

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JULY 3, 2007, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, July 3, 2007, at 7:37 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.

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

INVOCATION: Pastor John Mastrogiovanni led the invocation.

PLEDGE OF ALLEGIANCE Councilmember Tom Adams led the Flag Salute.

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Retiring Community Services Commissioner Karen Sutherland: This matter was rescheduled to July 17, 2007

PR-2 Introduction of Newly Hired Administrative Services Accounts Specialist Charmaine Ramos: Finance Division Manager Buffy Bullis introduced newly hired Administrative Services Accounts Specialist Charmaine Ramos to the Mayor, City Council and the community.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September

CONSENT CALENDAR: It was moved by Mayor Pro Tem Kirby, seconded by Councilmember Garcia, to approve the Consent Calendar. Councilmember Adams abstained on CC-7 for personal reasons. There were no objections. The Consent Calendar consisted of the following Agenda items:

CC-1 Unadopted Minutes of the Regular Meeting of the Monrovia City Council of June 19, 2007

CC-2 Payroll No. 13 in the Amount of \$629,501.29 and Voucher Nos. 144008 through 144322 in the Amount of \$2,081,081.13

CC-3 One-Year Extension of Legislative Advocacy Agreement with Edington, Peel & Associates, for the Period July 1, 2007 Through June 30, 2008, in the Amount of \$48,000.00: In 2006, City Council retained Edington, Peel & Associates as the City's federal lobbyist. It requested the City extend the existing professional services contract for one year, with no fee increase, at a cost of \$48,000.00. The amount of the proposed contract extension was incorporated into the Fiscal Year's 2007-08 Budget

CC-4 Final Tract Map No. 66713; Re-subdivision of Property Located at 333 Genoa Street by Foothill Pacific Homes, Inc.: Tentative Tract Map No. 66713 was for the re-subdivision of property located in the Residential High Density (RH) Zone. The area was being re-subdivided into 8 single-family, two-story Planned Unit Development (PUD.) The tentative subdivision map was approved by the Planning Commission at its meeting of May 10, 2006 and was approved by the City Council on June 6, 2006. The Final Tract Map was checked by the City's consultant and was found to conform to the approved tentative map. The Final Tract Map was technically correct, conformed to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance, was in order and on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works.

CC-5 Final Tract Map No. 67349; Re-subdivision of Property Located at 713 Montana Avenue by Foothill Pacific Homes, Inc.: Tentative Tract Map No. 67349 was for the re-subdivision of property located in the Residential Medium Density (RM3500) Zone. The area was being re-subdivided into 4 single family, two-story Planned Unit Development (PUD) The tentative subdivision map was approved by the Planning Commission at its meeting of August 6, 2006 and was approved by the City Council on

September 19, 2006. The Final Tract Map was checked by the City's consultant and was found to conform to the approved tentative map. The Final Tract Map was technically correct, conformed to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance, was in order and on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works.

CC-6 Final Tract Map No. 61477; Re-subdivision of Property Located at 818 Alta Street by Alexander Chen/Mie-Nu Chou Chon: Tentative Tract Map No. 61477 was for the re-subdivision of property; the conversion of an existing 5 unit apartment structure into 5 condominium units located in the Residential Medium Density (RM3500) Zone. The tentative subdivision map was approved by the Planning Commission at its meeting of October 13, 2004 and was approved by the City Council on November 2, 2004. The Final Tract Map was checked by the City's consultant and was found to conform to the approved tentative map, was technically correct, conformed with the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance, and was in order and on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works.

CC-7 Final Tract Map No. 54345; Re-Subdivision of Property Located at 614-620 West Palm Avenue Phillip Hoang, Owner, and Carlos Delgado and Giuliana Torelli Living Trust: Tentative Tract Map No. 54345 was for the re-subdivision of property located in the Residential Medium Density (RM3500) Zone. The area was being re-subdivided into 4 single family, two story, Planned Unit Development (PUD) homes and a common lot. The Tentative subdivision map was approved by the Planning Commission at its meeting of May 14, 2003 and was approved by the City Council on May 27, 2003. The Final Tract Map was checked by the City's consultant and was found to conform to the approved tentative map, was technically correct, conformed with the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance, and was in order and on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works.

