

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JUNE 7, 2005, 7:30 P.M**

CONVENE. Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, June 7, 2005 at 7 45 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California (preceded by a Budget Study Session to discuss the 2005-07 Fees and Charges, and Capital Projects, 6 09 P M , City Council Chambers, at which all City Councilmembers were in attendance) Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION· Pastor Walter Alvarez gave the Invocation

PLEDGE OF ALLEGIANCE Councilmember Garcia led the Flag Salute

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

PRESENTATIONS

1 Introduction of Newly Sworn Police Officer Trevor Stevenson

Captain Rick Miglia introduced newly sworn Police Officer Trevor Stevenson to the Mayor, City Council and the community

2 Recognition of Monrovia Rotary Club for Painting of the Band Shell in Library Park

Mayor Hammond and City Council recognized the Monrovia Rotary Club and President Mitch Cochran for the painting of the Library Park Band Shell

The Band Shell Located in Library Park was originally built by the Monrovia Rotary Club in 1927 In 1987 the facility was rededicated, celebrating the addition of the storage area On May 14, 2005 the Monrovia Rotary Club donated their time to complete the much needed repair and painting of the Band Shell so the Monrovia Day concerts and the Community Services "2005 Summer Concert Series" would look inviting for the public The Sherwin Williams Store of Pasadena donated five gallons of paint for the project

3. Recognition of the 25th Anniversary of the Foothill Unity Center

The Mayor and City Council recognized the 25th Anniversary of the Foothill Unity Center for the assistance and hope that the Foothill Unity Center had given to thousands of individuals and families in the past quarter-century Executive Director Joan Whitenack accepted the Certificate of Recognition along with Assistant Director Betty McWilliams

PROCLAMATIONS: None

STUDENT GOVERNMENT REPRESENTATIVE REPORT· Student Liaison Pamela Cheng reported on activities at Monrovia High School She introduced the newly appointed 2005-06 Student Representative Roberta Smith who will begin her tenure in September

A CONSENT CALENDAR

Agenda Item *I-1 was removed from the Consent Calendar for discussion at the request of a resident

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Lutz, to approve the Consent Calendar consisting of Items *B, *F-1, *F-2, *F-3, *I-2, *I-3, *I-4, *I-5, *I-6, *I-7, and *J There were no objections

***B MINUTES** The Minutes of the Regular Meeting of May 17, 2005 were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS·

Those speaking were

1 Chuck Keen, Monrovia

D PUBLIC HEARINGS/MEETINGS

1. Historic Landmark HL-80 and Mills Act MA-75 for Property Located at 160 El Nido Avenue by Owners Andrea and Dennis Hopkins, Resolution No 2005-27

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

The house was a single-story, single-family residence built in 1924 and indicative of Southern California vernacular architecture of the 1920's This house represented a very modest bungalow with English cottage influences, including the steep pitched roof with composition shingles that curve at the eaves which was meant to be reminiscent of a thatched roof It had an asymmetrical design One of the most impressive features of the house was the Batchelder tile fireplace, which was considered as contributing to the historic character of the house

At its meeting of April 27, 2005, the Historic Preservation Commission voted to approve recommendation of Historic Landmark designation and execution of a Mills Act Contract for the subject property

It was moved by Mayor Pro Tem Lutz, seconded by Councilmember Kirby, to approve Resolution No 2005-27 designating the property at 160 El Nido Avenue Historic Landmark Number 80 and approve entering into a Mills Act Contract with the conditions of approval

ROLL CALL

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

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE Chairman Rob Hammond convened the Regular Meeting of June 7, 2005 of the Monrovia Redevelopment Agency Board of Directors at 7 59 P M in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

ROLL CALL Those in attendance were Boardmembers Tom Adams, Joe Garcia, Dan Kirby, Vice-Chairman Mary Ann Lutz, and Chairman Rob Hammond

A CONSENT CALENDAR

It was moved by Boardmember Adams, seconded by Boardmember Garcia, to approve the Consent Calendar consisting of Item *B There were no objections

***B MINUTES** The Minutes of the Regular Meeting of May 17, 2005 were approved by order of the Consent Calendar

MRA REPORTS

1 Consideration of Exclusive Negotiating Agreement Relating to Station Square

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

He reported that the eastward extension of the Gold Line through Monrovia was anticipated to occur in 2009 The City's lone stop would be located adjacent to the historic Santa Fe Railroad Depot, near the intersection of Myrtle Avenue and Duarte Road The recently completed Urban Land Institute land use study, which encompassed the area, noted that the Station Square area had the capacity to become an exemplary model of high-quality design for high-density, sustainable mixed use To ensure that the site achieved its full potential, the study recommended that one or more developers be identified and brought into the process as early as possible

Agency Staff solicited Requests for Qualifications to a short list of seven highly qualified development firms last fall. The objective was to identify a single developer to negotiate exclusively for a six-month period. At the conclusion of the exclusive negotiating period, a Disposition and Development would be recommended to the Agency Board. As part of their submission, potential developers were asked to submit extensive background information regarding their firm, including financial statements. Also requested was the submission of a conceptual development plan demonstrating the type of project they would recommend, based on certain economic assumptions. This requirement was added largely as an exercise to allow the evaluation committee to evaluate each firm's ability to follow direction and articulate their vision for the project.

