

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JULY 1, 2008, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, July 1, 2008, at 7:37 P.M. in honor of Patrick Anthony Mesisca, IV, born June 18, 2008, to parents Elizabeth and Patrick Anthony Mesisca, III. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele and City Clerk Linda B. Proctor.

INVOCATION: Pastor Ulises Gutierrez gave the Invocation.

PLEDGE OF ALLEGIANCE. Councilmember Mary Ann Lutz 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.

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Retiring Planning Commissioners Maria Guerra and Tom Blank, Historic Preservation Commissioner Coulter Winn and Monrovia Old Town Advisory Boardmember Mario Ferrante

The Mayor and City Council recognized retiring Planning Commissioners Maria Guerra, and Tom Blank, Historic Preservation Commissioner Coulter Winn and Monrovia Old Town Advisory Boardmember Mario Ferrante. Commissioners Guerra, Blank and Boardmember Ferrante were not in attendance.

PR-2 Recognition of Marilyn Vernon, Immediate Past President of the California Department of the Ladies Auxiliary Veterans of Foreign War: Mayor Hammond introduced Ms. Vernon to the City Council and the community, recognizing her for her superior leadership in the Auxiliary. She had previously been presented a Certificate of Recognition by Mayor Pro Tem Kirby at a recent event.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September.

CONSENT CALENDAR. Mayor Hammond removed Consent Calendar Item CC-5 for discussion. It was moved by Councilmember Garcia, seconded by Councilmember Adams, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following items.

CC-1 Unadopted Minutes of the June 17, 2008 Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 13 in the Amount of \$680,736.42 and Voucher Nos. 151813 through 152105 in the Amount of \$1,315,018.54

CC-3 Acceptance of Fiduciary Management over the 2008-2009 High Intensity Drug Trafficking Area (HIDTA) Grant and the 2008-2009 Governor's Office of Emergency Services Anti-Drug Abuse Program Grant: The City of Monrovia volunteered to accept the fiduciary responsibility for managing the 2008-2009 HIDTA Grant and the Governor's Office of Emergency Services Anti-Drug Abuse Program Grant. The total grant award for both grants, combined, is \$5,865,575.00.

The City would be the conduit for these grant funds. Authorized representatives of the Los Angeles 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. This was the second year that the City would accept fiduciary responsibility for these two grants. 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.

CC-4 Renewal of Options Lease Agreement for Use of Rotary and Recreation Parks to Conduct Head Start Programs: Options Child Care and Human Services Agency leased land space at Rotary Park and space for a mobile classroom at Recreation Park to conduct Head Start programs. The lease agreements were for one year from July 1, 2008 to June 30, 2009 with automatic renewal on an annual basis for four additional one-year periods. The Community Services Commission and Staff recommended that City Council approve renewal of the leases.

CC-5 Urging Adequate Funding for California Schools, Resolution No. 2008-39: (Pulled from the Consent Calendar and acted upon following the Consent Calendar.)

CC-6 Set for Public Hearing on July 15, 2008; Adoption of the Congestion Management Program (CMP), Resolution No. 2008-42: All cities in Los Angeles County were required to adopt and file a Local Implementation Report with the Los Angeles County Metropolitan Transportation Authority (Metro). The Local Implementation Report was required to be adopted by the City Council at a noticed Public Hearing.

CC-7 Legislative Bulletin This report highlighted and summarize pending State legislation that may 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 as follows: Support, AB642, AB2780, AB2594, Oppose, AB2754, SB1296, SB1338, AB983.

Pulled from the Consent Calendar and discussed at this time:

CC-5 Urging Adequate Funding for California Schools, Resolution No. 2008-39: The Monrovia Unified School District faced unprecedented budget cuts as a result of less-than-adequate funding coming from the State of California. Resolution No. 2008-39 called on the State Legislature, the Governor and the Federal Government to support California's children and its schools by allocating adequate funding, providing flexibilities for school districts during the State budget crisis, adjusting class size reduction program requirements and fully funding special education. Mayor Hammond read Resolution No. 2008-39 in its entirety.