CC-8 Legislative Bulletin: This report highlighted and summarized pending State legislation that could be important to Monrovia and provided a brief analysis of the potential impacts to the City. The recommendations made by Staff reflected the City's priorities and programs, as well as the direction taken by the League of California Cities as follows: Support: SB286, AB81, SB582, AB57, SB1028, AB1010, AB1053, AB1252, SB586, SB732, SB46, AB484, AB679, SB966, Oppose: SB303, AB712; Watch: SB1020, SB964; Bills in suspense or failed: Supported AB1654, AB1256, AB100, SB522, AB528, AB1254, AB630, AB1114, SB266, AB411, SB934, SB709, SB167, AB904.

CC-9 Acceptance of Fiduciary Responsibility for the Southern California Regional High Intensity Drug Trafficking Area (HIDTA) Grant: The City of Monrovia volunteered to accept the fiduciary responsibility of managing the grant. The total grant award was \$5,472,026.00. The City would be the conduit for these funds. Authorized representatives of the task force would submit approved invoices for payment. The grant funds would be drawn down from the Federal and State governmental offices for reimbursement of all invoices paid.

The administration of this grant would have a zero cost impact on the City's General Fund, and the City, as part of administering this grant, would receive \$120,000.00 to cover the administration and Staff time necessary to properly account for the grant funds.

CC-10 Purchase Replacement Networking Equipment for Voice and Data Communications not to Exceed \$88,000.00: The City's networking equipment was in need of upgrading. The current equipment was installed in conjunction with the phone system which was eight years old.

The City received three proposals from major vendors and selected Hewlett Packard as the vendor of choice. HP equipment was found to have the lowest initial cost, lowest annual cost, and the functionality that was needed now and in the future. The network design took into consideration a phone system upgrade that would include Voice over IP (VoIP) capabilities.

ADDED TO THE AGENDA:

At the request of Mayor Hammond, Fire Chief Chris Donovan reviewed the Heat Wave Emergency Policy, noting that the Community Center and the Mary Wilcox Youth Center had been established as cooling

centers for the City. He cautioned residents to look for signs of heat stroke and exhaustion. He reported that Canyon Park had been and would be closed from last Saturday and at least through this Thursday due to Red Flag Warning. He reminded the public that no fireworks were legal in Monrovia.

PUBLIC INPUT:

1. Nick Pokrajac, Monrovia

PUBLIC HEARINGS/MEETINGS:

PH-1 Proposed Water and Sewer Rate Increases, Resolution No. 2007-34

Finance Division Manager Buffy Bullis reviewed the Staff Report.

In order to provide adequate funding for capital replacement projects, the City proposed an increase to water and sewer rates for the 2007-2008 Fiscal Year.

In a case decided on July 24, 2006, *Bighorn-Desert View Water Agency v. Verjil*, the California Supreme Court held, for the first time, that metered rates for the consumption of water were "property-related fees" and were subject to the rules and restrictions of Proposition 218. As a result of the Court's findings, the City of Monrovia was now required to comply with Proposition 218 rules with respect to water and sewer rate increases.

Compliance requirements were that the City had to identify the parcels upon which the fee would be imposed; calculate the fee; provide written notice, by mail, of the fee increase, and the notice had to include the amount of the fee, the reason for the fee, and the date, time, and location of a Public Hearing on the proposed fee; conduct a Public Hearing not less than 45 days after the mailing of the notice, and at the Public Hearing, consider all protests against the fee. The City had complied with all of the above stated requirements.

