

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JUNE 15, 2010, 7:30 P.M.**

CONVENE: Mayor Mary Ann Lutz convened the Regular Meeting of the Monróvia City Council of Tuesday, June 15, 2010, at 7:32 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of Phoenix Liam Ware-Ramirez born February 20, 2010, to Georgina Ware-Ramirez and Kevin Ramirez, preceded by a Closed Session, 7:00 P.M., at which all City Councilmembers were present (City Attorney Steele abstained due to representation by his firm Richards Watson & Gershon of the Gold Line Construction Authority). In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

INVOCATION: Pastor Dorothy Scott gave the Invocation.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Adams led the Pledge of Allegiance.

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

PRESENTATIONS/PROCLAMATIONS: None.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September.

ORDER OF BUSINESS: City Manager Ochoa stated that there were no changes to the order of business.

CONSENT CALENDAR: Mayor Pro Tem Adams requested that item CC-5 be pulled for discussion; Mayor Lutz requested that item CC-13 be pulled for discussion. It was moved by Councilmember Shevlin, seconded by Councilmember Shaw, to approve Consent Calendar items CC-1 through CC-4 and CC-6 through CC-12. There were no objections. The Consent Calendar consisted of the following Agenda items:

CC-1 Unadopted Minutes of the June 1, 2010, Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 12 in the Amount of \$518,568.81 and Voucher Nos. 165359 through 165574 in the Amount of \$1,353,309.19

CC-3 Reciprocal Agreement between the Franchise Tax Board and the City of Monrovia to Exchange Tax Data Specific to City Business License Information for Tax Administration Purposes, Agreement No. C1000058: This data exchange program began as the result of the enactment of Senate Bill (SB) 1146 on September 26, 2008. SB 1146 required cities that assess a city business tax or required a city business license to annually furnish specified information upon request to the Franchise Tax Board (FTB). It also authorized cities to enter into a reciprocal agreement with FTB to exchange data between the City and the FTB. The data exchange would enable both parties to identify any non-compliant businesses.

Staff recommended that the City Council authorize the City Manager to execute Reciprocal Agreement No. C1000058 between the Franchise Tax Board and the City of Monrovia.

CC-4 2010-11 Gann Appropriations Limit, Resolution No. 2010-27: In November of 1979, Proposition 4, commonly referred to as the "Gann Initiative", was adopted by California voters. The Initiative established constitutional spending limits allowable for California governmental agencies. According to the Revenue and Taxation Code, Section 7910, each local government must establish its appropriations limit by resolution each year at a regularly scheduled meeting or a noticed special meeting.

Staff calculated the Gann Limit using the growth in non-residential assessed valuation due to new construction and the City's population growth rate. The 2010-11 Appropriations Limit was \$59,295,469.00. Appropriations subject to the limitation for 2010-11 totaled \$23,967,523.00, which was \$35,327,946.00 less than the allowable limit.

The specific calculations and backup materials were available to the public at the City Clerk's Office and in the Administrative Services Department. Any challenge of the adopted spending limit had to be made within 45 days of the effective date of the resolution. Adoption of the resolution on June 15, 2010, would give the public until July 30, 2010, to challenge the calculations.

Staff recommended that the City Council Adopt Resolution No. 2010-27.

CC-5 Amendment No. 1 to the Agreement with Southland Transit, Inc., in the Amount of \$1,035,370.08 for the Operation of Monrovia Transit dial-a-Ride and the Old Town Trolley for the Period from July 1, 2010 to June 30, 2011: This item was pulled from the Consent Calendar for consideration following Administrative Reports, below.

CC-6 Agreement with Foothill Transit for the Provision of Administrative Services for the Period from July 1, 2010 to June 30, 2015 in the Amount of \$11,368.00 for the First Year: Foothill Transit had provided technical assistance in administering Monrovia Transit since 1993, providing an important service for the City. They monitored the contractor's operation of the system in terms of dispatching, vehicle maintenance, training and other operational aspects of the service. They also furnished the City with a quarterly report of the service including a vehicle inspection report on each vehicle. The current agreement expired on June 30, 2010.

The total agreement for services would be \$11,368 for the first year; future years would correlate with increases in the CPI. The contract was paid for with Proposition A Local Return Funds.

Staff recommended approval of the Foothill Transit Administrative Services Agreement for the period July 1, 2010 to June 30, 2015.

CC-7 Agreement with Los Angeles County for the Provision of General Public Paratransit Service to County Residents for the Period from July 1, 2010 to June 30, 2012: Under an agreement with Los Angeles County, the City of Monrovia had been providing general public dial-a-ride service to residents in the unincorporated "County Islands" to the south of the City since 1994. Staff renegotiated the terms of the contract on a regular basis to ensure that all costs of service attributed to transporting County residents were covered.

The proposed renewal of the agreement was based on an equitable method to distribute the cost of the service. The County's portion equated to their share of the cost of service plus a portion of the City's administrative costs based on their ridership. The proposed two-year agreement covered the period of July 1, 2010 to June 30, 2012.

Staff recommended approval of the agreement with Los Angeles County to provide Dial-a-Ride services on Monrovia Transit for the designated County unincorporated area south of the City for the period July 1, 2010 to June 30, 2012.

CC-8 Increase Rate Offset for the Discount Bus Pass Program: The City received funds under AB2766 to implement and fund programs to reduce air pollution from motor vehicles. The Discount Bus Pass Program was one of the current programs supported with Air Quality Funds which provided subsidized bus passes to Monrovia residents. Currently, the City provided discounted monthly Metro and Foothill Transit passes to qualified Monrovia residents.

In order to help close a budget shortfall, the Foothill Transit Governing Board recently voted to increase cash fares and the cost of monthly passes. The increase went into effect on June 27, 2010. Based on this increase, staff was proposing to increase the subsidy of Foothill Transit passes that would keep the price of the passes paid by Monrovia residents the same as they were.

