



**REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
November 14, 2000
7:30 P.M.**

AGENDA SUMMARY

CONVENE

INVOCATION

Pastor Richard Sullender
First Baptist Church

PLEDGE OF ALLEGIANCE

Councilmember Rob Hammond

ROLL CALL

Councilmembers Blakely, Garcia, Hammond, and Mayor Pro
Tem Adams
Excused: Mayor Bartlett

REPORT OF CLOSED SESSION

1. October 24, 2000: Public Employee Performance Evaluation – City Manager, Pursuant to Government code §54957.

PRESENTATIONS

1. **Recognition of Ferrari Brothers, Samuelson-Fetter, Krikorian Premiere Theatres, Sponsors of the Halloween 2000 Event.**

This year's Halloween event "Witches Cider and Spider Soup" was held on October 31 from 2:00 to 5:00 p.m. at Library Park. The three main sponsors of this event were Krikorian Premiere Theatres, Ferrari Brothers Body Shop, and Samuelson and Fetter. Their generous contributions helped make this year's event successful.

Kerri Zessau, Recreation Coordinator, will be on hand this evening to assist the Mayor and City Council in recognizing the sponsors of the 2000 Halloween Activities.

2. **Recognition of Service Club Sponsors for the "School Safety Signs"**

Representatives from Quota International (President Gloria Huss), Monrovia Kiwanis Club (President Eric Faith), Gem City Kiwanis (President Scott Ochoa), and Monrovia Rotary Club (Mary Ann Lutz) will be here this evening to accept plaques in recognition of their donations.

3. **Recognition of 3M Company, Assael BMW, California Medical Business Services, Circle Machine Company, Electrocube, Inc., Gateway Country, Harbor Seal, Lawry's Foods, Inc., MD Hydraulics, PartyWorks Interactive, Production Lapping Company and Yost Printers & Lithographers for their Exemplary Recycling and Waste Prevention Practices**

Sondra Lee, Management Analyst II, will be on hand this evening to assist the Mayor and City Council in recognizing the 3M Company, Assael BMW, California Medical Business Services, Circle Machine Company, Electrocube, Inc., Gateway Country, Harbor Seal, Lawry's Foods, Inc., MD Hydraulics, PartyWorks Interactive, Production Lapping Company, and Yost Printers & Lithographers for their Exemplary Recycling and Waste Prevention Practices.

PROCLAMATIONS

None

Student Government Representative Report

Student Liaison Chris Burau

- A. **CONSENT CALENDAR** *B, *F-1, *F-2, *I-3, *I-4, *J-3 and *K

- *B. **MINUTES** Regular Meeting of October 24, 2000

- C. **ORAL COMMUNICATIONS**

- D. **PUBLIC HEARINGS**

1. **Amended Fee Structure for Commercial and Industrial Solid Waste and Recyclables Collection and Disposal, Resolution No. 2000-96; and Amendment Title 8, Chapter 8.10 of the Monrovia Municipal Code Relating to Commercial/Industrial Solid Waste Collection and Disposal; Introduction and First Reading of Ordinance No. 2000-26**

Sondra Lee, Management Analyst II, will review the staff report.

In June of 1997, the City Council approved Resolution No. 97-41, authorizing the award of three-year non-exclusive service agreements to with eleven commercial haulers. The service agreements were to expire June 30, 2000. Prior to expiration, the agreements were extended by City Council resolution to expire December 31, 2000.

The extensions were requested to enable City staff to develop a new program in partnership with the commercial haulers to be implemented effective January 1, 2001.

In May of this year, City staff presented a new program concept to the 11 commercial haulers currently licensed in the City. The long-term goal of the program is to identify an optimal level of haulers to meet the solid waste collection needs of the commercial/industrial sector, achieve the diversion goals set forth in AB 939, and maintain administrative efficiency for the program. The new program concept was received positively by the haulers who participated in the program's development. The Ordinance and Resolution under consideration are a culmination of that process. The requirements of the City's current service agreements with haulers were used as a framework for the new program.

