

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, SEPTEMBER 1, 2009, 7:30 P.M.**

CONVENE Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, September 1, 2009, at 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Special Meeting, YES! Interns Graduation, 5 00 P M to 5 43 P M , and a Closed Session, 6 00 P M. to 7 15 P M (at which all City Councilmembers were in attendance) In attendance were City Manager Scott Ochoa, City Attorney Craig A Steele, and Deputy City Clerk Alice D Atkins

INVOCATION: Pastor Ulises Gutierrez gave the Invocation

PLEDGE OF ALLEGIANCE: Councilmember Becky A. Shevlin led the Flag Salute

ROLL CALL: In attendance were Councilmembers Joe Garcia, Clarence R Shaw, Becky A Shevlin, Mayor Pro Tem Adams, and Mayor Mary Ann Lutz.

REPORT OF CLOSED SESSION: City Attorney Craig reported that the Closed Session consisted of a Public Employee Performance Evaluation, Government Code §54957, City Attorney No reportable action was taken.

PRESENTATIONS/PROCLAMATIONS:

PR-1 Proclaiming the Month of September 2009 as "Crossing Guard Appreciation Month": The Mayor and City Council of Monrovia proclaimed the Month of September 2009 as Crossing Guard Appreciation Month in recognition of the individuals who spent countless hours making busy streets safer for the children of the community as they traveled to and from school Kerri Zessau, Recreation Supervisor introduced the City's nine crossing guards in attendance to the Mayor, City Council, and community.

PR-2 Recognition of Coach Rodney Jefferson, "A" Game Fundamentals Basketball Clinic: Mayor Lutz presented a Plaque of Recognition to Rodney Jefferson for organization of the Tenth Annual "A" Game Fundamentals Basketball Clinic, a week-long basketball camp for children and teens held August 3-7, 2009 The "A" Game Fundamentals Basketball Clinic was founded by Coach Jefferson in 2000 with the goal of filling a void in the community The mission of the clinic was to improve fundamental basketball skills while teaching teamwork, discipline and life skills

PR-3 Recognition of Makayla Campbell, Winner of the Monrovia Public Library's Magnificent Teen Video (MTV) Contest: Shawn Thrasher, Senior Librarian of Youth Services, introduced Monrovia teenager Makayla Campbell Miss Campbell was the winner of the library's Magnificent Teen Video (MTV) contest that was held in conjunction with the library's Teen Summer Reading Club Express Yourself @ The Library Miss Campbell's short, "Have Fun Reading" could be found on www.youtube.com

PR-4 Proclaiming September 6, 2009 as "Muscular Dystrophy Association Day": The Mayor and City Council of Monrovia proclaimed September 6, 2009 as Muscular Dystrophy Association Day to help promote the airing of the Annual Jerry Lewis MDA Labor Day Telethon MDA sponsored seven neuromuscular disease clinics where those with nerve and muscle diseases could receive a wide range of services at no cost

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Savannah Spicer reported on past and future activities at the high school.

ORDER OF BUSINESS: City Manager Ochoa announced that there were three updates, the first from Fire Chief Chris Donovan regarding the Station Fire at the beginning of the meeting, then under the Mayor's Report, an update on the Metro Gold Line as well as an update from the City Attorney on the Litigation related to the Sawpit Wash Trail Public Input was heard following the three updates

Update on the Station Fire in the Angeles National Forrest: Chief Donovan gave a thorough report on the status of the Station Fire. At that time over 125,000 acres had burned, there were approximately 3,600 firefighters battling the blaze, they estimated 22% containment, 55 structures burned, and unknown damage to property. He reviewed plans for preparation possible activation of the Emergency Operations Center (EOC) and announced meetings were being held with outside stakeholders on each side of the City in an effort to work in conjunction with each other. He stressed that this was the time for residents to prepare for potential evacuation, touch-up weed abatement around their properties, remove leaves from gutters, and expressed that staying to defend homes was not an option. Because the fire was not wind-driven it was slow moving which gave more time to prepare. Staff had utilized the automated telephone notification system to alert residents to planned fire suppression efforts in the High Fire Hazard Zone, was keeping the website up to date with the most current information, and was updating the school district as well. The Police Department was working on protocol with the Department of Fish & Game with respect to displaced wildlife. Staff was in communication with the Community Emergency Response Team (CERT), made up of members of the community that had received training, in the event their assistance was needed to assist with evacuations. Engine 101 and the OES Engine had been deployed to the Station Fire since the prior week and during their absence firefighters were called back to ensure full staffing. The Fire Department had authorized use of the helipad as a heli-base for distribution of fire retardants.