An evaluation panel was established, and on November 19, 2004, the five firms submitting proposals, Barratt America, J H Snyder Company, Olson Urban Housing, Samuelson & Fetter, and Standard Pacific Homes were interviewed. Each was given one hour to discuss their firm's project history, and to describe their vision for Transit Square. All the firms demonstrated a high degree of competency, as well as creativity in their concepts.

The review panel completed its initial review by concluding that each firm possessed the basic elements needed to successfully complete the project. It was then recommended that on-sight inspections of completed projects be undertaken to assist the Council and review panel in evaluating the type of product that could be anticipated. These tours presented the opportunity for the City Council to personally review various product types, and be better equipped to select a single developer to enter into an Exclusive Negotiating Agreement. At the conclusion of the evaluation process and field tours, the review panel voted unanimously to recommend Olson Urban Housing to the Agency Board.

The panel felt strongly that as a whole Olson brought more of the intangible elements to the project that would help ensure that the best possible development was achieved. Under the terms of the exclusive negotiating agreement, Olson would be required to deposit \$100,000.00 with the Agency to fund professional studies, such as appraisals and environmental reports.

Staff recommended the approval of an Exclusive Negotiating Agreement with Olson Urban Housing, LLC.

Discussion ensued, including the Board's involvement in field trips to the various development sites of the developers and the merits of splitting Phase I between two developers or having one firm only as the lead.

After further discussion, it was moved by Vice-Chairman Lutz, seconded by Boardmember Adams, to separate the housing portion from the commercial portion.

**ROLL CALL. Ayes: Boardmembers Adams, Garcia, Kirby, Vice-Chairman Lutz
Noes: Chairman Hammond
Motion carried: 4-1**

After discussion, it was moved by Chairman Hammond, seconded by Vice-Chairman Lutz, to direct Staff to negotiate an Exclusive Negotiating Agreement with J. H. Snyder Company.

**ROLL CALL. Ayes: Chairman Hammond
Noes: Boardmembers Adams, Garcia, Kirby, Vice-Chairman Lutz
Motion failed. 1-4**

It was moved by Boardmember Adams, seconded by Boardmember Garcia, to enter into an Exclusive Negotiating Agreement with Samuelson & Fetter for the commercial and rental housing.

**ROLL CALL. Ayes: Boardmembers Adams, Garcia, Kirby, Vice-Chairman Lutz
Noes: Chairman Hammond
Motion carried. 4-1**

It was moved by Boardmember Kirby, seconded by Boardmember Adams, to direct Staff to negotiate with an Exclusive Negotiating Agreement with Olson Urban Housing, LLC, for the "for-sale" housing.

(b) He thanked everyone in the community who came out for the Memorial Day Celebration, and thanked Live Oak Memorial Park and Lorraine Mohan of the San Gabriel Valley Allied Council for sponsoring the event

(c) He congratulated Maryknoll Sisters on its 75 years of service

2 Mayor Pro Tem Lutz reported that

(a) She extended a special thank you for the volunteers and Staff who worked on the 2005 Monrovia Day celebration, as well as the citizens who came to enjoy it

(b) At the last meeting of the Regional Quality Board, the far-reaching ramifications regarding storm water was again discussed, and will require in-depth studies and funding by our City

3 Councilmember Adams reported that

(a) He thanked Public Works for the reconfiguration of Parking Lot No 6

(b) **Interpretive Signs in the Downtown Showing the Location of Historic Places** He explained the concept of these special signs for the downtown area to showcase their historical significance He asked that Glenn Owens attend the next City Council to present the Council with a concept to recognize these landmarks An Ad Hoc Committee would be appointed with representatives from Historic Preservation and Staff as well as Mr Owens at the next meeting

4 Councilmember Garcia had no report at this time

5. Councilmember Kirby reported that

(a) He congratulated all of this year's graduating seniors

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I. ADMINISTRATIVE REPORTS

1. Athens Services Annual Performance Review for Calendar Year 2004, Receive and File

This item was removed from the Consent Calendar at the request of a citizen for discussion

Cyrus Kemp, Monrovia, addressed the item

Athens Services was required to submit an Annual Report giving a comprehensive overview City Staff analyzed the Report, along with any surveys undertaken by the City, complaint logs, or other relevant information, to assess their performance and determine if they satisfied the requirements of the Residential Franchise Agreement The Annual Report was received by the Public Works Department on March 28, 2005

