

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, DECEMBER 15, 2009, 7:30 P.M.**

CONVENE: Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, December 15, 2009, at 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, 5 30 P M to 7 00 P M (at which all City Councilmembers were in attendance) In attendance were City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Alice D Atkins

INVOCATION: Pastor Dick Sullender gave the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember Clarence R Shaw led the Flag Salute

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

REPORT OF CLOSED SESSION

RCS-1 Conference with Legal Counsel, Existing Litigation Pursuant to Government Code §54956 9, Tomovich and Associates vs City of Monrovia, BC408732

RCS-2 Conference with Labor Negotiator Pursuant to Government Code §54957 6, City Negotiator Theresa St Peter, All Groups

RCS-3 Conference with Legal Counsel, Liability Claims Pursuant to Government Code §54956.95, Workers Compensation Claim, Sergio Bostick vs. City of Monrovia ANA 0396153

RCS-4 Conference with Real Property Negotiator Pursuant to Government Code §54956 8, 475 E Duarte Road, 1616 S California, and 1620 S. California, Agency Negotiators Scott Ochoa and Craig A Steele; Negotiating Parties Metro and Monrovia Redevelopment Agency, Under Negotiation Price and Terms of Payment

City Attorney Steele reported that information only was given and no reportable action was taken in Closed Session on any items

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Winners for the 2009 "Holiday Home Decorating Contest"

Community Services Commission Chair Brian Ulm and Recreation Supervisor Kerri Zessau were on hand to assist the Mayor and City Council in recognizing the winners of the 2009 Holiday Home Decorating Contest The annual home decorating contest was held on December 14, 2009 Community Services Commissioners, community members and Youth Commissioners judged decorated homes and selected winners in the following categories Best Still Display, Best Outdoor Display, Holiday Spirit, Best Decorated Indoor Tree, Best Decorated Outdoor Tree, Most Effective Use of Lighting a House, Children's Choice Award, Best Window Display, Snowman Award, Toyland Award, Best Neighborhood Effort, and the Tim McKeenan "Best of the Season Award "

The following item was taken out of order

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

RCC1 Mayor Lutz reported that

(a) California School Boards Association Golden Bell Award and CCS (Cities, Counties Schools) Partnership Award for the YES! Program: The Golden Bell Award was given by the California School Boards Association for exemplary K-12 programs in various curricular areas, including Partnerships and Collaboratives The YES! Program was a collaborative with the City, Schools, YMCA, Regional Occupational Program (R O P), and the Chamber of Commerce. In order to receive a Golden

Bell Award, applicants had to demonstrate that the program: 1) had made a difference for students, 2) was innovative or exemplary, 3) was connected to District Vision/Goals and Strategic Plan, and 4) was sustainable and replicable. The YES! Program met and exceeded all of these criteria. The program also received the Cities, Counties Schools (CCS) Partnership Award. The CCS Partnership was associated with the League of California Cities, California State Association of Counties, and the California School Boards Association.

Dr. Linda Wagner reported on the highlights of the awards ceremony, including the surprise CSS Partnership Award. Mayor Lutz acknowledged former Mayor Rob Hammond, the City Council, and City Manager Scott Ochoa for the conception of the program, and stated that it could not have been successful without the strong partners involved.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Savannah Spicer was excused.

ORDER OF BUSINESS: There were no changes to the order of business.

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

CC-1 Unadopted Minutes of the December 1, 2009 Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 25 in the Amount of \$605,016.65 and Voucher Nos. 162112 through 162342 in the Amount of \$1,218,438.19

CC-3 Approval of the 2010 Local Appointments List and Designation of the Monrovia Public Library to Receive a Copy of the List: The Legislature established 54970 et seq. of the Government Code, also known as "The Maddy Act," for the purpose of increasing public awareness of appointments to be made by any local government and providing local appointive powers access to a talent resource otherwise untapped. According to Government Code Section 54972, on or before December 31 of each year, each legislative body was required to prepare an Appointments List of all regular and ongoing boards, commissions and committees which were appointed by the legislative body of the local agency.

There were 13 anticipated open positions on the following boards and commissions: Planning Commission (2), Community Services Commission (3), Historic Preservation Commission (2), Library Board (3), and Monrovia Old Town Advisory Board (MOTAB) (3). The Local Appointments List has been prepared and is attached to the Staff Report. Staff recommended approval of the list and designation of the Monrovia Public Library to receive a copy of the list.

