

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, APRIL 21, 2009, 7:30 P M**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, April 21, 2009, at 7:41 P M, in City Council Chambers, 415 South Ivy Avenue, Monrovia, California. In attendance were 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: Councilmember Joe Garcia led the Flag Salute.

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

NEW BUSINESS: Mayor Pro Tem Kirby announced that he would neither seek nor accept an appointment to the City Council relative to the vacancy created by Councilmember Lutz's successful bid for Mayor at the April 14, 2009 Municipal Election. He congratulated Councilmember Garcia and Mr. Shaw for their election to the City Council.

Mayor Hammond stated that as this was his last full Council Meeting, he wanted to take the opportunity to thank the members of the community for allowing him to serve and placing their confidence in him.

PRESENTATIONS/PROCLAMATIONS.

PR-1 Recognition of Von's Companies, Recipients of the 2009 Mayor and City Council's Corporate Citizen Award: Representatives of the Von's Companies and the local store manager and assistant manager accepted the first Mayor and City Council Corporate Citizen Award in recognition of their inclusive hiring practices.

PR-2 Proclaiming April 22, 2009 as "Beta Sigma Phi Day": Mayor Hammond proclaimed April 22, 2009 as "Beta Sigma Phi Day" in Monrovia, recognizing this philanthropic, social and cultural organization which was dedicated to the enrichment of women throughout the world. Kathryn Gundersen Watson, 2008-09 President of local chapter Preceptor Beta Kappa, and California State Philanthropic Chair Elect, accepted the Proclamation.

PR-3 Recognition of the Winter 2009 Youth Sports Program: Kerri Zessau, Recreation Supervisor and Memo Chavez, Assistant Recreation Coordinator, assisted the Mayor and City Council in recognizing the winners of the Winter 2009 Youth Sports Season. First Place Basketball Team was Mayflower Elementary School, First Place Cheerleading Team was Wild Rose Elementary School, the Sportsmanship Award Winner was Bradoaks Elementary and scholar athletes. The winter season included Fourth and Fifth grade Basketball Players and Cheerleaders from Bradoaks, Mayflower, Monroe and Wild Rose Elementary Schools.

PR-4 Recognition of the Sponsors for the 2009 Spring Egg Hunt and YMCA Healthy Kids Day "Bunnies, Fluff & Other Spring Stuff": Paul Larsen, Community Services Commission Chair, assisted the Mayor and City Council in recognizing the sponsors of the 2009 Spring Egg Hunt and YMCA Healthy Kids Day. The event was held on Saturday, April 11, 2009, in Recreation Park. Event activities included egg hunts, crafts, carnival games, concession and wellness games. This year's main event sponsors included Monrovia Department of Public Works, Post Alarms Systems, Mile High Karate, Clary/Addmaster, Sierra AutoCars, Inc., and Ferrari Bros. Body Shop.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: There was no representative in attendance.

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

CC-1 Unadopted Minutes of the April 7, 2009 Regular Meeting of the Monrovia City Council**CC-2 Payroll No. 7 in the Amount of \$604,942.37 and Voucher Nos 157649 through 157913 in the Amount of \$1,234,708.65**

CC-3 Denial of Liability Claim, Robert Vigil vs. City of Monrovia: Robert Vigil alleged that on February 21, 2009, his vehicle was improperly towed. As a result, he incurred fees that he paid to the Monrovia Police Department as well as a towing company. The vehicle was a non-operable vehicle and as such could only be operated on the highways for one day in order to move it from one storage location to another. The vehicle was parked on a public street and was towed and stored as an abandoned vehicle. Police personnel acted in an appropriate manner. Therefore, the City bore no responsibility for this matter.

CC-4 Denial of Liability Claim; Eloise Hart vs City of Monrovia Eloise Hart alleged that on March 7, 2009, she was driving northbound on California Avenue when she hit a pothole causing tire damage. She believed the City was responsible for the cost to replace the tire. City Staff conducted a review of the information provided by Ms. Hart. The conclusion was that work at the location in question was performed by a private contractor. Therefore, the City bore no responsibility for this matter.