Staff recommended approval of the increase in subsidy for Foothill Transit monthly passes.

CC-9 Award of Contract for Publication of Legal Advertisements to Beacon Media, Inc., for the Period Ending June 30, 2011: On May 17 2010, a request for proposal (RFP) was published and a bid package was sent to the Pasadena Star News, Mountain Views Monrovia, and Beacon Media, Inc., (The Monrovia Weekly). On June 8, 2010, one bid was received from Beacon Media, Inc., by the City Clerk and opened accordingly. Pasadena Star News and Mountain Views newspaper did not respond.

Beacon Media submitted a bid for \$.35 per line per column, 1.57 inch column for a cost of \$4.50 per inch per column. The legal advertisement was priced at \$16.10. Lead time for publication was two days prior to either of their Monday and Thursday editions. Staff had been satisfied with their service and recommended awarding a contract to Beacon Media, Inc.

CC-10 One-Year Extension of Legislative Advocacy Agreement with David Turch & Associates, Inc., for the Period July 1, 2010 Through June 30, 2011, in the Amount of \$48,000.00: In December 2009, the City Council voted to hire David Turch & Associates as the City's federal lobbyist. During their employment with the City, they had developed a legislative strategy with City of Monrovia officials to participate in the federal authorization and appropriations process.

David Turch & Associates actively notified City Staff of all grant funding opportunities which applied to Monrovia's needs. Their staff was very involved and extremely helpful in processing Monrovia's Fiscal Year 2011 appropriations requests. Unfortunately, in 2010, representatives in Washington D.C. voted to ban all Fiscal Year 2011 earmark distributions. Although local governments were denied funds through the appropriations process, Staff felt that these revenue opportunities would return in some form and that David Turch & Associates would be a strong partner throughout the process.

The amount of the proposed contract extension was incorporated into the Fiscal Year 2010-11 budget. Staff recommended approval of a one-year extension of legislative advocacy agreement ending June 30, 2010, with David Turch & Associates, and authorization for the City Manager to execute the agreement.

CC-11 Third Amendment to the Agreement for Code Enforcement Legal Services between the City of Monrovia and Dapeer, Rosenblit & Litvak, LLP; Seven Rosenblit, City Prosecutor: The law firm of Dapeer, Rosenblit & Litvak (DR&L) had been providing Code Enforcement legal services to the City of Monrovia since April 2001. DR&L specialized in all aspects of municipal code enforcement. In July 2006, a second amendment to the agreement was approved providing an appropriate cost adjustment to the rate for DR&L general code enforcement legal services.

This third amendment to the agreement between DR&L and the City would provide an appropriate increase in the cost for DR&L general code enforcement legal services given their excellent level of service provided to date and continued expertise in the area of municipal code enforcement.

Staff recommended approving the third amendment to the Agreement with Dapeer, Rosenblit & Litvak, LLP, and authorizing the City Manager to execute the necessary documents.

CC-12 Primrose Avenue Street Slurry Seal, Project No. C-3044; Acceptance of Work, Approval of Change Order, Notice of Completion and Release of Retention in the Amount of \$15,999.96 to Copp Contracting, Inc., for a Total Contract Amount of \$159,999.63: The City received approval for funding for this project on March 16, 2010. On May 4, 2010, the City Council awarded the street resurfacing contract to Copp Contracting, Inc., in the amount of \$125,525.00. Construction started on May 5, 2010, and work was completed on June 11, 2010.

Based on the actual quantities constructed in accordance with the bid schedule, there was an increase of quantities, hence, an increase in the amount of \$5,474.63 from the original contract amount. During the course of construction, it was determined that the northern portion of Primrose Avenue from Hillcrest Boulevard to Scenic Drive could be rehabilitated by crack sealing and application of slurry seal in the amount of \$29,000.00. The total amount of the two change orders was \$34,474.63, for a total contract amount of \$159,999.63.

Staff recommended that the City Council accept the work as completed, approve the change order, direct the City Clerk to file the Notice of Completion, and authorize the release of retention in the amount of \$15,999.96 to Copp Contract, Inc., for the Primrose Avenue Street Slurry Seal, Project No. C-3044.

CC-13 Amendment of Franchise Agreement with Family Festival Productions, Inc.: This item was pulled from the Consent Calendar for consideration following Administrative Reports, below.

PUBLIC INPUT:

1. Ashley Cumming, Muscular Dystrophy Association
2. Dave Rapp, President, Monrovia Firefighters Association
3. Pam Fitzpatrick, Old Town Merchants

4. Mary Bourne, Monrovia
5. Kristi Lopez, Field Representative, Assemblymember Anthony Portantino
6. Dorothy Scott, Monrovia Arcadia Ministerial Association

PUBLIC HEARINGS/MEETINGS:**PH-1 General Plan Amendment GPA2010-03, Resolution No. 2010-19; and Zone Changes ZC2010-03 and ZC2010-04, Introduction and First Reading of Ordinance No. 2010-07; Changing the General Plan and Zoning Designations on Two city-owned Parcels from Residential Foothill (RF) to Hillside Wilderness Preserve (HWP); City of Monrovia, applicant**

City Attorney Steele explained that previous decisions made involved conflicts of interest for some Councilmembers due to the proximity of property they owned relative to the boundaries of the Wilderness Preserve. The decision this evening involved two specific properties being added to the Preserve, and for the purpose of conflict of interest regulations it was only those two specific properties that were subject to decisions. In an abundance of caution, the Planning Department mapped the specific properties in relation to property owned by the Councilmembers in the area and it was determined that Councilmember Garcia, Mayor Pro Tem Adams, and Mayor Lutz all owned property outside the 500 foot radius; as such, there was no conflict of interest with any of the Councilmembers with respect to this item.