Update on the Metro Gold Line: City Manager Ochoa reviewed events related to a potential maintenance operations yard within the City of Monrovia and the expediting of the Gold Line's inclusion in the METRO Long Range Transportation Plan to be adopted in late September. He opined that discussions were entering a phase that went beyond the reach of Staff. As the METRO Board was comprised of 13 elected officials, Staff was looking for guidance and direction from the City Council as to how best to interact with the board with the understanding that it probably was not appropriate for Staff to sit at the meetings for discussions with those elected officials.

Mayor Lutz proposed establishing a small ad-hoc committee of Councilmembers who would be available to handle anything that would come up before the next Meeting, as things seemed to be moving very quickly. Councilmembers Adams and Shaw expressed a desire to bring this back to the City Council with a plan in writing as to the goal of the ad-hoc committee.

After discussion, Mayor Lutz directed Staff to agendize the matter for discussion at the next City Council Meeting. In the meantime, she would continue to act in her capacity as the City's representative on the Gold Line Phase II Joint Powers Authority and alternate representative on the Gold Line Foothill Extension Construction Authority.

Update on Litigation Related to the Sawpit Wash Trail: City Attorney Steele, with the aid of a PowerPoint presentation, reviewed the history of the litigation related to establishing that the City had held and continued to hold a permanent easement for recreational purposes over the Buckner Property, specifically the trail along the Los Angeles County Flood Control District Sawpit Wash. He reported that Staff was pursuing the removal of all obstructions to provide full access once again to the trail for use by members of the public and asked for their patience as he expected it to be restored in the next few weeks.

CONSENT CALENDAR: It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda items:

CC-1 Unadopted Minutes of the August 4, 2009 Regular Meeting of the Monrovia City Council

CC-2 Payroll Nos. 16 and 17 in the Amount of \$623,968.71 and \$563,678.86 Respectively, and Voucher Nos. 159924 Through 160194 and 160195 Through 160537 in the Amounts of \$1,338,480.77 and \$1,697,890.97 Respectively

CC-3 Legislative Bulletin: This report highlighted and summarized pending State legislation that might 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, and were as follows: Support, AB715, SB346, Oppose, AB479, AB1004, SB355, SB696, SB652, AB479.

CC-4 Denial of Liability Claim; Fared Saleh vs. City of Monrovia: Mr Saleh alleged that on July 20, 2009, a City tree limb fell, causing damage to his vehicle. He believed the City was responsible for the cost to repair his vehicle.

City Staff checked on the tree in question and discovered that it was a County tree. Mr Saleh had been notified of this and given the contact information for the County. Therefore, the City bore no responsibility in this matter. Staff recommended that Council deny this claim.

CC-5 Library Park Street Improvements, Project, No. C-3005, Acceptance of Work, Approve Change Orders, Notice of Completion and Release of Retention to Peter's Concrete Company for Total Project Amount of \$487,572.26: The project included the demolition of existing curbs, gutters and sidewalks, installation of new sidewalks, decorative stamped concrete crosswalks, intersections, curb and gutters, decorative street lighting, new landscaping, irrigation, new asphalt overlay with geotextile fabric, signage and striping. The work was completed in July 2009 on Palm, Primrose and Lime Avenues surrounding Library Park. On March 3, 2009, the City Council awarded a contract to Peter's Concrete Company in the amount of \$452,843.00.

Following this, Staff received requests from residents and Foothill Transit to install a bus stop turnout on Huntington Drive at California for westbound traffic. Staff determined that it was cost effective to utilize the contract with Peter's Concrete to construct the bus turnout versus initiating a formal bid process. The change orders included: Additional Street Light Conduit, \$2,005.00, Signage and Striping Modification, \$4,950.00, Installation of Conduits for Cable Service for the Library Building, \$14,499.00, New Bus Turnout on Huntington Drive west of California Avenue, \$25,520.00—Prop A Funds.

The final construction costs based upon actual quantities constructed were \$440,598.26, \$12,244.74 less than the approved cost. The additional change order costs were \$46,974.00 for a total contract amount of \$487,572.26.

Funds were available through the Capital Improvement Program by funding sources: Prop A, Prop C, and Measure L.

CC-6 Final Tract Map No. 69790, Re-subdivision of Property Located at 309 South Violet Avenue, by Gupta Family Trust: Tentative Tract Map No. 69790 was being re-subdivided into 4 single-family, two-story Planned Unit Development (PUD). The map created 5 lots with a common lot for ingress, egress, drainage and utilities. The tentative subdivision map was approved by the Planning Commission at its meeting of September 12, 2007 and was approved by the City Council on October 16, 2007. The Final Tract Map was in order and on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works. The Final Tract Map was checked by the City's consultant and was found to conform to the approved tentative map and was technically correct and conformed to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance. The Conditions, Covenants & Restrictions (CC&R's) would be finalized as part of the air-space subdivision map as project construction neared completion.

The project would improve property values and increase the tax base.

CC-7 Paying and Reporting of Employer Paid Member Contributions, Resolution Nos. 2009-59 and 2009-60: On July 7, 2009, the City Council approved Resolution No. 2009-37, which implemented a change in reporting of information to PERS. As a result, employees in positions designated as Management, Mid-Management, Elected and Appointed and General were to pay to PERS part of the cost of the EPMC benefit. On August 4, 2009, the City Council approved Resolution No. 2009-56, which implemented this same change to PERS for members of the Monrovia Firefighter's Association (MFA). Both resolutions were effective retroactive to June 21, 2009.

This Program consisted of the City paying 100% of the normal contributions for EPMC and reporting the same percent (value) of compensation earnable, excluding Government Code Section 20636(c)(4), as additional compensation to the Public Employees' Retirement System, thereby enhancing reportable earnings for retirement purposes.

The current cost of this benefit for miscellaneous employees was 1.946% of reportable earnings to PERS and 3.811% of reportable earnings to PERS for safety employees. Subsequent to implementation of these amendments with PERS, Staff was notified by PERS that for the purposes of calculating the

member's single highest year of earnings used for retirement purposes, the amount that PERS would consider as additional compensation meant to enhance reportable earnings for retirement purposes would now be reduced by the amount that the employee contributed. Clearly, this was not the intent of this benefit when it was initially approved and implemented.

Therefore, staff recommended that in light of the information obtained from PERS, the City would pay the full cost of the EPMC benefit to PERS. Eligible safety and miscellaneous employees would have 3.811% and 1.946% respectively, of their salary and reportable benefits deducted to augment the City's retirement fund.

Resolution Nos. 2009-59 and 2009-60 would be filed with PERS immediately, thereby allowing the City to revert back to the original policy of the City paying the full cost of the EPMC benefit to PERS, which would satisfy the issue of reducing the reportable earnings for retirement purposes. Payments made to PERS for the EPMC benefit would be made from the City's retirement reserve fund.

PUBLIC INPUT:

1. Kurt Thorgerson, Monrovia
2. Joanne Spring, Monrovia Reads

PUBLIC HEARINGS/MEETINGS: There were no Public Hearings.

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

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of September 1, 2009, of the Monrovia Redevelopment Agency Board of Directors at 8:55 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

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

MRA CONSENT CALENDAR: It was moved by Boardmember Garcia, seconded by Councilmember Shaw, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following items:

MRA CC-1 Unadopted Minutes of the August 4 2009 Regular Meeting of the Monrovia Redevelopment Agency

MRA CC-2 Extension of Permissible Period to Hold Real Property Located at 1109 South Myrtle Avenue, 102 West Huntington Drive, 116 West Huntington Drive, 120-124 West Huntington Drive, and 132-140 West Huntington Drive for an Additional Period not to Exceed Five Years, City Resolution No. 2009-57 and Agency Resolution No. 5-2009: The acquisition of the properties at 1109 S. Myrtle Avenue, 102 W. Huntington Drive, 116 W. Huntington Drive, 120-124 W. Huntington Drive, and 132-140 W. Huntington Drive were part of a land assembly program for the development at the southwest corner of Myrtle Avenue and Huntington Drive. On September 5, 2006, the Board approved a DDA (Disposition and Development Agreement) with MHI LLC, for the development of a 46,000 square foot, upscale office development, and 14,000 square foot signature restaurant. Due to the weak commercial real estate market, commencement of the project had been delayed, requiring that the Agency hold the sites for an additional time period.

Under state redevelopment law, agencies may hold properties for up to a five year period prior to development. If additional time was needed to complete the development, the City Council and Agency would have to pass resolutions authorizing up to an additional five year holding period.

MRA PUBLIC HEARINGS/MEETINGS: None

MRA ADMINISTRATIVE REPORTS: None

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 8:56 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

RCC1 Mayor Lutz reported that

(a) **Appointments to the Monrovia Wilderness Preserve Foundation:** It was moved by Mayor Lutz, seconded by Mayor Pro Tem Adams, to appoint Mayor Mary Ann Lutz and Councilmember Becky A Shevlin as City Council representatives on the Monrovia Wilderness Preserve Foundation. There were no objections.

(b) **Monthly Update on Census 2010:** Community Development Director Alice Griselle displayed and reviewed the actual census questionnaire, illustrating that it was very short form, available in Spanish and many other languages, and would be completed wherever a person was on April 1, 2010.

(c) She attended the Library Board meeting the previous week where they reviewed the results of a study comparing flow from 2007 versus 2009, skipping 2008 because of the temporary relocation during construction. Increases were significant showing flow had doubled in adult and children's reference questions, and use of the technology centers rose by more than 1,000 percent. Mayor Pro Tem Adams took the opportunity to thank the Hoffman family for their very generous donation of the technology center.

RCC2 Mayor Pro Tem Adams reported that

(a) **Update on Discount Prescription Drug Program:** He was pleased to announce the prescription discount cards were available. At the request of Mayor Pro Tem Adams, Administrative Analyst Dan Bell described the program and presented a PowerPoint slide with a list of local pharmacies participating.

RCC3 Councilmember Garcia reported that

(a) He reminded the community that school was back in session and asked everyone to be cognizant of students out walking, crossing streets, and be aware of them while driving.

RCC4 Councilmember Shaw reported that

(a) **Monrovia Schools Academic Success:** The Monrovia schools were doing very well based on preliminary API scores and announced he would be attending the game at Monrovia High School on Friday night.

RCC5 Councilmember Shevlin reported that

(a) She had a grand time in Germany visiting her new granddaughter Evolet Lyra Horn.

(b) She encouraged everyone to watch Makayla Campbell's video on YouTube.

(c) She thanked Joanne Spring for representing Monrovia Reads and encouraged everyone to attend the Spaghetti Western fundraiser scheduled for October 8, 2009.

ADMINISTRATIVE REPORTS

AR-1 Library Park Play Equipment Installation #C-3039, Award of Contract to H.J. Hunsacker Construction, Inc., DBA HH Construction, in the Amount of \$165,520.00

Operations Division Manager Dan Iwata reviewed the Staff Report.

The Master Plan called for a new play area at Library Park's southwest area. The previous play equipment was removed and discarded due to its irreparable condition and over 17 years of service.

In May 2009, the City was awarded a grant from the Los Angeles County Regional Park and Open Space District in the amount of \$350,000.00. The grant allowed for the installation and construction for the new play area, concrete and decomposed granite walkways. On August 19, 2009, five (5) bids were received and opened by the City Clerk ranging from \$165,520.00 to \$180,000.00. The apparent low bidder was HH Construction, Simi Valley, CA in the amount of \$165,520.00. Staff had reviewed the apparent low bidder background, found all required documents to be in order, including recent work completed at Los Angeles County Parks and Recreation and Rancho-Simi Parks and Recreation and confirmed it to be of quality work.

The grant required the City receive a categorical exemption from the County of Los Angeles for the replacement and reconstruction of the play equipment. The exemption had been approved. The new

play equipment met several criteria within the Monrovia Environmental Accords. The California Conservation Corps would be used by the contractor throughout the project installation.

The Los Angeles County Regional Park and Open Space Grant of \$350,000.00 would pay for the entire turn-key project. The City had purchased the play equipment and fencing in the amount of \$147,287.60. The construction and installation of the playground equipment would cost \$165,520.00. The balance of available grant funds could be applied toward costs of Public Works crews preparing the site. There were no general funds being used for this project.

It was moved by Councilmember Shevlin, seconded by Mayor Pro Tem Adams, to award a contract to HH Construction, in the amount of \$165,520.00 for the Library Park Play Equipment Installation Project.

ROLL CALL:

Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Mayor Lutz

Motion carried: 5-0

AR-2 Hillside Wilderness Preserve and Hillside Recreation Area Management Plan Environmental Impact Report (EIR), Authorization to Initiate Request for Proposals

April Soash, Director of Community Services, reviewed the Staff Report.

On January 20, 2009, the City Council approved the adoption of Resolution No. 2009-04 for the Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan (RMP) thereby adopting a Mitigated Negative Declaration pursuant to the California Environmental Quality Act determining that, with appropriate mitigation, no significant environmental impacts would result from approval of the final Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan, adopting the related Mitigation Monitoring and Reporting Program, and approving the final Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan to guide stewardship of the Hillside Wilderness Preserve and Hillside Recreation Area, protect important natural resources, and where appropriate, recommend passive recreation opportunities.

In February 2009 the City received a Notice of Intent to File a Lawsuit after the RMP and Mitigated Negative Declaration were approved by City Council. Mr. Tom Suess filed a lawsuit on behalf of the Hillside Wilderness Preservation Campaign Group to prevent access to the Hillside Wilderness Preserve, and contended that the IS/MND was inadequate under CEQA. This was somewhat surprising, as the plan approved by the City Council was already a plan that met the legal requirements of reasonable public access while still ensuring a minimal impact to residents in the area. After discussion among Staff and the City Council, the City Council determined that the best course of action would be to repeal Resolution No. 2009-04 and proceed with additional environmental review. The City believed strongly that the IS/MND was legally valid.

The City would solicit Requests for Proposals from consultants to conduct an Environmental Impact Report (EIR) and would look at what was included in the Mitigated Negative Declaration (MND), as well as potential impacts to the Hillside Wilderness Preserve, including parking lots at Cloverleaf Drive and Highland Avenue (Upper Cloverleaf), access points and security lighting, picnic areas at Highland Avenue and Cloverleaf Drive access points, vistas with seating on the Lower Clamshell Motorway and the Highland Avenue (Upper Clamshell) access, a kiosk at the Lower Clamshell Motorway – Cloverleaf Drive access point, bike racks at each access point, drinking fountains at each access point, restrooms at the Cloverleaf Drive access point, a complete analysis of all trail connectors from Canyon Park to the Lower Clamshell Motorway, re-establishing the Clamshell Truck Trail, and connecting the Upper Clamshell access to the Lower Clamshell Truck Trail and Motorway and to Arcadia Wilderness Park, re-route the Cloverleaf Road to the west of the Cloverleaf Water Reservoir, a Nature Center by the Wilderness Preserve Station 103, and a Native Plant Nursery at Wilderness Preserve Station 103.

The fiscal impact would be the cost to hire a consultant to complete an Environmental Impact Report. This cost was unknown until requests for proposals had been received. The funds to complete this study would come from department savings and Hillside Wilderness Preserve Maintenance Funds.

Staff recommended initiating the process to solicit proposals for an EIR related to the Hillside Wilderness Preserve and Hillside Recreation Area Management Plan.

SCHEDULED MEETINGS

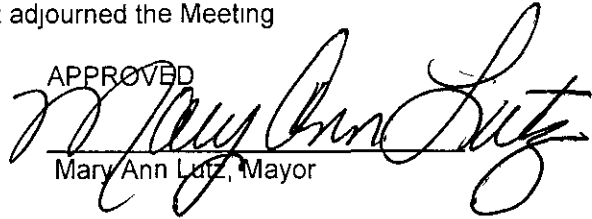
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, September 15, 2009, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ITEMS PULLED FROM CONSENT CALENDAR: None

ADJOURNMENT: At 10 26 P M Mayor Lutz adjourned the Meeting

APPROVED



Mary Ann Lutz, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk