

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, SEPTEMBER 16, 2008, 7:30 P.M.**

**CONVENE:** Mayor Pro Tem Kirby convened the Regular Meeting of the Monrovia City Council of Tuesday, September 16, 2008, at 7:36 P.M. (preceded by a Closed Session, 6:00 P.M. to 7:00 P.M., and Salute to Service Program, 7:05 P.M., at which all Councilmembers with the exception of Mayor Hammond) were in attendance) In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele and City Clerk Linda B. Proctor.

**INVOCATION:** Youth Pastor Ulises Gutierrez gave the Invocation.

**PLEDGE OF ALLEGIANCE** Councilmember Tom Adams led the Flag Salute

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

The following item was taken out of order.

**REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:**

**RCC3 Councilmember Adams** reported that

**(a) Update on California Department of Fish and Game Protocols:** He called upon Police Chief Johnson to review the protocols. Chief Johnson explained the procedures, noting that the Police Department took direction from the Department of Fish and Game. Councilmember Adams requested that the Police Department avail itself with its reverse 9-1-1 system in notifying neighborhoods of the presence of bears and mountain lions in their area. He requested that a written policy be written and presented at the next City Council Meeting on October 7, 2008.

**REPORT OF CLOSED SESSION:** City Attorney Steele reported that the following items were taken under consideration, Staff was given direction and no reportable action was taken:

1. Conference with Real Property Negotiator, Government Code §54956.8, Agency Negotiator Scott Ochoa, Property Located at 1616 and 1620 South California Avenue; Under Negotiation, Price and Terms of Sale
2. Conference with Legal Counsel, Threatened Litigation, Government Code §54956.9 - 1 Case
3. Conference with Labor Negotiator pursuant to Government Code §54957.6, Agency Negotiator Theresa St. Peter, Group Employees. Monrovia Police Officers Association

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** Newly appointed Student Liaison David Zook reviewed the events at Monrovia High School.

**CONSENT CALENDAR:** It was moved by Councilmember Lutz, seconded by Councilmember Adam, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda items.

**CC-1 Unadopted Minutes of the September 2, 2008 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll No. 18 in the Amount of \$641,342.93, and Voucher Nos. 153386 through 153645 in the Amount of \$2,011,938.68**

**CC-3 Denial of Liability Claim; Randal Ruiz vs. City of Monrovia:** Mr. Ruiz alleged that on July 21, 2008, Monrovia Police personnel issued him a citation containing "unduly prejudicial phraseology" and kept some of his possessions during the booking process. A review of Police Department records indicated that the interaction between Police personnel and Mr. Ruiz was handled in an appropriate manner and the Department did not keep any of his possessions. Therefore, the City bore no responsibility for this matter.

**CC-4 Denial of Liability Claim; Carol and Don Bradley vs. City of Monrovia:** Carol and Don Bradley alleged that on July 2, 2008, they were harassed by the City's Animal Control personnel. The incident that occurred was related to a criminal investigation of cruelty to animals as well as the claimant exceeding the maximum number of animals allowed per owner.

A review of Police Department records indicated that all interactions between Police personnel and the Bradley's were handled in an appropriate manner and no harassment occurred. Therefore, the City bore no responsibility for this matter.

**PUBLIC INPUT**

1. Becky Shevlin, Monrovia
2. Paul Larson, Monrovia
3. Clare Chesley, Monrovia
4. John Jogminas, Monrovia
5. Kathy Reece-McNeil, Monrovia

Discussion ensued. Mayor Pro Tem Kirby called upon Fire Chief Donovan to explain the brush clearance program in response to Speaker No. 4's concerns on encroachment on other owner's properties. City Attorney Steele took exception to Speaker No. 3's concerns regarding the gang injunction proposed program and reviewed progress to date of formation of the matter. Mayor Pro Tem Kirby requested that Staff prepare a policy for education and information regarding Monrovia's wildlife for a future meeting.

**PUBLIC HEARINGS/MEETINGS:** None

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

**MRA CONVENE:** Vice-Chairman Dan Kirby convened the Regular Meeting of September 16, 2008 of the Monrovia Redevelopment Agency Board of Directors at 9:11 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

**MRA ROLL CALL:** Those in attendance were Boardmembers Tom Adams, Joe Garcia, Mary Ann Lutz, and Vice-Chairman Dan Kirby. Chairman Rob Hammond was excused.

**MRA CONSENT CALENDAR:** It was moved by Boardmember Garcia, seconded by Boardmember Adams, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda item:

**MRA CC-1** Unadopted Minutes of the September 16, 2008 Regular Meeting of the Monrovia Redevelopment Agency

**MRA PUBLIC HEARINGS/MEETINGS:** None

**MRA ADMINISTRATIVE REPORTS:** None

**MRA ADJOURNMENT:** Vice-Chairman Kirby adjourned the Meeting at 9:11 P.M.

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

**RCC1** Mayor Hammond was excused.

**RCC2** Mayor Pro Tem Kirby reported that:

(a) He had addressed the new youth leaders for the new youth sports program last week. He noted that they were outstanding young people who would be working with the children in the new afternoon sports program in the schools.

**RCC3** Councilmember Adams reported that:

(a) **Update on California Department of Fish and Game Protocols:** This item was taken out of order (see above, following **ROLL CALL**)

(b) Overview of City Vendor Policy. He called upon Administrative Services Director Mark Alvarado to explain the program. Mr. Alvarado reviewed the program which directed Staff to use Monrovia vendors whenever possible, noting that Staff must substantiate using an out of town vendor or non-Chamber of Commerce member.

**RCC4 Councilmember Garcia** reported that

(a) He also attended the Habitat for Humanity Program, as well as the MAP Program in the 300 block of Colorado Boulevard. He noted that programs such as these would curb our youth from at risk activities and that he would look very hard for on-going resources to continue to keep youth from being alienated

**RCC5 Councilmember Lutz** reported that:

(a) Overview of City of Monrovia's Water Supply: This report was rescheduled to the October 7, 2008 City Council Meeting

(b) She had attended the groundbreaking ceremony for four homes on Sherman Way for Habitat for Humanity and expressed her pleasure to have been a part of the program. She thanked Staff and Donna Baker for all their efforts. She announced that there was a need for additional volunteers to come together to build the homes and that the next event would be the ribbon cutting for the new owners to receive their keys. She noted that three out of the four families were Monroviaans.

**REPORTS OF STAFF MEMBERS:** There were none

**ADMINISTRATIVE REPORTS:****AR-1 Amendment of Title 15 (Buildings and Construction) of the Monrovia Municipal Code Relating to Art in Public Places; Introduction and First Reading of Ordinance No. 2008-08**

Director of Community Development Alice Griselle reviewed the Staff Report.

In 2004, the City Council approved the Art in Public Places Ordinance, which was codified in Chapter 15.44. The ordinance required that developers install public art that was equal to 1% of the project cost or they may pay an in lieu fee that was deposited into the Art in Public Places Fund. The code was amended in 2005 to allow the developer the option of putting 50% of the in lieu fee into the Library Improvement Fund.

After implementing the ordinance over the last four years, changes were proposed based on experience in using the provisions of the Ordinance. Staff recommended a shift of the authority given by the ordinance from the Director of Community Services to the City Manager or designee, collection of the public art fee at the time of building permit issuance, allow Art Fee to also be established in Specific Plans, and have the authority to prepare mural program guidelines.

After discussion, including the request to add as a separate item during the budget review for a breakdown of revenue, projects and expense, **it was moved by Councilmember Adams, seconded by Councilmember Garcia, to introduce, waive further reading, and read by title only Ordinance No. 2008-08.**

**ROLL CALL:** Ayes: Councilmembers Adams, Garcia, Lutz, Mayor Pro Tem Kirby  
Excused: Mayor Hammond  
Motion carried: 4-0

City Attorney Steele read as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO ART IN PUBLIC PLACES.****AR-2 Purchase of Self-Contained Breathing Apparatus from L.N. Curtis & Sons in the Amount of \$95,693.00**

Fire Chief Chris Donovan reviewed the Staff Report

The Federal Government released new standards for breathing apparatus in December 2007, which created an enhanced level of protection for firefighters in the event of Chemical/Biological/Radiological/Nuclear/Explosive (CBRNE) incidents. The current SCBA used by firefighters did not meet this standard and would be a significant safety consideration in the event of a CBRNE incident.

This was a continuation from an original grant allocation that was approved by Council on July 15, 2008 with the addition of Homeland Security funds secured for the City of Monrovia. The original grant allocation would only outfit posted firefighter positions, but additional funds had been secured that would outfit all of the fire department needs with no money out of the general fund. Given the scope and magnitude of the project, Los Angeles County Internal Service Division (ISD) headed the purchase process. A vendor had been selected



property acquisition. To complete the acquisition, an option was to borrow from City reserves. The City currently had over \$33,000,000.00 in cash reserves.

Staff identified three City reserve funds where monies would be borrowed without impeding cash flow needs of the operations. The three City reserve funds that were being contemplated were the Water Fund, the Retirement Fund and Equipment Replacement Fund. These funds had sufficient reserves that would allow for the prudent borrowing for a "bridge loan." Staff recommended borrowing \$5,000,000.00 from the Water Fund which had over \$7,500,000 in reserves, and \$2,000,000.00 from the Retirement Fund, which had approximately \$5,000,000.00 in reserves. Forecasting out for the next three years, there would be no cash flow concerns with this borrowing. The Equipment Replacement Fund had over \$1,300,000.00 in reserves and Staff recommended borrowing \$500,000.00. The total borrowing was estimated at \$7,500,000.00. Coupled with the proceeds from the Tax Allocation notes and \$500,000.00 from the MRA's Economic Development Fund, the City would close escrow on the property. The estimated duration of the borrowing was anticipated to be between three and ninth months.

Because these reserve funds were currently invested, they were earning interest income. As part of the proposed borrowing, the funds that were being used would be reimbursed for any lost interest earnings. The reimbursements would come from the proceeds of the sale of the properties in question. The alternative financing option that the City was looking at – a conventional bank loan – was a more costly alternative. The interest rate that banks were currently charging would likely be in excess of 7%, compared to the 3% interest rate that would be charged internally, based on the borrowing of City reserves. The anticipated savings, based on a duration time of three to nine months, would be between \$75,000.00 and \$225,000.00.

**It was moved by Councilmember Adams, seconded by Councilmember Lutz, to approve proceed with the short term borrowing of City reserves, in order to facilitate the acquisition of property for future development.**

**ROLL CALL: Ayes: Councilmembers Adams, Garcia, Lutz, Mayor Pro Tem Kirby  
Excused: Mayor Hammond  
Motion carried: 4-0**

#### **SCHEDULED MEETINGS**

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, October 7, 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:** Mayor Pro Tem Kirby reminded all to register to vote, and adjourned the Meeting at 10:01 P.M.

APPROVED

  
Rob Hammond, Mayor

ATTEST.

  
Linda B. Proctor, MMC, City Clerk