Craig Jimenez, Principal Planner, reviewed the Staff Report.

Since the passage of Measures A and B in 2000, the City actively pursued the acquisition of vacant hillside property as well as looked for various additional funding opportunities. This resulted in the acquisition of over 552 acres of hillside land. Currently, the City of Monrovia owned 1,416 acres of hillside property (excluding property within the Angeles National Forest).

The City acquired two properties for the Monrovia Hillside Wilderness Preserve through the County's tax default program. A General Plan Amendment and Zone Change were proposed to change the land use and zoning designations of these two City-owned properties to Hillside Wilderness Preserve.

The first property was a small 2,070 square foot unimproved remnant lot adjacent to the City's Hillside Wilderness Preserve. The parcel (APN 8501-008-901) was to the west of 45 Hidden Valley Road. The current Land Use designation in the General Plan was Residential Foothill. The property was zoned RF.

The other property was a 16,550 square foot unimproved lot adjacent to the City's Hillside Wilderness Preserve. The parcel (APN 8523-004-901) was accessed from a pre-existing private way off of Norumbega Drive west of Bradoaks Drive and was commonly referred to as the "March" property. The property was to the north of 781 Norumbega Drive and was also adjacent to the Monrovia Hillside Wilderness Preserve. The current Land Use designation in the General Plan was Residential Foothill. The property was zoned RF.

Based on the subject properties' location and adjacency to the Hillside Wilderness Preserve, Staff recommended that the Land Use Designation in the General Plan be changed from Residential Foothill (RF) to Hillside Wilderness Preserve (HWP). To be consistent with the General Plan, Staff also recommended that the zoning of the property be changed from RF to HWP.

The proposed General Plan Amendment and zone changes were reviewed by the Planning Commission at a public hearing on May 12, 2010. At the close of the Public Hearing, the Planning Commission voted to recommend approval of the General Plan Amendment and zone change for the two properties. Staff concurred with the Planning Commission recommendation.

Mayor Lutz opened and closed the Public Hearing as there was no one present who wished to speak for or against the matter.

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shevlin, to adopt Resolution No. 2010-19; and to introduce, read by title only and waive further reading of Ordinance No. 2010-07. There were no objections and the motion carried.

City Attorney Steele read the title of Ordinance No. 2010-07 as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING) SECTION 17.04.040, THE OFFICIAL ZONING MAP, OF THE MONROVIA MUNICIPAL CODE TO CHANGE THE ZONE DESIGNATION ON TWO CITY OWNED PROPERTIES TO HILLSIDE WILDERNESS PRESERVE.

PH-2 General Plan Amendment GPA2010-02, Resolution No. 2010-18; and Zone Change ZC2010-02, Introduction and First Reading of Ordinance No. 2010-06; Changing the General Plan and Zoning Designations at 1116 to 1128 South Magnolia Avenue and 239 West Cypress Avenue from Retail Commercial Corridor (RCC) to Residential Medium Density (RM3500); Bowden Development, Applicant

City Attorney Steele explained that three Councilmembers had a potential conflict of interest related to PH-2 and PH-3; Councilmember Garcia and Mayor Pro Tem Adams due to a business relationship with the application, and Councilmember Shevlin due to a client relationship between the applicant and her employer. Because of the potential conflicts of interest, and because of the applications being legislative in nature, there was no other body of the City that could make the decision. In accordance with the Rule of Legally Required Participation, the affected Councilmembers drew straws prepared by the City Attorney. Councilmember Shevlin drew the shortest straw; Councilmember Garcia and Mayor Pro Tem Adams were excused and exited Council Chambers at 8:00 P.M.

Steve Sizemore, Planning Division Manager, reviewed the Staff Report.

In 2008, the City Council approved a City initiated request to amend the General Plan and zone changes that affected several areas in the City including the four parcels located at the northeast corner of Magnolia and Cypress Avenues. Prior to those amendments, these four parcels were zoned RM3500 (Residential Medium Density) and CRS (Commercial-Regional/Subregional). The 2008 amendments changed them all to RCC (Regional Commercial Corridor).

The four properties were located at 1116 to 1128 South Magnolia Avenue and 239 West Cypress Avenue. They measured 32,668 square feet and were currently improved with uses that included residential and a parking lot. Surrounding uses included the Rite Aid/Ranch Market Center to the west, residential medium density housing to the east and south and high density housing to the southwest. Zoning to the north was RCC (Regional Commercial Corridor) but the parcel immediately to the north was developed with a 6 unit multi-residential building. The Pottery Ranch was located directly to the north of that multi-residential parcel.

Prior to the zone change that occurred in 2008, there existed inconsistent zoning along with dual zoning of one parcel. The proposal to rezone the parcels, to Residential Medium Density (RM3500) would provide consistency with properties to the south, southwest and east and would allow development of the parcels for multi-family units.

The applicant requested this general plan amendment and zone change to develop a seven-unit planned unit development. The owners of the parcel that was located at the corner of Magnolia and Cypress Avenues (1128 South Magnolia Avenue) chose not to be consolidated into the proposed tract map development. The rezoning of their property, though, would bring the residential use of the property into conformity with the zoning.

The Planning Division and staff recommend approval of the General Plan Amendment and Zone Change.

Mayor Lutz opened the Public Hearing.

Speaking in favor:

1. Richard Tipping, Bowden Development

Speaking in opposition:

None

Mayor Lutz closed the Public Hearing.

It was moved by Councilmember Shaw, Seconded by Councilmember Shevlin, to adopt Resolution No. 2010-18; and to Introduce, read by title only and waive further reading of Ordinance No. 2010-06. There were no objections and the motion carried.

