

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, APRIL 6, 2004, 7 30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, April 6, 2004 at 7 37 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION Dr John Mastrogiovanni, Pastor, led the Invocation

PLEDGE OF ALLEGIANCE Mayor Pro Tem Joe Garcia led the Flag Salute

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

REPORT OF CLOSED SESSION(S)

April 5, 2004

1 Government Code §54956 9(a), Conference with Legal Counsel, Worker's Compensation Claim, Theresa Miller, Case No 9800024 City Attorney Steele reported that direction was given to Staff, and that no reportable action was taken

PRESENTATIONS

1 Recognition of Santa Fe Middle School Eighth Grader Jamie Kemerer as First Place Winner in the Los Angeles County AVID Write-Off Contest, Teachers Gail LaBau and Suzette Williams, Principal Ron Letourneau, and Santa Fe Middle School

Mayor Hammond introduced Santa Fe Middle School 8th grader Jamie Kemerer, and teachers Gail LaBau and Suzette Williams Ms Kemerer won First Prize in the recent Los Angeles County AVID Write-Off Contest Competing against college-prep students from across the county, Jamie's essay, according to the judges, "far surpassed all high school entries " Mayor Hammond extended congratulations to Jamie and her teachers, as well as to Santa Fe Middle School and Principal Ron Letourneau as this was the sixth year it has had a winner in this competition Mr Letourneau was not in attendance and his certificate of recognition will be mailed to him

2 Recognition of Retiring Police K-9 Brit, and Presentation of Distinguished Service Medal to Agent Steven Koshmerl and K-9 Partner Brit

Mayor Hammond introduced Police Chief Roger Johnson Police Canine Brit and his partner Agent Steve Koshmerl were recognized for their six and a half years of service as a Police Canine Team Police Chief Johnson presented the team with the department's Distinguished Service Award Brit was officially retired this evening and will start enjoying his new life of leisure, while his partner Agent Steve Koshmerl will return to his patrol duties as a Police Agent and Training Officer

3 Recognition of World War II Veteran Albert Updegraff

Mayor Hammond explained that Sailor Albert Updegraff never received his medals from World War II Veteran Albert Updegraff was recognized by the City Council for his exemplary courage and service to his nation during his tour of duty in World War II A special presentation of Mr

Updegraff's Victory medal and other medals that he had not received was made by Carlos Cortez, representing Congressman Dreier

PROCLAMATIONS

1 Proclaiming a Welcome Home to Monrovia Resident Specialist Sean Page, United States Army

The City Council welcomed Specialist Sean Page home from active service in Iraq Specialist Page accepted the Proclamation from Mayor Hammond and the City Council Carlos Cortez, representing Congressman Dreier, presented an American flag which had been flown over the Capitol to Specialist Page

2 Proclaiming April 22, 2004 as "Earth Day"

Mayor Hammond proclaimed April 22, 2004 as "Earth Day" The City of Monrovia commemorates Earth Day each year with activities to educate residents about nature, recycling and earth stewardship

On Saturday April 17, 2004, Canyon Park will celebrate Earth Day, along with John Muir's birthday, with a narrated walk by John Muir himself on the trails of Monrovia Canyon Park at 10 00 A M at the Nature Center There will also be crafts, prizes, and exhibits on display for Monrovians to learn about the environment and the importance of environmental stewardship

Public Works Director David Fike accepted the proclamation from the Mayor and City Council

3 Proclaiming the Week of April 18-24, 2004 as "National Library Week"

Mayor Hammond proclaimed the week of April 18-24, 2004 as "National Library Week "

First sponsored in 1958, National Library Week is a national observance sponsored by the American Library Association (ALA) and libraries across the country each April, and a time to celebrate the contributions of our nation's libraries and librarians and to promote library use and support All types of libraries - school, public, academic and special - participate

Library Board President Denise Zoolalian and Boardmembers Sheila Thornton, Gail LaBau and Stephanie Sparks accepted the proclamation for the library

4 Proclaiming the Month of April 2004 as "Monrovia Volunteer Month"

Mayor Hammond proclaimed the month of April 2004 as "Monrovia Volunteer Month" Monrovia Volunteer Month designates a special time to recognize and celebrate the tremendous efforts of volunteers Since its inception, presidents, mayors, and other officials have signed proclamations and have participated in this highly visible, nationwide initiative Volunteer Centers, nonprofits, businesses, government agencies, hospitals, faith-based organizations, and schools utilize this time of year to highlight their own volunteers and support thousands of service projects in the community A special luncheon will be held on April 15, 2004 in honor of Monrovia's volunteers

Denise Zoolalian, Vice President, Monrovia Volunteer Center Board of Directors, accepted the Proclamation for Monrovia Volunteer Month

5 Proclaiming the Month of April 2004 as "Healthy Recreation and Parks Month"

Mayor Hammond proclaimed the month of April 2004 as "Healthy Recreation and Parks Month " Childhood obesity has reached epidemic proportions throughout Los Angeles County The Department of Community Services is dedicated to providing Health and Wellness programs as a way to combat this serious issue accomplished through educational and recreational programs that focus on the seven components of wellness including social, emotional, physical, spiritual, mental, occupational and nutritional

Members of the Monrovia Youth Commission accepted the proclamation Also recognized were the members of the Recreation Division who, for 18 weeks, trained to be more healthy and set an example for the youths of the community Michele Tompkins was the trainer

6 Proclaiming the Month of April 2004 as "Earthquake Preparedness Month"

Mayor Hammond proclaimed the month of April 2004 as "Earthquake Preparedness Month " The Monrovia Fire Department has prepared City employees, businesses and residents in the event of a major disaster All citizens, businesses, and schools were encouraged to enhance their knowledge and awareness of proper safety measures to follow before, during and after an earthquake

Fire Chief Sam DiGiovanna accepted the proclamation from the Mayor and City Council

7 Proclaiming the Month of April 2004 as "Child Abuse Prevention Month"

Mayor Hammond proclaimed the month of April 2004 as "Child Abuse Preservation Month," which was a time to focus on the protection and care of the most vulnerable and trusting segment of our population Child abuse is a national tragedy, taking the lives of three children every day and affecting millions of children and families every year Each April, Child Abuse Prevention Month activities raise awareness about this problem and what each person can do to help prevent the abuse and neglect of our Nation's children

Brandy Gallagher accepted the proclamation on behalf of the San Gabriel Family Violence Council

STUDENT GOVERNMENT REPRESENTATIVE REPORT Student Liaison Susu Ji was introduced and reported on activities at Monrovia High School

A CONSENT CALENDAR

At the request of Nathan Eli, Monrovia, Item F-1 was removed from the Consent Agenda

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to approve the Consent Calendar consisting of Items *B, *F-2, *I-6, *I-7, and *K

ROLL CALL

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

***B MINUTES** The Minutes of the Regular Meeting of March 16, 2004, were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS

1 John Watson, Monrovia, explained the newly formed Junior Leadership Program which will be sponsored by Community Services

2 Stephen Grollnek, Monrovia, reported that he was not filing a recall petition for Mayor Hammond

D PUBLIC HEARINGS/MEETINGS None**CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING
WITHOUT ADJOURNING CITY COUNCIL MEETING**

CONVENE Chairman Rob Hammond convened the Regular Meeting of April 6, 2004 of the Monrovia Redevelopment Agency Board of Directors at 8 23 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, Vice-Chairman Joe Garcia, and Chairman Rob Hammond

A CONSENT CALENDAR

It was moved by Boardmember Adams, seconded by Boardmember Lutz, to approve the Consent Calendar consisting of Item *B, *MRA-2, and *MRA-3 There were no objections

***B MINUTES** The Minutes of the Regular Meeting of March 16, 2004, were approved by order of the Consent Calendar

MRA REPORTS

1 Authorization to Enter into a Six-Month Exclusive Agreement to Negotiate with Barratt Homes Relating to Property Located on the East Side of Myrtle Avenue, Between Olive Avenue to the North, and Chestnut Avenue to the South

Kevin O'Brien, Redevelopment Division Manager, reviewed the Staff Report

The Vision 2000 and 2005 committees, as well as the study recently completed by the Urban Land Institute, all identified the importance of encouraging pedestrian traffic in Old Town One of the goals of the Agency has been to promote an increase in the pedestrian traffic in the 500 and 600 blocks of Myrtle Avenue similar to dramatically increased foot traffic present on the 400 block since the opening of the theatre

Currently underway are programs that will both develop additional parking resources and bring activity generators to this area An additional strategy is to promote the development of new housing units that will be adjacent to Old Town

An area that has been identified as being a potential site for housing is the east side of the 700 and 800 blocks at south Myrtle Avenue Currently, these blocks contain a mixed assortment of uses, primarily of commercial nature The majority of these businesses are not location sensitive, and could be successfully relocated to other areas in the City

One developer, Barratt American Inc , has expressed significant interest in the project, and has presented Staff with preliminary concept drawings for a high-density residential project City Staff favorably reviewed these drawings Barratt was anxious to proceed, and requested that the Agency grant an Exclusive Negotiating Agreement (ENA) for the site While this Agreement did not grant Barrett any specific rights, it provided them a period where they can conduct the required studies and reports to determine if their concept was feasible As these studies can be costly, the Agreement would give them a level of comfort that during the period the Agency would not be negotiating with other developers

Following its review, Barratt would have the option to elect not to pursue a project or enter into a Disposition and Development Agreement with the Agency It is important to note that, although

ROLL CALL

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

(c) **National League of Cities Conference Report** In March, he and other members of the City Council, with the exception of Councilmember Adams, traveled to Washington, D C to talk to our elected representations They met with Congressmen Dreier, Feinstein and Boxer, inquiring about funds for the restoration of the WPA Mural, hillside acquisition, particularly where it abuts the National Forrest, and the relocation of property at the Monrovia Transit Village site for parking, which would be a saving of upwards of \$16 million dollars

2 Mayor Pro Tem Garcia reported that

(a) **National League of Cities Conference** While in Washington, D C , they appealed to our representatives for specific items that would benefit our community

(b) **Meeting with Senate Local Government Committee Members** He, Councilmember Kirby and City Manager Ochoa went to Sacramento on March 30, 2004 to appeal to the members of Senate Local Government Committee to talk about issues coming before us including an initiative sponsored by the League of California Cities He explained a companion bill by another member of the legislature They were able to meet with other legislators to talk to them about issue which will impact Monrovia

(c) He announced that the Friends of the Library were sponsoring an event this Saturday featuring Monrovia Historian Steve Baker who will speak on the many styles of architecture in Monrovia from 2 00 P M to 3 00 P M

3 Councilmember Adams reported that

(a) **California Parks and Recreation Society's Media Award for the City of Monrovia's "Volunteer Spirit" Video** He re-presented Parks Division Manager Dan Iwata with the California's Parks and Recreation Society's 2003 Award of Excellence for the Media Communication Campaign category for the "Canyon Park Volunteer Spirit" video created by Dan Iwata The City received the award at the CPRS Awards and Installation Banquet where Community Service Commissions Becky Shevlin and Beth Costanza, and Dan Iwata accept the award on the City's behalf

4 Councilmember Kirby reported that

(a) **Altrio Communications Update** He called upon Dick Singer who reported that Altrio was purchased by Champion Broadband and who would be filing with the City of Monrovia for a transfer of franchise, exactly as it had been in the past

(b) He announced the Spring Egg Hunt at Recreation Park this Saturday

(c) He announced that the Mary Wilcox Youth Center would be opening, and read the schedule of events planned

5 Councilmember Lutz reported that

(a) **Southern California Association of Governments (SCAG) Appointment to the Housing and Community Development Committee** She reported that she had been appointed to this Committee and that she felt it was an honor and a big job

(b) She, Councilmember Kirby and City Manager Hopper accepted a plaque from Mayflower Elementary School for funding the After School program

(c) SCAG recently ratified the regional transportation plan, "Destination 2030", for six counties in California and can now receive funding through federal, state and other agencies

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

1 Award of Contract to Dimensions Unlimited for Development of the Hazard Mitigation Plan

Battalion Chief Dave Dennis reviewed the Staff Report

Under the Disaster Mitigation Act of 2000, every California City is required to develop, write, and submit a copy of a Hazard Mitigation Plan to the State Office of Emergency Services and the Federal Emergency Management Agency

This comprehensive planning document will require Hazard Identification, Analysis and Risk Assessment, and Capability assessment for the City. It will further assess feasible hazard mitigation measures and needs. The project will also include a Development Plan and Implementation Strategy.

In January 2003, the City received information about the DMA 2000 Hazard Mitigation Plan requirement. After attending workshops, Staff determined that this plan development would require either a full time Staff person or the contract of service to develop and write this plan that is due by October of 2004.

