

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, AUGUST 5, 2003, 7:30 P.M.**

CONVENE: Councilmember Tom Adams convened the Regular Meeting of the Monrovia City Council of Tuesday, August 5, 2003 at 7 33 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Donald R Hopper, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION: Pastor David Hall led the Invocation

FLAG SALUTE: Councilmember Dan Kirby led the Flag Salute

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

REPORT OF CLOSED SESSION(S):

City Attorney Steele reported that the following agendized items were discussed, instructions were given to Staff, and no reportable action was taken

- 1 Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), Lee Woods vs City of Monrovia, Workers' Compensation Claim # 01-23929
- 2 Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), Alice McLinden vs City of Monrovia, Workers' Compensation Claim # 00-21720
- 3 Public Employee Performance Evaluation, Government Code §54957, City Manager

PRESENTATIONS

1. **Recognition of Maria A. Guerra, Metropolitan Transportation Authority Chief of Staff, for Successful Completion of Gold Line Phase I**

Alice Griselle, Director of Community Development, introduced Maria A Guerra, Metropolitan Transportation Authority Chief of Staff, to the Mayor, City Council and community

Ms Guerra, a Monrovia resident, is the Chair of the Planning Commission of which she has been a member since 1994 Ms Guerra manages the following four separate MTA departments Policy, Research & Library, Labor/Employee Relations, Government and Board Relations, and Administration-Human Resources, Real Estate, General Services She was also named the Women's Transportation Seminar's (WTS) Woman of the Year for 2002 for her leadership and commitment to the development and advancement of transportation and as one of the highest ranking women in the industry in Southern California

Ms Guerra gave a brief summary on the Gold Line Phases

PROCLAMATIONS: None

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September

A CONSENT CALENDAR

Items *F-1 and *F-2 were removed from the Consent Calendar at the request of a resident

It was moved by Councilmember Lutz, seconded by Councilmember Kirby, to approve the Consent Calendar consisting of Items *B, *F-3, *F-4, *I-4, *I-5, *I-6, and *K.

**ROLL CALL: Ayes: Councilmembers Adams, Kirby, Lutz
Excused: Mayor Pro Tem Garcia, Mayor Hammond
Motion carried: 3-0**

***B. MINUTES:** The Minutes of the Regular Meeting of July 15, 2003, were approved by order of the Consent Calendar

C. ORAL COMMUNICATIONS:

1 Cyrus Kemp, Monrovia, presented the City Clerk with cash in the amount of \$174 00 for the reimbursement of the cost of events paid for by the Firefighters Association. He asked that it be donated to a local charity if the Firefighters Association did not accept it. He took exception to the explanation by the City Attorney at a previous meeting of a Memorandum of Understanding.

2 Barbara Foster, Monrovia, expressed concern that a plan regarding hillside development on property next to her home on El Nido was not consistent with the voters' intent in passing Propositions A and B. She believed that the 30 odd lots should be a part of the total hillside.

3 Wayne Foster, Monrovia, expressed his concern regarding proposed hillside development, stating his belief that the community voted to protect all hillside properties and that the standards had been mitigated.

4 Louise Carnevale, Monrovia, expressed concerns regarding plans to develop hillside property in her neighborhood.

5 Don Carnevale, Monrovia, expressed concern with the development of a protected lot which had a very small footprint, and asked that the City Council look into it to find out what the community believed it had voted for.

6 Sage Polk, announced the Phoenix House Employment Barrier Job Fair, Four Points Sheraton Hotel, on September 29, 2003, from 9 00 AM to 3 00 PM, and asked for City support.

7 John Nobrega, Monrovia, spoke on behalf of the City Manager, Fire Chief and public safety, taking exception to negative comments regarding them by a previous speaker.

8 Steve Miller, Monrovia, thanked Mr. Kemp for being the City watchdog, and thanked the Fire Chief and his employees for the Brush Chipper and other programs.