It was moved by Mayor Hammond, seconded by Councilmember Adams, to adopt Resolution No. 2008-39. There were no objections.

PUBLIC INPUT:

- 1 Cyrus Kemp, Monrovia
- 2 Chuck Keen, Monrovia

Mayor Hammond took exception to Speaker No. 1's comments.

PUBLIC HEARINGS/MEETINGS:

PH-1 Protest Hearing; Proposed Water and Sewer Rate Increases, Resolution No. 2008-41

Buffy Bullis, Finance Division Manager, reviewed the Staff Report.

In order to provide adequate funding for capital replacement projects, Staff proposed an increase to water and sewer rates for the 2008-2009 fiscal year.

The City Council approved an 8% increase for water service and a 6% increase for sewer service for the three year period covering fiscal years 2006-07 through 2008-09 in June of 2006. The respective rate increases were for each of the three years. This Public Hearing was being held to comply with the new requirements of Proposition 218. It was not a recommendation for the City Council to approve any additional rate increases.

If the rate increase was approved, \$200,000.00 in additional revenue would be collected per year in the Water Fund and \$42,000.00 in additional revenue would be collected per year in the Sewer Fund, which would provide funding for capital replacement projects.

PUBLIC HEARING OPENED: Mayor Hammond opened the Public Hearing.

Opposed

1 Cyrus Kemp, Monrovia

City Attorney Steele reported that there was no majority protest as only one speaker spoke in protest, and there were no written protests

PUBLIC HEARING CLOSED: Mayor Hammond closed the Public Hearing as there was no one else who wished to speak for or against the matter

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to adopt Resolution No. 2008-41.

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

PH-2 Fiscal Year 2008-2009 Citywide Lighting and Landscaping Assessment Maintenance District, Resolution No. 2008-37

Mayor Hammond opened and continued this matter to the July 15, 2008 City Council Meeting due to a discrepancy in the assessment amount

PH-3 Fiscal Year 2008-2009 Park Maintenance Assessment District; Resolution No. 2008-38

Daniel Iwata, Operations Division Manager, reviewed the Staff Report.

A Public Hearing was necessary to conduct the annual review of the Park Maintenance Assessment District to confirm the assessment and the levying of the assessment. The Park Maintenance District provided funding for the maintenance of Canyon, Library, Recreation, Rotary, Olive Avenue, Julian Fisher, and Grand Avenue Parks. The recommended assessment for Fiscal Year 2008-2009 for a typical single family dwelling was \$10.29, an increase of \$0.39 from the Fiscal Year 2007-2008.

Mr. Iwata reported that no written testimony against the increase had been received.

PUBLIC HEARING OPENED: Mayor Hammond opened the Public Hearing

Opposed

1 Cyrus Kemp

PUBLIC HEARING CLOSED: Mayor Hammond closed the Public Hearing as there was no one else who wished to speak for or against the matter.

It was moved by Councilmember Lutz, seconded by Mayor Pro Tem Kirby, to adopt Resolution No. 2008-38.

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

PH-4 Amendment to Title 15 of the Monrovia Municipal Code, Adopting by Reference the 2008 Recommendations of the Director of California Department of Forestry and Fire Protection (Cal-Fire) as Designated on the Map Titled Monrovia Fire Hazard Severity Zone, dated July 1, 2008; Second Reading and Adoption of Ordinance No. 2008-06

Fire Chief Chris Donovan reviewed the Staff Report.

In accordance with Government Code 51175-89, the California Department of Forestry and Fire Protection (Cal-Fire) was directed to map areas of significant fire hazards. Originally mapped in 1985, the

Local Responsibility Area (LRA), of which the City of Monrovia was located within, was recently updated on an advanced mapping system.

The State produced the results and made recommendations to local governments (LRA) for adoption. Currently, the parcels north of Hillcrest were considered in the FHSZ. The State added new areas below Hillcrest Boulevard, incorporating a sporadic mix of parcels from Fifth Avenue to Mayflower Avenue. This additional area encompassed 150 homes. Those homeowners would voluntarily assess their own properties for fire hazards.