City Attorney Steele read the title of Ordinance No. 2010-06 as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING) SECTION 17.04.040 (OFFICIAL ZONING MAP) OF THE MONROVIA MUNICIPAL CODE TO REZONE THE PROPERTIES LOCATED AT 1116, 1122, AND 1128 SOUTH MAGNOLIA AVENUE AND 239 WEST CYPRESS AVENUE FROM REGIONAL COMMERCIAL CORRIDOR TO RESIDENTIAL MEDIUM DENSITY AND APPROVING AND ADOPTING A NEGATIVE DECLARATION RELATING THERETO PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Mayor Pro Tem Adams and Councilmember Garcia returned to Council Chambers at 8:10 P.M.

PH-3 Tentative Tract Map No. 71330, Conditional Use Permit CUP2010-09, and Variance V2010-03 to Construct a 7 Unit Planned Unit Development at 1116 and 1122 South Magnolia Avenue and 239 West Cypress Avenue; Bowden Development, Applicant

City Attorney Steele restated that because of the applications being legislative in nature, there was no other body of the City that could make the decision. In accordance with the Rule of Legally Required Participation, the affected Councilmembers drew straws prepared by the City Attorney. Mayor Pro Tem Adams drew the shortest straw; Councilmembers Garcia and Shevlin were excused and exited Council Chambers at 8:11 P.M.

Steve Sizemore, Planning Division Manager, reviewed the Staff Report.

Approval of this residential project was contingent on City Council approval of a Zone Change and General Plan Amendment changing the RCC (Regional Commercial Corridor) designation to the RM3500 (Residential Medium Density) designation. The site was a consolidation of 3 lots that created an "L" shaped configuration that surrounded the corner lot on the northeast corner of Magnolia and Cypress Avenues. The corner lot was improved with a single-family residence that would remain and would not be part of the project. However, it was included in the proposed designation change to RM3500.

The Mediterranean style 7-unit Planned Unit Development (PUD) would be served by a 20' wide driveway that extended from street to street (Cypress to Magnolia). The site plan indicated that there would be one unit facing Cypress, two units facing Magnolia and four interior units facing the driveway. Each unit had an attached 2-car garage and there would be four guest spaces provided along the north and east sides of the project. The 1,500 square foot units all had one bedroom and a ½ bath downstairs, and 3 bedrooms and 2 bathrooms upstairs.

A variance was requested to encroach 4'-9" into the required front yard setback of 32'-9" based on block average. Because this project surrounded the remaining corner lot that was improved with a residence that faced Magnolia, a larger side yard setback (20' in lieu of 10') on Magnolia was provided to help offset the impact of the new 2-story construction. The proposed setbacks on both streets provided for a balanced site and surround the corner lot with less intrusion than if it met setback standards.

On May 12, 2010, the Planning Commission recommended approval of the project subject to the City Council approving the Zone Change and General Plan Amendment.

Mayor Lutz opened the Public Hearing.

Speaking in favor:

1. Richard Tipping, Bowden Development

Speaking in opposition:

None

Mayor Lutz closed the Public Hearing.

It was moved by Mayor Pro Tem Adams, Seconded by Councilmember Shaw, to approve Tentative Tract Map No. 71330, Conditional Use Permit CUP2010-09, and Variance V2010-03. There were no objections and the motion carried.

Councilmembers Garcia and Shevlin returned to Council Chambers at 8:26 P.M.

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

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of June 15, 2010, of the Monrovia Redevelopment Agency Board of Directors at 8:26 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

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

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

MRA CC-1 Unadopted Minutes of the June 1, 2010, Regular Meeting of the Monrovia Redevelopment Agency

MRA PUBLIC HEARINGS/MEETINGS: None.

MRA ADMINISTRATIVE REPORTS:

MRA AR-1 Adoption of 2010-11 Fiscal Year Budget, Resolution No. 2-2010

Mark Alvarado, Director of Finance, reviewed the Staff Report.

Based upon the status of the Redevelopment Agency's four funds, they were all projected to end each fiscal year with a positive fund balance. The Agency had two debt service bond funds. The first one, the Debt Service Fund, accounted for the 1998B Refunding Bonds, the 2002 Taxable Tax Allocation Refunding Bonds, the 2003 Taxable Tax Allocation Refunding Bonds, the 2006A & B Taxable and Tax Allocation Bonds, the 2007A & B Taxable and Tax Allocation Bonds, and the 2008 Tax Allocation Notes. The second debt service fund was the Lease Revenue Bonds Fund, which accounted for the 1993A Lease Revenue Bonds.

The projected tax increment revenue (property tax) to be received would be sufficient to pay all current debt service payments due on the above mentioned debt obligations. The Affordable Housing Fund was mandated by law to now receive 25% of every tax increment dollar received by the Agency. The Housing Fund was projected to receive approximately \$2M in tax increment revenue in the budget year. \$725,000 of this revenue was earmarked for debt service obligations. The remaining revenue was available for operating expenditures and affordable housing projects.

The Monrovia Area Partnership (MAP) program would again be a key focus for Staff during the upcoming budget period. The MAP program was originally scheduled to be a three year program (2006-07 through 2008-09), but with its success, budgeted appropriations would continue in the future.

Lastly, the Economic Development Fund was scheduled to move forward with many projects. A partial listing included Fifth Avenue & Huntington Drive and Station Square. Any land sales proceeds received by the Agency would be earmarked towards public improvements in and around the area, along with other key areas around downtown.

The Agency would meet all debt service obligations for the 2010-11 budget period.

It was moved by Vice Chairman Adams, seconded by Boardmember Garcia, to adopt Resolution No. 2-2010:

ROLL CALL: Ayes: Boardmembers Garcia, Shaw, Shevlin, Vice Chairman Adams, and Chairman Lutz
Motion carried: 5-0

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 8:32 P.M.

**CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT
ADJOURNING CITY COUNCIL MEETING**

MFA CONVENE President Lutz convened the Meeting of June 15, 2010, of the Monrovia Financing Authority at 8:32 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

MFA ROLL CALL Commissioners Garcia, Shaw, Shevlin, Vice-President Adams, and President Lutz

MFA CONSENT CALENDAR: It was moved by Vice-President Adams, seconded by Commissioner Shevlin, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following item.

MFA CC-1 Adoption of Fiscal Year 2010-11 Budget, Resolution No. A2010-01: In 1996, the City created, through a joint powers authority, the Monrovia Financing Authority (MFA). This was done in order to successfully refinance an obligation of the Water Fund. Part of the refinancing was based upon issuance of debt through the Monrovia Financing Authority. At the time, the MFA was required to pay the annual debt, per the refinancing agreement.

During the 2004-05 fiscal year the outstanding debt was refinanced through Citizens Business Bank ("bank"). This was done to reduce the interest rate, which in turn had saved the City approximately \$45,000 in interest expense. The refinancing was done directly between the bank and the City of Monrovia. The debt balance at June 30, 2010 would be \$224,924. The debt service payments were now accounted for in the Water Fund. Therefore, there would be no budgeted activity in the Monrovia Financing Authority for the 2010-11 budget period.

MFA PUBLIC HEARINGS/MEETINGS

None

MFA ADMINISTRATIVE REPORTS

None

MFA ADJOURNMENT President Lutz adjourned the Meeting at 8:32 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING**REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES**

RCC1 Mayor Lutz reported that:

(a) **Appointment of Community Service, Historic Preservation, and Planning Commissioners, Library and Monrovia Old Town Advisory Board Boardmembers.**

It was moved by Councilmember Garcia, seconded by Councilmember Shevlin, to make the following appointments: to the Planning Commission, the reappointment of Glen Owens and the appointment of Larry Spicer for a term of three years; to the Historic Preservation Commission, the reappointment of Scott Austin and Penny Zuk for a term of three years; to the Community Services Commission, the reappointment of Brian Ulm and Gloria Crudginton, and the appointment of Jeffery Johnson to the Commission for a term of three years, and the reappointment of Tom Gerfen to an unexpired term of one year, filling the vacancy created by the resignation of Commissioner Paul Larsen; to the Library Board, the reappointment of Andy Bencosme and the appointment of Kristin McClure and Eric Mozillo to the Board for a term of three years; to the Monrovia Old Town Advisory Board (MOTAB), the reappointment of George Algarin and the appointment of Vanessa de la Riva and James Read to the board for a term of two years. There were no objections and the motion carried.

(b) **Fourth of July Events Update.** Dan Bell, Management Analyst I, reviewed the events planned by the City and the Old Town Merchants for the Fourth of July weekend.

(c) She asked April Soash, Director of Community Services, to give an update on events at the Library.

(d) She attended the U.S. Conference of Mayors the previous week and was very impressed with Oklahoma City; there were great opportunities to learn from what they were doing. She reviewed many of the topics from the conference and stated that she'd returned with a lot of information to pass along to Staff and her fellow Councilmembers.

RCC2 Mayor Pro Tem Adams had no report at this time.

RCC3 Councilmember Garcia reported that:

- (a) He would be attending a presentation at The Paragon recognizing the public art that was installed on behalf of the development, and invited his fellow Councilmembers and anyone who was interested to attend.
- (b) He announced that the graduation ceremony for Monrovia High School would be held at Citrus College that Thursday and congratulated all of the graduates.
- (c) He represented the National League of Cities in Garland, Texas, as the First Tier Suburbs Council Vice Chair and toured many of their transit oriented developments; he brought back good information that he would provide to Staff.

RCC4 Councilmember Shaw had no report at this time.

RCC5 Councilmember Shevlin reported that:

- (a) She reviewed upcoming events in the community.
- (b) She announced that the Library needed more literacy tutor volunteers and urged those who were interested to contact the Library for more information.
- (c) She requested that the item related to changing the date of the General Municipal Election be brought back for reconsideration. Councilmember Shaw and Mayor Lutz concurred and the item was scheduled for the July 6, 2010, Regular Meeting.

ADMINISTRATIVE REPORTS

AR-1 Amendment to Title 2 (Administration and Personnel) and Title 8 (Health and Safety) of the Monrovia Municipal Code Establishing a Shopping Cart Containment and Retrieval Program; Introduction and First Reading of Ordinance No. 2010-11; and Amendment to the Administrative Fine Schedule to include Shopping Cart Containment and Retrieval Violations, Resolution No. 2010-20

Sheila Spicer-Batice, Business Services Officer, reviewed the Staff Report.

Abandoned shopping carts along City public rights-of-ways and private property created blight and a hazard to the public. The City had approximately 23 stores that utilized shopping carts and four (4) with containment programs in place. Most of the larger stores had retrieval services in place, but in spite of that the City-paid retrieval contractor picked up an average of 331 carts each month.

Staff had reviewed the shopping cart ordinances of Glendale, Pasadena and Duarte and proposed a combination of a shopping cart containment and retention program. High and low tech containment plans would be reviewed and approved by the Development Review Committee and proof of a contract with a cart retrieval company would be required. Containment plans would need to be approved within six months and implemented within a year.

The combination of a containment and retrieval plan for shopping carts would place the responsibility for abandoned carts on businesses. The City would continue to pick up the carts through a shopping cart retrieval company but at a fraction of the cost.

Discussion ensued, including concerns of businesses being penalized for the actions of their customers, disposition of unmarked carts that cannot be attributed to a specific business, and the effectiveness of the cart retrieval vendors.