The City Council approved an 8% increase for water service and a 6% increase for sewer service for the three year period covering Fiscal Years 2006-07 through 2008-09 in June of 2006. The respective rate increases were for each of the three years. The proposed increase was not a recommendation for the City Council to approve any additional rate increases.

If the rate increase were approved, \$200,000.00 in additional revenue would be collected per year in the Water Fund, and \$42,000.00 in additional revenue would be collected per year in the Sewer Fund, which would provide funding for capital replacement projects.

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

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to adopt Resolution No. 2007-34 approving water and sewer rate increases.

ROLL CALL:

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

PH-2 General Plan Amendment GPA2007-02, Resolution No. 2007-26; and Introduction and First Reading of Ordinance No. 2007-12, Zone Change ZC2007-02 Changing the General Plan and Zoning Designations to Hillside Wilderness Preserve (HWP) on Six Recently Acquired Parcels by the City of Monrovia

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

Since the passage of Measures A and B in 2000, City Staff had aggressively pursued the acquisition of vacant hillside property as well as explored various additional funding opportunities. The most recent acquisitions were obtained through grants and through donation and were the McCarthy, Oldson, Kissinger, and Elkins properties which consisted of seven parcels totaling 143 acres.

Due to their location and topography, all of these properties were to be designated as Hillside Wilderness Preserve. The proposed General Plan Amendment and Zone Change would change the residential land use and zoning designations of this property to Hillside Wilderness Preserve (HWP). The General Plan Amendment and Zone Change would require City Council approval. When a property was designated either HWP or HR (Hillside Recreation), voter approval was required to change to any other designation.

The Planning Commission recommended approval of General Plan Amendment GPA2007-02 and Zone Change ZC2007-02.

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

It was moved by Councilmember Garcia, seconded by Councilmember Lutz, to adopt Resolution No. 2007-26, General Plan Amendment GPA2007-02; and introduce, waive further reading and read by title only Ordinance No. 2007-12 relating to Zone Change ZC2007-02, changing the General Plan and Zoning Designations to Hillside Wilderness Preserve (HWP) on six recently acquired parcels by the City of Monrovia.

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

City Attorney Steele read

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 17 (ZONING) SECTION 17.04.040, THE OFFICIAL ZONING MAP, OF THE MONROVIA MUNICIPAL CODE TO CHANGE THE ZONE DESIGNATION TO HILLSIDE WILDERNESS PRESERVE ON SPECIFIED PROPERTITES RECENTLY ACQUIRED BY THE CITY.

PH-3 General Plan Amendment GPA2007-03, Resolution No. 2007-25; and Introduction and First Reading of Ordinance No. 2007-13, Zone Change ZC2007-03 Changing the General Plan and Zoning Designations from Residential Medium Density (RM2500) to Planned Development (PD-23a) and to Establish Guidelines for Planned Development-Area 23-a for the Property Located at 805 South Shamrock Avenue

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

The City received an application for a proposed use of a Veterinary Clinic at 805 South Shamrock Avenue. In order for the project to be approved, the General Plan and Zoning Ordinance had to be amended by changing the land use and zoning designations on the subject property to a Planned Development Area, creating a sub area of adjoining PD Area 23 called PD-23a, and adopting development guidelines for the sub area. The parcel measured approximately 15,172 square feet in area and was currently developed with an approximately 5,000 square foot brick and stucco building that would be required to be retained.

The General Plan Amendment would change the land use designation of this property from Medium Density Residential to Planned Development. One of the purposes for changing the designation at 805 Shamrock Avenue was to eliminate this property from being non-conforming as it currently stood. The proposed development guidelines changed the non-conforming status of the building to a conforming building and allowed the property to be used by a variety of uses via approval of either a Minor or Major Conditional Use Permit while still requiring retention and rehabilitation of the main building.

The Planning Commission adopted Resolution Nos. 2007-11 and 2007-12, approving and recommending approval of General Plan Amendment GPA2007-03 and Zone Change ZC2007-03.

PUBLIC HEARING OPENED: Mayor Hammond opened Public Hearing.

Those opposed: None

Those in favor: Norberto Nardia, Nardia and Associates

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 Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to adopt Resolution No. 2007-25, General Plan amendment GPA2007-03 and introduce, waive further reading and read by title only Ordinance No. 2007-13 relating to Zone Change ZC2007-03 changing the General Plan and Zoning Designation from Residential Medium Density (RM2500) to Planned Development (PD-23a) and to establish Guidelines for Planned Development-Area 23-a for the property located at 805 South Shamrock Avenue.

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

City Attorney Steele read.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE MORNOVIA MUNICIPAL CODE PERTAINING TO THE OFFICIAL ZONING MAP AND THE CREATION OF THE PLANNED DEVELOPMENT AREA 23a (PD-23a) ZONE.

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

MRA CONVENE: Chairman Rob Hammond convened the Regular Meeting of July 3, 2007 of the Monrovia Redevelopment Agency Board of Directors at 8:21 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 Lutz, seconded by Boardmember Garcia, 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 Regular Meeting of the Monrovia Redevelopment Agency of June 19, 2007

MRA PUBLIC HEARINGS/MEETINGS:

MRA PH-1 Joint Public Hearing; Disposition and Development Agreement with San Gabriel Valley Habitat for Humanity, Regarding Property Located at 1214 and 1218 Sherman Avenue; City Resolution No. 2007-39 and Agency Resolution No. 10-2007

Redevelopment Division Manager Kevin O'Brien reviewed the Staff Report

For many years, the Redevelopment Agency had sought to address the various forms of blight that had plagued the Sherman Avenue neighborhood. In addition to the physical deterioration that characterized the neighborhood, the street had suffered from criminal activity that had included gang violence and drive by shootings

At the recommendation of Boardmember Lutz, Agency Staff began discussions with the San Gabriel Valley Chapter of Habitat for Humanity in July 2006. At that time, Habitat expressed their interest in forming a partnership project with the Monrovia Redevelopment Agency. San Gabriel Valley Habitat for Humanity was a local affiliate of the Habitat for Humanity International, and a non-profit organization that built homes for low-income families through volunteer labor and tax-deductible donations of monies and materials.

Under the proposed Disposition and Development Agreement, Habitat would be required to construct a planned unit development consisting of four single family detached housing units on 1214 and 1218 Sherman Avenue. All four units would be reserved for sale to low income buyers.

Presently the Agency owned the lots at 1214 and 1218 Sherman Avenue. After reviewing the site, Habitat indicated that they believed the site would work well for the development of four single-family detached dwelling units. The Agency and Habitat commenced negotiations and had reached the deal points that were incorporated into the proposed DDA.

Under the proposed agreement, the Agency would sell the development site, cleared of all improvements, to Habitat for the total consideration of \$300,000.00. This loan would be forgiven if the buyers remained on the property for the full 45-year period. Because the Agency invested a total of \$605,000.00 to acquire the site, the total per unit investment was \$151,250.00. This represented an extremely low investment for the development of low-income for sale units.

Mr. O'Brien thanked Boardmember Lutz for her suggestion to partner with Habitat. In response to concerns expressed by Boardmember Adams, Executive Director Ochoa stated that Staff would look with legal counsel for an opportunity to examine a growth threshold or appreciation of the property which would trigger a greater return to the City. Discussion ensued.

PUBLIC HEARING OPENED: Chairman Hammond opened the Public Hearing.

Those opposed: None

Those in favor:

1. Sonya Yates, Executive Director, San Gabriel Valley Chapter of Habitat for Humanity
2. Ann Dougherty, San Gabriel Valley Chapter of Habitat for Humanity

Further discussion ensued.

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

It was moved by Boardmember Adams, seconded by Boardmember Lutz, to adopt City Resolution No. 2007-39 and Agency Resolution No. 10-2007 relating to the Disposition and Development Agreement with San Gabriel Valley Habitat for Humanity for property located at 1214 and 1218 Sherman Avenue, and that the \$75,000.00 per unit per note shall use the standard equity share program.

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

Executive Director Ochoa, in response to Boardmembers' concerns, stated that a one page deal sheet would be prepared for each buyer setting forth the conditions of ownership and potential future sales. Boardmember Lutz was again thanked by Boardmembers for bringing the partnership to fruition.

MRA REPORTS: None

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8:56 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

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

MFA CONVENE: President Rob Hammond convened the Regular Meeting of July 3, 2007 of the Monrovia Financing Authority at 8:57 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

MFA ROLL CALL: In attendance were Authority Commissioners Tom Adams, Joe Garcia, Mary Ann Lutz, Vice President Dan Kirby, and President Rob Hammond.

MFA CONSENT CALENDAR: It was moved by Commissioner Garcia, seconded by Commissioner Lutz, 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 Monrovia Financing Authority Meeting of June 19, 2007

MFA ADMINISTRATIVE REPORTS:

MFA AR-1 Issuance of \$16,125,000.00 Library Construction Financing Bonds, Resolution No. A2007-04

Finance Director Mark Alvarado reviewed the Staff Report.

On March 6, 2007, the Monrovia electorate approved Measure L with a 69 45% approval Measure L approved a parcel tax to collect property taxes on property owners in Monrovia.

The City had architectural designs for a 28,000 square foot library building The architect would begin the construction documents and then go out to bid the construction project. The construction was scheduled to begin by December 2007. The estimated construction cost was \$15,500,000.00.

To finance the required \$15,500,000.00 of proceeds needed for construction, the Monrovia Financing Authority ("Authority"), would issue \$16,125,000 00 of Lease Revenue Bonds (Library Project), Issue of 2007 (the "Bonds") The documents pertaining to the Issuance of the \$16,125,000 00 Library Construction Financing Bonds were on file with the City Clerk's office and were the Trust Agreement, the Project Lease, the Lease Agreement, the Memorandum of Lease Agreement, the Assignment Agreement, the Bond Purchase Contract, the Continuing Disclosure Agreement, and the Preliminary Official Statement

The total cost pertaining to the issuance of the bonds would come from the annual property taxes collected per the passage of Measure L Property tax levies would begin with the 2007-08 fiscal year The bonds would be sold within the next 30 days. The terms of the bonds would be 30 year bonds, with principal and interest payments due semiannually, beginning in June, 2008. There was no anticipated or budgeted cost to the City's General Fund. Even though the annual debt service payments were an obligation of the General Fund, the annual property tax levy was sufficient to meet all debt service payment obligations.

Resolution No. 2007-35, Declaration of Intent to Reimburse Certain Expenditures for the New Library Project from Proceeds of Bonds, was passed by the City Council on June 19, 2007. This action allowed the City to get reimbursement for any library project related expenditures that occurred prior to the issuance of the bonds.

It was moved by Commissioner Adams, seconded by Commissioner Garcia, to adopt Resolution No. A2007-04 approving the issuance of \$16,125,000.00 Library Construction Financing Bonds.

ROLL CALL: Ayes: Authority Commissioners Tom Adams, Joe Garcia, Mary Ann Lutz, Vice President Dan Kirby, and President Rob Hammond
Motion carried: 5-0

MFA ADJOURNMENT: President Hammond adjourned the Monrovia Financing Authority Meeting at 9 02 P M. and the City Council Meeting continued.

REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:

RCC1 Mayor Hammond reported that:

(a) **Report of New York City Credit Presentations on June 28, 29, 2007:** He, Councilmember Lutz, and Mayor Pro Tem Kirby met with Standard and Poor's last week to discuss the rating for Monrovia

for an interest rate for the Library Bonds. Results of the meeting would be available this week. They also met with Ambac and MBIA insurance companies to discuss insuring the bonds. He believed the meetings were good and beneficial.