At its regular meeting of the Monrovia City Council held June 17, 2008, the Title of Ordinance No. 2008-06 was read, further reading was waived, and a Public Hearing was set for July 1, 2008.

Discussion ensued. Mayor Hammond expressed concern that fire insurance premiums would be increased in the future due to the inclusion of the 150 homes in the mapped fire area. After further discussion, which included the facts that insurance companies would use the State's Cal-Fire map whether or not the homes were included, and that if the City did not include the homes upon the State's recommendation to do so, the City might be liable, and the FEMA would not participate in the restoration of the homes in case of loss by fire.

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 Garcia, seconded by Mayor Pro Tem Kirby, to direct Staff to make it mandatory that the Fire Department assess the newly included homes for fire hazards, and to adopt Ordinance No. 2008-06.

ROLL CALL:
Ayes: Councilmembers Adams, Garcia, Lutz, Mayor Pro Tem Kirby
No: Mayor Hammond
Motion carried: 4-1

PH-5 Historic Landmark HL-123/Mills Act Contract MA-117 for the Property Located at 433 Highland Place, Clare and John Maher, Applicants, Resolution No. 2008-29

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

This 2,285 square foot Spanish Revival home was built in 1925 and had many distinct characteristics of Spanish Revival architecture including plaster walls, parapet roof with red tile cap, little eave overhang, and display niches. The home was on a raised lot with a one-car garage at street level and a climbing concrete stairway that led to a covered front porch. The house was in good condition as seen from public view so the set standards and conditions would be applied and monitored through the bi-annual review. The applicant also requested approval of a Mills Act Contract.

At its meeting of May 28, 2008, the Historic Preservation Commission determined that the house met Criteria #4 in that the house had several distinct characteristics of Spanish Revival architecture.

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 Mayor Pro Tem Kirby, seconded by Councilmember Lutz, to adopt Resolution No. 2008-29 designating the property at 433 Highland Place as Historic Landmark Number 123 and approve entering into a Mills Act Contract with the conditions of approval. There were no objections.

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

MRA CONVENE: Chairman Rob Hammond convened the Regular Meeting of July 1, 2008 of the Monrovia Redevelopment Agency Board of Directors at 8.58 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-Chairman Dan Kirby, and Chairman Rob Hammond

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

MRA CC-1 Unadopted Minutes of the June 17, 2008 Regular Meeting of the Monrovia Redevelopment Agency

MRA CC-2 Extension of the Exclusive Negotiating Agreement with Olson Urban Housing LLC, for a Six-Month Period for a Portion of the Station Square Study Area, Generally located East of Myrtle Avenue, North of Duarte Road, South of Pomona Avenue and West of Raymond Avenue: On November 15, 2005, the Agency Board granted authorization to enter into an initial Exclusive Negotiating Agreement (ENA) with the Developer for the purpose of studying the area designated as Station Square. Extending the negotiation period would provide the Agency and the Developer the opportunity to conduct further analyses to determine the feasibility of various site models. Based on the results of these studies, the decision whether to proceed to a Disposition and Development Agreement would be made. Specific deal points would be determined during the exclusive negotiating period, and made part of any ultimate development agreement.

PUBLIC HEARINGS/MEETINGS - None

MRA ADMINISTRATIVE REPORTS - None

MRA ADJOURNMENT: Chairman Hammond adjourned the Meeting at 8.59 P.M.

CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MFA CONVENE: President Rob Hammond convened the July 1, 2008 Meeting of the Monrovia Financing Authority Meeting at 8 59 P M.

MFA ROLL CALL: In attendance were Commissioners Adams, Garcia, Lutz, Vice-President Kirby, and President Hammond

MFA CONSENT CALENDAR:

It was moved by Commissioner Garcia, seconded by Vice-President Kirby, to approve the Consent Calendar. There were no objections.