Public Input:
Genia Mills, Monrovia

It was moved by Councilmember Shaw, seconded by Councilmember Garcia, to introduce, read by title only and waive further reading of Ordinance No. 2010-11; bring back a status report in 6 months; and adopt Resolution No. 2010-20.

ROLL CALL: Ayes: Councilmembers Garcia, Shaw, Shevlin, and Mayor Lutz
Noes: Mayor Pro Tem Adams
Motion carried: 4-1

City Attorney Steele read the title of Ordinance No. 2010-11 as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING SECTION 2.56.030 OF TITLE 2 AND ADDING CHAPTER 8.13 OF TITLE 8 OF THE MONROVIA MUNICIPAL CODE

AR-2 Introduction of Measures Designed to Reduce Human vs. Wildlife Conflicts

Captain Jim Hunt reviewed the Staff Report.

At the January 5, 2010, City Council Meeting, Staff presented information on wildlife issues relative to reducing human vs. wildlife conflicts. Staff conducted research on measures employed by other agencies based on the needs of Monrovia as well as proven and effective measures employed by other communities with similar wildlife (bear) vs. human conflicts. City Council directed Staff to conduct further research into the matter and return at a later date to make recommendations for affirmative action for the City Council to consider.

As a result of increased wildlife vs. human conflicts in the Foothill areas of the community, the Monrovia Police Department provided recommendations for the use of bear-resistant trash containers, increased penalties for the intentional feeding of wildlife, and additional ways to increase public education on wildlife issues.

After discussion, it was moved by Councilmember Garcia, seconded by Councilmember Shaw, to direct Staff to draft a proposed ordinance to increase penalties for intentional feeding of wildlife; direct Staff to use the new enhanced Internet-based programs to provide additional education to the public on wildlife issues; and encourage residents to utilize optional bear-resistant containers and the service to unlock those containers at the curb during pickup provided by Athens Services. There were no objections and the motion carried.

AR-3 Athens Annual Performance Review

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

In accordance with their Residential Franchise Agreement (Agreement), Athens Services sas required to submit an Annual Report providing a comprehensive overview of their operations in Monrovia for the prior calendar year. Athens' Annual Report was received by the Public Works Department on February 23, 2010. An average of 4.4 complaints per month were received; up slightly from 3.16 complaints per month in 2008 and down from 5.25 complaints per month in 2007. Athens had been responsive in addressing the issues and worked with City staff to resolve issues in a timely manner.

On December 1, 2009, Athens delivered 8,857 green waste barrels, 8,816 solid waste and 8,047 recycling barrels to residential customers, increasing recycling waste and resulting in less tons disposed at the landfill. Also, all 5 service vehicles were replaced with Compressed Natural Gas (CNG) vehicles, meeting South Coast Air Quality Management Districts (SCAQMD) and California Air Resources Board (CARB) regulatory requirements.

The single-family diversion rate was 42.24% in 2009 compared 39.12% in 2008 and 37.52% in 2007. Athens diverted 50% of waste generated from multi-family units. Athens continued to provide free weekly Solid Waste, Green Waste and Recyclables collection services to the City at no additional charge. In 2009, Athens collected over 2,614 tons of refuse from City facilities, special events and special demolition/construction projects with 12.54% of waste diverted.

Pursuant to Section 4.2 (E) of the residential franchise agreement, the "collector shall sustain a good faith effort during the term of this Residential Agreement to divert not less than 50% of the City's residential waste stream from 'disposal.'" The City exceeded the city-wide AB 939 waste diversion requirements based on its most recent Annual Report to the Department of Resources, Recycling and Recovery (CalRecycle). This

report demonstrated that Athens Services had satisfied the Residential Contract's elements to demonstrate a "good faith effort."

Per the agreement terms, approval of a satisfactory Annual Performance Evaluation deemed Athens eligible for a standard rate adjustment.

After discussion, it was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to receive and file the Athens Annual Performance Review. There were no objections and the motion carried.

AR-4 Athens Service Rate Adjustments for the Collection of Residential Solid Waste, Pursuant to the Exclusive Residential Solid Waste Franchise Agreement, Resolution No. 2010-22; and First Amendment to the Exclusive Residential Solid Waste Franchise Agreement Adding a Bear Resistant Barrel Unlock Rate

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

Pursuant to the Exclusive Residential Franchise Agreement (Agreement), Athens Services was eligible for an annual rate adjustment conditioned on Athens' satisfactory performance of their contracted services in the prior year. Standard rate adjustments were based on the Consumer Price Index (CPI) change (1.91% increase from FY 08-09), Puente Hills Landfill disposal tipping fees (12.99% increase from FY 2008-09) and the Puente Hills Landfill green waste tipping fees (20.91% increase from FY 2008-09).

Athens Services submitted an Annual Service Rate Adjustments request to the City on May 28, 2010. The request included rate increases for standard and non-standard collection services and to add a new Bear Resistant Barrel Unlock service rate. Staff reviewed the Rate Adjustment Request and verified that the rates are commensurate with the Rate Adjustment formulas reflected in the Agreement. The proposed rates would be effective July 1, 2010. Standard Collection Service included weekly collection of 60 or 90 gallon containers, automated curbside recycling, green materials and trash collection. The proposed rates were \$15.23 for 60-gallon service and \$18.79 for 90-gallon service, up from \$12.70 and \$16.06, respectively.

The franchise fee for all services except multi-family service was 8% of the gross rate. Multi-family accounts were charged a per unit fee which was annually adjusted by CPI. The proposed service rate for Bear Resistant Barrels of \$5.25 (Basic Service \$4.85; Franchise Fee \$0.42) was based on additional costs for Athens to perform the service (time, overhead, vehicle idling, etc.). There was no fiscal impact to the City's general fund for this rate increase as all fees and payments were paid by residential rate payers.

After discussion, it was moved by Councilmember Garcia, seconded by Councilmember Shevlin, to adopt Resolution No. 2010-22 and approve the First Amendment to the Exclusive Residential Solid Waste Franchise Agreement Adding a Bear Resistant Barrel Unlock Rate.

ROLL CALL:
Ayes: Councilmembers Garcia, Shevlin, Mayor Pro Tem Adams, and Mayor Lutz
Noes: Councilmember Shaw
Motion carried: 4-1

AR-5 Adoption of 2010-11 Fiscal Year Budget, Resolution No. 2010-28, and 2010-11 Fees and Charges, Resolution No. 2010-29; and Amendment to Personnel Rules and Regulations to Provide for Compensation and Supplemental Benefits Effective Fiscal Year 2010-11 for General Employees, Appendix "B," Resolution No. 2010-30, for Mid-Management Employees, Appendix "H," Resolution No. 2010-31, and for Management Employees, Appendix "C," Resolution No. 2010-32

Mark Alvarado, Director of Finance, reviewed the Staff Report.

All City Council Priorities were reviewed and incorporated into this budget. The City Council decided to not change the order for the 2010-11 year. Fiscal responsibility remained the number one priority, followed by public safety.

A review of all fees and charges was also done as part of the budget process. Resolution 2010-29, illustrated the percentage of cost recovery for all fee based services provided by the City. A few of the fee based services

were proposed to increase by various percentages in order to more closely align with the full cost of providing the service.

The Appropriations by Fund schedule showed the budgeted total appropriations for all city funds for fiscal year 2010-11. All funds are projected to end the budget year with a positive fund balance. The total budgeted appropriations for the 2010-11 fiscal year was \$57,433,105.

In response to comments made earlier under Public Input, City Manager Ochoa explained in detail the "overhire" philosophy. Mayor Pro Tem Adams requested that item IV on the City Council Priorities be changed to reflect "resident" as opposed to "citizen," and requested that a letter be sent to the Monrovia's legislators asking them to stop taking funds from Monrovia.

After further discussion, it was moved by Mayor Pro Tem Adams, seconded by Councilmember Shevlin, to adopt Resolutions Nos. 2010-28 through 2010-32; and to send a letter to state legislators detailing how many people have had their jobs discontinued due to the continuous takeaways. Mayor Lutz requested that the letter also include a statement to the fact that the City of Monrovia balanced its budget on time.

ROLL CALL: Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Councilmember Mayor Lutz
Motion carried: 5-0

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED:

CC-5 Amendment No. 1 to the Agreement with Southland Transit, Inc., in the Amount of \$1,035,370.08 for the Operation of Monrovia Transit dial-a-Ride and the Old Town Trolley for the Period from July 1, 2010 to June 30, 2011

The City of Monrovia provided two transportation services: Monrovia Transit Dial-a-Ride and the Old Town Trolley. Southland Transit, Incorporated (Southland), had operated the City's transit programs since 2000 through two competitive bids; in 2000 and again in 2007. The term of the current contract was three years with two, one-year extensions. The first three-year term expired this year. Staff proposed that the City exercise its first one-year contract extension with Southland which would run from July 1, 2010, to June 30, 2011. Based on the provisions in the contract, an increase in the service rate was based on the change in the Consumer Price Index (CPI). Because the CPI did not increase last year, the service rate for both services would remain the same (\$43.92/hour).

Due to Southland's continued responsiveness to the community, Staff believed that granting a one-year extension was the best option for the City. This was based both on financial and service considerations.

The maximum cost of the proposed one-year extension of the agreement was \$1,035,370.08 based on the maximum number of hours that could be used for both services. However, with the anticipated actual service hours and projected revenues, the estimated cost to the City under the proposed agreement for both services would be \$470,272.00. These programs were funded with the City's Proposition A Local Return.

Staff recommended approval of the amendment to the agreement with Southland Transit, Inc.

Mayor Pro Tem Adams expressed dissatisfaction with the condition of the trolleys and was concerned that the contract didn't include maintenance of the equipment provided by the City. Mr. Jimenez explained defects in the gel-coat originally applied to the now 8-year old fiberglass. He stated that a local body shop had tried several approaches to restoring the trolleys as best they could. The costs were estimated at approximately \$6,500 to recondition each vehicle and \$1,500 to remove and reapply the graphics.

After discussion, it was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to approve an interim extension of the agreement with Southland Transit, Inc., for the operation of Monrovia Transit Dial-a-Ride and the Old Town Trolley and prepare a Request for Proposals.

CC-13 Amendment of Franchise Agreement with Family Festival Productions, Inc.

In late 2009, Staff and Family Festival Productions, Inc. (FFPI), began a comprehensive evaluation process of the Family Festival vendors, with an emphasis on quality control of the "craft goods" vendors. After much discussion with the Festival producer and many Old Town stakeholders, it was determined that the Festival had grown in a manner which was no longer acceptable, and in some cases was inconsistent with the franchise agreement.

Staff and FFPI conducted a walkthrough of the Festival. At the conclusion of the walkthrough, Staff discussed the vendors with FFPI and informed them that they must dismiss approximately 20 of the commercial vendors due to the quality and/or "non-hand crafted" profile of their products. After further review, FFPI removed an additional 22 vendors that did not meet the quality control guidelines—42 vendors were dismissed in total.

In addition to the vendor dismissals, Staff informed FFPI that the Festival footprint needed to return to the 2008 configuration--Myrtle Avenue from Lemon Avenue south to Walnut Avenue. This adjustment reduced the Festival to three blocks rather than the four blocks. Staff and FFPI agreed that these changes would need to be monitored to evaluate visitor attendance, vendor participation, and, of course the overall operational success of the Festival. Staff also informed FFPI that, after a review process, a franchise fee reduction agreement would be negotiated reflecting the scaling down of the Festival. In the wake of all these changes, Staff performed an evaluation of the reconfigured Festival.

