

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, OCTOBER 7, 2003, 7:30 P.M.**

**CONVENE:** Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, October 7, 2003 at 7 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, 7 00 P M to 7 21 P M , to discuss Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), William Crawford vs City of Monrovia, Workers' Compensation Claim Nos 00-22015 and 01-24191, at which all City Councilmembers were in attendance Staff in attendance at the City Council Meeting was City Manager Donald R Hopper, City Attorney Craig A Steele, and City Clerk Linda B Proctor

**INVOCATION:** Dr John Mastrogiovanni, Pastor, led the Invocation

**FLAG SALUTE.** Councilmember Dan Kirby 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)**

City Attorney Steele reported that the following agenda item was discussed No reportable action was taken and direction was given to Staff

September 2, 2003

1 Government Code §54957, Public Employment, Public Employee Evaluation City Manager

**PRESENTATIONS**

**1. Recognition of Members of the Monrovia Competitive Swim Team for Participation in the Annual Lap-A-Thon Fundraiser**

Janice Lopez, the new swim team head coach, introduced members of the Monrovia Competitive Swim Team who have raised money for the annual Lap-a-Thon fundraiser, to the Mayor, City Council and community

Andy Gerletti was recognized for swimming the most laps in 30 minutes The top money raisers were Cady Paramoure, \$901 43, Nicole Ballew, \$555 50, Jennifer Rojas, \$470 00, Katie Fisher, \$409 50, and Jourdan Perkins, \$397 00

**2 Introduction of Newly Hired Community Development Employee, Administrative Clerk II Florence "Tina" Aguilera**

Alice Griselle, Director of Community Development, introduced newly hired Administrative Clerk II Florence "Tina" Aguilera to the Mayor, City Council and community

**3. Recognition of Organizers and Sponsors of Second Annual Food, Wine and Jazz Festival**

Jeff Kugel, Project Manager, assisted the Mayor and City Council in recognizing the organizers and sponsors of the Second Annual Food, Wine and Jazz Festival Certificates of Recognition were awarded to Travis Ensling, Jill Bigelow, John Veenstra and Dave Gayman

**4. Highlights of Legislative Year by Senator Robert (Bob) Margett**

Senator Bob Margett gave a brief summary of the highlights of the Legislative year

**PROCLAMATIONS:** None

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** City Council Liaison Sable Smith was introduced and reported on activities and events at Monrovia High School

**A. CONSENT CALENDAR**

It was moved by Councilmember *Adams*, seconded by Councilmember *Kirby*, to approve the Consent Calendar consisting of Items \*B, \*F-1, \*F-2, \*F-3, \*I-4, \*I-5, \*I-6, \*I-7, \*I-8, \*J-2, \*J-3, and \*K

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

\*B. **MINUTES.** The Minutes of the Regular Meeting of September 16, 2003, were approved by order of the Consent Calendar

**C. ORAL COMMUNICATIONS**

1.

**D PUBLIC HEARINGS/MEETINGS:**

1. **Adoption by Reference of the Monrovia Municipal Code, 2003 Edition; Second Reading and Adoption of Ordinance No 2003-15**

Linda B Proctor, City Clerk, reviewed the Staff Report

As the Municipal Code had not been re-codified nor had a legal update since 1983, Staff recommended to the City Council that American Legal Publishing be awarded a Professional Services Agreement for a legal review and change of format

Based on the legal analysis and internal comparison by the City Attorney, City Clerk and a designated member from each department (pertinent to each department), non-substantive corrections were made as needed. Generally, the amendments were minor in nature and the Code has not been substantively changed, merely reformatted for ease of use and updated to reflect current laws and City policies

The revised Code Books have been received from the Publisher, and, as the final step to the project so that the Code may be placed into use, it is necessary for the City Council to adopt an ordinance approving the replacement of our existing Code Book with the re-codified edition. Language in the Ordinance is in compliance with State law

A Public Hearing was necessary for the second reading of an Ordinance for which a code is adopted by reference

There was no fiscal impact with the adoption of this Ordinance

**PUBLIC HEARING OPENED:** Mayor Hammond opened the Public Hearing

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

**PUBLIC HEARING OPENED AND CLOSED:** Mayor Hammond opened and closed the Public Hearing as there was no one who wished to speak for or against the matter

It was moved by to read by title only Ordinance No. 2003-15. City Attorney Steele read as follows

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA ADOPTING BY REFERENCE THE MONROVIA MUNICIPAL CODE (2003 EDITION).**

It was moved by Mayor Pro Tem Garcia, seconded by City Councilmember Lutz, to adopt Ordinance No. 2003-15.