The Consent Calendar consisted of the following Agenda item

MFA CC-1 Unadopted Minutes of the June 17, 2008 Meeting of the Monrovia Financing Authority

MFA PUBLIC HEARINGS/MEETINGS: None

MFA ADMINISTRATIVE REPORTS: None

MFA ADJOURNMENT: President Hammond adjourned the Meeting at 8 59 P M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:

RCC1 Mayor Hammond reported that:

(a) **Review of Emergency Vehicle Early Warning System (E-VIEWS) Project:** At Mayor Hammond's request, Police Captain Rick Miglia presented a comprehensive report on the Emergency Vehicle Early Warning System project. To help educate the public, Councilmember Garcia requested that a video be made and aired on K-GEM.

(b) He and City Manager Ochoa attended the Conference of Mayors in Miami recently. He reviewed the various sessions he attended.

(c) At the MTA Board meeting on June 26, 2008, the Board maneuvered in public to have the San Gabriel Valley residents support a 1/2 cent tax increase and, at the same time, did not vote to extend the Gold Line. He stated that John Fasana did a yeoman's job to try to get the 13 member board to vote. The matter was tabled until the November meeting.

(d) Fireworks were illegal in Monrovia; and that, compliments of the Monrovia Old Town Advisory Board, a fireworks show would be presented on Myrtle Avenue on the 4th of July.

RCC2 Mayor Pro Tem Kirby reported that.

(a) He had attended the Convention of the California Department of the Ladies Auxiliary of the Veterans of Foreign Wars on June 28, 2008, and presented Marilyn Vernon a Certificate of Recognition as outgoing President. He stated that she deserved all the accolades she received and that it had been an honor to have been there.

(b) He attended the Girl Scout Gold Awards on June 21, 2008 where the Girl Scouts who were recently recognized by the City Council were again recognized for their extraordinary efforts.

(c) He would be attending the Independent Cities Association Seminar at Rancho Bernardo in San Diego July 10-13, 2008.

(d) He requested that Staff prepare a report for the City Council on LED lights citywide to determine why they are flickering.

(e) The 4th of July Celebration would be held in Old Town on July 4, 2008.

RCC3 Councilmember Adams reported that:

(a) He requested that Staff return with a written policy requiring the city and agency to use their best effort to do business with Monrovia based companies and require that all firms doing business with the city or agency do the same. He noted that there was an unwritten rule that City keep as much of the City's business in Monrovia as possible.

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Kirby, to have Staff bring back no later than the first Meeting in August a written policy to require all Staff to make their best efforts to do business with companies in Monrovia, and that the City have a written policy to be given to companies it works with that required those businesses to make the same best efforts to do business with Monrovia businesses, if commercially feasible. Councilmember Lutz requested a friendly amendment that those companies not only look for businesses in Monrovia but look to the members of the Chamber of Commerce. Councilmember Adams and Mayor Pro Tem Kirby accepted the friendly amendment. There were no objections.

(b) **It was moved by Councilmember Adams, seconded by Councilmember Lutz, adding that the Chamber also be involved, which was accepted by Councilmember Adams, that Staff identify in writing all efforts made to use Monrovia companies on any bills paid to non-Monrovia companies and that each one paid to a non-Monrovia shall have this effort attached to the warrants describing what efforts had been done to keep that business in Monrovia. There were no objections.**

(c) **It was moved by Councilmember Adams that Staff maintain a list of companies that do not agree in advance to conform to this policy and that the City and Agency refuse to do business with these non-complying companies where it is legally permissible to do so. After discussion, Councilmember Adams withdrew his motion, with the caveat that the Council determine how successful items (a) and (b) were, and revisit the matter in the event (a) and (b) above did not solve the problem. He further explained that Public Work project bids were not included.**

RCC4 Councilmember Garcia reported that.

(a) He attended the League of California Cities' Housing and Economic Development Policy meeting on June 27, 2008 in Sacramento where they discussed AB32 and SB303, and the legislation still in SB375 that could impact every city in California. He explained the consequences of each. He stated that he hoped to have further information to report at the next City Council Meeting.

RCC5 Councilmember Lutz reported that

(a) At the June 16, 2008 Coalition meeting of the Air Resources Board, AB32 was discussed about how it would be addressed in the communities in meeting the requirement to reduce green house gases. She reported that the Attorney General was suing another county for non-compliance.

(b) She attended the farewell party last Friday and congratulated Angie Havens of the Monrovia Aquatics Swim Team who was now in Nebraska competing in the trials for the Olympics. Interested parties could track her trials on the City's website.

(c) She proclaimed on behalf of the Mayor and City Council the month of July, 2008 as "National Parks and Recreation Month."

REPORTS OF STAFF MEMBERS: There were none.

ADMINISTRATIVE REPORTS:**AR-1 Receive and File; Athens Annual Performance Review**

Heather Maloney, Management Analyst II, reviewed the Staff Report.

In accordance with its Residential Franchise Agreement, Athens Services was required to submit an Annual Report for the prior calendar year. City staff analyzed the Report, along with other surveys, to assess its performance and to determine if Athens Services satisfied the requirements of the Agreement. Their Annual Report was received by the Public Works Department on April 1, 2008.

According to Athens' 2007 Annual Report, there were 83 inquiries classified as valid concerns that were remedied in a timely manner versus 149 inquiries received in 2006, in addition, the City's complaints/service requests from residents decreased.

On three separate occasions, abandoned bulky items were not picked up within the required 72 hour period. Staff would continue working with Athens to ensure that these items were picked up within 72 hours. According to Athens' 2007 Annual Residential Franchise Agreement Report, the diversion rate was 36.87% for all residential units and City facilities, versus 38.18% in 2006. The single-family diversion rate was 37.52% in 2007, down from 38.33% in 2006. The 2007 single-family recycling set-out rate was 71.12%, up from 70.31% in 2006. Athens continued to successfully increase their recycling participation. For 2007, Athens received preliminary numbers of 49.97% diversion, however, the official numbers had not yet been released by the Commerce facility. These preliminary numbers were down from 2006. Athens Services satisfied the elements required to demonstrate a "good faith effort" in the Residential Contract. In addition to increasing overall diversion rates, Athens did a satisfactory job resolving customer service issues quickly and effectively.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to approve receive and file Athens Services' Annual Performance Review for Calendar Year 2007. There were no objections.

AR-2 Athens Service Rate Adjustments for the Collection of Residential Solid Waste, Pursuant to the Exclusive Residential Solid Waste Franchise Agreement, Resolution No. 2008-40

This matter was continued to the July 15, 2008 City Council Meeting due to a discrepancy in rate amount.

SCHEDULED MEETINGS

Mayor Hammond noted that the next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, July 15, 2008, 7.30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, and that the August 19, 2008 City Council Meeting had been cancelled.

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: None

ADJOURNMENT TO CLOSED SESSION: At 10:00 P.M., Mayor Hammond announced that the following items would be discussed in Closed Session, and that the City Council would return to Council

Chambers to announce the results and adjourn in memory of Ray Bartlett, Father former Mayor Bob Bartlett, and Greg Zook, long-time Monrovia business man.

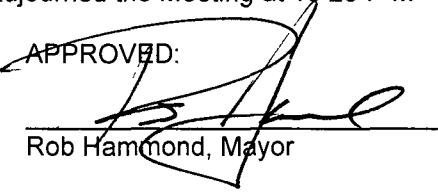
ACS-1 Conference with Labor Negotiator pursuant to Government Code §54957.6; Agency Negotiator: Theresa St. Peter, Group Employees: Police

RECONVENE AND REPORT OF CLOSED SESSION: At 10.25 P M , City Attorney Steele reported that there was no reportable action taken

RCS-1 Conference with Labor Negotiator pursuant to Government Code §54957.6; Agency Negotiator: Theresa St. Peter, Group Employees: Police


ADJOURNMENT: Mayor Hammond adjourned the Meeting at 10 25 P M

APPROVED:



Rob Hammond, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk