

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JULY 18, 2006, 7:30 P.M.**

CONVENE: Mayor Pro Tem Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, July 18, 2006 at 7:33 P.M. in City Council Chambers, 415 South Ivy Avenue, Monrovia, California. Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A. Steele and City Clerk Linda B. Proctor.

INVOCATION: City Clerk Linda B. Proctor presented the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember Joe Garcia led the Flag Salute.

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

PRESENTATIONS:

1. Recognition of Retiring Commissioners and Boardmembers

The City Council recognized retiring Commissioners and Boardmembers Eric Abe, Beth Costanza, Deborah Showers-Kelly, and Michael Colasuonno with a plaque in recognition of their service to Monrovia. Ms. Showers-Kelly was in attendance and accepted her plaque.

2. Recognition of the Finance Department for Receiving the Certificate of Achievement for Excellence in Finance Reporting (CAFR) for Fiscal Year Ended June 30, 2005

Finance Division Manager Buffy Bullis was presented the Certificate of Achievement for Excellence in Financial Reporting from Mayor Hammond.

At the end of each fiscal year, after the City's financial records have been audited, the Finance Department submits the City of Monrovia's financial statements, known as the Comprehensive Annual Financial Report (CAFR), for national recognition. For the fifteenth consecutive year, the national finance officer's association recognized Monrovia for excellence in financial reporting. The financial reporting standards met were the highest standards set. In addition, the independent audit just completed stated the financial records were an accurate representation of the financial condition of the City. Ms. Bullis was also congratulated on her recent promotion to Finance Division Manager.

3. Recognition of Sunshine Company Participants for Their Accomplishments at the Special Olympics

Kerri Zessau, Recreation Supervisor, assisted the Mayor and City Council in recognizing the Sunshine Company participants for their accomplishments at the 2006 Special Olympics State Games. This year's event was held June 16-18, 2006, at Cal State Long Beach University. Medals were awarded in Basketball, 100 Meter Walk, 400 Meter Walk, Shot put and the 4 X 100 Meter Relay.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September.

PROCLAMATIONS: There were none.

A. CONSENT CALENDAR:

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to approve the Consent Calendar consisting of Items *B, *E-2, *I-6, *I-7, *I-8, *I-9, *I-10, *I-11, *I-12, and *J. Councilmember Kirby abstained from voting on the Minutes as he had not been in attendance at the Meeting. There were no objections.

***B. UNADOPTED MINUTES:** The unadopted Minutes of the Regular Meeting of June 20, 2006 were adopted by order of the Consent Calendar

C. ORAL COMMUNICATIONS:

Those speaking:

1. Paul Pollack, Monrovia

D. PUBLIC HEARINGS/MEETINGS:

1. Confirmation of County of Los Angeles 2005-06 Cost of Weed Abatement

Linda B. Proctor, City Clerk, reviewed the Staff Report.

Each year, the Los Angeles County Department of Agricultural Commissioner/Director of Weights and Measures identified properties around town that contained excessive weeds, brush or rubbish and constituted a public nuisance or health and safety concern. On February 21, 2006, a Protest Hearing was held. No property owner protested.

As the County personnel inspected and cleared the identified lots, it was appropriate to confirm the charges that would ultimately be placed on the owners' property tax bills. All affected property owners were notified that the County was requesting confirmation of its final cost report at the July 18, 2006 City Council meeting. A copy of the declaration list had been posted as per legal requirements. A representative of the Weed Abatement Division, Los Angeles County, was present to answer any questions.

Staff recommended that the City Council confirm the report of the Los Angeles County's 2005-06 weed abatement charges for abating weeds, trash and other debris.

PUBLIC HEARING OPENED AND CLOSED: Mayor Pro Tem Lutz opened the Public Hearing as there was no one who wished to speak for or against the matter.

Councilmember Adams expressed concern with arbitrarily charging a standard inspection fee.

It was moved by Councilmember Kirby, seconded by Councilmember Garcia, to confirm the report of the Los Angeles County 2005-06 cost of weed abatement.

ROLL CALL:
Ayes: Councilmembers Garcia, Kirby, Mayor Pro Tem Lutz
Noes: Councilmember Adams
Excused: Mayor Hammond
Motion carried: 3-1

2. Fiscal Year 2006-07 Citywide Lighting and Landscaping Maintenance Assessment District, Resolution No. 2006-43

Director of Public Works David Fike reviewed the Staff Report

The Citywide Lighting and Landscaping Maintenance District provided funding for maintenance of public street lighting and traffic signals, street trees, landscaping in street medians and parkway areas and landscaping of parkway areas for the Gold Hills development.

The recommended assessment for Fiscal Year 2006-2007 for a typical single family dwelling was \$56.23.

PUBLIC HEARING OPENED AND CLOSED: Mayor Pro Tem Lutz opened and closed the Public Hearing as there was no one who wished to speak for or against the matter.

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to adopt Resolution No. 2006-43.

ROLL CALL:
Ayes: Councilmembers Adams, Garcia, Kirby, Mayor Pro Tem Lutz

As a vacant commercial building, the subject property represented a liability for the City and the Redevelopment Agency. The surrounding neighborhood had a history of excessive police calls and this vacant building could be a threat to the overall health, safety and welfare of the surrounding neighborhood. Considering the condition of the property and the danger it posed to the surrounding neighborhood, demolition would begin as soon as possible.

***2. Authorization of Investment of City Monies in Local Agency Investment Fund, Resolution No. 6-2006**

This matter was approved by order of the Consent Calendar

This Staff Report mirrored City Council Agenda Report No. *I-12

MRA ADJOURNMENT: Vice-Chairman Lutz adjourned the Monrovia Redevelopment Agency Meeting at 8:31 P.M.

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

CONVENE: Vice-President Mary Ann Lutz convened the Regular Meeting of July 18, 2006 of the Monrovia Financing Authority at 7:56 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

ROLL CALL: Those in attendance were Authority Commissioners Tom Adams, Joe Garcia, Dan Kirby, and Vice-President Mary Ann Lutz. President Rob Hammond was excused.

A. CONSENT CALENDAR *B

It was moved by Commissioner Garcia, seconded by Commissioner Adams, to adopt the Consent Calendar consisting of Agenda Item *B. Authority Commissioner Kirby abstained as he had not been in attendance at the Meeting. There were no objections.

***B. MINUTES:** The Minutes of the Special Meeting of June 20, 2006 were approved by order of the Consent Calendar.

MFA REPORTS: None

MFA ADJOURNMENT: Vice-President Lutz adjourned the Monrovia Financing Authority Meeting at 7:57 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

E. BIDS

1. Railroad Depot Parking Lot Improvement Project, Phase No. 1; Award of Contract to Pima Corporation in the Amount of \$681,182.00

City Engineer Doug Benash reviewed the Staff Report.

The City received MTA grant funds through Foothill Transit to construct a transit center as part of the required improvements for the future Gold Line Station in Monrovia on Myrtle Avenue incorporating the existing Myrtle Avenue park and ride lot. The funding purchased and demolished the existing structures at Lady Bug Junction and Atlas Gas Station. The gas station required significant site remediation, which would be incorporated into the proposed parking lot. As part of the site remediation, the County allowed the construction of the parking lot to proceed.

The project included demolition, grading, asphalt paving, curb and gutter, sidewalk, lighting, landscaping, irrigation, signage and striping, and a bus shelter. The project site encompassed the street frontage lots from Myrtle Avenue and Pomona Avenue to the railroad tracks, and westerly to Primrose Avenue cul-de-sac.

On June 29, 2006, eleven bids were received and opened by the City Clerk. Bids ranged from \$681,182 00 to \$1,052,605 00. The apparent low bidder was Pima Corporation in the amount of \$681,182 00.

Staff reviewed the apparent low bidder and found that all documents were in order. Funds for the project were available in the MTA/Foothill Transit Grant.

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to award a contract to Pima Corporation in the amount of \$681,182.00; and reject all other bids.

ROLL CALL:
Ayes: Councilmembers Adams, Garcia, Kirby, Mayor Pro Tem Lutz
Excused: Mayor Hammond
Motion carried: 4-0

***2. Renewal of Police Towing Service Contract with Foothill Towing for the Period Ending June 30, 2011**

This matter was approved by order of the Consent Calendar.

The Monrovia Police Department contracted official police towing service with qualified reputable towing companies who were willing to enter into a Tow Services Agreement with the City of Monrovia and a Towing Policy and Procedures for Official Tow Providers. Traditionally, these contracts were valid for a period of five years in order to maintain continuity in the services provided by the tow company. The most recent contract with Foothill Towing expired May 17, 2006. A contract extension was initiated with Foothill Towing, extending the existing contract until August 17, 2006. While the contract agreement was updated, requests for proposals were circulated, and bids were accepted.