CC-4 Dissolution of California Cities Home Ownership Authority ("CCHOA") by Rescission of the Joint Powers Agreement Made on November 1, 1996; Resolution No. 2009-72: On November 1, 1996, the City of Monrovia entered into a Joint Powers Agreement with the Cities of Artesia, Bell Gardens, Covina, Compton, Cudahy, Hawaiian Gardens, Huntington Park, Maywood, Pasadena, Rancho Cucamonga, Santa Clarita, and Upland, and the County of San Bernardino (collectively the "member entities"), creating the California Cities Home Ownership Authority ("CCHOA").

CCHOA was formed to operate a lease-to-purchase homeownership program to assist qualified families and individuals to achieve home ownership in the jurisdictions of its member entities. In 1998 and then in 2001, CCHOA issued bonds (respectively, the "CCHOA-I Bonds" and the "CCHOA-II Bonds") and used the bond proceeds to finance two lease-to-purchase programs (respectively, the "CCHOA-I Program" and the "CCHOA-II Program"). In conjunction with these two programs, CCHOA formed two non-profit corporations: the California Cities Economic Assistance Corporation (the "CCHOA-I Corporation") and the California Cities Home Ownership Corporation (the "CCHOA-II Corporation").

With the conclusion of the activities of both CCHOA Programs and the dissolution of the CCHOA-I and II Corporations, it was no longer necessary to maintain the existence of CCHOA. A mutual rescission of the Joint Powers Agreement would operate to extinguish the contract between the parties.

CC-5 California Department of Transportation Master Agreement No. 07-5069R and Program Supplement Agreement No. N006 for Federal Aid in the amount of \$995,000.00 for Street

Resurfacing; Resolution No. 2009-73: State funds were available by the State of California Department of Transportation (Caltrans) on a matching basis to cities for such programs as street resurfacing. The City applied for and received authorization under the City's Street Resurfacing Program in which the following streets are to be resurfaced: Olive Avenue: Mayflower Avenue to west City limits, Walnut Avenue: Mayflower Avenue to west City limits, Myrtle Avenue to Shamrock Avenue, Myrtle Avenue to Mayflower Avenue, Grand Avenue: Greystone Avenue to Prospect Avenue, Cherry Avenue: California Avenue to Sherman Avenue; Sherman Avenue: Cypress Avenue to Los Angeles Avenue, Almond Avenue: California Avenue to Shamrock Avenue, El Nido Avenue: Foothill Boulevard to Hillcrest Boulevard, Duarte Road: Magnolia Avenue to Encino Avenue.

The State required the City adopt a Resolution authorizing a City official to sign the Agreement, and Staff requested the City Council authorize the Director of Public Works to execute the Agreement.

The total project amount was \$1,333,000.00, which included State funding in the amount of \$995,000.00 with the balance of \$338,000.00 available through Proposition 42 Funds.

CC-6 California Department of Transportation Program Supplement Agreement No.N007 for Federal Aid in the amount of \$161,000.00 for Installation of New and Modification of Existing Traffic Signals; Resolution No. 2009-74: State funds were available by the State of California Department of Transportation (Caltrans) on a matching basis to cities for such projects as new traffic signals including modifications of existing signals. The City had received funding for the Traffic Mitigation Measures of the Colorado Commons Development and Urban Housing Development.

The State required the City adopt a resolution authorizing a City official to sign the Agreement, and Staff requested the City Council authorize the Director of Public Works to execute the Agreement.

The total cost of the project was \$326,000.00, which included State funding in the amount of \$161,000.00 with a balance of \$165,000.00 available through Proposition 42 Funds.

PUBLIC INPUT:

- 1 Edgar Colin, Monrovia Youth Alliance
- 2 Pam Fitzpatrick, Monrovia
- 3 Gwendolyn Jones, Monrovia

At the request of Mayor Lutz, in response to comments received under Public Input, City Manager Ochoa reviewed the background of the current trolley service whose route was originally designed to bring office employees to Old Town for lunch. The trolleys were purchased through a Federal grant, and as it became necessary, Staff would seek additional grant funding for replacement. Staff would be researching the transit system in the spring. Currently, the City Council had not given direction to discontinue the trolley service.

