

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, AUGUST 2, 2005, 7 30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, August 2, 2005 at 7 31 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION City Clerk Proctor gave the Invocation

PLEDGE OF ALLEGIANCE United States Army Specialist Sean Page led the Flag Salute

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

Mayor Hammond and the City Council presented Specialist Page with the Blue Star Banner which was hung on Myrtle Avenue until he returned home from the service safely, and congratulated him for a job well done

PRESENTATIONS

1 Introduction of Newly Hired Fire Department Employee Jeremy Phipps, Firefighter/Paramedic This matter was rescheduled until a later date

2 Introduction of Newly Hired Finance Department Employee Sylvia Carrillo, Administrative Secretary Administrative Services Director Mark Alvarado introduced newly hired Administrative Secretary Sylvia Carrillo to the Mayor, City Council and the community

3 Introduction of Newly Hired Public Works Management Trainee April Polk City Engineer Doug Benash introduced newly hired Management Trainee April Polk to the Mayor, City Council and the community

PROCLAMATIONS None

STUDENT GOVERNMENT REPRESENTATIVE REPORT To resume in September

A. CONSENT CALENDAR

It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to approve the Consent Calendar consisting of Items *B, *I-2, *I-5 and *J There were no objections

***B MINUTES** The Minutes of the Regular Meeting of July 19, 2005 were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS

- 1 Stephen Grollnek, Monrovia
- 2 Don Cordell, Lancaster

Mayor Hammond took the following matter out of order

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1 Mayor Hammond introduced Assemblyman Dennis Mountjoy

(a) Assemblyman Dennis Mountjoy Assemblyman Mountjoy remarked on several current items relating to the state government and reviewed some of the propositions for the upcoming November statewide election

During Assemblyman Mountjoy's presentation, outbursts by Stephen Grollnek from the audience regarding the Assemblyman's comments caused Mayor Hammond to warn him that he was disrupting a public meeting and that he was on notice Assemblyman Mountjoy attempted to continue his presentation, but was interrupted again by Mr Grollnek As the outbursts continued, Mayor Hammond again warned him that he was disturbing a public meeting As Mr Grollnek continued to try to interrupt the presentation, Mayor Hammond advised him that if he did not contain himself, he would be asked to leave Inasmuch as Mr Grollnek did not heed the warning again, Mayor Hammond suspended the Meeting at 7 54 P M Mr Grollnek was escorted from Council Chambers by a Police Officer At 7 54 P M , Mayor Hammond announced that the Meeting would resume

Assembly Mountjoy then continued his presentation

Mayor Hammond, City Manager Ochoa and City Attorney Steele responded to some statements made by those speaking under **ORAL COMMUNICATIONS** above

D PUBLIC HEARINGS/MEETINGS

1 Public Hearing, Los Angeles County Congestion Management Program (CMP), Local Implementation Report, Resolution No 2005-41

Steve Sizemore, Planning Division Manager, reviewed the Staff Report

The Congestion Management Plan was designed to address regional traffic congestion by linking transportation, land use, and air quality decisions Originally adopted by the Los Angeles County Metropolitan Transportation Authority (Metro) in 1993, the plan was designed to use strategies that mitigated congestion created by new development Since 1993, cities were required to adopt and file a Local Implementation Report with Metro As with last year, Metro staff was conducting a Nexus Study to explore the feasibility of implementing a congestion mitigation fee to meet CMP Deficiency Plan requirements While this study was underway, the CMP Countywide Deficiency Plan requirements for maintaining a positive credit balance was suspended until further notice

Cities were still required to report their new development activity just as in prior years All current credit balances for the City were temporarily frozen and no new credits would be earned until the Nexus Study was complete Cities also had to continue to self-certify their conformance with the CMP after holding a noticed, Public Hearing, adopting a resolution self-certifying CMP conformance

Staff recommended adopting the resolution finding that the City was in conformance with the CMP and adopting the Local Implementation Report

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 Kirby, seconded by Mayor Pro Tem Lutz, to adopt Resolution No 2005-41 and to direct Staff to submit the required report to the Metropolitan Transportation Authority

ROLL CALL

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

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

CONVENE Chairman Rob Hammond convened the Regular Meeting of August 2, 2005 of the Monrovia Redevelopment Agency Board of Directors at 8 14 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, Joe Garcia, Dan Kirby, Vice-Chairman Mary Ann Lutz, and Chairman Rob Hammond

A CONSENT CALENDAR

It was moved by Boardmember Adams, seconded by Boardmember Garcia, to approve the Consent Calendar consisting of Item *B There were no objections

***B MINUTES** The Minutes of the Regular Meeting of July 19, 2005 were approved by order of the Consent Calendar

MRA REPORTS None

MRA ADJOURNMENT Chairman Hammond 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 Award of Contract to Helman Architects, Inc to Develop Bid Documents for the Corporate Yard Main Building Renovation Project in the Amount of \$115,200 00, and
- 2 Award of Contract to Helman Architects, Inc to Develop Bid Documents for the Fire Station 1 Renovation Project in the Amount of \$99,900 00

Dennis Shiflett, Facilities Division Manager, reviewed the Staff Report, combining Agenda Items E-1 and E-2

The Corporate Yard Renovation Project would result in the construction of a second floor within the corporate yard main building, allowing relocation of the Public Works Department from City Hall to the Corporate Yard, resulting in additional space within City Hall

Two bids were received ranging from \$115,200 00 to \$142,000 00 Funds were available in the Water Fund

Fire Station 1 was built in 1964 The building's infrastructure was obsolete, and, due to water leakage over the years, the framing of the second floor exterior walls was damaged and needed to be repaired

The renovation project would add an exhaust ventilation system, a dormitory area for female firefighters, the construction of a special vented room for turnouts, the installation of a new domestic water distribution system, new electrical sub-panels, modifications to improve the air conditioning systems, reconstructed dorm rooms for the male firefighters, dropped T-bar ceilings, and new lighting

Funds were available in the Facilities Maintenance Improvement Fund

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to award a contract to Helman Architects, Inc to develop bid documents for the Corporate Yard Main Building Renovation Project, in the amount of \$115,200.00, and authorize Staff to issue a purchase order to Helman Architects, Inc for the development of the bid documents; and to

award a contract to Helman Architects, Inc , to develop bid documents for the Fire Station 1 Renovation Project, in the amount of \$99,900 00, and authorize Staff to issue a purchase order to Helman Architects, Inc for the development of the bid documents There were no objections

3 Award of Contract to Heritage Architecture and Planning to Develop Bid Documents for Monrovia Railroad Depot Rehabilitation Project in the Amount of \$142,340 00

City Engineer Douglas Benash reviewed the Staff Report

The Monrovia Railroad Depot rehabilitation would result in its revival, rehabilitation, stabilization and restoration In 2001, the Public Works Department secured Federal funding through the MTA for the rehabilitation and stabilization of the depot Staff sent requests for proposals to five firms with experience in completing and renovating historic structures, and who understood and would comply with the Federal Guidelines, Section 106 Selecting a firm with significant Section 106, historic building renovation was required by the funding

Staff received two proposals ranging from \$142,340 00 to \$144,430 00 Funds were available through a federally funded MTA grant

It was moved by Councilmember Garcia, seconded by Councilmember Kirby, to award a contract to Heritage Architecture and Planning to develop bid documents for the Monrovia Railroad Depot Rehabilitation Project, in the amount of \$142,340 00, and authorize Staff to issue a purchase order to Heritage Architecture and Planning for the development of bid documents There were no objections

F COMMUNICATIONS AND PETITIONS None

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1 Mayor Hammond reported that

(a) **Assemblyman Dennis Mountjoy** This matter was taken out of order following **ORAL COMMUNICATIONS** above

(b) He stated that he believed that the Gold Line would be running by 2010 President Bush would be signing the reauthorization for transportation bill in New Mexico tomorrow that will benefit every city in the nation The new name for the Gold Line was the Los Angeles to Montclair Gold Line Extension Unspent Phase I money would be used as a match for the extension The first phase would probably be from Pasadena to Azusa Pacific and Citrus Colleges Each community along the line were preparing housing plans, and it was his personal goal to get people out of their cars to get to their destinations by using the light rail system

(c) He congratulated Rodney Jefferson for the successful opening of the "A" Game Fundamentals Basketball Clinic for 5th through 11th graders Skills learned here would be used for a lifetime

2 Mayor Pro Tem Lutz had no report at this time

3 Councilmember Adams reported that

(a) Mayor Hammond had been appointed as a voting member to the Gold Line by the City of Pasadena, and congratulated him on this achievement

4 Councilmember Garcia reported that

(a) He had attended the Mayors and Councilmembers Forum, League of California Cities, Monterey, where there was an extensive, condensed form of topics ranging from potential housing issues to ethics One of the keynote speakers was Director of Housing and Community Development, Lucetta Dunn, who passed out Regional Housing Progress Report of compliance of cities all over the State which showed that the City of Monrovia was 125% over its compliance Also

attending were councilmembers from the City of South Lake Tahoe who gave ideas of tools about coexisting with the bear population

5 Councilmember Kirby reported that

(a) He attended the same conference with Councilmember Garcia. He received so much information, that he will disseminate it for the next City Council Meeting. He echoed Councilmember Garcia's comments regarding bear and human interface conversations regarding living with bears in Monrovia, Truckee and South Lake Tahoe.

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

1 First Amendment to the Agreement for Legal Services between the City of Monrovia and Richards, Watson & Gershon, A Professional Corporation

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

With the exception of a period in 2001 and 2002, an attorney from Richards, Watson & Gershon (RW&G) had been Monrovia's City Attorney since 1992. The existing contract for legal services between the City and RW&G was executed in March of 2002 and included the current rate structure which had remained constant over the last three years with no cost of living adjustments. That period expired in March of 2005, and RW&G had now requested a modest increase in some of the rates and charges the City paid for legal services.

RW&G, and specifically Craig A. Steele, provided the City with excellent City Attorney and related legal services. The fiscal impact of the change in the monthly retainer amount, an increase of approximately 6.5% over the rate established three years ago, would be \$12,000.00 annually. The firm was also requesting an increase in hourly rates to be charged for major project special services. The City had a number of large planning land use issues on the horizon that would require the expertise of experienced senior attorneys. Some of those projects included Station Square, the Barrett Project, West Huntington Drive redevelopment, as well as the Myrtle Avenue mixed use corridor. Litigation Special Service and Hourly rates the firm charged for litigation would not change from the current contract. The standard hourly rate would be capped at \$275.00 per hour. The proposed rates would remain in effect for two years through June 30, 2007.

The remaining proposed amendment to the contract would permit the City Attorney to introduce another less senior attorney to staff some meetings of the Planning Commission. Carol Lynch, a senior partner at RW&G, would continue to attend Planning Commission meetings when complex projects appeared on the Agenda. With the approval of the Director of Planning and Community Development, Mr. Steele would have the discretion to assign a less senior attorney to handle other Planning Commission meetings where the experience of a senior lawyer was not needed. Mr. Steele would remain personally responsible for ensuring that Monrovia was represented by fully trained and highly competent attorneys.

The increase in cost was incorporated into the City's budget for fiscal year 2005-06.

It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to approve the First Amendment to the Agreement for Legal Services between the City of Monrovia and Richards, Watson & Gershon, effective August 2, 2005.

ROLL CALL

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

***2. 2004-05 Sewer Replacement Program, Project No. C-2943, Acceptance of Work, Notice of Completion, and Final Payment in the Amount of \$525,755.58 to Nikola Corporation**

This matter was approved by order of the Consent Calendar

The 2004-2005 Sewer Mains Replacement Program included the construction of approximately 4,963 feet of sewer mains, the construction of twenty (20) sewer manholes and the replacement of approximately 159 sewer lateral connections

The original bid amount of \$534,026 00 included over-excavation due to potential rocky excavations which did not become a factor, thus saving \$8,270 42 Funds for the project were available and budgeted in the Sanitation Fund

Staff recommended that the City Council accept the contract work as completed by Nikola Corporation in the amount of \$525,755 58, direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder, and authorize the Director of Public Works to approve final payment thirty-five (35) days after filing of Notice of Completion with the County Recorder

3 First Amendment to the Agreement for Legal Services between the City of Monrovia and Dapeer, Rosenblit & Litvak, LLP

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

The law firm of Dapeer, Rosenblit & Litvak (DR&L) had provided Code Enforcement legal services to the City of Monrovia since April of 2001 The contract included the current rate structure which had remained constant over the last four years with no cost of living adjustments DR&L was now requesting an increase in some of the rates charged for code enforcement legal services

DR&L had done an excellent job providing the City with an excellent City Attorney and related legal services Since 2001, approximately one hundred cases had been forwarded to DR&L with successful results without the need for unnecessary litigation and resulting costs In the most difficult cases (twenty) that had been adjudicated in criminal court, the success rate was one hundred percent

Under the proposed contract amendment, the rates the firm charged the City would increase from \$120 00 an hour for General Code Enforcement Attorney Services to \$130 00 an hour, and for Civil Injunctive Actions and Court Appeals, from \$120 00 to \$150 00 an hour The increase in cost was incorporated into the City's budget for fiscal year 2005-06

It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Lutz, to approve the First Amendment to the Agreement for Legal Services between the City of Monrovia and Dapeer, Rosenblit Litvak, LLP effective August 2, 2005 There were no objections

4 Agreement with Hazelrigg Risk Management Services, Inc , to Provide Third Party Administration Services for Liability

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

The City had been self-insured for liability since 1987, and had utilized the services of a third party administrator to conduct claim investigation as needed, establish case reserves, review billings submitted by attorneys, and provide related reports

Hazelrigg Risk Management Services (HRMS) utilized the Valley Oaks System software to capture all claim/lawsuit related information This system was considered to be the state of the art system and was used by the majority of vendors in the liability and workers' compensation arena This system allowed reports to be generated in a variety of formats Having this system would allow the City to compare and analyze its data with other public agencies

The HRMS Liability team had over twenty years of liability and public sector experience Information obtained from references verified that HRMS provided quality service in the area of liability claims management

HRMS provided workers' compensation third party administration services for the City since July 1, 2002. Over this time, it had provided excellent guidance and case management related to the City's workers' compensation claims.

The City currently paid \$1300.00 per month for third party administration services. HRMS would provide third party administration services for \$800.00 per month, a savings of \$500.00 per month. This would result in a savings of \$5,000.00 for fiscal year 2005-06.

It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to approve the agreement with Hazelrigg Risk Management Services to provide Third Party Administration Services, effective August 2, 2005.

ROLL CALL

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

***5 Determination of Public Convenience, Conditional Use Permit CUP2005-14 for Quality Gifts and Baskets Located at 170 West Pomona by Darla Sayles, Applicant**

This matter was approved by order of the Consent Calendar.

On June 15, 2005, the Planning Commission approved the application for a conditional use permit for a Type 20 license for a business that assembled and sold gift baskets at 170 West Pomona Avenue. The Department of Alcohol and Beverage Control requested a finding of "public convenience and necessity" in order to complete the application process.

The applicant's business assembled all types of gift baskets for corporate clients. Baskets included products such as cookies, popcorn, cheese and crackers, etc. Clients ordered the baskets by phone, fax, email or website with the delivery to the clients via UPS Ground. The hours of operation would be Monday through Friday from 9:00 a.m. to 5:00 p.m. The space would be used to store and assemble the gift baskets.

The Department of Alcohol and Beverage Control (ABC) required the applicant to obtain a "Type 20" license in order to include bottles of wine in the baskets. ABC required the City to make a finding of "convenience and necessity" due to the fact that the ABC license application was located in an area where an "undue concentration" of ABC licenses existed. Undue concentration was determined by the number of ABC off-premises licenses issued for a particular census tract. The local governing body could determine that "public convenience and necessity" was met by the issuance of a new license and ABC would then issue it. Or, the City Council could choose to take no action and, after ninety days, the proponents of the sale of beer and wine could bring their case directly to ABC. ABC could then deny or issue the license. If ABC issued the license, the Conditional Use Permit and the conditions would be in effect.

Planning Division Staff and the Police Department recommended that the City Council make a finding of "convenience and necessity" to allow the applicant to conduct its business at 170 West Pomona Avenue and an issuance of the ABC Type 20 license. Quality Gifts and Baskets would provide a unique service unlike the other retail stores that sell alcohol within the same census tract.

***J PAYROLL & VOUCHERS** Payroll No. 15 in the net amount of \$521,161.24, and Voucher Numbers 126935 through 127266 non-sequentially in the amount of \$1,365,759.23 were approved by order of the Consent Calendar.

K SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, September 6, 2005, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California. The August 16, 2005 City Council Meeting had been cancelled.

L ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

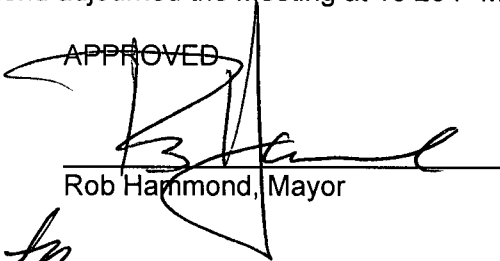
M ADJOURNMENT TO CLOSED SESSION At 8 41 P M , Mayor Hammond announced that the City Council would adjourn to Closed Session to discuss the following matters

- 1 Conference with Labor Negotiator pursuant to Government Code §54957 6 Agency Negotiator Theresa St Peter, Group Employees Monrovia Municipal Employees Association
- 2 Conference with Legal Counsel, Government Code §54956 9(a), Workers Compensation Claim, Sam DiGiovanna vs City of Monrovia, Case Nos 03-33421 and 05-38675
- 3 Conference with Legal Counsel, Government Code §54956 9(a), Workers Compensation Claim, Mary Albaidy vs City of Monrovia, Case No 03-33257
- 4 Conference with Legal Counsel, Government Code §54956 9(a), Workers Compensation Claim, Tom Neill vs City of Monrovia, Case No 04-36154

N RECONVENE AND REPORT OF CLOSED SESSION Mayor Hammond reconvened the City Council Meeting at 10 25 P M after Closed Session City Attorney Steele announced that the Council had taken no reportable action on the pending litigation items listed on the posted agenda With regard to the labor negotiations with the Monrovia Municipal Employees Association ("MMEA"), the Council was informed that the MMEA had rejected the City's last, best and formal offer of contract terms The Council voted 4-1, Councilman Adams voting "No," to declare that negotiations with the MMEA had reached an impasse, and the terms of the City's last, best and final offer, including a substantial salary increase for MMEA members, would be imposed

ADJOURNMENT Mayor Hammond adjourned the Meeting at 10 26 P M

APPROVED



Rob Hammond, Mayor

ATTEST.



Linda B Proctor, MMC, City Clerk