According to Athens' Annual Report, 1038 calls regarding service were received in 2004 The City received 117 complaints/service requests from residents during this same time period, reflecting an average of 8 calls per month, down from 10 calls per month in 2003 Due to its high level of customer service efforts, Athens met the Customer Service Standards required by the Residential Agreement

According to Athens' 2004 Annual Report, the diversion rate was 36.58% for all residential units and City facilities covered under the Residential Franchise Agreement The single-family diversion rate was 37.18%, down from 38.06% in 2003 The current proportion on residents setting out recyclables for collection was 62% Recycling in the single-family sector required residents' willingness to participate in the program In good faith, Athens assisted the City in increasing recycling participation by sending out a supplemental flier on green waste recycling to all residents, since green waste is a large portion of our diverted tonnage The City was working with Athens to develop a plan to increase the diversion rate to 40% by 2005

The City required 50% diversion of multi-family waste through a program to take waste to the Commerce Refuse-to-Energy facility Athens was only able to achieve a 44.9% rate in the last quarter of 2004 However, Athens developed a plan to ensure 50% diversion of this tonnage in 2005

Athens Services had done a satisfactory job in working with City Staff to meet state diversion goals and solve issues quickly and effectively It was Staff's conclusion that Athens Services fulfilled the obligations

set out in the Residential Franchise Agreement and that Athens Services received a positive performance review for calendar year 2004

There were no costs associated with filing of this report. However, a positive performance evaluation made Athens Services eligible for a rate adjustment in July per the Residential Franchise Agreement, if submitted.

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Lutz, to receive and file Athens Services' Annual Performance Review for calendar year 2004

ROLL CALL

Ayes: Councilmembers Adams, Kirby, Lutz, Mayor Pro Tem Garcia, Mayor Hammond

Motion carried. 5-0

Councilmember Adams noted that the green barrels were a problem and asked that the representative in attendance at the City Council Meeting pass the word on to the drivers. He also suggested that a survey be conducted via the website or the water bill.

***2 Purchase for Scheduled Replacement of Thirteen Police Patrol Vehicles in the Amount of \$335,633.07 from Sierra Autocars and Clippinger Commercial Services, Including Related Equipment and Graphics Through Arizona Emergency Products and B & H Signs, Respectively**

This matter was approved by order of the Consent Calendar.

The Police Department sought approval to purchase and equip thirteen (13) police patrol vehicles. The Monrovia Police Department continued to evaluate vehicles available for police use with the intent of providing its officers with the best possible equipment at a reasonable cost.

Staff recommended that the City Council approve the capital outlay of \$335,633.00 from the patrol fleet inter-service transfer fund to purchase one (1) 2005 Chevrolet Tahoe (PPV) police vehicle from Sierra Autocars in Monrovia, twelve (12) 2005 Ford Crown Victoria (CVPI) police vehicles from Clippinger Commercial Services, purchase and install new emergency and secondary equipment through Arizona Emergency Products, and install new lettering and graphics through B & H signs in Monrovia.

***3 Cancellation of August 16, 2005 City Council Meeting**

This matter was approved by order of the Consent Calendar.

As August was normally a slow month, the City Council had cancelled the second meeting in August since 1995. The cancellation of the second Council meeting in August would afford Councilmembers a time to plan extended family vacations. It was not an uncommon practice in other cities to cancel one or more meetings a year with proper notice to the public.

In the event the City Council wished to cancel the second meeting in August, i.e., August 16, 2005, discussion and action at this time gave the public proper notice. It also gave Staff the needed time to plan ahead in the advertising and scheduling of Public Hearings.

***4 Royal Oaks Remedial Street and Sidewalk Program, Project No. C-2931; Acceptance of Work, Notice of Completion and Final Payment to E. C. Construction Co. in the Amount of \$9,787.36**

This matter was approved by order of the Consent Calendar.

The asphalt pavement on Royal Oaks Drive between Shamrock Avenue and California Avenue had degraded over the years. Sections of sidewalks and driveways were damaged and had been uplifted.

Public Works Staff applied for and received approval for Federal CDBG funding for improving the asphalt pavement on Royal Oaks between Shamrock Avenue and California. The scope of work included removal and reconstruction of uplifted, broken concrete sidewalks and driveways, grinding of pavement edges and asphalt overlay, with the planting of additional parkway trees in the parkways.

On November 16, 2004, the City Council awarded a contract to E C Construction Company of South El Monte, California. The final contract amount based upon actual quantities constructed was \$97,873 55, an increase of \$972 30. Funds were available through the C D B G program.