(b) He wished all a happy 4th of July and invited the community to attend the fireworks show tomorrow evening at 9.00 P M.

RCC2 Mayor Pro Tem Kirby reported that:

(a) He requested a strategy for obtaining federal monies to be included on the next City Council Consent Calendar.

(b) He wished Councilmember Lutz a happy birthday, and all a great Independence Day. He stated he looked forward to seeing the community downtown tomorrow night for 4th of July festivities.

RCC3 Councilmember Adams reported that:

(a) He wished all a safe and sane 4th of July.

RCC4 Councilmember Garcia reported that:

(a) He reviewed bills discussed at the League Policy Committee last week regarding bonds for infrastructure, discussing the difference in the bills.

(b) He wished all a happy 4th of July.

RCC5 Councilmember Lutz reported that:

(a) She wished all a happy Independence Day; explained the precautions taken for the fireworks show for tomorrow evening, and asked citizens not to put their community at risk by setting off individual fireworks. She wished all a happy and safe 4th of July.

REPORTS OF STAFF MEMBERS: There were none.

ADMINISTRATIVE REPORTS:

AR-1 Issuance of \$16,125,000.00 Library Construction Financing Bonds, Resolution No. 2007-37

Finance Director Mark Alvarado reviewed the Staff Report.

On March 6, 2007, the Monrovia electorate approved Measure L with a 69.45% approval. Measure L approved a parcel tax to collect property taxes on property owners in Monrovia.

The City had architectural designs for a 28,000 square foot library building, and the architect would begin the construction documents, then go out to bid the construction project. The construction was scheduled to begin by December 2007. The estimated construction cost was \$15,500,000.00.

To finance the required proceeds needed for construction, the Monrovia Financing Authority ("Authority") would issue \$16,125,000.00 of Lease Revenue Bonds (Library Project), Issue of 2007 (the "Bonds"). The documents pertaining to the issuance of the \$16,125,000.00 bonds were on file with the City Clerk's office as were the Trust Agreement, the Project Lease, the Lease Agreement, the Memorandum of Lease Agreement, the Assignment Agreement, the Bond Purchase Contract, the Continuing Disclosure Agreement, and the Preliminary Official Statement.

The total cost pertaining to the issuance of the bonds would come from the annual property taxes collected per the passage of Measure L beginning with the 2007-08 fiscal year. The bonds would be sold within the next 30 days. The terms of the bonds would be 30 year bonds, with principal and interest payments due semiannually, beginning in June, 2008. There was no anticipated or budgeted cost to the City's General Fund. Even though the annual debt service payments were an obligation of the General Fund, the annual property tax levy was sufficient to meet all debt service payment obligations.

Resolution No. 2007-35, the Declaration of Intent to Reimburse Certain Expenditures for the New Library Project from Proceeds of Bonds, was passed by the City Council on June 19, 2007. This action allowed the City to get reimbursement for any library project related expenditures that occur prior to the issuance of the bonds.

It was moved by Boardmember Adams, seconded by Vice-Chairman Kirby, to adopt Resolution No. 2007-37 approving the issuance of \$16,125,000.00 Library Construction Financing Bonds.

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

AR-2 Adoption of Monrovia Environmental Accords; Administrative Policy No. 9.02

Operations Division Manager Daniel Iwata reviewed the Staff Report.

Last February, the City Council requested Staff to develop and implement an environmental policy for the City. The City Manager appointed the Public Works Environmental Services Section to oversee the "Monrovia Green Team," and to appoint a representative from each Department on the Team.

Through research, the Green Team focused on the United Nations Urban Environmental Accords adopted in 2005. The State of California had taken an active role in protecting the environment as Governor Schwarzenegger signed legislation for climate protection and was an active participant for increased diversion in waste reduction.

The Urban Environmental Accords consisted of twenty-one action items centered around seven major topic areas regarding sustainability which were Energy, Waste Reduction, Urban Design, Urban Nature, Transportation, Environmental Health and Water.

The Monrovia Green Team's task focused on development of an Environmental Policy that would coincide with the City's 2007-09 fiscal budget preparation. There were several of these action items that were dependent on the cooperation of other entities, such as local utility companies. Most of the action items were long term, with goals to accomplish between 2015 and 2030. To accomplish an action item, it would take time to research, and would eventually lead to programs, incentives and policies.

The Green Team proposed a hybrid version of the Urban Environmental Accords adopted in Seattle. The significant difference between the Urban Accords and the proposed Monrovia Environmental Accords was that Monrovia's version considered the State of California's involvement and was therefore up to date. There were no immediate fiscal impacts by the adoption of the Monrovia Environmental Accords.

Discussion ensued, including the City Council's desire to see a progress report at mid-year budget time which would break it down to what citizens could see in their homes.

Public Input:

In favor.

1. Chris Ziegler, Monrovia

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to adopt the Monrovia Environmental Accords, Administrative Policy No. 9.02. There were not objections.

AR-3 Receive and File; Athens Annual Performance Review

Operations Division Manager Daniel Iwata reviewed the Staff Report.

In accordance to its Residential Franchise Agreement, Athens Services was required to submit an Annual Report giving a comprehensive overview of their operations in the City for the prior calendar year. City Staff analyzed the Annual Report, along with other surveys taken by the Residential Service Issues which was complaint logs or other relevant information to assess in its performance review during this period to determine if Athens Services satisfied the requirements of the Agreement. Their Annual Report was received by the Public Works Department on March 5, 2007.

According to Athens' 2006 Annual Report, there were 149 inquiries classified as valid concerns that were remedied in a timely manner versus 102 inquiries received in 2005. The City received 87

complaints/service requests from residents during 2006, reflecting an increased average of 7 calls per month; this was up from 6 calls per month in 2005. Athens had been responsive in addressing these issues as they were identified and worked with City Staff to resolve these issues in a timely manner.

In addition to increasing overall diversion rates, Athens has done a satisfactory job resolving customer service issues quickly and effectively, and was having monthly meetings with City Staff to lessen complaints. Mayor Hammond requested a six-month review regarding lessening of customer complaints.

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to receive and file the Athens Annual Performance Review. There were no objections.

AR-4 Athens Service Rate Adjustments for the Collection of Residential Solid Waste, Pursuant to the Exclusive Residential Solid Waste Franchise Agreement, Resolution No. 2007-38

Operations Division Manager Daniel Iwata reviewed the Staff Report.

Pursuant to the Residential Agreement, Athens Services was eligible for an annual rate adjustment conditioned on Athens' satisfactory performance of their contracted services in the prior year, based on the Consumer Price Index (CPI) and landfill tipping fees at the Puente Hills Landfill. Any additional fee increase requests were conducted on a case-by-case basis, and had to fall within the parameters of Section 5.5 of the Residential Franchise Agreement.

Athens Services submitted an annual Service Rate Adjustments to the City on June 1, 2007, requesting a standard service rate adjustment to include a fuel price rate increase of 2.31%, and a multi-family residential bin rate increase of 7.04%. Staff verified that the increases would still keep Monrovia's rates the "lowest in San Gabriel Valley." The requested rate adjustments would be effective July 1, 2007.

Staff recommended that franchise fees increased to \$1.13 for Standard Collection Services, and to \$1.65 for Non-standard Collection Services. There was no fiscal impact to the City's general fund for this rate increase.

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to adopt Resolution No. 2007-38 relating to the Athens Service rate adjustments for the collection of Residential Solid Waste, pursuant to the Exclusive Residential Solid Waste Franchise Agreement. There were no objections.

AR-5 Receive and File; Overview of Regional Integrated Waste Management Issues

City Manager Ochoa reviewed the Staff Report.

In 1989, the State of California enacted the California Integrated Waste Management Act, Assembly Bill 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 City of Monrovia's 2005 AB 939 Annual Report provided by the state reported that the City achieved a 52% diversion rate from landfills.

Fifty-seven percent of the city's waste was taken to Puente Hills Landfill. With the closure of this landfill anticipated by 2013, disposal capacity would become limited and Puente Hills Landfill would become a transfer station only. By 2013, Sanitation Districts would have a waste-by-rail system in place, resulting in a 40% decrease in collection capacity.

With the closure of Puente Hills Landfill and the transition to Waste-by-Rail, Monrovia had to decide how it would secure long term disposal capacity for its refuse at a reasonable cost. California State Senate Bill 928 proposed increases to diversion requirements to 75% by 2011. If the state increased the diversion requirements, Monrovia would need to reduce the amount of waste it disposes.

Athens Services currently had a Materials Recovery Facility (MRF) able to accommodate the tonnages and refuse loading requirements to participate in the Sanitation District's Waste-by-Rail inter-modal yard. Staff had been informed that costs for Waste-by-Rail would double the current tipping fee. The City would need to secure long-term disposal at a reasonable rate and to investigate its options such as

negotiating its commercial franchise agreement with Athens Services; pursuing an exclusive commercial franchise proposal; and expanding Commercial Permit Program to include other haulers.

Following discussion in what the future had in store for the City, the City Council asked that Staff return in the early fall with detailed alternatives for its consideration regarding potential paths for Monrovia to follow. Councilmember Adams again expressed opposition to an exclusive franchise.

It was moved by Councilmember Lutz, seconded by Councilmember Garcia, to receive and file the overview of Regional Integrated Waste Management issues. There were no objections.

SCHEDULED MEETINGS: Mayor Hammond announced that the next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, July 17, 2007, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, and noted that the August 21, 2007 City Council Meeting had been cancelled

PUBLIC INPUT, CONTINUED, IF NEEDED: There was no additional public input.

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: There were no items pulled from the Consent Calendar

ADJOURNMENT TO CLOSED SESSION: At 11:10 P.M., Mayor Hammond announced that the City Council would adjourn to Closed Session regarding the following items, and would reconvene in Council Chambers concluding the Closed Session to report any reportable action taken:

ACS-1 Conference with Labor Negotiator Pursuant to Government Code Section §54957.6 Agency Negotiator: Theresa St. Peter; **Group Employees:** All Employees: *This Closed Session was cancelled*

ACS-2 Conference with Legal Counsel; Pending Litigation, Government Code §54956.9(a) Kathryn Reece-McNeill v. City of Monrovia, et al, Case # BC365470

ACS-3 Conference with Legal Counsel; anticipated Litigation, Initiation of Litigation Pursuant to Government Code Section 54956.9(c) 1 potential case

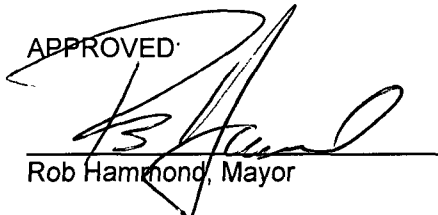
RECONVENE AND REPORT OF CLOSED SESSION: Closed Session convened at 11 20 P.M and adjourned at 11.35 P M. City Attorney Steele reported the following.

RCS-2 Conference with Legal Counsel; Pending Litigation, Government Code §54956.9(a) Kathryn Reece-McNeill v. City of Monrovia, et al, Case # BC365470: No reportable action taken.


RCS-3 Conference with Legal Counsel; anticipated Litigation, Initiation of Litigation Pursuant to Government Code Section 54956.9(c) 1 potential case: No reportable action taken.

ADJOURNMENT: The Meeting was adjourned by Mayor Hammond at 11 35 P M in memory of Walter F Dunn, Jr.

APPROVED:


Rob Hammond, Mayor

ATTEST:


Linda B. Proctor, MMC, City Clerk