayor Hammond adjourned the Meeting at 9.23 P.M. in memory of William (Bill) Kincl Dunncliff, father of Public Works employee John Dunncliff.

APPROVED.


Rob Hammond, Mayor

ATTEST


Linda B. Proctor, MMC, City Clerk