**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 October 7, 2003 of the Monrovia Redevelopment Agency Board of Directors at 9 25 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 Adams, seconded by Vice Chairman Garcia, to approve the Consent Calendar consisting of Item \*B

**ROLL CALL:** Ayes: Boardmembers Adams, Kirby, Lutz, Vice-Chairman Garcia, and Chairman Hammond  
Motion carried: 5-0

**\*B. MINUTES:** The Minutes of the Regular Meeting of September 2, 2003 were approved by order of the Consent Calendar

**MRA REPORTS:** None

**MRA ADJOURNMENT:** Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9 39 P M and the City Council Meeting continued

**RECONVENE MONROVIA CITY COUNCIL MEETING**

**E. BIDS:** None

**F. COMMUNICATIONS AND PETITIONS**

**\*1 Denial of Liability Claim; Shannon Harnett vs. City of Monrovia**

This matter was approved by order of the Consent Calendar

Ms Harnett claimed that on August 29, 2003, the street sweeping vehicle scraped her parked car as it went past She sought reimbursement for the estimated cost to repair her vehicle

As the City contracts with Clean Streets to perform street sweeping services within the City, Ms Harnett was notified to contact Clean Streets regarding this matter The City of Monrovia bore no responsibility in this matter Claimant sought approximately \$543 19 in damages Staff recommended that Council deny this claim

**\*2 Receive and File; Application for ABC Beverage License (Type 47, On-Sale General) for the Monrovia Family Restaurant, 534 South Myrtle Avenue, Monrovia**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Kuprisia Sia Soris submitted an application for a Type 47 On Sale General 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 Staff recommended that the City Council receive and file the application

**\*3 Denial of Liability Claim; Verizon vs. City of Monrovia**

This matter was approved by order of the Consent Calendar

Verizon representatives claimed that on April 18, 2003, a contractor doing work at City Hall damaged a Verizon cable resulting in a phone outage in the Police Department

A private contractor was conducting work in City Hall at the time of the alleged incident The contractor covered the City as an additional insured on their insurance policy Therefore, the City bore no responsibility in this matter Verizon representatives were notified to contact the contractor for further resolution of this matter Claimant sought an unknown amount in damages Staff recommended that Council deny this claim

**G. CITY COUNCILMEMBERS & SUB-COMMITTEES.**

**Mayor Hammond** reported that.

(a) Support of a Statewide Ballot Initiative to Require Voter Approval Before State Government May Take Local Tax Funds, Resolution No 2003-16

**2. Mayor Pro Tem Garcia** reported that

(a)

**3. Councilmember Adams** reported that

(a) Use of Speaker Forms, Six Month Review

**4 Councilmember Kirby** reported that

(a)

**5. Councilmember Lutz** reported that

(a)

**H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES:** None

**I ADMINISTRATIVE REPORTS**

**1. Discussion of Procedures for Filing an Open Seat on the City Council, and Written Update of Spending Limits Survey**

City Clerk Linda B Proctor reviewed the Staff Report

Following the March 2003 General Municipal Election and subsequent appointment of a successor to the open seat created by Mayor Hammond when he was elected Mayor, the City Council requested a review of the options for filling vacancies used in other cities throughout the state. This was the third time in recent years that a seat on the City Council was vacated by the election of a seated Councilmember to the office of Mayor. Of the 275 cities surveyed, 36 responded. The completed survey is attached to the Staff Report. Findings revealed that procedures were across the board. While most had a policy, the policy appeared to be a re-statement of the Government Code, which is to be followed in the absence of a policy.

Government Code §36512 provides a procedure used to fill vacancies, including the elective office of the Mayor. Once a vacancy occurs, the City Council has thirty days to either appoint a qualified person to fill the remainder of the term or call a special election to elect a successor. If by appointment, the appointee takes office immediately. The appointee must be a registered voter of the City of Monrovia and otherwise able to serve. The City Council is not bound by past practices given the fact that each vacancy occurs under varying situations. On the other hand, if a special election were called, it would be held not less than 114 days from the announcement of the vacancy on the next regularly established election date. The successor would not take office until the results of that election was certified by the City Clerk. The cost of a special election would mirror the costs of a general municipal election, which was approximately \$57,000.00 in 2003.

Government Code §36512 also provides for the enactment of an Ordinance, if desired by the City Council, requiring that a special election be called immediately to be held on the next established election date not less than 114 days from the announcement of the vacancy by the City Clerk. A second option would be the enactment of an Ordinance requiring that a special election be called immediately within the above timeline when petitions bearing a specified number of verified signatures are filed within a specified period of time. A third option would be the enactment of an ordinance providing that a person appointed to fill any vacancy on the City Council holds office only until the date of a special election which shall immediately be called to fill the remainder of the term within the above specified timeline.

If the City Council chose to do none of the above, then the present procedure (adhering to Government Code §36512) would be maintained, affording the City Council with the maximum flexibility in filling vacancies on the City Council. No action would be necessary.

Another question that had come up during the City Council's discussion on filling election-related vacancies was the thought of the adoption of an ordinance that automatically appointed the runner-up to the vacant seat so that it was clear how the City Council would handle future situations. However, an ordinance to require this is not accepted under the Government Code because it conflicts with the Code. Secondly, if the City Council decided it wanted to adopt a policy regarding appointments, it would not be binding on future City Councils. The matter would still be problematic as it would not fit all circumstances of a vacant seat such as mid-year replacement for someone moving out of the city or a resignation from the Council.

Also attached to the Staff Report is the final survey of cities relating to local campaign contribution/spending limits as requested. Please note that none of the cities who responded had contributions limited to the city's stakeholders. The City Council may wish to receive and file this survey.

Staff requested direction from the City Council on both matters

**2. Update of Monrovia Library Grant, and Presentation of Monrovia Public Library Model and Renderings by Architects Gonzalez/Goodale**

April Soash, Director of Community Services, reviewed the Staff Report

On March 27, 2003 the City again applied for funds under Cycle 2 of the grant process. The total Monrovia Public Library project cost submitted in the application was \$16,799,550. Of this amount, \$10,576,378 would be provided by the state and \$5,694,972 by local matching funds. The grant was made under Priority 1 of the grant. This means that Monrovia chose to enter a joint venture agreement with the Monrovia Unified School District. The proposed library building includes a literacy center, a Homework Center, a Computer Center and a Career Center. The agreement with the school district allows for Shared Electronic/Telecommunications with the school district.

In the second cycle of funding there is a total of \$110 million in available funds and the Office of Library Construction received 67 applications for a total request of \$550 million. Monrovia's application is requesting \$10.6 million.

The grant awards for Cycle 2 will be made on October 28, 2003 at 1:00PM in Sacramento.

Gonzalez/Goodale Architects presented to the City Council the CD-ROM rendering of the proposed Monrovia Public Library, show a mock up of the exterior materials, and show a model. This has been a cooperative project with input from the City Council, Library Board, Historic Preservation Commission and City Staff to develop a design that blends with the downtown, represents the civic presence of the Monrovia Public Library, preserves the park and brings the beauty of the outdoors into the library.

The architects made a presentation to the Historic Preservation Commission in June, 2003 to obtain their input on the exterior materials. Based on the Historic Preservation Commission's input the materials chosen will save the project \$350,000 by using a combination of brick/cast stone rather than stone and the use of a zinc roof rather than copper roof. This \$350,000 savings can be reinvested for additional interior wood cladding and interior acoustical treatment of the ceilings and walls.

The CD-ROM will show exterior elevations and the interiors, but keep in mind the interiors are how the proposed library will compliment the downtown and it shows the amount of park space that remains.

The renderings and the model will be used to promote the proposed Monrovia Public Library through presentations and by having the model on display in the library.

**Receive and file this report.**

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

**3 Accept Transfer of Real Property (Assessor's Identification Numbers 8501-010-900) Portions from County of Los Angeles Flood Control District to the City of Monrovia, and Authorize and Execute Ingress and Egress Easement to Los Angeles County Flood Control District to the West and East Bank of Sawpit Dam and Other Locations Within Canyon Park, as Specified**

Dan Iwata, Parks Division Manager, reviewed the Staff Report

In 1999 the City entered into a Memorandum of Understanding (MOU) with the Los Angeles County Flood Control District. The MOU included the County Board of Supervisors adopting a resolution declaring the County structures and facilities as surplus to the needs of the Department and recommended the transfer of all rights and interests in said residences, structures and facilities to the City of Monrovia. In addition, the City would grant the County any and all permits for perpetual ingress and egress over the City right of way necessary for the County and its contractors to operate and maintain any structures and facilities transferred to the City.

Staff believed that through the Master Plan process there was a great opportunity to develop an extension to Canyon Park's already successful education and facility rental programs.

The City Attorney reviewed both the Deed and Bill of Sale and the Easement documents for County Flood Control District properties located at Sawpit Dam.

**approve the deed and bill of sale of Los Angeles County Flood Control District property for the Sawpit Dam East Bank and West Bank Dam Tender residences and adjacent structures and facilities, and**

**grant the Los Angeles County Flood Control District with a perpetual easement for ingress and egress onto property still owned by the County.**

**\*4. Designation of City's Agent by Title to Obtain Federal Financial Assistance From the State of California Governor's Office of Emergency Services for Assistance Given During Williams Fire of 2002, Resolution No. 2003-60**

This matter was approved by order of the Consent Calendar.

Staff sought City Council approval by resolution to approve the designation of a list of the city's agents by title who will be authorized to apply for federal financial through the State of California Governor's Office of Emergency Services. The city becomes eligible for federal financial assistance by means of reimbursement and grant funding for providing aid during incidents of disaster such as fire, flood, earthquake etc. This designation of city agents by title was required by the Office of Emergency Services before pending and future financial assistance is disbursed.

**approve Resolution No. 2003-60.**

**\*5. Set for Public Hearing on October 21, 2003; Historic Landmark HL-52 for Property Located at 312 Wildrose Avenue by Owner Robert Martin**

This matter was approved by order of the Consent Calendar.

At its meeting of September 24, 2003, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status for the property at 312 Wildrose Avenue to the City Council. Staff recommended setting October 21, 2003 as the date of the Public Hearing.

**\*6. Set for Public Hearing on October 21, 2003; Historic Landmark HL-53/Mills Act Contract MA-50 for Property Located at 363 North Myrtle Avenue by Owners John and Judith Foltz**

This matter was approved by order of the Consent Calendar.

At its meeting of September 24, 2003, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act for the property at 363 North Myrtle Avenue to the City Council Staff recommended setting October 21, 2003 as the date of the Public Hearing

**\*7. Set for Public Hearing on October 21, 2003, Historic Landmark HL-54 for Property Located at 310 Wildrose Avenue by Owners Patrick and Sharon Lundy**

This matter was approved by order of the Consent Calendar

At its meeting of September 24, 2003, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status for the property located at 310 Wildrose Avenue to the City Council Staff recommended setting October 21, 2003 as the date of the Public Hearing

**\*8. Set for Public Hearing on October 21, 2003; Historic Landmark HL-55/Mills Act Contract MA-51 for Property Located at 256 North Myrtle Avenue by Owners Paul Hubler and Patty Rhee**

This matter was approved by order of the Consent Calendar

At its meeting of September 24, 2003, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act for the property at 256 North Myrtle Avenue to the City Council Staff recommended setting October 21, 2003 as the date of the Public Hearing

**J RESOLUTIONS & ORDINANCES**

**1 Amendment to Title 2 and Title 5 of the Monrovia Municipal Code Relating to Terms of City Boards and Commissions, Introduction, First Reading and Waiver of Further Reading of Ordinance No 2003-16; and Establishment of Procedures Governing the Selection Process for Appointments to City Boards and Commissions, Resolution No 2003-67**

City Attorney Craig A Steele reviewed the Staff Report

At the direction of the City Council, a committee comprised of key City Staff has been studying the issues regarding the terms of office of the City's boards and commissions and the selection process and appointment procedures for those boards and commissions The Committee's findings were presented to the City Council at the September 16, 2003 City Council meeting Based on the Committee's findings and the City Council's direction, staff has prepared an ordinance that establishes uniform terms of office, amends the selection process for appointment and amends the provisions regarding automatic resignation from boards and commissions

In addition, a resolution has been prepared setting forth the procedures for the selection of members of boards and commissions by the Selection Committee Staff recommends introduction of the ordinance and adoption of the resolution

**introduce for first reading, read by title only and waive further reading of Ordinance No 2003-14.** As there were no objections, City Attorney Steele read as follows

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 2 AND TITLE 5 OF THE MONROVIA MUNICIPAL CODE RELATING TO CITY BOARDS AND COMMISSIONS**

**to a Resolution No. 2003-67 establishing procedures governing the selection process for appointments to City Boards and Commissions to become effective when Ordinance No. 2003-14 becomes effective.**

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

**\*2. Amendment to Title 2 (Administration and Personnel) and Title 17 (Zoning) of the Monrovia Municipal Code Pertaining to Regulations Regarding Second Unit Development Pursuant to Assembly Bill 1866; Second Reading and Adoption of Ordinance No. 2003-09**

This was the second reading and final adoption of Ordinance No 2003-09 amending Title 2 and Title 7 of the Monrovia Municipal Code pertaining to regulations regarding second unit development pursuant to Assembly Bill 1866 Staff continued to recommend approval of this ordinance

**\*3. Participation in the Public Agency Retirement System (PARS) Trust Accumulated Leave Plan for the City of Monrovia, Resolution No 2003-66**

The City of Monrovia is a member of the Public Agency Retirement System (PARS) Trust for the provision of retirement benefits for our part-time, seasonal and temporary employees that don't qualify for participation in the CalPERS retirement program PARS currently offers various types of retirement programs to over 250 public agencies in California, covering over 220,000 participants One of the other programs offered by PARS was an Accumulated Leave Conversion Plan (ALP) that converts various types of accumulated leave (vacation, sick leave, holiday and management leave) when an employee retires from City service from cash to pension

PARS member agencies are served by two firms to provide the day-to-day administration of these retirement programs Phase II Systems, is the PARS Trust Administrator and drafts the various legal documents to establish the plan and does all of the ongoing administration of the plans Union Bank of California (UBOC) is the PARS Trustee and receives contributions to the PARS Trust and safeguards them for future distribution to the participants of the various plans Phase II Systems currently administers over 400 different retirement plans for the public agencies that are members of the PARS Trust

The City of Monrovia currently pays to employees that retire from City service their accumulated leave balances When the City pays these leave balances out to the employee the City is required to pay a 1.45% Medicare contribution on the balance and the employee has 1.45% deducted from their leave balance for Medicare Both of these mandatory contributions will be eliminated by having leave payouts contributed instead to a tax-qualified retirement plan and trust More importantly, from the employee's perspective the leave when paid in a lump sum amount is taxed as additional taxable income in most cases at their highest earning year, whereas once the leave is contributed to tax-qualified plan and trust the employee will have the option of receiving the leave balance through a lifetime allowance, a joint and survivor allowance, a fixed term (5 to 15 years) or all rolled to an IRA and tax deferred

The fees for the administration of this Plan will be one-time fees for the establishment of the plan (\$1,000) and obtaining an IRS Letter of Determination that the Plan is tax-qualified (\$700) and all on-going fees are paid by the employee at the time of converting the leave to pension (3% of the leave balance)

At the inception of the Plan only the City Manager will be included in the Plan. The Plan can be amended in the future to allow any of the City's employee groups to participate after completing the appropriate meet and confer process. There would be no fees to amend the plan and add these additional employee groups.

Seventeen hundred dollars from the General Fund would be required to implement this Plan. This amount is available in the FY 2003-04 budget.

Staff recommended that the City Council adopt the Resolution adopting the PARS Accumulated Leave Plan, appoint the Director of Human Resources and Risk Management as the Plan Administrator and authorize the Director of Human Resources and Risk Management to sign and execute all of the necessary legal documents to implement the plan and keep it in compliance with the IRS regulations.

**to approve Resolution No 2003-66 to adopt the PARS Accumulated Leave Conversion Plan, as part of the City Retirement Program.**

**K. PAYROLL & VOUCHERS:** Payroll No \$465,649.28, and Voucher Numbers 47007 through 47012 and 113578 through 113993 non-sequentially in the amount of \$1,332,682.76 was approved by order of the Consent Calendar.

**L SCHEDULED MEETINGS.**

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, October 21, 2003, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

**M ORAL COMMUNICATIONS, CONTINUED, IF NEEDED:** None.


**N CLOSED SESSION.** None.

**O. ADJOURNMENT.** The City Council Meeting was adjourned at 10:43 P.M.

APPROVED

  
23  
Rob Hammond, Mayor

ATTEST

  
Linda B. Proctor, CMC, City Clerk