The City Clerk's Office published a Request for Proposals for Police Tow Services in the local print media on June 5, 2006, with a deadline of June 27, 2006. Foothill Towing was the sole applicant.

Foothill Towing has been the sole provider of effective and professional tow services for the Police Department for over 15 years. Staff recommended executing a Police Towing Service Agreement with Foothill Towing for a period of five years commencing July 18, 2006.

F. COMMUNICATIONS AND PETITIONS: There were none.

G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES:

1. **Mayor Hammond** was excused.

2. **Mayor Pro Tem Lutz** reported that

(a) **Consideration of Proposed Name Change of the Trails Committee to Hillside Wilderness Preserve and Hillside Recreation Ad Hoc Committee:** Community Services Director April Soash explained that this recommendation had come from the Community Services Commission.

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to change the name of the Trails Committee to Hillside Wilderness Preserve and Hillside Recreation Ad Hoc Committee. There were no objections.

Ms. Soash reported that a Community meeting for the Wilderness Preserve and Hillside Recreation Management Plans was scheduled for August 5, 2006, 10:00 A.M. at the Monrovia Community Center. Attendees would be given an opportunity to participate in the preparation of the Plan and assist in developing objectives and alternatives.

3. **Councilmember Adams** reported that

(a) He called upon Fire Chief Christopher Donovan to report on the Regional Firefighters Rescue Techniques Drill who reviewed the training for the Host Urban Search and Rescue Training to be conducted on July 26, 27, and 28, 2006 in Monrovia.

4. **Councilmember Garcia** reported that

(a) He called upon Police Chief Roger Johnson to report on the National Night Out who reviewed the schedule for the event to be held on August 1, 2006, Library Park, 6.00 P.M at the Bandshell for kids and adults alike Food, drink and information would be provided

4. **Councilmember Kirby** reported that:

(a) **San Gabriel Valley Mosquito & Vector Control District Video:** A short video depicting the work of the District was shown in relation to the control of mosquitoes

(b) He reviewed the conferences he would be attending in the near future on behalf of the City Council.

H. **REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES:** There were none.

I. **ADMINISTRATIVE REPORTS**

1. **Amendment of Titles 15, 16 and 17 of the Monrovia Municipal Code Relating to Floodplain Management; Introduction and First Reading of Ordinance No. 2006-09**

Public Works Director David Fike reviewed the Staff Report

The City had been a participant in FEMA's National Flood Insurance Program (NFIP) since 1984. In 1984, FEMA designated the City as Flood Zone D, which had no mandatory flood insurance purchase requirement

FEMA was updating and publishing new Digital Flood Insurance Rate maps for all communities in Los Angeles County on September 30, 2006. With the publication of the new digital maps, the City was required to adopt ordinance that met the minimum NFIP regulations as stipulated in Title 44 of the Code of Federal Regulations (44 CFR) Section 60.3

Staff recommended the City Council amend Title 15 with the addition of Chapter 15 48, amend Chapter 16 04 and Chapter 17 52.

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to introduce, waive further reading, and read by title only Ordinance No. 2006-09. There were no objections. City Attorney Steele read as follows.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, ADOPTING FLOODPLAIN REGULATIONS BY ADDING CHAPTER 15.48 TO TITLE 15, ADDING SECTION 16.04.050 TO TITLE 16, AND ADDING SECTION 17.152.370 OF THE MONROVIA MUNICIPAL CODE, AND AMENDING THE MONROVIA MUNICIPAL CODE

2. **Pulled**

3. **Receive and File; Athens Services Update on Exclusive Negotiations for Proposed Commercial Franchise**

Heather Maloney, Management Analyst I, reviewed the Staff Report

To address increasing disposal costs, pressures to meet future diversion requirements and the need for long term disposal, the City had kept open the option of an exclusive hauler. A single hauler would ensure compliance of State diversion requirements, and would help the city to secure long-term disposal capacity at reasonable costs to Monrovia customers. For some time, the City had been considering the idea of an exclusive hauler.

Staff discussed the alternative of an exclusive commercial franchise. While the permit program had the benefit of the free market, an exclusive hauler would make it more feasible to track and demand diversion compliance in order to meet the statutory requirements set forth by AB 939.

Athens Services residential contract was due to expire January 31, 2011. The City had two options of four years each, to grant the collector an extension of the initial term. Should all extensions be exercised, the collector would provide collection-related service until January 31, 2019.

Athens Services' current Old Town contract expired on December 16, 2004. Per Section 3.2 of the Old Town Commercial Contract, upon expiration, the City granted Athens a two-year extension which would expire on December 16, 2006. The City had the option to extend one additional two-year extension with a final contract expiration of December 16, 2008.

Staff recommended this report to be received and filed.

Councilmember Adams expressed concern over the lack of competition

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to receive and file the report. There were no objections

4. Receive and File; Athens Services Annual Performance Review for Calendar Year 2005

Heather Maloney, Management Analyst I, reviewed the Staff Report.

According to the Residential Franchise Agreement, Athens Services was required to submit an Annual Report giving a comprehensive overview of their operations in the City during the prior calendar year. City Staff analyzed the Annual Report, along with any surveys undertaken by the City, complaint logs, or other relevant information, to assess their performance during the covered period and to determine if Athens Services satisfied the requirements of the Agreement. The Annual Report was received by the Public Works Department on March 6, 2006.

According to Athens' Annual Report, 102 inquiries were classified as valid concerns and were remedied in a timely manner. The City received 73 complaints/service requests from residents during this same time period, reflecting an average of 6 calls per month, this was down from 8 calls per month in 2004.

It was Staff's conclusion that Athens Services fulfilled the obligations set out in Sections 4.3 of the Residential Franchise Agreement for a satisfactory performance review for calendar year 2005, and recommended this report be received and filed

It was moved by Councilmember Kirby, seconded by Councilmember Adams, to receive and file this report. There were no objections

5. Annual Service Rate Adjustments for the Collection of Residential Solid Waste, Pursuant to the Exclusive Residential Solid Waste Franchise Agreement with Athens Services, Resolution No. 2006-46

Heather Maloney, Management Analyst I, reviewed the Staff Report

Pursuant to the Exclusive Residential Franchise Agreement (Residential Agreement), Athens Service was eligible for an annual rate adjustment conditioned on Athens' satisfactory performance of their contracted services in the prior year. Rate adjustments could only consist of the increase in the Consumer Price Index (CPI) and landfill tipping fees at the Puente Hills Landfill.

Athens Services submitted the annual Service Rate Adjustments request to the City on May 24, 2006. Athens' requested a standard service rate adjustment and an additional fuel price rate increase of 3.59%. Staff verified that their Standard Rate Increase request was commensurate with the Rate Adjustment formula reflected in the Residential Agreement and that its approved increases would still keep Monrovia's rates the "lowest in San Gabriel Valley." The requested rate adjustments would be retroactive as of July 1, 2006.

Standard Collection Service included weekly collection of 90 or 60 gallon containers, "unlimited" green waste collection, and automated curbside recycling collection. The total monthly rate for a 90 gallon service was \$9.44, and proposed to be \$9.91; and for a 60 gallon service, currently \$11.99 and proposed to be \$12.50.

Athens was currently eligible for increase in both 90-gal and 60-gallon Standard Service rate since proposed new rates are still the lowest for comparable service in the San Gabriel Valley.

Non-Standard Collection Service included bin service at multi-family complexes, additional containers for single family households, backyard service, and temporary bin service. Non-Standard Collection Service Rate Adjustments were not subject to the "lowest rate in the valley" clause.

On July 12, 2006, the Planning Commission reviewed an application to construct a six-unit Planned Unit Development (PUD) at the 202 East Foothill Boulevard. The vacant property was the former "76" gas station at the corner of Foothill and Ivy. At the close of the Public Hearing, the Planning Commission voted to recommend approval of the proposal to the City Council.

***9. Amendment No. 1 to Agreement with Los Angeles County for Administration of Unified Hazardous Waste Materials Management Regulatory Program**

This matter was approved by order of the Consent Calendar.

The County of Los Angeles had increased the late payment penalty provisions to recover the additional costs associated with fee collection. The County billed each facility annually for hazardous waste regulation. This bill itemized the costs, including City, County, and State fees. As part of this Amendment, the County would impose a single, 40% late payment penalty on each facility that failed to pay the appropriate fee within the prescribed time. The County would give the City a list of facilities that would be issued the penalty fee. As a participant, the City of Monrovia was required to accept this amendment. The other options available to the City were either to become a CUPA or turn over regulating hazardous waste to the County altogether.

***10. Second Amendment to Code Enforcement Contract for City Prosecutor Services with Dapeer, Rosenblit & Litvak; Steven Rosenblit, City Prosecutor**

This matter was approved by order of the Consent Calendar.

The law firm of Dapeer, Rosenblit & Litvak (DR&L) had been providing Code Enforcement legal services to the City of Monrovia since April of 2001. This contract included the current rate structure as well as the requested cost of living rate increase proposed by DR&L.

Since 2001, approximately 160 cases had been forwarded to DR&L with successful results without the need for unnecessary litigation and the resulting costs. To date, Monrovia was the only DR&L client serviced at under \$140/hr rate. The only change to the contract for code enforcement services between the City of Monrovia and DR&L was the increase from \$130/hr rate to \$140/hr rate for General Code Enforcement Attorney Services. All other service rates remained the same.

***11. Determination of Public Convenience and Necessity for the Sale of Beer and Wine at a Mini-mart to be Build as Part of a Project of an Existing Service Station Located at 702 East Huntington Drive by A & S Engineering, Applicant**

This matter was approved by order of the Consent Calendar.

On January 11, 2006, the Planning Commission approved Conditional Use Permits CUP2006-02/CUP2006-03 and Variance V2006-02 to allow reconstruction of an existing service station. The proposal included construction of a new self-serve carwash, a fast-food restaurant and a mini-mart. The service station site (Shell) was located on the south east corner of Huntington Drive and Shamrock Avenue and was in the O/RD/LM (Office/Research and Development/Light Manufacturing) Zone.

The Department of Alcohol and Beverage Control (ABC) requested a finding of "public convenience and necessity" in order to complete the application process to permit the off-site sale of beer and wine at the new mini-mart location. The Planning Commission approved the request to allow the off-site sale of beer and wine ("Type 20" ABC license) subject to the standard conditions of approval that included restricting the mini-mart hours of operation and only allowing up to 15% of the floor space to be used for the sale of beer and wine.

Both Staff and the Police Department concurred that the City Council make a finding of "convenience and necessity" to allow the applicant to sell off-site beer and wine at the new mini-mart to be constructed as part of the service station upgrade.

***12. Authorization of Investment of City Monies in Local Agency Investment Fund, Resolution No. 2006-47**

This matter was approved by order of the Consent Calendar.

The State of California's Local Agency Investment Fund annual information form was being updated to ensure that the City Treasurer, Administrative Services Director, and the Finance Division Manager were authorized by resolution to request transactions and information Transactions consisted of withdrawals and/or deposits of cash between LAIF and the City's general banking account.

***J. PAYROLL & VOUCHERS.** Payroll Nos 13 and 14 in the net amounts of \$622,945.31 and \$576,628.85 respectively, and Voucher Numbers 137601 through 138096 in the amount of \$1,517,938 73 were approved by order of the Consent Calendar

K. SCHEDULED MEETINGS:

Mayor Pro Tem Lutz announced that the next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, August 1, 2006, 7 30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California She noted that the August 15, 2006 Meeting of the Monrovia City Council had been cancelled.

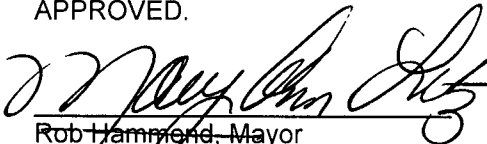
L. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED: None

M. ADJOURNMENT TO CLOSED SESSION: At 9 11 P.M., City Attorney Steele announced that the City Council would adjourn to Closed Session to conference with Legal Counsel, Existing Litigation, Government Code §54956.9(a), Bernard Buller vs. City of Monrovia, Case No BC338462

N. RECONVENE AND REPORT OF CLOSED SESSION: Mayor Pro Tem Lutz reconvened the City Council Meeting at 9.25 P.M. after Closed Session, which convened at 9.15 P.M. City Attorney Steele announced that the City Council had taken no reportable action

O. ADJOURNMENT: Mayor Pro Tem Lutz adjourned the Meeting at 9 25 P.M. in memory of Rachel Perez and Robert L. Flannes.

APPROVED.



Rob Hammond, Mayor

Mary Ann Lutz,
Mayor Pro Tem

ATTEST



Linda B. Proctor, MMC, City Clerk