

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, MARCH 18, 2008, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, March 18, 2008, at 7 34 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California (preceded by a Closed Session, 6 02 P.M., City Manager's Conference Room, to conference with Labor Negotiator pursuant to Government Code §54957.6 Agency Negotiator: Theresa St. Peter; Group Employees: All Employees, 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.

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

INVOCATION: Father Marco Reyes led the Invocation

PLEDGE OF ALLEGIANCE Councilmember Tom Adams led the Flag Salute.

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Retiring Monrovia Old Town Advisory Board Member Ted Goldbeck: Ted Goldbeck had been a dedicated MOTAB member since 2002. Mayor Hammond presented him with a plaque in recognition of his exemplary service to the businesses in Old Town and his many contributions to the community

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Rachel Jamieson reported on events at Monrovia High School

REPORT OF CLOSED SESSION: City Attorney reported that the City Council held a Closed Session, 6 10 P M, City Manager's Conference Room, to conference with Labor Negotiator pursuant to Government Code §54957.6 Agency Negotiator: Theresa St. Peter; Group Employees. All Employees, at which time no reportable action was taken

CONSENT CALENDAR It was moved by Councilmember Lutz, 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 March 4, 2008 Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 5 in the Amount of \$544,013.99 and Voucher Nos. 149688 through 149969 in the Amount of \$823,577.29

CC-3 Amendment of Chapter 2.20 of Title 2 of the Monrovia Municipal Code Regarding City Elections Relating to the Date of the General Municipal Election, Adoption of Ordinance No. 2008-04: This was the final adoption of Ordinance No. 2008-04 amending Title 2 of the Monrovia Municipal Code, relating to the date of the General Municipal Election. Staff continued to recommend approval of this ordinance

CC-4 Annual Report on the Status of the General Plan; Receive and File: All cities and counties in California were required to prepare a long term comprehensive plan covering a wide range of issues to guide future growth—known as the *General Plan*. Government Code Section 65400 required an annual report to the legislative body on the status of the General Plan and progress in its implementation, including progress in meeting the community's share of regional housing needs pursuant to Section 65584. The report must be provided to the California Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) annually. Staff recommended that the City

Council receive and file the Annual Report, at which time the report would be forwarded to the California Office of Planning Research and the Department of Housing and Community Development.

CC-5 Denial of Liability Claim; Royal Oaks Village Homeowner's Association vs. City of Monrovia: The City of Monrovia installed a signal light at the intersection of Bradbury and Royal Oaks. As required by law, an ADA accessible ramp was constructed at the intersection on the south side of Royal Oaks. After a substantial rainstorm in January, the Royal Oaks Homeowners Association alleged the ADA ramp allowed water to flow from the street onto the sidewalk into two condominium units. Preliminary investigation showed the ramp was located down slope from the affected condominium units. The amount of water flowing onto the sidewalk from the ramp appeared minimal and a majority of the water causing damage to the condominium units flowed into the units via the driveway to the units. Another issue existed where the drainage from another condominium project up slope from the Royal Oaks Village condominium project overtaxed the drainage capacity of the City's street causing an excessive amount of water to flow on the street and into the Royal Oaks Village project. Therefore, the City bore no responsibility for this matter. Staff recommended that Council deny this claim.

CC-6 Denial of Liability Claim; Marsha Argo vs. City of Monrovia: The City of Monrovia installed a signal light at the intersection of Bradbury and Royal Oaks. As required by law, an ADA accessible ramp was constructed at the intersection of the south side of Royal Oaks. On January 4 through January 7, 2008, there was a substantial rainstorm. Ms. Argo alleged the ADA ramp allowed water to flow from the street onto the sidewalk into her condominium unit. Preliminary investigation showed the ramp was located down slope from Ms. Argo's condominium unit. The amount of water flowing onto the sidewalk from the ramp appeared minimal and a majority of the water causing damage to the condominium unit flowed into the unit via the driveway to the unit. Another issue existed where the drainage from another condominium project up slope from the Royal Oaks Village condominium project overtaxed the drainage capacity of the City's street causing an excessive amount of water to flow on the street and into the Royal Oaks Village project. Therefore, the City bore no responsibility for this matter. Staff recommended that Council deny this claim.

CC-7 Denial of Liability Claim; Hasmig and Ara Haleblian vs. City of Monrovia: The City of Monrovia installed a signal light at the intersection of Bradbury and Royal Oaks. As required by law, an ADA accessible ramp was constructed at the intersection on the south side of Royal Oaks. On January 4 through January 7, 2008, there was a substantial rainstorm. Hasmig and Ara Haleblian alleged the ADA ramp allowed water to flow from the street onto the sidewalk into their condominium unit. Preliminary investigation showed the ramp was located down slope from the claimants' condominium unit. The amount of water flowing onto the sidewalk from the ramp appeared minimal and a majority of the water causing damage to the condominium unit flowed into the unit via the driveway to the unit. Another issue existed where the drainage from another condominium project up slope from the Royal Oaks Village condominium project overtaxed the drainage capacity of the City's street causing an excessive amount of water to flow on the street and into the Royal Oaks Village project. Therefore, the City bore no responsibility for this matter. Staff recommended that Council deny this claim.

CC-8 Denial of Liability Claim; Betty Huey vs. City of Monrovia: Ms. Huey alleged she tripped and fell on the curb adjacent to the Post Office and sustained injuries to her back and left hip. An inspection of the site revealed no problems or defects with the curb. A conversation with the claimant revealed she misjudged the height of the curb and tripped while stepping from the street onto the curb. Therefore, the City bore no responsibility for this matter. Staff recommended that Council deny this claim.

PUBLIC INPUT:

- 1 Karine Kadyan, Monrovia, regarding Colorado Commons
2. Eric Brooks and Earle Parker, Monrovia, Enough Is Enough, LLC, and Kickin' It for Kids Foundation
3. Cyprus Kemp, Monrovia
- 4 Nick Manfredi, MPOA
- 5 Alex Perenishko, MPOA, read a letter from Officer Stephenson no longer with MPD
6. John Donchig, MPOA
7. Jaime Alfaro, MPOA
- 8 Mike Bires, Azusa Police Officers Association
- 9 Joe Flannagan, representing MPOA member agency

10. Stephen Grollnek, Monrovia
11. Charles Frankowski, Monrovia
12. C J. Wilkins, Azusa Police Officers Association

PUBLIC HEARINGS/MEETINGS:

PH-1 Opened and Continued from February 19, 2008; Appeal of the Planning Commission's Decision Upholding the Development Review Committee's Decision of DRC2007-135 Approving Roof Mounted Wireless Telecommunication Panels with a Mansard Roof Design in Lieu of the Applicants Proposal to Screen the Equipment with a Partial Design at 428 West Chestnut Avenue by Sequoia Deployment Services, Inc.

On February 19, 2008, the City Council held a Public Hearing to consider the appeal of the Planning Commission decision approving roof mounted wireless telecommunication equipment with a mansard roof design wrapping around the entire building with the exception of the south side where the mansard roof would be returned on either side and the remainder would be open. An engineering report that addressed concerns regarding the possible effects of a mansard roof wrapping the entire building was submitted to the City Council just prior to that Meeting. The Council concluded the Public Hearing by requesting a 30 day continuance to allow sufficient time for them to review the engineering report and for the applicant to meet with Staff to see if there were other design solutions.

On February 27, 2008, Staff met with Donna Leiby, the property owner, Pete Shubin and Jay Banks from Sequoia Deployment, Inc., and their structural engineer Scott Bentacourt. The meeting concluded with the applicant agreeing to forward the suggestions discussed at the meeting to his architect. To date, revised drawings had not been submitted to Staff and the applicant requested a continuance to allow more time for the architect to prepare the drawings.

Mayor Hammond opened and continued the Public Hearing appealing the Planning Commission's decision upholding the Development Review Committee decision of DRC2007-135 to April 1, 2008. There were no objections.

PH-2 Opened and Continued from February 19, 2008; Tentative Tract Map No. 068620/Conditional Use Permit CUP2007-14 to Convert an Existing 32-unit Apartment Complex Consisting of 32,160 Square Feet of Building Space on a 77,510 Square Foot Lot, into 32-Condominium Units in the RM2500 (Residential Medium Density) Zone, Located at 1415 Alamitas Avenue, Applicant Vance Pomeroy

Steve Sizemore, Planning Division Manager, reviewed the Staff Report.

This item was opened and continued at the February 19, 2008 City Council Meeting to allow the City Council a chance to review the noise analysis report.

The applicant requested approval to convert an existing 32-unit apartment complex into 32 individual condominium units. A Conditional Use Permit for the condominium conversion was requested in conjunction with the Affordable Housing Incentive Program and state mandated density bonus. A tentative tract map was also requested for a condominium subdivision of the existing 32 units that would be offered for individual sale.

The City Council conducted a Public Hearing on October 16, 2007 to consider the conversion. At the conclusion of the Public Hearing, the Council continued the hearing to allow Staff time to research the mitigation of potential impacts related to the extension of the planned Gold Line light rail route, the reduction of development standards and their impact on the surrounding neighborhood, and the impact of the conversion to the rental stock of the community.

The issue that older existing buildings might have a difficult time in mitigating noise impacts from the proposed Gold Line operation was also discussed. To address this issue, the Applicant prepared a Noise Study to ensure the conversion met Title 24 of the California Building Code (Noise Insulation Standards for residential buildings) as well as meeting criteria established in the City of Monrovia General Plan Noise Element. The results of the acoustical design analysis identified two basic noise sources-- the

railroad tracks impacting the south facing rooms and the 210 freeway impacting the east and north facing rooms. Noise levels from these sources ranged from 50dBA to 70dBA. On this basis, the dBA of 45 for interior noise levels could be met by choosing the appropriate level of window design. In this particular case, the Council had two options-- to have the follow up report and building plans address the issue, or to specify the STC rated window (26 or higher)

The impact of reduced development standards on the existing neighborhood was also discussed. Under normal circumstances, this project would need to comply with current development guidelines regarding parking and back up space. Under these guidelines, the development would be required to provide 32 two-car garages and 16 open spaces for guest parking. State Density Bonus law and the City's Affordable Housing Incentive ordinance, however, allowed for the modification of required parking requirements because the applicant had agreed to restrict 20% of the units to occupancy by moderate income households. The applicant was 8 spaces short of meeting today's parking standards but was 13 spaces over what would be allowed using the state mandated Density Bonus and the City's Affordable Housing Incentive ordinance. As such, the question became could the City deny the request based upon reduced parking. Even if the development met affordable housing threshold requirements, certain developer requests might be denied, but the threshold for doing so was fairly high. State statute listed the findings required to deny incentives and concessions, as well as findings necessary to deny waivers or reductions of development standards. The findings were similar but had slight variations, and had to be supported by substantial evidence. However, no findings were listed that could be used to deny a requested reduction in parking requirements, so long as the development met the affordable housing threshold requirements. The language in the statute appeared to preempt local authority to deny that request.

The final issue brought up at the previous Public Hearing was the conversion of rental units to "for sale" units. It had been a long standing policy for the City to provide for more homeownership opportunities for all levels of income in the City, particularly for low and moderate income households. One of the driving points had been the level of homeownership in the City versus rental units. Monrovia's homeownership rate of 48 percent was the second lowest ownership rate in comparison to surrounding cities. As housing became more expensive in Monrovia, the conversion of rental units to condominium units was more likely to happen. This would lead to a reduction of rental units, however, this would also lead to more entry level housing available to households who might not otherwise be able to afford to buy a home in Monrovia.

At its meeting of September 12, 2007, the Planning Commission voted to recommend approval to the City Council.

PUBLIC HEARING OPENED: Mayor Hammond opened the Public Hearing

Opposed: None

In favor:

1. Applicant Vance Pomeroy

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

It was moved by Councilmember Lutz, seconded by Councilmember Garcia, to approve the Tentative Tract Map TTM 068620/CUP2007-14 pursuant to recommendations in the Staff Report, and add the revision on Data Sheet 1, new Item 38, "Proposed conversion shall comply with the acoustical report prepared by Gordon Bricken and Associates, be consistent with Title 24 of the Uniform Building Code, and the City of Monrovia General Plan Noise Element."

ROLL CALL:

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

Motion carried: 5-0

Taken out of order, as requested by a member of the audience.

AR-3 Unilateral Implementation of Last, Best and Final Offer to the Monrovia Police Officers' Association; Amend Personnel Rules and Regulations to Provide for the Compensation and Supplemental Benefits Effective Fiscal Year 2007-2008 for Police Employees, Appendix "G," Resolution No. 2008-13.

City Manager Ochoa reviewed the Staff Report with the aid of a PowerPoint presentation

It was the City's practice, going back to the late 1970's, to endeavor to pay its employees at a competitive rate. Therefore, thirteen of the neighboring cities were surveyed to determine salary and benefit levels provided to their employees for use in recruiting and retaining quality employees. The proposed adjustments for Police employees provided salary and benefit adjustments that were in parity with the total compensation of the survey cities, as well as appropriate internal alignment. The City Council previously approved adjustments for the rest of the City's employees.

The prior Memorandum of Understanding (MOU) with the Monrovia Police Officers' Association employees expired June 23, 2007. Negotiations were conducted from May to the present in an attempt to come to agreement on a successor MOU. Unfortunately, this was not successful and no agreement was reached. MPOA employees took a vote on March 6, 2008, wherein they elected not to accept the City's offer. Therefore, the City was now at impasse.

City Manager Ochoa stated that the City would have preferred that the MOU was approved by both sides. However, as the Association decided not to approve the proposed MOU, Staff believed that the City had to move forward to define the terms of employment for the current fiscal year. The proposed adjustments for fiscal year 2007-08 provided the compensation increases for Police Officer, 4.68%; Police Sergeant, 6.19%, Administrative Secretary, 3.70%; Police Services Supervisor, 4.87%, and, Police Communications Officer, 4.03%.

Police employees would participate in the City's Retiree Medical Program as described to all employees in various meetings during the month of August 2007. In addition to the Program components as outlined in August, the City would increase its initial lump sum contribution factor for sworn Plan A participants by \$25.00. The City would also contribute an additional \$5.00 per sworn member per pay period for Plan A participants. For Plan B sworn participants, the City would contribute a one-time lump sum payment for 25 plus years of service of \$4,000.00, 20 to 25 years of service of \$3,000.00, and 15 to 20 years of service of \$2,000.00. PERS was 3%@50. The total cost to provide for the above recommended salary and benefit increases was \$318,768.00. This amount had been incorporated in the City's budget for fiscal year 2007-08.

Public Input

1. Steve Baker, City Treasurer
2. Sharon Mullenix, Monrovia
3. Kathie Reece McNeill, Monrovia,
4. Robert Parry, Monrovia
5. Cyrus Kemp, Monrovia
6. Gary Libra, Monrovia
7. Grant Moltmann, Monrovia
8. Dieter Dammeier, Attorney for MPOA

Mayor Hammond called for a recess from 10:07 PM to 10:16 P.M.

City Manager Ochoa stated that \$1.2 of new monies was needed for the MPOA's request and that the City's proposal would cost \$900,000.00. Discussion ensued. Councilmember Adams noted that in the past, members of the City Council could sit down and talk to members of the MPOA whereas now the members had been advised not to communicate with members of the City Council. He stated that they couldn't give what they didn't have, and that they would like to pay all employees in Monrovia the highest, but that the Federal, state and county was broke, and that the City of Monrovia could not afford to go broke, therefore, he supported unilateral implementation.

MRA ADMINISTRATIVE REPORTS:**MRA-AR1 Professional Services Contract with Mayfield Enterprises, Inc. for the Demolition of the Structure at 1622 S. Magnolia Avenue for the Total Consideration of \$171,168.00**

Lauren Vasquez, Management Trainee, reviewed the Staff Report

The Agency acquired the former Metric Machining site in July 2006 as part of the proposed Station Square development. Prior to conveying the site to the developer, it had to be cleared of all above and below ground improvements. Proposals were solicited from five qualified demolition contractors. Of these proposals, Mayfield Enterprises, Inc., presented the lowest, most responsible bid. Due to the on-site environmental remediation, the Contractor would carry out the demolition in two phases. The total cost for the first phase of demolition, which included the demolition of all above-grade structures, was \$76,888.00. The second phase included the removal of the asphalt, concrete floorings, footings, subsurface concrete and rough-grading of the site for the total amount of \$94,280.00. The expected time for completion of the first phase of demolition was 21 business days. The second phase would begin once the environmental remediation is completed.

Staff recommended approval of the Professional Service Contract with Mayfield Enterprises, Inc.

It was moved by Boardmember Garcia, seconded by Vice Chairman Kirby, to approve a Professional Services Contract with Mayfield Enterprises, Inc., in the amount of \$171,168, and authorize the Executive Director to execute the necessary documents. There were no objections.

MRA-AR2 Professional Services Contract with Mayfield Enterprises, Inc. for the Demolition of the Structures at 112-140 West Huntington Drive for the Total Consideration of \$86,930.00

Lauren Vasquez, Management Trainee, reviewed the Staff Report.

On September 5, 2006, the Agency Board authorized the Redevelopment Agency to enter into a Disposition and Development Agreement with HM Crossing, LLC. Under the Agreement, the Agency was required to deliver the site cleared of all improvements.

Five proposals were solicited from qualified contractors for the demolition and grading of the sites. Of these, Mayfield Enterprises, Inc., was the low bidder in the amount of \$86,930.00. The expected time for completion of the demolition and grading was 21 business days.

Staff recommended approval of the Professional Service Contract with Mayfield Enterprises, Inc.

It was moved by Boardmember Adams, seconded by Vice Chairman Kirby, to approve a Professional Services Contract with Mayfield Enterprises, Inc., in the amount of \$86,930.00, and authorize the Executive Director to execute the necessary documents. There were no objections.

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 11:19 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING**REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:**

RCC1 Mayor Hammond reported that:

(a) **Fiscal Year 2007-08 Budget Update:** He explained that this item would be on the Agenda until further notice so that the public would be informed on the State Budget and its implications to Monrovia. Administrative Services Director Mark Alvarado presented an overview of the current financial situation with the aid of a PowerPoint presentation.

RCC2 Mayor Pro Tem Kirby reported that

- (a) He attended the Foothill Transit Governing Board meeting on March 5, 2008 to get updates on service and to propose bringing another city, Pasadena, into the joint power authority. He reported that he had asked Staff to look into the pros and cons of the proposal.
- (b) He alerted the community that it was mosquito time, and that they should get rid of any standing, stagnant water that mosquitoes breed in.
- (c) He thanked Councilmember Garcia on behalf of the team that traveled to Sacramento for the Transit Oriented Housing funds, and noted that the relationships that he had built were invaluable. Awards should be known on June 16, 17, 2008. He reported that the City was also trying to get Parks money from another grant, noting that working statewide and regionally did pay off.

RCC3 Councilmember Adams reported that

- (a) National Community Development Week Proclamation. He reported that the week of March 24, 2008 was National Community Development Week, and requested that the PowerPoint presentation scheduled to be shown be agendaized for the next Meeting.

RCC4 Councilmember Garcia reported that.

- (a) He presented an overview of the Sacramento trip that he, Councilmember Lutz and Mayor Pro Tem Kirby took to deliver the application for Transit Oriented Housing funds for \$3-1/2 million dollars, stating that he was cautiously optimistic that the City would be recipients of funding. He thanked his colleagues and the Staff members going.

RCC5 Councilmember Lutz reported that

She represented the City of Monrovia in Yosemite this weekend at the Building Livable Communities Livable Communities Meet the Global Warming Challenge Conference, noting that the City was building such a community.

REPORTS OF STAFF MEMBERS: There were none.

ADMINISTRATIVE REPORTS:

Deputy City Manager Tito Haes reviewed the Staff Report. He noted that one bill in Washington, D.C., HR1582, Gang Reduction Act, would fund grants for reduction in gang activities. Since it and its companion bill are stuck in both houses, the City's lobbyists were lobbying on the City's behalf.

The Staff report contained the latest information on the four specific infrastructure bond areas targeted as the comprehensive lobbying strategy for the Station Square Project.

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to receive and file the Legislative Review. There were no objections.

AR-2 Monrovia Public Library Project, Special Inspection and Laboratory Testing, Award of Contract to Reliant Testing Engineers in the Amount of \$93,045.00

In David Fike's absence, Administrative Services Director Mark Alvarado reviewed the Staff Report.

Contracting special inspection and laboratory testing was required to complete this phase of the Monrovia Public Library project. The City's contractor, Bernard's Services, solicited quotes and received six (6) proposals for three primary services and inspections that were required. Based on their prevailing hourly rate, quotes were received from Concrete Anchor Tension Testing ranging from \$65.00 per hour to \$95.00 per hour, Concrete Sample Testing ranging from \$20.00 per hour to \$25.00 per hour, and Steel/Welding Special Inspector ranging from \$65.00 per hour to \$95.00 per hour.

Based on individual rates for the specific services provided, Reliant Testing Engineers provided the lowest hourly rates. Since these were estimated hours for inspection and testing, the contract amount would not exceed \$93,045.00. Bernard's recently worked with Reliant Testing Engineers during the completion of the San Marino Library with positive results. Funds were available through the Library Bonds.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to award a contract to Reliant Testing Engineers for special inspection and laboratory testing for the Monrovia Public Library Project in an amount not to exceed \$93,045.00. There were no objections

The following Agenda item was taken out of order above following PH-2

AR-3 Unilateral Implementation of Last, Best and Final Offer to the Monrovia Police Officers' Association; Amend Personnel Rules and Regulations to Provide for the Compensation and Supplemental Benefits Effective Fiscal Year 2007-2008 for Police Employees, Appendix "G," Resolution No. 2008-13.

SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, April 1, 2008, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

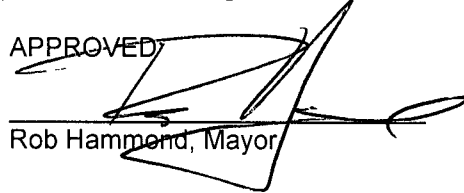
PUBLIC INPUT, CONTINUED, IF NEEDED None

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED None

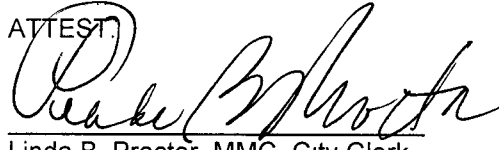
ADJOURNMENT TO CLOSED SESSION: None

ADJOURNMENT: Mayor Hammond adjourned the Meeting at 11 35 P M

APPROVED


Rob Hammond, Mayor

ATTEST


Linda B Proctor, MMC, City Clerk