Staff recommended that the City Council accept the contract work as completed by E C Construction Company in the amount of \$97,873 55, direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder, and authorize the Director of Public Works to approve final payment in the amount of \$9,787 36 thirty-five (35) days after filing a Notice of Completion with the County Recorder.

***5 Renewal of the Agreement with Community Media of the Foothills for Public Access, Governmental and Educational Cable Television Production and Cablecasting for Fiscal Year 2005-2006**

This matter was approved by order of the Consent Calendar.

An existing contract between the City and Community Media of the Foothills (CMF) was extended for one year in May 2004 and expires June 30 of this year. The contract called for CMF to provide Public, Educational, and Government (PEG) Access for the City, and provided CMF with funding allocated by the City Council and designated for public access in both of the City's existing cable franchise agreements. This one-year extension made no changes in the existing agreement.

Staff recommended that the City Council approve a one-year extension of the current contract with Community Media of the Foothills from July 1, 2005 to June 30, 2006 and authorize the Mayor and City Clerk to execute the agreement.

***6 Corporate Yard Emergency Generator Project; Approval of One Change Order in the Amount of \$2,138 00, Acceptance of Work, Notice of Completion, and Final Payment to BBS Construction, Incorporated, in the Amount of \$5,013 80**

This matter was approved by order of the Consent Calendar.

On January 4, 2005, the City Council awarded a contract to BBS Construction, Incorporated, in the amount of \$48,000 00 for the installation of an emergency generator at the Corporate Yard. As the project progressed, unforeseen conditions appeared requiring a change order in the amount \$2,138 00. Funds were available in the Water Fund.

Staff recommended that the City Council approve the change order in the amount of \$2,138 00, accept the contract work as completed by BBS Construction, Incorporated, in the total amount of \$50,138 00, direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder, and authorize the Director of Public Works to approve payment of retention in the amount of \$5,013 80 thirty-five (35) days after filing the Notice of Completion.

***7 Destruction of Well No 1; Approval of One Change Order in the Amount of \$1,475 00, Acceptance of Work; Notice of Completion and Final Payment to Beylik Drilling in the Amount of \$17,905.00**

This matter was approved by order of the Consent Calendar.

Well No 1 was drilled in 1918, and had been inactive for over two years. Due to its poor production, it was determined that the well should be abandoned. The Department of Health Services (DHS) regulations required all abandoned wells to be properly destructed to prevent potential cross contaminants migration.

On September 21, 2004, the City Council awarded a contract to Beylik Drilling in the amount of \$16,430 00. One (1) change order was required in the amount of \$1,475 00. The final contract amount was \$17,905 00.

Staff recommended that the City Council approve one change order in the amount of \$1,475 00, accept the contract work as completed by Beylik Drilling in the amount of \$17,905 00, and direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder.

***J PAYROLL & VOUCHERS** Payroll No 10 in the net amount of \$431,718 34, Payroll No 11 in the net amount of \$485,016 85 and Voucher Numbers 125735 through 126092 non-sequentially in the amount of \$900,228 57 were approved by order of the Consent Calendar

K SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, June 21, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

L ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

M. CLOSED SESSION At 10 05 P M , Mayor Hammond announced that the City Council would adjourn to Closed Session in memory of Richard Dootson to

1 Conference with Labor Negotiator pursuant to Government Code Section §54957 6 Agency Negotiator Theresa St Peter, Group Employees Monrovia Firefighters' Association, Monrovia Police Officers' Association, Monrovia Municipal Employees' Association, and Managers, Mid-Managers and Elected and Appointed Employees

2 Conference with Legal Counsel, Government Code §54956 9(a), Workers' Compensation Claim, Nelson Beam vs City of Monrovia, Claim Nos 01-23508 and 01-24390

3 Conference with Legal Counsel, Government Code §54956 9(a), Workers' Compensation Claim, Tom Carroll vs City of Monrovia, Claim No 02-27152

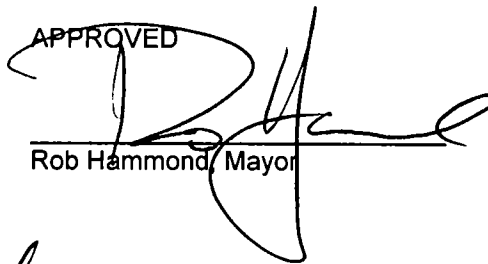
N ADJOURNMENT TO CLOSED SESSION. At 10 07 P M , the City Council adjourned to Closed Session to discuss the matters noted above Closed Session convened at 10 15 P M

O ANNOUNCEMENT OF CLOSED SESSION City Attorney Steele reported the following from Closed Session regarding matters as noted above

- 1 Non-Disclosure, in negotiation
- 2 No reportable action
- 3 No reportable action

ADJOURNMENT Mayor Hammond adjourned the Meeting at 10 55 P M

APPROVED



Rob Hammond, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk