

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, SEPTEMBER 21, 2004, 7:30 P M**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, September 21, 2004 at 7 32 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session to Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), Joaquin Ascanio et al vs City of Monrovia, Case No GC033251, Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), Otto Moses vs City of Monrovia, Case No CL1134, and Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), William Crawford vs City of Monrovia, Claim No 00-22015, from 6 48 P M to 7 30 P M Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION City Clerk Proctor gave the Invocation

PLEDGE OF ALLEGIANCE: Councilmember Lutz led the Flag Salute

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

REPORT OF CLOSED SESSION(S). August 15, 2004

1 Public Employee Performance Evaluation, Government Code §54957, City Manager Mayor Hammond reported that no reportable action was taken

PRESENTATIONS

1 **Recognition of Richard Bishop, Phillip Gaul, Ben Mendoza and Residents Judy and Richard Walker for the Restoration of the Big "M"**

David Fike, Public Works Director, introduced Richard Bishop, Phillip Gaul, Ben Mendoza (not in attendance), and Judy and Richard Walker Mayor Hammond presented Certificates of Recognition to them for their outstanding efforts in working to get the long standing and very important Monrovia symbol refreshed for the school year and in particular the first home football game between Duarte and Monrovia In intense heat, Richard and Phil worked as a team removing brush, cutting grass and weeds and cleaning the concrete surface, and Richard painted it the next morning with a fresh coat of white paint Richard and Ben returned the following week to repair some of the lights and correctly adjusted them

PROCLAMATIONS None

STUDENT GOVERNMENT REPRESENTATIVE REPORT Student Liaison Pamela Cheng reported on activities at Monrovia High School

A CONSENT CALENDAR

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

***B MINUTES** The Minutes of the Regular Meeting of September 7, 2004 were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS:

1 John Watson, Junior Leadership Academy, announced the October 25, 2004 graduation of the class and invited all to attend

2 Laurie Beyer, Monrovia, thanked the Police Department for their assistance in working with San Gabriel Valley Humane Society, and reported that the adoption fee for rescued animals was still \$99 She asked if the City Council would write a letter to them requesting a reduction in this fee

3 Bill Beebe, Monrovia Arts Festival Association (MAFA), reported that the upcoming Saturday was the last Art Walk He reported that he had met Mildred Lapson, one of the founders of MAFA, who will be a featured artist this year One hundred twenty artists were confirmed for the event on October 9, 10, 2004, in Library Park He asked for volunteers, and noted that ten students at the Junior Leadership Academy had volunteered to work

4 John Nobrega, Monrovia, rebutted derogatory comments made at the last City Council Meeting regarding City personnel

5 Steve Miller, Monrovia, thanked Mayor Hammond for meeting with him recently, stated that he had not heard from the Trails Committee chair, expressed his opinion regarding a newspaper article regarding Wilderness Preserve, stated that members of the Wilderness Preserve Committee should have qualified members, and took exception to a grant by the City that he believed invited millions of people to live in Monrovia

6 Cyrus Kemp, Monrovia, expressed his opinion of members of the City Council and Staff

7 Becky Shevlin, Monrovia, stated that she received a message with a phone number for Mr Miller and would return his call

8 David Crane, who previously submitted a copy to the City Clerk's Office of the text of a petition being circulated signed by Tom Suess, dated September 21, 2004, asked that the City Council support the requests in the petition (see attached)

Mayor Hammond, in response to Mr Kemp's remarks, assured the community that Mr Ochoa was imminently qualified to be the City Manager and explained the process used to hire Mr Ochoa

D PUBLIC HEARINGS / MEETINGS None

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

CONVENE Chairman Rob Hammond convened the Regular Meeting of September 21, 2004 of the Monrovia Redevelopment Agency Board of Directors at 8 22 P M in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

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

A CONSENT CALENDAR

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

***B. MINUTES:** The Minutes of the Regular Meeting of September 7, 2004 were approved by order of the Consent Calendar

MRA REPORTS: None

MRA ADJOURNMENT Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8 22 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E. BIDS:

1. Award of Bid to Beylik Drilling, Inc., for Destruction of Well No 1 in the Amount of \$16,430.00

Bassil Nahhas, Principal Utilities Engineer, reviewed the Staff Report

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 regulations required all abandoned wells to be properly destructed to prevent potential cross contaminants migration

On September 2, 2004, the City Clerk received 3 (three) bids ranging from \$16,430 00 to \$23,600 00

Beylik Drilling (555 South Harbor Blvd , La Habra, CA 90631) recently completed several water well destruction projects for various public agencies Their references were checked and it was found that they were a reputable and qualified firm Funds for this project were available and budgeted for in the water fund

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to award a contract to Beylik Drilling, Inc , in the amount of \$16,430.00 for the destruction of Well No.1, and reject all other bids. There were no objections

F. COMMUNICATIONS AND PETITIONS:

***1. Application for ABC Beverage License (Type 41 – On-sale Beer and Wine) for Best Chois, LLC, Kiku Sushi Restaurant, 670 West Huntington Boulevard, Suite 5G**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Jae Kyung Choi submitted an application for a Type 41 – On-Sale Beer and Wine License Based on the background investigation on the applicant, Staff found no reason to recommend any other action on this application There was no fiscal impact and Staff recommended that the City Council receive and file the application

***2 Application for ABC Beverage License (Type 7 – Rectifier and Type 12 – Distilled Spirit Importer) for Modern Spirits, LLC, 168 West Pomona Avenue**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Litty Mathew and Melkon Khosrovian submitted an application for a Type 07 – Rectifier and Type 12 – Distilled Spirit Importer License Based on the background investigation on the applicants, Staff found no reason to recommend any

other action on this application. There was no fiscal impact and Staff recommended that the City Council receive and file the application.

***3 Application for ABC Beverage License (Type 20 – Off-sale Beer and Wine) for Monrovia Petroleum, Inc , 854 East Huntington Drive**

This matter was approved by order of the Consent Calendar.

Notice was received from ABC that Robert Nejathaim and Ramin Haim submitted an application for a Type 20 – Off-Sale Beer and Wine License. Based on the background investigation on the applicants, Staff found no reason to recommend any other action on this application. There was no fiscal impact and Staff recommended that the City Council receive and file the application.

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1. Mayor Hammond reported that

(a) He attended Plymouth Elementary School's Back to School Night, his last year's adopted school, and was impressed with the new computer center built during the summer for the students.

(b) He would be attending Back to School Night at his adopted school, Monrovia High School, on September 29, 2004.

(c) At the last Boys and Girls Club Executive Board meeting, Rob Collins accepted the Presidency. He thanked all of the new officers who agreed to serve on the board.

(d) **Sacramento Lobbying Efforts for Library Funds** Last Monday, Councilmember Lutz, School Boardmember Clare Chesley and School Board President Betty Sandford, Community Services Director April Soash, Assistant to the City Manager Tito Haes, and he traveled to Sacramento to appear at the third round of Library bond awards. The same contingency traveled to San Diego this week to meet with Senator Deirdre (DeDe) Alpert. The City will know in three to four weeks how it fared for the award of the grant money.

(e) **Support of Continuing Current Statutory Authority of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, Resolution No. 2004-55** He explained that Resolution No. 2004-55 was to support the Conservancy, scheduled to be cut from the State's budget. It was important to support the funding of the Conservancy to preserve the City's open space.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to adopt Resolution No. 2004-55. There were no objections.

2 Mayor Pro Tem Garcia reported that

(a) Mayor Hammond, Councilmember Lutz and he attended the League of California Cities Annual Conference. The theme was approval and support towards the passage of 1A, the public safety protection act which would prevent any future state raids of local coffers. He stated that since 1978 cities have lost almost \$40 billion dollars throughout the state, and that the cities were now united and would not take this anymore. The Conference was very up beat, and he was head of the Resolutions Committee as an appointee of the President of the League. He brought back a lot of great information to be shared with Staff.