After research of possible firms to develop this Hazard Mitigation Plan for the City, it has been determined that Dimensions Unlimited Inc. is the best possible firm available to develop this type of document. Dimensions Unlimited is currently developing a Hazard Mitigation plan for the L.A. County Office of Emergency Management.

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to approve the contract with Dimensions Unlimited Inc. in the amount of \$30,000.00 to develop and write a Hazard Mitigation Plan.

ROLL CALL

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

2 Review of Los Angeles County's Retail Food Establishment Inspection/Grading Program

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

In 1998, the Los Angeles County Board of Supervisors adopted an ordinance requiring retail food establishments to post a grade card at the end of routine inspections, upon their city's adoption of the ordinance. Monrovia is one of the last ten cities of the 88 cities in Los Angeles County that has not adopted an ordinance requiring the posting of grades at their food establishments.

Based on information obtained from the Los Angeles County Health Department, the system by which the program is operated has been perfected over the years and has had an overall positive impact on businesses and consumers. They stated that the required grade posting has made restaurants more conscientious about their cleanliness. Subsequently, the restaurants received higher grades that influenced their overall revenue.

Staff would provide an educational program for food establishment owners and the public. Sufficient time would be given prior to the ordinance effective date.

Those speaking:

Cyrus Kemp, Rafael Fajardo, owner of Tidal Wave, 414 S. Myrtle, Richard Lukasiewicz of Devon.

4 Removal of Two (2) Stop Signs on Lemon Avenue at Park Rose Avenue

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

In the fall of 2002, Public Works and Police Department Staff met with Bradoaks School representatives to review traffic issues around the school. A traffic study was initiated and through that study it was determined that Lemon Avenue at Park Rose would warrant new stop signs or a crossing guard. The Traffic Safety Committee, at that time, recommended the installation of new stop signs on Lemon Avenue.

After a year and half of the stop sign installation, neighborhood residents requested the school area traffic be revisited. Public Works and Police Department Staff met with residents and Bradoaks school officials to determine the concerns of all parties. A City-wide Crossing Guard study was performed and recommends the relocation of a crossing guard to the intersection of Lemon Avenue and Park Rose Avenue. The Traffic Safety Committee approved the findings of the study to remove the two stop signs on Lemon at Park Rose Avenues and have a crossing guard present during school hours.

Councilmember Adams requested that the Traffic Safety Committee investigate speeding on Madison Avenue, north of Foothill Boulevard.

Cyrus Kemp, Monrovia, requested that the City Council re-look the no-turn signs placed at Madelyn and Greystone Avenues.

It was moved by Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to adopt Resolution No 2004-12

ROLL CALL

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

5 Amendment of Chapter 2 04 of the Monrovia Municipal Code Relating to the Conditions of Employment of the City manager, Introduction and First Reading of Ordinance No 2004-07

City Attorney Craig Steele reviewed the Staff Report

The Municipal Code currently requires that the City Council set the City Manager's salary by ordinance or resolution. Current practices, and this proposed amendment to the Code, would require the City Council to set the City Manager's salary by contract approved in an open and public meeting of the City Council. This is consistent with applicable law and good employment practices.

The Municipal Code currently limits the severance benefits available to the City Manager to one month's salary for every year served as City Manager. This provision is inconsistent with industry standards, which generally range from six to twelve months. State law allows up to 18 months severance for City Managers. The contract the City Council agreed to with Mr. Ochoa provides for six months severance, at the low end of standard. The proposed amendment to the Code would eliminate the limit as well as some procedural requirements. The City would rely on State law and the contract to control the termination of the City Manager's contract.

Cyrus Kemp, Monrovia, spoke in opposition.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to introduce and waive further reading, and read by title only of Ordinance No 2004-07

ROLL CALL

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

City Attorney Steele read as follows

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING CHAPTER 2 04 OF THE MONROVIA MUNICIPAL CODE RELATING TO THE CONDITIONS OF EMPLOYMENT OF THE CITY MANAGER

***6 Five-Year Extension of Contract with TruGreen Landcare for Landscape Maintenance in the Amount of \$52,600 00 for Fiscal Year 2004-05 with a California Price Index (CPI) Increase for Each Subsequent Year, With the Fifth Year Equivalent to the Fourth Year**

This matter was approved by order of the Consent Calendar

The parkway and median landscape maintenance for downtown Myrtle Avenue, Huntington Drive, south side of Maple Avenue between Shamrock Avenue and California Avenue, and the north side of Cypress Avenue between California Avenue and Myrtle Avenue, are included within the Citywide Lighting and Landscaping Maintenance Assessment District. The maintenance of these areas has been provided by contract services since 1979. TruGreen Landcare has been the City's contractor since 1993, and in 2001 the City Council waived their performance bond requirements due to the dedication they have demonstrated to the City over the years.

The Contractor has proposed no increase during the first year extension. The total cost of the contract extension for Fiscal Year 2004-05 is \$52,600 00. During years two, three, and four, there will be an increase based on the CPI. The cost for year five will be the same as year four. Funding for the contract is available from the Lighting and Landscaping Maintenance Assessment District, Gold Hills Assessment and East Duarte Road Assessment.

***7 Five-Year Extension of Contract with TruGreen Landcare for City Tree Trimming Services in the Amount of \$169,000 00 for Fiscal Year 2004-05 with a California Price Index (CPI) Increase for Each Subsequent Year, With the Fifth Year Equivalent to the Fourth Year**

This matter was approved by order of the Consent Calendar

The Tree Trimming Maintenance Program is included within the Citywide Lighting and Landscape Maintenance Assessment District and has been accomplished by contract services within the City since 1985. The services provide for parkway tree trimming, special trimming, emergency parkway service, weed abatement, and park tree maintenance for approximately 2,500 trees and tree wells annually, or 25% of the total amount of City street and park trees.

TruGreen Landcare has been the City's contractor since 1993, and in 1995 the City Council waived the performance bond requirements due to the dedication they have demonstrated to the City over the years. On March 27, 2001, the City Council awarded TruGreen Landcare with a three (3) year contract extension in the amount of \$169,000 00. The current contract will expire on June 30, 2004.

The Contractor has proposed no increase during the first year extension. The total cost of the contract extension for Fiscal Year 2004-05 is \$169,000 00. During years two, three, and four, there will be an increase based on the CPI. The cost for year five will be the same as year four.

Funding for the contract is available from the Lighting and Landscaping Maintenance Assessment District, Street Trees

***J PAYROLL & VOUCHERS**

Payroll No 7 in the net amount of \$450,118 82 and Voucher Numbers 117368 through 117760 non-sequentially in the amount of \$1,134,337 51 were approved by order of the Consent Calendar

K SCHEDULED MEETINGS

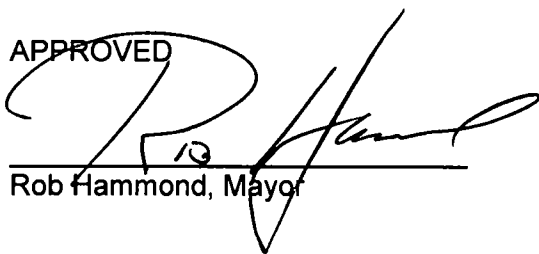
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, April 20, 2004, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Salute to Service Program, 7 00 P M , City Council Chambers

L ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

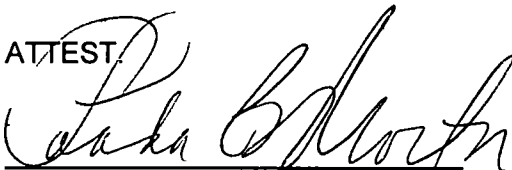
M CLOSED SESSION Mayor Hammond announced that the City Council would hold a Closed Session to Conference with Legal Counsel, Existing Litigation, Government Code §54956 9(a), 99Cents Only Stores, Inc vs City of Monrovia, Case No BC 280169 The City Council would adjourn from Closed Session and report on the matter at the next City Council Meeting

N ADJOURNMENT At 10 18 P M , Mayor Hammond adjourned the City Council Meeting in memory of Betty Stockford, Mother of Community Development Employee Becky Romine, and Emma H Aleria, Mother-in-Law of Public Works Employee George Hills Closed Session was convened at 10 20 P M and adjourned at 10 26 P M

APPROVED


Rob Hammond, Mayor

ATTEST


Linda B Proctor, CMC, City Clerk