9 Clint Arsenault, Monrovia, asked where his suggestion of a "No turn on Red Light" sign at the new traffic signal at Primrose Avenue, south of Foothill Boulevard, was, and took exception to a request by someone who left a notice on his door with a request to nail it to a tree.

In response to negative criticism by a speaker regarding the Fire Department, Councilmember Adams stated that the Fire Department had been good at getting innovative programs, such as a climbing tower which was completed in-house, and grants for the brush chipper program, and others. He called upon Battalion Chief Dennis who reported that a grant had been applied for and received for a water tender truck, which was parked this evening in front of City Hall. The vehicle arrived on July 26, 2003 and has since been placed into service. He reported that long hours of department members' time was involved in the writing of the grant. There were 7800 vehicle grant applications and only 315 awarded for whole nation. Monrovia was the only one in Los Angeles County to be awarded this type of vehicle. The truck can go up into the hillside to pre-treat the hillside and homes with foam to help prevent burning.

D. PUBLIC HEARINGS/MEETINGS:

1. Los Angeles County Congestion Management Program (CMP); Local Implementation Report; Resolution No. 2003-51

Steve Sizemore, Planning Division Manager, reviewed the Staff Report

With the Passage of Proposition 111 in 1990, urbanized counties in California are responsible for adopting a Congestion Management Plan to address regional traffic congestion by linking transportation, land use, and air quality decisions. The Congestion Management Plan for Los Angeles County was adopted in 1993. The plan is implemented by the use of strategies that mitigate congestion created by new development. The CMP is heavily dependent on local government actions and requires every city in the county to participate in mitigating vehicular trips.

Resolution No. 2003-51 adopted Monrovia's Local Implementation Report for the reporting period of June 1, 2002 to May 31, 2003. This report needs to be submitted to the MTA by September 1, 2003. The Local Implementation Report keeps track of all new development, which is the debits, and then tries to balance them with credits, which are demolitions or transit improvement projects. As of this reporting period, the City has a positive credit balance of 11,894 points. Highlights from this year's report were the addition of the downtown trolley, which earned the City 1,320 credit points. With a balance of almost 12,000 points, the City is in a position to be in compliance for the foreseeable future. Staff will continue to monitor the situation, and provide feedback to MTA staff in the development of future plans so that Monrovia remains in compliance.

PUBLIC HEARING OPENED AND CLOSED: Councilmember Adams 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 Lutz, seconded by Councilmember Kirby, to adopt Resolution No. 2003-51 and direct Staff to submit the required report to the Metropolitan Transportation Authority.

ROLL CALL:
Ayes: Councilmembers Adams, Kirby, Lutz
Excused: Mayor Pro Tem Garcia, Mayor Hammond
Motion carried: 3-0

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE: Boardmember Tom Adams convened the Regular Meeting of August 5, 2003 of the Monrovia Redevelopment Agency Board of Directors at 8:10 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

ROLL CALL: Those in attendance were Boardmembers Tom Adams, Dan Kirby, Mary Ann Lutz. Excused were Vice Chairman Joe Garcia, and Chairman Rob Hammond.

A. CONSENT CALENDAR:

It was moved by Boardmember Kirby, seconded by Boardmember Lutz, to approve the Consent Calendar consisting of Items *B, *MRA-2, *MRA-3.

ROLL CALL:
Ayes: Boardmembers Adams, Kirby, Lutz
Excused: Vice-Chairman Garcia, and Chairman Hammond
Motion carried: 3-0

***B. MINUTES:** The Minutes of the Regular Meeting of July 15, 2003 were approved by order of the Consent Calendar.

MRA REPORTS:**1. Authorization to Acquire Real Property Located at 138 East Olive Avenue from Lisa and Michael Kessler for the Total Consideration of \$970,000.00, Resolution No. 10-2003**

Scott Ochoa, Assistant Executive Director, reviewed the Staff Report

He reported that this year marked the 30th anniversary of the Monrovia Redevelopment Agency. As was the case when it was established, the Agency's primary objective is the elimination of blighting influences within the Project Area. The commercial structure located at 138 East Olive Avenue is a site that has been negatively impacting its neighborhood for many years.