(b) The Chamber of Commerce, City of Monrovia, and School District would be holding a Vendor Fair on September 28, 2004, 3:00 P M to 5:00 P M, at the Community Center. Local vendors were invited to attend. He encouraged local businesses to participate.

3 Councilmember Adams reported that

(a) Fire Prevention Week, was October 3-9, 2004 He called upon Chief DiGiovanna to explain the extreme fire conditions which were currently present through Thursday

4 Councilmember Kirby reported that

(a) He had adopted Wildrose Elementary School through the Community Representative Adopt a School Program with Monrovia Unified School District He attended Back to School Night where he found a great staff and great core of teachers

(b) An event called "Wiggle Waggle Walk," sponsored by the San Gabriel Valley Humane Society, was scheduled to be held at Library Park on October 2, 2004, from 7 00 A M to 12 Noon Three different walks were designated Donations would be accepted, with all proceeds going to the Humane Society Scheduled also were games, demonstrations, picture taking opportunities for owner and dog, and a Humane Society information booth The event was open to the public

5. Councilmember Lutz reported that

(a) Last year, for the Adopt a School Program, she adopted Santa Fe Middle School and ROP, and had done the same this year She attended Back to School Night on September 31, 2004, along with April Soash She reported that it was a great opportunity to share information

(b) Mayor Pro Tem Garcia, Mayor Hammond and she attended the ICA meeting on September 9, 2004, where Mayor Hammond was inducted as a director of the Board

(c) **Update on Tree Preservation:** She called upon Community Development Director Alice Griselle to give an update on the City's current tree preservation Included in Ms Griselle's report was the fact that oak trees were saved, and other trees were preserved if they were specimen size She reported that the City of Monrovia publishes a brochure regarding the care of trees which is available free of cost at the Planning Division counter She also reported that free advice on the care of trees was also available at the Planning Division counter

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I. ADMINISTRATIVE REPORTS

1. Oral Report; Update on Trails Committee Objectives by Community Services Commission Chairman Becky Shevlin and Parks Division Manager Dan Iwata

Becky Shevlin, appointed chairman of the Trails committee, presented a progress report on the Trails Committee objectives, which included the recent task of researching the feasibility of a loop trail originating in Canyon Park and connecting onto the Lower Clamshell Motorway Originating at Canyon Park would minimize the impact in the residential neighborhoods and provide the necessary trail management by Parks Division Staff In addition, she explained that the committee was appointed to meet public interest and expectations within the Wilderness Preserve, to fulfill the grant requirements, and to better control access to the Wilderness Preserve The committee's objectives were to preserve and recommend trail opportunities for the Wilderness Preserve, to research the provisions of the grants received for land that had been purchased and make appropriate recommendations, and to meet the obligations of Ordinance No 2000-06 regarding passive recreation in the Wilderness Preserve

When the Trails Committee completes the study process, it will make a recommendation to the Community Services Commission, which will hold a public hearing to receive public input The Commission would then make a recommendation to the City Council, which would also hold a public hearing for public input before making a final decision

She reported that the committee meets on the 4th Tuesday of each month at 5 00 P M at the Community Center, with the next meeting scheduled for Tuesday, September 28, 2004 The meetings were open to the public After discussion, those speaking were

- 1 Cyrus Kemp, Monrovia, opposed the Trails Committee
- 2 Steve Miller, Monrovia, opposed the Trails Committee
- 3 Gerald Pool, Monrovia, opposed additional trails as impact was too great to him and his neighbors
- 4 Nancy Zack, Monrovia, requested that the process be slowed down

Mayor Hammond called a recess from 9 34 P M to 9 43 P M

- 6 Martha Welch, Monrovia, opposed additional trails, and was concerned paramedics would not be available to seniors in distress if they were working in the Wilderness Preserve
- 7 Marcia Maxwell, Monrovia, opposed additional trails and questioned the need for more trails Mayor Hammond requested that Ms Maxwell be added to the list to receive agendas for the meetings of the Trails Committee
- 8 Karin Meyer, expressed concern of fire danger by opening up more trails
- 9 John Jogminas, Monrovia, opposed to additional trails, expressed concerns regarding additional costs when the City needed a new Library, and expressed concern about the protection of animals in the Preserve
- 10 Nick Peters, Monrovia, opposed additional trails
- 11 Laurie Beyer, Monrovia, expressed concerned about the number of people in the Preserve if additional trails were built
- 12 John Jogminas, Monrovia, asked that a copy of the petition (see David Crane, Oral Communications, above) be entered into the public record (see attached)

Mayor Hammond thanked those who spoke regarding the Trails Committee, explaining the City Council's position in carrying out the people's wishes in the passing of the bond issues in 2000, and asked that those who wished to be put on the list to receive Trails Committee Agendas to contact the City Clerk

1. Receive and File, Security Vulnerability Assessment for the City Water System

Bassil Nahhas, Principal Utilities Engineer, reviewed the Staff Report

The "Public Health Security and Bioterrorism Preparedness and Response Act of 2002" (Bioterrorism Act) required community water systems serving a population greater than 3,300 to prepare a system vulnerability assessment

The purpose of the vulnerability assessment was for a water system to evaluate its susceptibility to potential threats (e g , vandalism, sabotage, terrorist attacks, etc) and to reduce the risk of consequences from such threats

Stetson Engineers completed the risk analysis of the City's water system, which was based on three main security factors for each site Likelihood of attack, likely consequences of an attack, existing protection and security measures The vulnerability assessment report did recommend certain security upgrade that would help enhance the overall system effectiveness

Staff would install the following security upgrades in the coming years Video surveillance cameras, automatic security gates, replace wooden doors with steel doors, electrical back up generator, update the SCADA system security policy, and continuing staff training

Staff was also currently working on updating the Emergency Response Plan (ERP) as required by the Bioterrorism Act. It was anticipated that these security upgrades could cost approximately \$100,000.00.

Funds for the above mentioned security enhancements were budgeted in the water fund.

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Kirby, to receive and file the report. There were no objections.

2. Implementation of "Project Lifesaver" Program, and Purchase of Necessary Radio Locator Equipment in the Amount of \$5,300.00

Police Chief Roger Johnson reviewed the Staff Report.

The "Project Lifesaver" Program was part of a nationwide strategy to provide rapid response to locate individuals who are susceptible to wandering from family or care providers. Individuals who would benefit from this program were patients with Alzheimer's or other related disorders, dementia, Down's syndrome and Autism. Specially trained police rescue teams, equipped with locator devices, were able to track and locate individuals who were outfitted with the special Project Lifesaver transmitting wristband.

Training for the Monrovia police officers who would operate the equipment would be provided by the Santa Clara County Sheriff's Department, which was the lead agency in California. The headquarters for the program was located in Chesapeake, Virginia. The cost of the radio tracking device was \$5,300.00 and could be purchased through them. The cost of the transmitting bracelet was approximately \$200.00 a piece and would be purchased by those wishing to participate in the program. The program concept was brought before the Monrovia Providers Group who supported the idea of bringing Project Lifesaver to Monrovia.

Councilmember Lutz suggested that information regarding the program be sent to the doctors who initially diagnosed the various illnesses noted.

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to implement Project Lifesaver and authorize the purchase of the necessary radio locator equipment at a cost of \$5,300.00 using the Police Department's Expenditure Control Budget savings. There were no objections.

***3 Amendment of Section 15.44 of the Monrovia Municipal Code Relating to the Monrovia Endowment for the Arts, Second Reading and Adoption of Ordinance No 2004-20**

This matter was approved by order of the Consent Calendar.

This was the second reading and final adoption of Ordinance No. 2004-20 amending Section 15.44 of the Monrovia Municipal Code, relating to the Monrovia Endowment for the Arts. Staff continued to recommend approval of this ordinance.

***4. Set for Public Hearing on October 5, 2004; General Plan Amendment GPA2004-02, and Zone Change ZC2004-02 to change the General Plan and Zoning Designations from Residential to Hillside Wilderness Preserve (HWP) for Recently Acquired Hillside Property**

This matter was approved by order of the Consent Calendar.

The City recently acquired a 20.7-acre parcel of land, commonly known as the "Sachan" property (APN 8501-007-003). A General Plan Amendment and Zone Change were proposed to change the General Plan and Zoning designations of these properties to Hillside Wilderness Preserve (HWP).

The Planning Commission held a Public Hearing on September 15, 2004 to review the application. At the close of the Public Hearing, the Planning Commission recommended approval of the proposal. Staff recommended setting October 5, 2004 as the date of the Public Hearing.

***5 Authorization to Apply for Grant Funds in the Amount of \$200,000.00 from the California Cultural and Historic Endowment for the Purpose of Funding Repairs to the Monrovia Historical Museum, Resolution No. 2004-54**

This matter was approved by order of the Consent Calendar.

The California Cultural and Historic Endowment (CCHE), under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002, currently accepted competitive grant applications to help fund various programs and projects that preserved and protected California's cultural and historic resources. Projects for consideration must be accompanied by a Resolution authorizing the applicant to pursue the competitive grant process. Staff intended to apply for funding to repair the roof and water damage to the Monrovia Historical Museum. The estimated cost and grant request for this project was \$200,000.00.

Staff recommended adoption of Resolution No. 2004-54, authorizing Staff to submit the appropriate paperwork to apply for a grant from the California Cultural and Historic Endowment for the purpose of making repairs to the Monrovia Historical Museum.

***J PAYROLL & VOUCHERS** Payroll No. 19 in the net amount of \$459,596.11, and Voucher Numbers 120887 through 121219 non-sequentially in the amount of \$1,236,203.06 were approved by order of the Consent Calendar.

K SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, October 5, 2004, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

L ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

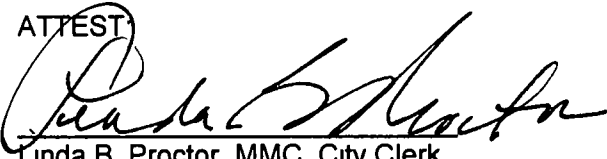
M CLOSED SESSION Report of September 21, 2004 Closed Session. City Attorney Steele reported that the City Council held a Closed Session to Conference with Legal Counsel, Existing Litigation Government Code §54956.9(a), Joaquin Ascanio et al vs City of Monrovia, Case No. GC033251, Conference with Legal Counsel, Existing Litigation Government Code §54956.9(a), Otto Moses vs City of Monrovia, Case No. CL1134, and Conference with Legal Counsel, Existing Litigation Government Code §54956.9(a), William Crawford vs City of Monrovia, Claim No. 00-22015. As to Joaquin Ascanio et al, and Otto Moses, The City Council received an update from Staff and took no reportable action, and, as to the Crawford case, the City Council approved a final settlement of \$10,000.00 in relocation and rehabilitation funds to finally settle the matter, by a 3-2 vote, with Councilmembers Adams and Kirby dissenting.

N. **ADJOURNMENT:** Mayor Hammond announced that Bob Bartlett was in the hospital awaiting back surgery. He thanked those who attended and participated in the City Council Meeting. At 10:37 P.M., he adjourned the City Council Meeting in memory of Gerald (Gerry) Marugg.

APPROVED


Rob Hammond, Mayor

ATTEST


Linda B. Proctor, MMC, City Clerk