PUBLIC HEARINGS/MEETINGS: There were none.

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

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of December 15, 2009, of the Monrovia Redevelopment Agency Board of Directors at 8.04 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

MRA ROLL CALL: Those in attendance were Boardmembers 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 Vice Chairman Adams, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following items:

MRA CC-1 Unadopted Minutes of the December 1, 2009 Regular Meeting of the Monrovia Redevelopment Agency

MRA CC-2 Annual Report of Financial Transactions to the State Controller, Fiscal Year 2008-2009: The California State Controller's Office required redevelopment agencies to submit an annual report of financial transactions and audit report each year. The Annual report included information regarding agency activities and financial transactions during the previous fiscal year. This report was to be completed and forwarded to the State Controller by December 31, 2009.

Staff recommended that the Agency Board approve the Annual Report of Financial Transactions to the State Controller and direct the Executive Director to execute the appropriate documents.

MRA PUBLIC HEARINGS/MEETINGS:

MRA PH-1 Joint Public Hearing; Financial Implications of State Assembly Bill 26 Establishing Redevelopment Agencies' Obligation to the State to Help Balance the State's 2009-10 Budget, City Council Resolution No. 2009-75 and Agency Resolution No 7-2009

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

Assembly Bill (AB) 26, passed in summer 2009, authorized the shift of revenues, which would be deposited in county "Supplemental" Educational Revenue Augmentation Funds ("SERAF") to be distributed to schools to meet the State's Prop 98 obligations to education. For the Monrovia Redevelopment Agency ("Agency"), the takeaway amounted to \$2 553 million for the current fiscal year and \$523,000 for fiscal year 2010-11.

As mentioned, the Agency was obligated to give the State \$2 553 million in 2009-10. The payment was due by May 10, 2010. If the Agency elected to make the payment, the Agency was required to report to the county auditor by March 1, 2010 how it intended to fund the payment (meaning to use redevelopment funds, housing funds, or borrow funds from the City).

The City Council also had the option of having the City lend the SERAF payment to the Agency. In this case, the Agency was required to repay the City from future property tax revenue. This option would put a strain on the City's cash flow for the 2010-11 fiscal year. Between now and May, 2010, staff would analyze the feasibility of short term borrowing options for the 2010-11 fiscal year.

Another option for the Redevelopment Agency was to defer making the required payment. To do this, the Agency Board and City Council were required to conduct a joint Public Hearing prior to December 31, 2009. The Public Hearing tonight, along with the attached resolutions, satisfied the requirement. But just as important, it did not bind the Agency to deferring the required payment. It gave the Agency the option to decide by May if the payment should be paid or deferred.

Another key factor in trying to comply with AB 26 was the recent lawsuit filed by the California Redevelopment Association (CRA) against the State of California. The State claimed that the current bill, AB 26, fixed the constitutional issues raised by the Superior Court in last year's case by directing redevelopment funds to schools and students within the boundaries of a redevelopment agency project area. The State claimed that funding schools within a redevelopment project area "furthered" the purpose of redevelopment. CRA and its attorneys believed that AB 26 was also unconstitutional on the same grounds upon which AB 1389 was successfully challenged. While taking the required steps as outlined in AB 26, CRA, on behalf of all redevelopment agencies, hoped to obtain a favorable court ruling by the time that any funds would have to be sent to the State (May 2010).

Thus, based on the pending court ruling, and for purposes of this public hearing, Staff recommended that the Agency signify its intention to defer making the required payment to the State for the fiscal year 2009-10.

PUBLIC HEARING OPEN AND CLOSED: Chairman Lutz opened and closed the Public Hearing as there was no one who wished to speak for or against the matter.

After discussion, it was moved by Vice Chairman Adams, seconded by Boardmember Shaw, to adopt Resolution Nos. 2009-75 and 7-2009. There were no objections.

MRA ADMINISTRATIVE REPORTS: None

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 8 28 P M

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

RCC1 Mayor Lutz reported that

(a) **California School Boards Association Golden Bell Award and CCS (Cities, Counties Schools) Partnership Award for the YES! Program:** This item was taken out of order following PRESENTATIONS above

(b) She thanked Community Services for a fabulous tree lighting, fountain initiation, and holiday parade, making special mention of Lisa Hansberger

(c) She wished everyone Happy Holidays, Merry Christmas, and a safe, healthy New Year

RCC2 Mayor Pro Tem Adams reported that:

(a) **Designating Retired Mayor Rob Hammond as Monrovia Mayor Emeritus.** Mayor Pro Tem Adams noted that former Mayor Rob Hammond originally served as a Commissioner, followed by six years on the City Council and then six years as Mayor, with clarity of purpose. He reviewed a list of some of Former Mayor Hammond's accomplishments and involvements, including, the Vietnam Memorial, the Monrovia Reads, Blue Star, Salute to Service, Monrovia Strings, and YES! programs, and installation of the handicap access ramp at the Monrovia Post Office

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to designate Retired Mayor Rob Hammond as Monrovia Mayor Emeritus.

PUBLIC INPUT

1 Pam Fitzpatrick, Monrovia, Opposed

Discussion ensued regarding what exactly the title conveyed and clarification that it was simply an honorary title, a testimonial of Former Mayor Hammond's accomplishments. Councilmembers Shevlin and Shaw expressed concerns about the perception of favoritism over other accomplished Mayors and timing of the title designation and a message it could send to the community regarding the current Mayor. Mayor Lutz stated her desire to see formal guidelines for a designation so that they could be applied evenly toward other potential designees before making any decisions. Councilmember Garcia opined that a lot of the current City Council's accomplishments rested on the shoulders of other leaders and that support for this current designation in no way diminished respect for Mayor Lutz. Councilmembers Shaw, Shevlin, and Mayor Lutz each expressed their utmost respect for Former Mayor Hammond and stressed any hesitation to award the honorary title was no reflection on him personally or due to lack of respect for his accomplishments

ROLL CALL:

Ayes: Councilmembers Garcia, Mayor Pro Tem Adams

Noes: Councilmembers Shaw, Shevlin, Mayor Lutz

Motion failed: 2-3

(b) He wished everyone Merry Christmas, Happy Holidays, Happy Hanukkah, and Happy New Year

(c) He would be attending the Chamber of Commerce meeting the next day and presenting the 3/50 Program, where shoppers would pick 3 stores in Monrovia they didn't want to lose and spend \$50 in each one

RCC3 Councilmember Garcia reported that.

(a) **2009 Governor's Historic Preservation Awards:** the Governor's Historic Preservation Awards Program aimed to recognize meaningful achievements in historic preservation and to increase public awareness, appreciation, and support for historic preservation throughout the state. The City of Monrovia was one of twelve recipients in the State of California and was granted the award for the Wild Rose Tract Historic District. Recipients of the 2009 award would be honored at a ceremony to be held in late January 2010

(b) He wished everyone a Merry Christmas

RCC4 Councilmember Shaw reported that

(a) **NACE Foundation's Workforce Development Program for Military Veterans:** In an effort to address the growing workforce need in the corrosion field, the NACE Foundation had adopted "Workforce Development" as one of its premiere programs. The first phase of this program would focus on military

veterans and their families and would include both job training and placement. Councilmember Shaw encouraged veterans and their families to learn more at www.nace-foundation.org

(b) He congratulated Monrovia High School Senior Diana Ortiz for receiving the Nordstrom Scholarship Program Award. She was one of only five students in Los Angeles County who were chosen to receive a \$10,000 scholarship based on academic achievements, community service, school involvement and financial need.

(c) He braved the rainy weather on Saturday to support the Monrovia High School football team where many other supporters turned out; It ended in a loss to San Dimas but was good to have residents rally behind the team.

(d) He wished everyone a Merry Christmas and Happy New Year, and encouraged all to shop in Old Town.

RCC5 Councilmember Shevlin reported that

(a) She announced that the Monrovia Chamber of Commerce Iris Award winner was the Monrovia Youth Alliance, the Monroe Award went to Luis Placentia, Doubletree Hotel, and the Dick Lord Award was received by Karen Straley, Adams & Barns Century 21.

(b) She wished everyone a Merry Christmas, Happy Holidays, and hoped it was wonderful for all.

(c) She reviewed the upcoming community events.

