

**MINUTES OF THE REGULAR MEETING OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, MARCH 16, 2010, 7:30 P.M.**

**CONVENE:** Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, March 16, 2010, at 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of William Lee Kingston, born August 22, 2009, to Parents Matthew and Angelique Kingston, preceded by a closed session at 6:30 P.M. (at which Councilmember Shevlin, Mayor Pro Tem Adams, and Mayor Lutz were present; Councilmembers Garcia and Shaw were excused). In attendance were City Manager Scott Ochoa, Assistant City Attorney Gena Stinnett, and City Clerk Alice D. Atkins.

**INVOCATION:** Dr. John Mastrogiovanni gave the Invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember Becky A. Shevlin led the Pledge of Allegiance.

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

**PRESENTATIONS/PROCLAMATIONS:**

**PR-1 Recognition of Jeanette Chavez, Recipient of the 49<sup>th</sup> Assembly District "Woman of the Year" Award**

Assemblymember Mike Eng honored Jeanette Chavez as the 49th Assembly District "Woman of the Year" in a ceremony held at the State Capitol on March 8, 2010. The annual ceremony commemorates exemplary California women from each Assembly District in the state. The Mayor and City Council presented Ms. Chavez with a Certificate of Recognition for her tireless efforts to assist and improve the lives of those families that have been affected by senseless acts of violence.

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** Student Liaison Savannah Spicer reported on past and future activities at the high school.

**ORDER OF BUSINESS:** No Changes.

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

**CC-1 Unadopted Minutes of the March 2, 2010 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll No. 5 in the Amount of \$573,937.63 and Voucher Nos. 163684 through 163939 in the Amount of \$992,898.51**

**CC-3 Legislative Bulletin:** This report highlighted and summarized pending State legislation that might be important to Monrovia and provided a brief analysis of the potential impacts to the City. The recommendations made by Staff reflected the City's priorities and programs, as well as the direction taken by the League of California Cities, and were as follows: Support, AB715, SB346; Bills in Suspense; Oppose, AB479. Staff was directed to contact Monrovia's elected representatives for their support.

**CC-4 Facility Use Agreement between the City of Monrovia and the Volunteer Center of the San Gabriel Valley for Use of Office Space in the Monrovia Community Center:** On December 31, 2006, the Monrovia Volunteer Center and the Volunteer Center of San Gabriel Valley merged into what is now the Volunteer Center of San Gabriel Valley, which currently operates from office space in the Monrovia Community Center. Shortly after the merger, the City began negotiations with the Volunteer Center to establish a Facility Use Agreement. In December 2009 the language of the Agreement was finalized by the City Attorney and the City's Risk Management attorney and was reviewed and accepted by the legal counsel and board members of the Volunteer Center of San Gabriel Valley. In January 2010, Community Services Commission voted to recommend City Council approval of the Facility Use Agreement with the Volunteer Center of San Gabriel Valley.

If the City Council chose to not adopt the resolution, then alternative funding in the amount of \$180,000 would be required to maintain the assessment district.

The cost to provide the Engineer's report was approximately \$7,800 and was budgeted from the Park funds.

**CC-8 Denial of Liability Claim Filed by Ann Lavine:** Ms. Lavine alleged that on November 5, 2009, Monrovia Police personnel took her to the emergency room against her will. She indicated she was unable to pay the emergency room bill. Police personnel responded to a call for service. They determined that Ms. Lavine was a danger to herself. Police personnel acted in an appropriate manner. Therefore, the City bore no responsibility for this matter.

**CC-9 Acceptance of Fiduciary Management Over the 2010-2011 High Intensity Drug Trafficking Area (HIDTA) Grant and the 2010-2011 California Emergency Management Agency (Cal EMA) Anti-Drug Abuse and Enforcement Team Recovery Act Grants:** The City of Monrovia volunteered to accept the fiduciary responsibility for managing the 2010-2011 HIDTA Grant and the 2010-2011 Cal EMA Anti-Drug Abuse and Enforcement Team Recovery Act Grants. These grants provided funding to assist in the fight against, and prevention of, drug trafficking within the Southern California region. If approved, the City would be the conduit for these grant funds. Authorized representatives from the LA HIDTA multi-jurisdictional task forces would submit approved invoices for payment and the City of Monrovia would, in turn, issue payment and draw down funds from the federal and state governmental offices for reimbursement of monies paid.

The administration of this grant would have a zero cost impact on the City's General Fund. The City would receive approximately \$120,000.00 as part of a federal HIDTA grant, which would cover personnel and other administrative costs incurred to properly account for the grant funds. In addition, the City would receive reimbursement for costs associated with performing other fiduciary responsibilities related to the grant activities. This would be the fourth year that the City is acting in a fiduciary capacity for these grants.

Per the federal and state grant requirements, City Council approval was required before the City of Monrovia could accept funds for the grants. In addition, grant guidelines required City Council to appoint an authorized official to execute the necessary documents. The Chief of Police was designated as the authorized official.

**CC-10 Amendment to the Citywide Retention Destruction Schedule, Resolution No. 2010-06:** On August 5, 2003, the City Council approved the first Citywide Records Retention/Destruction Schedule (Records Retention Schedule), setting into place the regulations covering the retention and destruction of citywide records. On October 7, 2008, the City Council approved an amendment to accommodate changes in the City's departmental and divisional structure.

The City Attorney recently reviewed the definitions used in the existing Records Retention Schedule and the Records Retention Resolution, and made the recommended changes related to this amendment. The purpose was to clean up the definition of City records and non-records in accordance with the guidance provided in a published opinion of the California Attorney General, as well as allow the City to avail itself of options provided by Government Code Section 34090.7 with regard to the deletion of certain electronic records as duplicates once the record copy was printed on paper, thereby formalizing existing practices.

**CC-11 Third Amendment to Lease Agreement and Assignment of Lease Agreement Related to the Santa Anita Family YMCA Facility to the YMCA of Metropolitan Los Angeles; and Assignment of Lease Agreement Related to the Mary Wilcox Youth Center to the YMCA of Metropolitan Los Angeles:** The City of Monrovia and the Young Men's Christian Association (YMCA) entered into lease agreements for certain real property and use of City facilities since 1983. For the purposes of this report, the specific agreements pertain to use of land space in Recreation Park for the existing YMCA facility and use of the Mary Wilcox Youth Center. The following information is an overview of these respective leases.

In May 1983, the City and what was then the YMCA of Pasadena entered into a lease agreement for certain real property (Recreation Park) to construct the existing YMCA facility. This agreement was amended by a First Amendment to Lease Agreement in September 1983 to clarify language from the original agreement. There was a Second Amendment to the Lease Agreement dated July 22, 1992 to permit the YMCA to construct their Child Care facility, and as recorded in the Assignment of Lease Agreement in February 2000, a name change from YMCA of Pasadena to the Santa Anita Family YMCA.

The first phase was completed and the second phase, which consisted of the removal of the asphalt, concrete floorings and footings, had commenced.

The excavation and transportation of contaminated soil and unanticipated substructure removal were the proposed adjustments to Mayfield's Professional Services Agreement. The total consideration of \$88,000.00 that would be paid to Mayfield Enterprises included \$38,000.00 for the excavation of contaminated soil, \$27,500 for the transportation of the contaminants, \$2,000.00 for the additional sandbags, and \$20,500.00 for the removal of additional asphalt and underground concrete blocks, uncovered as part of the field work.

In addition to being the onsite demolition contractor, Mayfield also possessed the contaminated waste removal license to excavate and haul contaminated soil to the waste facility. To reduce costs, Agency staff proposed to pay Mayfield directly. The Agency would save a fifteen percent overhead charge.

**MRA CC-3 Recycling of Contaminated Soil at Soil Safe Waste Recycling Facility for 1622 South Magnolia Avenue, in an Amount not to Exceed \$71,184.90:** In January 2007, the Agency Board authorized a Professional Services Agreement with Tetra Tech for the environmental remediation of the 1622 South Magnolia site. As part of Tetra Tech's mitigation plan, the contaminated soil required proper disposal at a facility that treated contaminated soil. At the completion of the on-site field work, over 2,300 tons of soil had been identified and transported to the waste recycling facility, Soil Safe.

As the contractor, Tetra Tech would usually pay the waste facility directly and be obligated to charge the Agency overhead project management charges. Agency Staff proposed to pay for these costs directly to Soil Safe, thus saving \$4,000.00 in overhead charges from Tetra Tech.

**MRA PUBLIC HEARINGS/MEETINGS:** None.

**MRA ADMINISTRATIVE REPORTS:** None.

**MRA ADJOURNMENT:** Chairman Lutz adjourned the Meeting at 7:47 P.M.

## RECONVENE MONROVIA CITY COUNCIL MEETING

### REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

**RCC-1** Mayor Lutz reported that:

- (a) Census forms began arriving in mailboxes that week and she encouraged everyone to fill it out and send it in as a correct count was crucial for local funding and representation.
- (b) She and Councilmember Shevlin attended the Monrovia Youth Baseball League opening day ceremony.
- (c) She encouraged the community to check out and become fans of the new City page on Facebook.
- (d) The Monrovia Public Library completed the U.S. Green Building standards required for Silver under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. A glass plaque would be hung in the central entry area of the library along with the certificate she displayed.

**RCC-2** Mayor Pro Tem Adams reported that:

- (a) A Green Your Home seminar was scheduled for Saturday, March 27, hosted by the Monrovia Historic Preservation Group.
- (b) He reminded the community that a Community Work Day was planned at Canyon Park in coordination with Earth Day on April 17, 2010.

**RCC-3** Councilmember Garcia was excused.

**RCC-4** Councilmember Shaw was excused.

**RCC-5** Councilmember Shevlin reported that:

- (a) She reviewed the upcoming community events.
- (d) The Library Park had been hit hard with vandalism recently and she encouraged residents to report vandals and take part in the Graffiti Bounty Program.

Rejection of the EPR policy or CPSC membership would not have a direct impact on the city; however, the greater support for EPR the more successful CPSC could be to help reduce the disposal cost for banned products, increase convenient disposal opportunities and encourage manufacturers to create less hazardous products.

There was no fiscal impact to the City of Monrovia resulting from the adoption of the resolution supporting EPR; however the City of Monrovia stood to gain fiscal relief in the future if the EPR policy is passed on a statewide level. Annual membership dues for the CPSC were \$1,000 which was budgeted in the Waste Management Fund.

**It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shevlin, to adopt Resolution No. 2010-14.**

**ROLL CALL:** Ayes: Councilmember Shevlin, Mayor Pro Tem Adams,  
Councilmember Mayor Lutz  
Excused: Councilmembers Garcia, Shaw  
Motion carried: 3-0

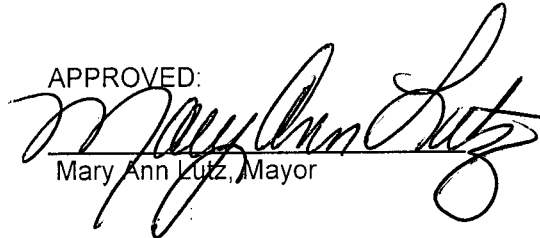
#### **SCHEDULED MEETINGS**

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

**PUBLIC INPUT, CONTINUED, IF NEEDED:** None

**ADJOURNMENT:** At 8:22 P.M. Mayor Lutz adjourned the Meeting in memory of Chelsea King, Daughter of Brent and Kelly King; Nellie Gonzales, Mother of Former Planning Commissioner Patricia Gonzales; Jack Brennan, and Mildred Dexter.

APPROVED:



Mary Ann Lutz, Mayor

ATTEST:



Alice D. Atkins, CMC, City Clerk