Per the existing franchise agreement, FFPI was required to pay \$850 per weekly show. Staff recommended a reduced rate of \$425 per show until the end of FFPI'S current agreement (December 31st, 2011). This fee reduction would equitably allow Family Festival Productions, Inc., to operate efficiently despite the reduction in vendor related revenues. Staff would continue to monitor the Festival's activities and success.

Discussion ensued with Staff clarifying that the Sunday "Market in the Park" was a separate franchise currently operating on a week to week basis. Mayor Lutz thanked Staff and FFPI for their work in maintaining the quality of the event to match the contract.

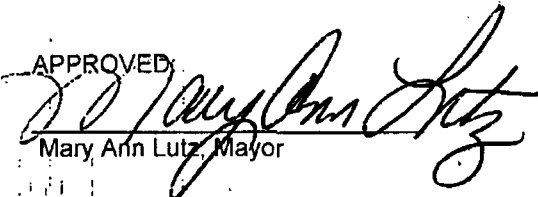
It was moved by Mayor Lutz, seconded by Councilmember Garcia, to approve the amendment with Family Festival Productions. There were no objections and the motion carried.

SCHEDULED MEETINGS


The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, July 6, 2010, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

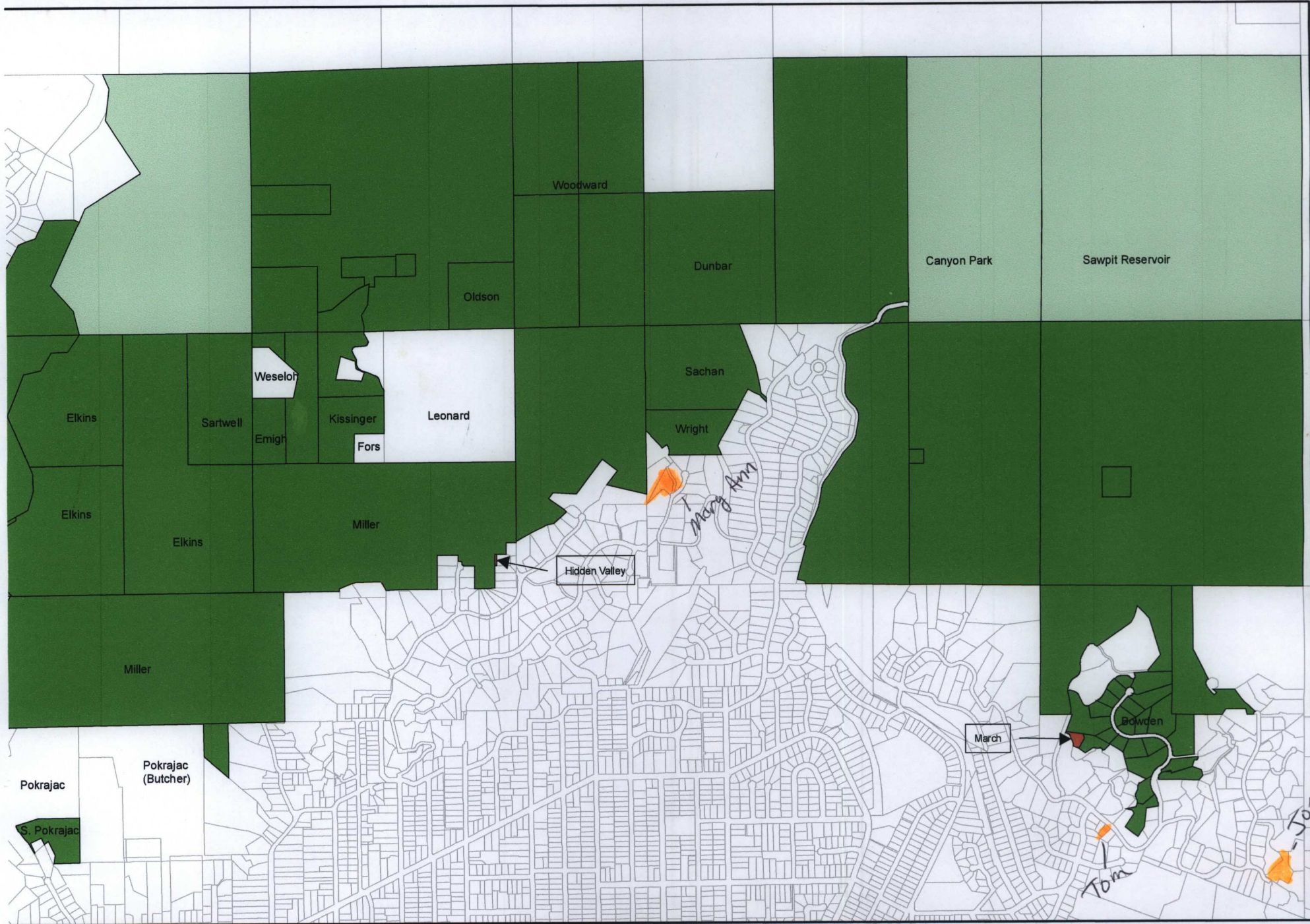
ADJOURNMENT: At 11:32 P.M. Mayor Lutz adjourned the Meeting in memory of Mary Sue Gahagan, mother of City Hall employee Nancy Boyle.

APPROVED:


Mary Ann Lutz, Mayor

ATTEST:


Alice D. Atkins, CMC, City Clerk



- Subject Properties
- Hillside Wilderness Preserve
- Hillside Recreation
- Parcels

City of Monrovia
 Hillside Properties
 Community Development Department
 Planning Division