CC-5 Denial of Liability Claim; Kwang-wei Han vs City of Monrovia. Kwang-wei Han alleged that Monrovia Police personnel unlawfully profiled him and denied his due process rights on August 12, 2008 and October 15, 2008. On both of the above dates, representatives from a private business initiated a private person's arrest for trespassing for Mr. Han. Monrovia Police personnel responded appropriately in responding to the incidents. Therefore, the City bore no responsibility for this matter.

CC-6 Ramps, Sidewalk and Audible Traffic Signal Improvements, Project No C-3011, Acceptance of Work, Approve Change Orders in the Amount of \$17,384.75, Notice of Completion, and Release of Retention to Unique Performance Construction Inc , for a Total Project Amount of \$102,608.85. With the assistance of a disabled resident, ADA ramps were constructed along Foothill Boulevard from Fifth Avenue to Myrtle Avenue and the intersection of Lemon Avenue and Hacienda Drive. In addition, sidewalk improvements were completed at 911 South Monterey Avenue and audible pedestrian signals at the intersections of Foothill Boulevard and Primrose Avenue, Foothill Boulevard and Myrtle Avenue, and Foothill Boulevard and Ivy Avenue.

On November 18, 2008, the City Council awarded a contract to Unique Performance Construction, Inc., in the amount of \$85,250.00. The work began in December 2008 and was completed in March 2009. The change order work constructed additional ramps at the intersections of Lemon Avenue at Ranchito Road and Terrado Drive and the intersection of Estrella Avenue and Bella Vista Street. The final construction costs based upon actual quantities constructed was \$85,224.10, \$25.90 less than the approved cost. The additional change order work costs were \$17,384.75, for a total contract cost of \$102,608.85. Funding was provided by MTA-TDA and Prop 1B funds.

CC-7 Red Flag Identity Theft Prevention Program for Utility Service Accounts, Resolution No. 2009-18 On November 9, 2007, as part of the Fair and Accurate Credit Transactions (FACT) Act of 2003, the Federal Trade Commission (FTC), federal bank regulatory agencies, the National Credit Union Association (NCUA) issued regulations requiring financial institutions and creditors, including local government agencies that defer payments for goods and services, to develop and implement written identity theft prevention programs. These regulations, also known as the Identity Theft Red Flags Rule (FR 72.217.63717-63775), applied to cities or other entity's that provided utility service on credit. Because the City of Monrovia billed residents for past services on their utility accounts, we were required to develop a program which complied with the regulations. According to the regulations, the program should be approved and implemented no later than May 1, 2009.

The Identity Theft Red Flags Rule required that reasonable policies and procedures be established to identify relevant red flags for covered accounts and incorporate those red flags into the program, detect red flags that had been incorporated into the program, respond appropriately to any red flags that were detected to prevent and mitigate identity theft, and ensure the program was updated periodically to reflect changes in risk to customers or to the safety and soundness of the City from identity theft.

In developing a program for the City of Monrovia's utility accounts, several factors were considered, such as past history of incidents relating to identity theft, existing policies that help mitigate identity theft, and

the nature of our operations All mandatory requirements had been incorporated into the program to ensure compliance with the regulations

CC-8 Fiduciary Management over the 2009-2010 High Intensity Drug Trafficking Area (HIDTA) Grant, the 2009-10 Governor's Office of Emergency Services Anti-Drug Abuse Program Grant, and Other Related Fiduciary Responsibilities: The City of Monrovia volunteered to accept the fiduciary responsibility for managing the 2009-2010 HIDTA Grant, the 2009-2010 Governor's Office of Emergency Services Anti-Drug Abuse Program Grant, and other related fiduciary responsibilities This was the third year that the City accepted fiduciary responsibility for these grants

If approved, the City would be the conduit for these grant funds Authorized representatives of the LA HIDTA task forces would submit approved invoices for payment and the City of Monrovia would, in turn, draw down funds from the federal and state governmental offices for reimbursement of invoices paid The administration of this grant would have a zero cost impact on the City's General Fund The City would receive approximately \$120,000 00 as part of a federal HIDTA grant, which would cover personnel and other administrative costs incurred to properly account for the grant funds In addition, the City would receive reimbursement for costs associated with performing other related fiduciary responsibilities

PUBLIC HEARINGS/MEETINGS. None

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

MRA CONVENE Chairman Rob Hammond convened the Meeting of April 21, 2009, of the Monrovia Redevelopment Agency Board of Directors at 8 04 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-Chair Dan Kirby and Chairman Hammond

MRA CONSENT CALENDAR: It was moved by Mayor Pro Tem Kirby, seconded by Councilmember Lutz, to approve the Consent Calendar. There were no objections The Consent Calendar consisted of the following item

MRA CC-1: Unadopted Minutes of the April 7, 2009 Regular Meeting of the Monrovia Redevelopment Agency

MRA PUBLIC HEARINGS/MEETINGS None

MRA ADMINISTRATIVE REPORTS: None

MRA ADJOURNMENT: Chairman Hammond adjourned the Meeting at 8 05 P M

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

RCC-1 Mayor Rob Hammond reported that

(a) Library Dedication: Seventeen days ago was the dedication of the new Monrovia Library where upwards of 2000 people attended A video of the event was shown He reported that the Library would open on May 16, 2009, and that the Monrovia Day Parade would be Thursday, May 14, 2009, 7 00 P M He congratulated Staff for keeping their shoulders to the wheel throughout the whole process, and applauded their great dedication, working until 11 00 P M the night before the event He stated that Public Works and Community Services were a great group of people working for the City of Monrovia

(b) He asked that Staff provide an update to the City Council prior to budget deliberations in June regarding the State's anticipated actions, should Propositions 1A-F fail in the May Special Election The City Council needed to know what the hits would look like to local government

RCC-2 Mayor Pro Tem Dan Kirby reported that:

(a) He did not go to Denver as he had reported at the last City Council Meeting due to the snow, and that he would not be able to attend on April 23, 2009. He thanked the community for the years of support as he served on the City Council.

RCC-3 Councilmember Tom Adams reported that:

- (a) He would not be here for the May 5, 2009 City Council Meeting as he would be in Washington, D C.
- (b) Fire Service Day was on May 9, 2009, with a pancake breakfast from 7 00 A M to 11 00 A M at Fire Station No 1. City Hall would also be "open" during the same hours with booths at the Fire Station.
- (c) "Earth Day" was proclaimed for April 22, 2009. The Krikorian Theater would celebrate the day by premiering the movie "Earth" on April 22, 2009.

RCC-4 Councilmember Joe Garcia reported that:

(a) He attended Legislative Action Days in Sacramento last week where the topic of conversation was the economy and its effect statewide.

RCC-5 Councilmember Mary Ann Lutz reported that:

- (a) The San Gabriel Valley Council of Governments had nominated Monrovia for the first Green Leadership Award from the County of Los Angeles. Only five agencies received the award, with the City of Monrovia and the City of Pasadena being the only cities. She and members of the Green Team accepted the award from the County of Los Angeles Board of Supervisors on April 21, 2009.
- (b) The AQMD was offering the 2009 Electric Lawn Mower Exchange Program in Pasadena on June 13, 2009. Pre-registration began on April 22, 2009.

ADMINISTRATIVE REPORTS**AR-1 One Year Update of the Administrative Fine Program, Receive and File**

Bill Skiles, Neighborhood & Business Services Division Manager, and Sheila Spicer-Batice, Business Services Officer, reviewed the Staff Report.

The City Council adopted the Administrative Fine Program on December 4, 2007 establishing civil penalties for violations of the Monrovia Municipal Code. On March 31, 2008, the Administrative Fine Program became operational to address violations of the Hazardous Weed Abatement Program, public nuisances and other municipal code violations.

During the time frame of March 31, 2008 to March 31, 2009, the Monrovia Fire Department (in the High Risk Fire Zone) handed out approximately 1,200 educational flyers advising property owners/residents about the need to abate overgrown hazardous weeds and vegetation from their properties. After scheduled re-inspections, 232 properties were found to be in violation. At that time, administrative fine educational notices were issued to those properties. Ultimately, only three properties failed to comply and were issued administrative citations. After receiving the citations, all three property owners complied and corrected existing violations. Overall, the administrative fine program had shown a very successful compliance rate of 100%. In comparison, Fire Department Staff reported that, in the past, approximately 20 violators annually failed to comply and remove hazardous vegetation from their properties resulting in additional abatement action.

In the Code Enforcement operation during the first year, the program proved to be cost-effective by reducing case management time and effectively reducing legal assistance costs. The three step process of education, warning letter, and then citation worked well as evidenced by only seven appeals out of 89 citations issued. Several properties that had not been in compliance for many years were now in compliance and neighbors were overwhelmingly pleased.

Based on the first year analysis, the Administrative Fine Program appeared to be an effective tool for the Hazardous Weed Abatement Program and for protecting the public from nuisances, property maintenance violations and substandard living conditions as well as protecting property values.

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

AR-2 Sewer System Management Plan (SSMP) in Compliance with the Statewide General Waste Discharge Requirements (WDR's) for Sanitary Sewer Systems, Water Quality Order No. 2006-003

Ron Bow, Public Works Director, reviewed the Staff Report

On May 2, 2006, the California State Water Resources Control Board (SWRCB) adopted Water Discharge Requirements (WDR's) No 2006-0003, Statewide General WDR's for Sanitary Sewer Systems. These WDR's were the regulatory mechanism for all agencies and cities that owned or operated sanitary sewer collection systems greater than one mile in length that collected and/or conveyed untreated or partially treated wastewater to a publicly owned treatment facility. The goal of the WDR's was to reduce the frequency and volume of sanitary sewer overflows (SSO's) by requiring cities to properly operate, maintain, and manage their wastewater collection system.

On October 16, 2007, the City Council adopted the Sewer System Management Plan (SSMP) Development Plan and Schedule. This document provided an outline and estimated timetable for the final SSMP development. The SSMP included all elements, completing compliance requirements through the August 2, 2009 deadline.

There was no current impact to the General Fund, however, projects required for ongoing and future WDR compliance would be included on the Capital Improvements Project list.

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Kirby, to adopt the Sewer System Management Plan (SSMP) in compliance with the Statewide General Waste Discharge Requirements (WDR's) for Sanitary Sewer Systems, Water Quality Order No. 2006-003. There were no objections.

AR-3 Adopt the "Water 4 Life"

Ron Bow, Director of Public Works, reviewed the Staff Report.

In cooperation with Environmental Accord #18 to reduce the water demand per capita, "Water 4 Life" was a program designed to educate the citizens of Monrovia in using water wisely as a lifestyle. It would be accomplished by activities and informational programs for youth in schools, citizens at community events, including all residential and commercial customers.

Due to the continuing drought conditions in the State of California and the record low water levels in the Main San Gabriel Basin, the Utilities Division, in 2008, began researching, planning and implementing programs to increase water conservation efforts to a minimum of 10 percent, which was Phase I of the Monrovia City Ordinance Chapter 13 20, Water Conservation. The effort yielded a result of 8 percent reduction of water demand. The Public Works Department desired to put "Water 4 Life" into action by expanding existing programs and adopting new goals. This program would work in conjunction with local, state and federal programs to save all water resources. Funds were available in the Water Fund.

Discussion ensued. Councilmember Lutz thanked Mr. Bow for the insertion of the 2 years comparison of water use by the residents and asked that the text be a little larger, if possible, on the water bill. Councilmember Adams asked to look at something in the future to encourage developers to install individual water meters to encourage residents to conserve. Mr. Bow explained that in the next "Monrovia Today" there would be information regarding how safe and clear the water was from Monrovia's wells. Councilmember Lutz asked that the citizens be advised on how to dispose of unused and outdated medicines.

It was moved by Councilmember Lutz, seconded by Mayor Pro Tem Kirby, to adopt the "Water 4 Life" Plan and authorize the Public Works Department to implement the program.

ROLL CALL:

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

SCHEDULED MEETINGS


The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, May 5, 2009, at which the newly elected will be sworn in, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: None

ADJOURNMENT: At 8 56 P M , Mayor Hammond adjourned the Meeting

ATTEST: 
Linda B Proctor, MMC, City Clerk

APPROVED 
Mary Ann Lutz, Mayor