ADMINISTRATIVE REPORTS:

AR-1 Monrovia Area Partnership (MAP) Program and Budget for Fiscal Years 2009-2011

Alexis Newell, Neighborhood Services Specialist, and Dan McConnell, Neighborhood Services Coordinator, reviewed the Staff Report.

The Monrovia Area Partnership Program (MAP) was originally presented before the Monrovia City Council in August 2006. The City Council unanimously approved the programs and budget for three years of operation. The goals of MAP were to reduce crime and blight and increase resident activism and volunteerism. The MAP Program was successfully meeting these goals.

Staff presented the next phase and budget for MAP. That phase would rely heavily on the Leadership Training and Development component of MAP and move toward more neighborhood leader participation. The budget and programs presented in the Staff Report offered the City Council four options. The Affordable Housing Fund would be in flux for 2010-11 because of the State take away of Redevelopment Agency funds. Staff recommended that the City Council select option 1 as detailed in the Staff Report.

Public Input

- 1 Genia Mills, Monrovia, MAP Neighborhood Leader
- 2 James Ewell, Monrovia

It was moved by Councilmember Shaw, seconded by Councilmember Garcia, to approve the Monrovia Area Partnership (MAP) Program and Budget 2009-2011 as outlined in the exhibits attached to the Staff Report.

AR-2 2009-10 Mid Year Budget Review, Resolution No. 2009-76

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

Every year the Administrative Services Department completed a comprehensive mid year review of the City's financial condition. This was based upon actual revenues and expenditures accounted for through the first half of the fiscal year. Should original estimates not match up to year end projections, adjustments were presented at the mid year point to allow for corrective action to be taken.

Overall, revenues were slightly down from the adopted budget of 2009-10. This was primarily due to lower property tax projections and a continued slowdown in sales tax revenues. Sales tax was originally budgeted to be \$7,498,847. With a weaker than expected fourth quarter (April – June) last year, the year end revenue total was \$7,923,652. The revenue projection for the current year was expected to be 8% lower than last year. The revised estimate for the current year was now \$7,289,760. The downward adjustment for sales tax was approximately \$209,087.

The initial report for property tax growth was 2%. When the final county property tax valuation reports came out in August, data showed zero growth for 2009-10. Fortunately, this 2% decrease was being offset by the year end total of secured property tax (for 2008-09) that came in slightly higher than expected. Projecting the revised 2009-10 budget on this new figure increased the budget by \$32,000. The total adjustment to the General Fund revenues was a reduction of \$68,173. The remaining General Fund revenues were tracking on budget for the year.

Regarding expenditures, through the first five months of the fiscal year, all operating departments within the General Fund were tracking at or around 42% (five twelfth's of the year). Departments constantly monitored their budgets to ensure personnel and maintenance and operations expenditures were in line with original budgets. Any departments that anticipated going over budget by the end of the fiscal year would use their Expenditure Control Budget ("ECB") savings to offset the deficit.

The State of California was facing another budget deficit for the remainder of the current year and the upcoming 2010-11 fiscal year. Estimates for the two years put the deficit at approximately \$21 billion. If the State decided to take more local revenue away for the 2009-10 and/or 2010-11 budget years, Staff would come back to the City Council with options for presenting a balanced budget.

By approving the mid year changes to the 2009-10 budget as presented, the budget estimates would better reflect the anticipated year end results for a number of activities. All funds were expected to be balanced as of June 30, 2010.

After discussion, it was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to adopt Resolution No. 2009-76.

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

ITEMS PULLED FROM CONSENT CALENDAR: None

NEW BUSINESS: At the request of Mayor Lutz, Chief Roger Johnson gave an update on reports of two shootings that had occurred that night. One, earlier in the evening, resulted in no injuries. The most recent at the 300 block of East Colorado Boulevard left one man dead at the scene and one woman was transported to the hospital with what appeared to be non-life threatening injuries. They had only preliminary information and the investigation was continuing.

SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, January 5, 2010, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ADJOURNMENT: At 10:21 P.M. Mayor Lutz adjourned the Meeting in memory of longtime Monrovia resident Virginia Molt.

APPROVED:


Mary Ann Lutz, Mayor

ATTEST


Alice D. Atkins, CMC, City Clerk