On April 14, 2003, the owners Michael and Lisa Kessler were notified that the Agency had an interest in acquiring the property. Soon after the Agency began discussions with the owners, the existing tenant moved, and the property was listed for sale. The Agency entered into direct negotiations and following extensive discussions, the owners have agreed to sell the property for the total consideration of \$970,000.00. This sum includes \$15,000.00 in environmental reports prepared for the property. As the property is vacant, there are no associated relocation costs involved.

Staff recommended that the Agency Board adopt Resolution No. 10-2003, authorizing the Executive Director to acquire 138 East Olive Avenue.

It was moved by Boardmember Kirby, seconded by Boardmember Lutz, to adopt Resolution No. 10-2003 approving the purchase of 138 East Olive Avenue and authorizing the Executive Director to execute the required documentation.

ROLL CALL:

Ayes: Boardmembers Adams, Kirby, Lutz

Excused: Vice-Chairman Garcia, Chairman Hammond

Motion carried: 3-0

***2 Receiving the Proposed Seventh Amendment to the Amended Redevelopment Plan for Project Area No. 1, the Central Redevelopment Project, and Authorizing the Provision of the Proposed Seventh Amendment to Residents, Businesses, Property Owners, and Community Organizations, and Submittal to the City of Monrovia Planning Commission for Report and Recommendation; Resolution No. 9-2003**

This matter was approved by order of the Consent Calendar.

Eminent domain authority, as authorized by the Fourth Amendment to the Redevelopment Plan, expired on September 4, 2002. The proposed Seventh Amendment would reinstate eminent domain authority over non-residentially zoned property within the Project Area.

California Redevelopment Law establishes a formal process that redevelopment agencies must follow whenever a project area is amended. This process culminates with a Joint Public Hearing of the City Council and the Redevelopment Agency, where adoption of the proposed Amendment will be considered for approval.

By adopting Resolution No. 9-2003, the Agency will receive the proposed Amendment in its revised form, and transmit the document to the Planning Commission for its report and recommendation on the Amendments conformance with the City's General Plan. A copy of the proposed Seventh Amendment was attached to the Staff Report. Staff recommended adoption of Resolution No. 9-2003.

***3. Approving the Redevelopment Agency's Report to the City Council on the Proposed Seventh Amendment to the Amended Redevelopment Plan for Project Area No. 1, the Central Redevelopment Project, and Authorizing Submittal of Report and Seventh Amendment to the City Council; Resolution No. 11-2003**

This matter was approved by order of the Consent Calendar

Eminent domain authority, as authorized by the Fourth Amendment to the Redevelopment Plan, expired on September 4, 2002. The proposed Seventh Amendment would reinstate eminent domain authority over non-residentially zoned property within the Project Area.

Among the several procedural actions required for the Amendment, is the preparation of a "Report to Council." This Report provides background information and documentation, as required by the Community Redevelopment Law. It is for informational purposes and documents the Agency's actions in preparing the proposed Seventh Amendment.

This Report is directly related to *1-4, in which the City Council will receive this Report upon its approval by the Agency. Attachments include the Report to Council and the proposed Seventh Amendment. Staff recommended adoption of Resolution No. 11-2003.

MRA ADJOURNMENT: Boardmember Adams adjourned the Monrovia Redevelopment Agency Meeting at 8:14 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

E. BIDS:

1. Purchase of Sewer Cleaning Truck from Haaker Equipment Company in the Amount of \$170,274.00

Public Works Director David Fike reviewed the Staff Report.

Within the last year, several major components have failed on the second sewer cleaning truck requiring it be sent to auction rather than be repaired, leaving only one 8-year old sewer truck in the fleet. With the loss of one of the sewer backup units, the Utilities Division has had to make several requests to the City of Arcadia to use their sewer cleaning truck on emergency sewer backups while our sewer truck was out of service. Due to the severity of a sewer spill or a sewer backup, the Utilities Division has always operated with two sewer cleaning units, one as a backup unit. The purchase of a new truck would provide the Department with a reliable truck that is immediately available and would also provide the Street Maintenance Division with the necessary equipment to comply with the new storm water regulations to clean and maintain our storm drain and catch basin system.

Staff found that Haaker Equipment Company had a sewer truck that meets the department's needs and that the City of Ridgecrest had recently gone out to bid for the same type of truck. Haaker Equipment Company was the lowest responsive bidder with a bid amount of \$170,274.00 including sales tax. Funds are available in the Sanitation Fund (60%, \$102,165.00) and the Storm Drain Fund (40%, \$68,110.00). This would be a cooperative purchase in conjunction with the City of Ridgecrest's Resolution 02/122, Purchase Order 4877.

It was moved by Councilmember Lutz, seconded by Councilmember Kirby, to approve the purchase of a sewer cleaning truck from Haaker Equipment Company in the amount of \$170,274.00.

Her family asserted that the City allowed a dangerous condition to exist on public property. More specifically, they alleged that there was an excessive accumulation of water on the street due to improper drainage. Additionally, they alleged that the City failed to timely summon medical assistance and get Ms. Ascanio to the hospital. The claimant sought \$5,060,000.00 in damages.

Based on a preliminary investigation, it did not appear that the City was aware of any dangerous condition of public property that caused or contributed to Ms. Ascanio's unfortunate accident. Additionally, Staff believed that safety personnel responded in a timely and appropriate manner. Therefore, it was recommended that this claim be rejected.

***4. Denial of Liability Claim; Ethel Lindfeldt vs. City of Monrovia**

This matter was approved by order of the Consent Calendar.

Ms. Lindfeldt claimed that on January 25, 2003, she tripped and fell due to an uneven sidewalk on Linwood. She alleged that this was a dangerous condition of public property that the City did or should have been aware of a problem. She indicated that she sustained numerous injuries as a result of her fall. Claimant sought approximately \$92,500.00 in damages.

City Staff took measurements of the location that showed that the elevation was approximately $\frac{3}{4}$ " This is considered to be a trivial defect. Therefore, the City of Monrovia bore no responsibility in this matter. Staff recommended that City Council deny this claim.

G. CITY COUNCILMEMBERS & SUB-COMMITTEES:

1. **Mayor Hammond** was excused.

2. **Mayor Pro Tem Garcia** was excused.

3. **Councilmember Adams** reported that

(a) Fire Department Water Tender Battalion Chief Dennis gave the report following Oral Communications, above.

4. **Councilmember Kirby** reported that

(a) He attended the League of California Cities in Monterey, which was excellent. One session was "How to Get Young People Involved in Your Community and Events." He was asked to elaborate in front of 200 attendees on the City of Monrovia's Youth and Technology Committee, which he did. None of those cities represented had a program such as this one.

(b) He asked City Manager Hopper to give a brief synopsis of the effect of the newly adopted State budget on the City of Monrovia. City Manager Hopper explained the State's proposed \$10.7 billion bond issue and the formula to be used to be repaid, and the status of the Vehicle License Fee, which was reinstated, and their impact on Monrovia. The State will have a deficit of \$7.8 billion next year also. There will be only a \$200,000.00 cut for the Redevelopment Agency, down from approximately \$450,000.00. All told, the City will have about a 2% reduction that the State will take away from cities. In a proactive action, a 2% cut was made in all Maintenance and Operations budgets citywide at mid-year in preparation of the State budget, and Staff will come back to the City Council with a recommendations for another 2% cut in all operating departments, totaling \$400,000.00. Staff would not recommend taking the shortfall from reserves.

5. **Councilmember Lutz** reported that

(a) She attended two events using city money. The first was the Independent Cities Association (ICA) Conference in Rancho Bernardo which was a two day event and very informative. She met other City Councilmembers from throughout Los Angeles County and

had the opportunity to network with them. The second event was the League of California Cities Conference in Monterey. The attendance was a broader group of people and was also excellent, and she found that Monrovia was very progressive.

(b) She was appointed by the San Gabriel Council of Governments (COG) to the Southern California Association of Government's (SCAG) Energy and Environmental Committee.

(c) She wished the City of Arcadia a happy 100th birthday. It was celebrating the event this evening.

(d) She attended a meeting today for the planning of the 2nd annual Housing Opportunities Fair set for Saturday, September 13, 2003, 10 00 AM to 2 00 PM, at the Community Center.

(e) National Night Out, an annual Police Department event, was this evening at Library Park. A like event would be held all over the state and country.

H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES: None

I. ADMINISTRATIVE REPORTS

1. Adoption of Citywide Records Retention/Destruction Schedule, Resolution No. 2003-52

Linda Proctor, City Clerk, reviewed the Staff Report.

Government Code §34090 provides a procedure whereby any city record which has served its purpose and is no longer required may be destroyed, as long as the destruction of said records will not interfere with the services and functions of the City. The purpose of this procedure was to provide a rational and responsible way to maintain critical documents while purging and streamlining agencies' files of non-essential paperwork.

However, local government, including county and/or city government agencies, did not have a standardized program of accountability for their treatment of public records. Nor did local government have standard retention periods for various record categories, other than certain types of records that were identified in government codes specifically calling for their retention.

To alleviate this situation, the 1999 Legislature charged the Secretary of State's Archives & Golden State Museum Division to develop and maintain guidelines for local government records retention, and to provide archival support to the local agencies in the state.

In June 2002, the project was completed and the first set of guidelines was published on the State's Archives website. The City Clerks Association of California and the League of California Cities, both of whom had urged the State for sometime to provide this basic information, are credited with assisting in the project. These guidelines form the basis of the proposed Citywide Records Retention/Destruction Schedule. In many cases, the City has opted to retain some records for a longer period of time than determined by the State. In no instance, of course, has the City opted to retain a record for a shorter period of time than determined necessary by the State. The guidelines will be amended from time to time by the State and will be incorporated into the Citywide Records Retention/Destruction Schedule with approval by the City Council.

It was moved by Councilmember Kirby, seconded by Councilmember Lutz, to adopt Resolution No. 2003-52 with attached Exhibit "A," the Citywide Records Retention/Destruction Schedule.

ROLL CALL:

Ayes. Councilmembers Adams, Kirby, Lutz

Excused: Mayor Pro Tem Garcia, Mayor Hammond

Motion carried: 3-0

2. Establishment of a No-Parking Zone on Peck Road, South of Longden Avenue and its Southern Terminus, from Monday to Sunday between 10:00 P.M. and 5:00 A.M.; Introduction and First Reading of Ordinance No. 2003-10

David Fike, Director of Public Works, reviewed the Staff Report

The Traffic Safety Committee received a request for no overnight parking on Peck Road to improve security and discourage long-term parking in the residential and commercial area south of Longden Avenue to the southern terminus Peck Road at this location serves only minimal commercial businesses and provides access to the Los Angeles County Sewer Maintenance facility The roadway dead ends before Myrtle Avenue and there are provisions for turn-a-rounds at the dead-end The Los Angeles County Sewer Maintenance facility supervisor was contacted to determine whether the County operated multiple shifts They do not, therefore, have need for overnight parking

It was moved by Councilmember Lutz, seconded by Councilmember Kirby, to introduce and waive further reading of Ordinance No. 2003-10.

**ROLL CALL: Ayes: Councilmembers Adams, Kirby, Lutz
Excused: Mayor Pro Tem Garcia, Mayor Hammond
Motion carried: 3-0**

It was moved by Councilmember Lutz, seconded by Councilmember Kirby, to read by title only Ordinance No. 2003-10. As there were no objections, City Attorney Steele read as follows

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 10, SECTION 10.16.076, OF THE MONROVIA MUNICIPAL CODE RELATING TO TRAFFIC BY ADDING A NEW SUBSECTION 3.

3. Participation in the Gold Line Phase II Construction Authority, a Joint Powers Authority (JPA), Resolution No. 2003-53

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

A Gold Line Phase II Construction Authority is being proposed for full participation of the ten cities east of Pasadena in planning for the extension of the Gold Line from Sierra Madre Villa in Pasadena to Claremont Arcadia, Monrovia, Duarte, Irwindale, Azusa, Glendora, San Dimas, La Verne, Pomona and Claremont will each have a station in their cities and input and control of planning, design and construction is proposed through the JPA The Gold Line Phase II Project Steering Committee and the San Gabriel Valley Council of Governments (COG) have been working for months on refining the JPA Agreement The City Attorneys and City Managers for the ten cities are now satisfied that the document can achieve the local control necessary to accomplish the goals of the planning and administration of the Gold Line Phase II The City Council in the ten cities is now in the process of adopting resolutions in support of participation in the Gold Line Phase II JPA

The Joint Powers Agreement will create the Gold Line Phase II Construction Authority under the auspices of the BLCA, and will form a fifteen member Governing Board A City Managers Committee will be formed to collectively review and recommend policy and fiscal proposals to the 15-member Governing Board The new Phase II Governing Board will supervise the funding, planning, design and construction of the Phase II extension, execute joint agreements and contracts with the BLCA for all efforts related to Phase II, coordinate and manage a production schedule to avoid overlapping activities and achieve the most cost-effective economies of scale to ensure timely completion of the project The goal and intent of the JPA is to create a partnership between the existing Blue Line Construction Authority Board

The area is being re-subdivided into an 8-unit, two story attached and detached single family Planned Unit Development. The tentative subdivision map was approved by the Planning Commission at its meeting of June 12, 2002, and was approved by the City Council on July 24, 2002. The Final Tract Map is in order and on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works. Staff recommended approval of the Final Tract Map 53891 and to authorize the Mayor to sign the Subdivision Agreement.

***6. Set for Public Hearing on September 2, 2003; Historic Landmark HL-51/Mills Act Contract MA-49 for property at 135 West Palm Avenue; Gary Falasco and Frances Gay Mitchell, Owners; Resolution No. 2003-56**

This matter was approved by order of the Consent Calendar.

At its meeting of July 23, 2003, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act for the property at 135 West Palm Avenue to the City Council. Staff recommended setting September 2, 2003 as the date of the Public Hearing.

J. RESOLUTIONS & ORDINANCES:

1. Resolution Electing to Cease to be Subject to the Public Employees' Medical and Hospital Care Act, Resolution No. 2003-54

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

The City has utilized PEMCHA as the provider of employee and retiree medical plans since 1989. However, over the years we have seen a decrease in the number of plan options available. Additionally, in recent years the City has seen continual rising premiums with the remaining plan providers.

Based on the rising costs, Staff felt it prudent to check the marketplace to see if comparable insurance coverage could be obtained for less. The City's broker, ABD Insurance and Financial Services has offered an alternative with comparable benefits and reduced premium rates.

The plan models provided by ABD include a traditional HMO – Kaiser to replace the current Kaiser plan, Aetna and Healthnet to replace Blue Shield, and Aetna PPO to replace PORAC, PERSCheck, and PERSCare. The benefits, deductibles, and co-pays for these plans have been designed to match, as closely as possible, the current plan designs offered through PEMCHA. Additionally, by making this change staff gains the opportunity to determine future plan design rather than have it dictated by PEMCHA.

ABD Insurance and Financial Services has served as the City's broker for approximately eight years providing the City's dental, vision, Employee Assistance Program, AFLAC, Life, and Long Term Disability programs and provided good service and assistance in resolving any issues that arise while enjoying the benefits of minimal premium increases. They also bring extensive municipality experience as they have 130 municipal clients in California.

Information on the Multiple Choice Option plans was presented to employees in a number of sessions. A vote is now being taken of all eligible employees with ballots due by 5:00 PM on Monday, August 11, 2003. Staff requested that the City Council approve the attached Resolution to enact this change to the Multiple Choice Plan, effective January 1, 2004, if the majority of eligible employees vote to leave PEMCHA.

On the other hand, if a majority of the employees of City who are eligible to participate in PEMCHA do not vote to have the City withdraw from PEMCHA by ballots submitted to the City by 5 00 P M on August 11, 2003, the Resolution shall be of no further force and effect

There was no cost to the General Fund to make this change from PEMCHA to the Multiple Choice Option Plan Staff recommended that City Council adopt Resolution No 2003-54 with the above conditions

It was moved by Councilmember Lutz, seconded by Councilmember Kirby, to adopt Resolution No. 2003-54 and to direct the City Clerk to forward the Resolution to the appropriate office that administers the PEMCHA only if a majority of the employees of City who are eligible to participate in PEMCHA vote to leave PEMCHA by ballots submitted to the City by 5:00 P.M. on August 11, 2003.

ROLL CALL.

Ayes: Councilmembers Adams, Kirby, Lutz

Excused: Mayor Pro Tem Garcia, Mayor Hammond

Motion carried: 3-0

2. Proposed Waste Management Plan (WMP) for Construction, Demolition, and Renovation Projects; Introduction and First Reading, Ordinance No. 2003-08

Scott Ochoa, Assistant City Manager, reviewed the Staff Report

Pursuant to the requirements of AB 939, the California Integrated Waste Management Board (CIWMB) is requiring cities to either develop their own construction and development (C&D) debris recycling program or adopt the State's pre-approved program Staff drafted a program customized to the Monrovia permitting process

Contractors would be required to submit a WMP to the City for all construction, demolition, and renovation projects that are greater than 1,000 gross square feet in size and which require the issuance of a building or demolition permit Most small projects would be exempt from the program

The WMP must be completed by contractors as part of the application packet for the building or demolition permit, and must include project location, name and address of the applicant, estimated volume or weight of C&D debris to be generated, estimated percentage of C&D debris that can feasibly be diverted via reuse or recycling, reuse/recycling vendors or facilities, and disposal facilities for non-recyclable loads

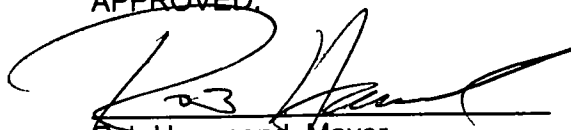
Compliance with the City's program would be a condition of approval on any building or demolition permit issued for a project If an applicant believed it could not meet the diversion requirement, it may be eligible for an exemption, based on certain criteria A Performance Security must be submitted to the City along with the WMP and is calculated as \$0.20 per square foot of the floor area of the building, structure, or facility or \$250.00, whichever is greater

To ensure that this program does not hinder the development permit process, Staff's review of the submitted WMP will be done concurrently with other required City reviews, and will take no longer than 3 working days However, no building or demolition permit will be issued until the Solid Waste Program Administrator has approved the WMP

Prior to the issuance of a certificate of occupancy, a Final Report must be submitted to the City documenting the actual weights or volumes of waste diverted and disposed of, and the facilities used Final Reports deemed in "Full Compliance" will receive their performance security returned at 100% Those applicants not meeting the diversion requirement will be


O. **ADJOURNMENT:** The City Council Meeting was adjourned at 9 09 P M in memory of Catherine "Kay" Gill Quinn

APPROVED



Rob Hammond, Mayor

ATTEST



Linda B Proctor, CMC, City Clerk