The proposed program would operate under a two-tier permit fee rate structure, based on the waste diversion requirements of AB 939. Staff projects the modified fee structure for the new program should provide a revenue stream comparable to the existing fee structure. Additionally, the new fee structure affords haulers a direct incentive to achieve the waste diversion goals of AB 939.

Haulers diverting 50% (the diversion goal for the year 2000 and beyond) or more of waste collected in the City will pay a permit fee rate of \$10 per ton of landfill disposal. Haulers achieving diversion of less than 50% will pay a permit fee rate of \$15 dollars per ton of landfill disposal. The reporting quarter diversion rate, as well as the cumulative diversion rate for the permit year will be used to determine the effective permit fee rate.

Therefore, as long the quarterly or cumulative diversion rate is 50% or more, the hauler will pay the lower (\$10 per ton) permit fee rate. This cumulative approach should enable haulers to compensate for periodic shifts in recycling and diversion activities from quarter to quarter by allowing an averaging of diversion over the permit year. Further, the Annual Public Education Fee will be discontinued under the new program

Diversion Requirements

Diversion through "hard" recycling, composting, source reduction and/or transformation (i.e. waste-to-energy) will be considered for purposes of the diversion calculation, so long as the City can include the diversion in its reporting to the State.

Adding source reduction as a qualifying diversion activity is new to haulers. Haulers may take advantage of source reduction by conducting waste audits of their customer account base. Waste audits analyze internal business practices that result in a reduction of the waste generated (e.g. two-sided copies, smaller print size, online document distribution, etc.) and quantify the net-reduction into tonnage diverted. As you know, the waste audit data collected from the City's recent study was used to calculate a new base-year generation figure, which was subsequently filed in City's 1999 Annual Report to the State. Staff is confident that the inclusion of source reduction as qualifying diversion will enable haulers to meet the 50% diversion requirement, thereby reducing the overall permit fees they pay to the City.

CERCLA Liability Fund

A portion of the permit fees collected from the haulers will be set aside to establish a CERCLA liability fund in order to provide an ongoing funding source for any CERCLA-related claims that may be filed against the City in the future.

Mandatory Service

Currently, only businesses located in the Old Town Franchise Area are subject to a mandatory service requirement. Expanding the requirement to the entire commercial/industrial sector will assist staff with identifying non-permitted haulers currently operating in the City, and also promotes fairness and lends itself to cleanliness in the business community.

Violators

The proposed Ordinance includes language that makes illegal hauling in the City a misdemeanor offense.

Program Administration

The day-to-day administration of the program will be handled by the Solid Waste Program Administrator to be designated by the City Manager. The City Manager will continue to exercise administrative oversight over the program and will continue to exercise all administrative actions, including revocation and/or non-renewal of permits.

The new Commercial/Industrial Solid Waste Collection Program is being proposed as a three-year pilot program. The long-term implications of AB 939 should become evident over this time frame. Shifting to a permit system codified by ordinance rather than individual service agreements will provide the City with the flexibility to adjust to any unforeseen changes the State may make in its approach to enforcement of AB 939.

Further, the two-tier permit fee rate structure reinforces the 50% diversion requirement in effect for the year 2000 and beyond. For these reasons, City staff recommends approval of Ordinance No. 2000-26 and Resolution No. 2000-96 to implement the new Commercial/Industrial Solid Waste Collection Program.

If at the conclusion of the Public Hearing the Council concurs, the appropriate action would be a motion to:

Approve Resolution No. 2000-96 amending the permit fee structure for Commercial/Industrial Solid Waste Collection, and to introduce and read by title only Ordinance No. 2000-26, amending Title 8, Chapter 8.10 of the Monrovia Municipal Code relating the Commercial/Industrial Solid Waste Collection."

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

ROLL CALL

Board Members Blakely, Garcia, Hammond, and Vice-Chairman Adams
Excused: Chairman Bartlett

A. CONSENT CALENDAR

None

***B. MINUTES**

Regular Meeting of October 24, 2000

MRA REPORTS

1. Krikorian Premiere Theaters, Inc.'s Selection of Large Film Format Provider LFX

Glenn Cox, Redevelopment Division Manager will review the staff report.

The First Amendment to the Disposition and Development Agreement with Krikorian Premiere Theatres provides a loan in the amount of \$500,000 from the Agency to Krikorian to acquire real property needed for the theater complex. Under the Agreement, the loan is to be forgiven in whole should Krikorian enter into a license agreement with IMAX Corporation, or an alternative large screen provider, acceptable to the Agency. Only \$350,000 is forgiven if an acceptable provider is not approved.

Krikorian is now requesting the Agency review the qualifications of LFX and approve its substitution for IMAX. A representative from Krikorian will be present to answer any questions regarding LFX. Staff is recommending approval.

If the Agency Board concurs, the appropriate action would be a motion to:

Approve the substitution of the IMAX franchise with LFX.

MRA ADJOURN

RECONVENE MONROVIA CITY COUNCIL MEETING

E. BIDS

1. Award of Contract; Supervisory Control and Data Acquisition System (SCADA) to Bristol Babcock in the Amount of \$642,016.00 for a Computerized Water Production System

David Fike, Interim Public Works Director, will review the staff report.

The City's water distribution system is divided into five pressure zones. Within the pressure zones there are six wells and eleven reservoirs, which have a combined capacity of twenty-five million gallons of water and five booster stations consisting of seventeen pumps.

The water distribution system is controlled by a telemetry control system. This system monitors reservoir levels, has the capability of turning well and booster motors on or off, and has an alarm fail system, which notifies water production staff. This system was designed and installed over thirty years ago by Bristol Babcock and has become antiquated and very inefficient to operate. In addition, replacement parts have become obsolete and difficult to find.

The proposed new computerized system will greatly improve the efficiency, operability and reliability of the City's water production system by providing:

- Instant reservoir levels.
- Capability to turn wells and boosters on or off remotely.
- Lower operation and maintenance costs.
- Real time data.
- Energy savings.
- Prompt and reliable early alarm notification.
- Improvement of system monitoring and control operation.
- Provide effective and useful automatic reports for operation, maintenance, engineering and administrative use.
- Central and remote control centers.

On September 28, 2000, only one bid was received and opened by the City Clerk. The bid was received from Bristol Babcock of Ontario, CA in the amount of \$642,016. Staff had ASL Consulting Engineers perform a feasibility study for this project and their estimate was \$669,000. Bristol Babcock has been in business since 1889 and are considered to be one of the leaders in industrial instrumentation and utility SCADA systems. They have installed similar systems for the cities of Arcadia, Azusa, Glendora, and La Habra Heights County Water District, who have been extremely satisfied with their systems.

Funds for this project are available through the Water Services Fund. Staff recommends that the City Council award a contract to Bristol Babcock in the amount of \$642,016.

If the City Council concurs, the appropriate action would be a motion to:

Award a contract to Bristol Babcock in the amount of \$642,016 for the design, manufacture, and installation of a new computerized control system (SCADA) for the City's water production system.

2. Purchase/Replacement of One Articulated Wheel Loader from Coastline Equipment in the Amount of \$79,325.60

Dennis Shiflett, Facilities Division Manager, will review the staff report.

The Public Works Department Street Division has one 1978 model, articulated wheel loader that is primarily used for the maintenance of streets. This unit has a life expectancy of fifteen years and is in need of replacement.

Staff had determined that purchasing a standard front bucket loader with a backhoe extension would provide them with a multi-functional piece of equipment, which will provide flexibility in its work assignments.

The City of Newport Beach recently went out to bid for this same style loader. Their bid results were as follows:

1. Coastline Equipment	\$79,325.60
2. Contractors Equipment	\$79,635.20
3. Shepherd Machinery Co.	\$94,637.56

Coastline Equipment was their lowest bidder with a bid amount of \$79,325.60. The vendor has offered to sell the City of Monrovia, through the cooperative purchase procedure, a similar front bucket loader at the same price as was bid to the City of Newport Beach on their Bid No. 9-011. Funding for this purchase is available through the Equipment Pool Replacement Fund.

Staff recommends that the City Council approve the cooperative purchase of one front bucket loader with a backhoe in conjunction with the City of Newport Beach's purchase order.

If the City Council concurs, the appropriate action would be a motion to:

- 1. Approve the cooperative purchase, without further bidding pursuant to Municipal Code Section 3.24.120(A), of one front bucket loader with a backhoe extension through Purchase Order Number 21569, Bid No. 9-011 issued by the City of Newport Beach; and**
- 2. Authorize staff to issue a purchase order to Coastline Equipment for one front bucket loader with a backhoe extension in the total amount of \$79,325.60.**

F. COMMUNICATIONS AND PETITIONS

***1. Denial of Liability Claim; Henry Cussumanio vs. City of Monrovia**

Mr. Cussimanio claims that while walking on East Olive Avenue he tripped over a steel plate on September 6, 2000, injuring his left arm and shoulder.

An investigation of the site was conducted and the plate is raised no more than one-quarter inch. The California Government Code provides immunity to the City for defects that are considered to be trivial in nature. A raised area of one-quarter inch meets this standard. Therefore, the City bears no responsibility in this matter.

If the City Council concurs, the appropriate action would be a motion to:

Reject the claim filed by Henry Cussumanio

***2. Receive and File; ABC License (Type 47, On Sale General License, Transfer of License/Dropping of Partner from License) for Brass Elephant, 311 West Foothill Boulevard**

Notice was received from ABC that Kathryn Reece has submitted an application for a type 47-On Sale License (Transfer/Dropping). Based on the background investigation on the applicant, Staff finds no reason to recommend any other action on this application. There is no fiscal impact and Staff recommends that the City Council receive and file the application.

If the City Council concurs, the appropriate action would be a motion to:

Receive and file this application.

G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1. Mayor Bartlett: Excused
2. Mayor Pro Tem Adams
3. Councilmember Blakely
4. Councilmember Garcia
5. Councilmember Hammond

I. ADMINISTRATIVE REPORTS

1. Oral Report by City Attorney Michael G. Colantuono Filing of Amicus Curiae Brief in the Case of Alameda Books, Inc. v City of Los Angeles Relating to Adult Book Stores

City Attorney Michael G. Colantuono will give an oral report regarding the filing of an Amicus Curiae Brief in the case of Alameda Books, Inc. v City of Los Angeles relating to adult bookstores.

If the City Council concurs, the appropriate action would be a motion to:

Authorize the City Attorney to list the City's name on the Amicus Curiae Brief.

2. Cancellation of December 26, 2000 City Council Meeting

Sondra Lee, Management Analyst II, will review the Staff Report.

This year, the second meeting in December falls the day after Christmas. At this time of year, many residents may be busy with the holidays. We would not schedule Public Hearings or any other business that would bring more than the normal public input. As this week is traditionally the slowest week of the year, it is Staff's recommendation that the City Council consider canceling this meeting.

In the event the City Council wishes to cancel the second meeting in December, i.e., December 26, 2000, discussion and action at this time gives the public proper notice. It also gives Staff the needed time to plan ahead in the advertising and scheduling public hearings.

If the City Council concurs, the appropriate action is a motion to:

Cancel the December 26, 2000 City Council.

***3. San Gabriel Valley Council of Government Joint Powers Agreement for the Alameda Corridor East (ACE) Rail Project, Resolution No. 2000-100**

In September of 1998, the City Council approved Resolution No. 98.-56, entering into the First Amendment to the SGVCOG Joint Powers Agreement to create the ACE Construction Authority. As you know, the ACE Construction Authority is charged with implementing the ACE Project, which consists of 55 grade crossing improvements on Union Pacific Railroad routes through the San Gabriel Valley. To date, the ACE Project funding requirements have been fairly modest. However, the ACE Project will require the issuance of short-term debt by January 2001 due to increasing reliance on State and federal funding to be paid to the Authority on a reimbursement basis only.

The Authority has retained financial advisors and bond counsel to advise it with respect to financial alternatives. The advisors have determined that short-term debt borrowing will be the best course of action to address the cash flow problems. The proposed short-term borrowing is a tax-exempt commercial paper issue -- essentially a short-term bond issue payable from monies pledged or otherwise designated from the ACE Project.

Member cities' exposure to liability for repayment of debt issued by the Authority was addressed in the current JPA Agreement. Additionally, the proposed Second Amendment states that any borrowing shall be for the sole purpose of financing the ACE Project and shall be repaid solely from funds pledged or otherwise designated for the ACE Project.

Accordingly, the adoption of the Second Amendment to the JPA Agreement and subsequent issuance of debt by the SGVCOG will have no effect whatsoever on the City's liability, creditworthiness or its own ability to issue debt. Timely action on the proposed Amendment authorizing the Authority to borrow is needed to ensure that the

Authority does not experience a cash shortfall, which may impact the progress of the Project. Given the benefits of the ACE Project that will ultimately accrue to Monrovia and the greater San Gabriel Valley, staff recommends that the City Council approve Resolution No. 2000-100.

If the City Council concurs, the appropriate action would be a motion to:

Adopt Resolution No. 2000-100 approving the Second Amendment to the San Gabriel Valley Council of Governments Joint Powers Authority Amended and Restated Joint Exercise of Powers Agreement.

- *4. **Set for Public Hearing on November 28, 2000; Historic Landmark HL30/Mills Act Agreement MA30 Located at 702 E. Foothill Boulevard, Owners Wesley and Allyson Ferrari**

At their meeting of October 25, 2000, the Historic Preservation Commission recommended approval of Historic Landmark designation and execution of a Mills Act contract with the property owners of the house at 702 East Foothill Boulevard. Staff recommends setting November 28, 2000 as the date for the Public Hearing.

If the City Council concurs, the appropriate action would be a motion to:

Set November 28, 2000 as the date of the Public Hearing.

5. **Oral Report by City Attorney Michael G. Colantuono; Filing of Amicus Curiae Brief in the Case of Emeryville Redevelopment Agency v. Elementis, No. 1 A091716 (1st District) Relating to the Treatment of Contamination Costs in Eminent Domain Actions**

City Attorney Michael G. Colantuono will give an oral report in the Case of Emeryville Redevelopment Agency v. Elementis, No. 1 A091716 (1st District) relating to the treatment of contamination costs in Eminent Domain actions.

If the City Council concurs, the appropriate action would be a motion to:

Authorize the City Attorney to list the City's name on the Amicus Curiae Brief.

J. RESOLUTIONS & ORDINANCES

1. **Amendment of Title 2, Chapter 2.56, and Title 5, Chapter 5.92 of the Monrovia Municipal Code Relating to Valet Parking; Introduction and First Reading of Ordinance No. 2000-27**

Alice Griselle, Planning Division Manager, will review the staff report.

Over the past year, several restaurateurs in Old Town have discussed with City Staff their desire to provide valet parking to their customers. Currently, there are no provisions in the Monrovia Municipal Code that would allow for valet parking. Staff has developed two components that together would put into place provisions for allowing and regulating valet parking and minimizing negative impacts: (1) an amendment to the Municipal Code that would permit valet parking, establish findings for granting permits and give power to the Development Review Committee (DRC) to establish and adopt Rules and Regulations and (2) the adoption of the Valet Parking Rules and Regulations.

The proposed ordinance amends the Municipal Code to permit valet parking drop off and pick up on public streets. Vehicles would then be stored in a designated private parking area. The valet parking regulations would apply only to Old Town Businesses.

The ordinance codifies the application requirements, findings for issuance, indemnification, insurance requirements, and appeal and revocation procedures. One moveable ground sign that identifies the availability of valet parking can be placed in the public right-of-way during the approved hours of valet parking operation.

The review of each valet parking request shall be handled by DRC. Although no public hearing is required, if the DRC determines that there may be an impact on surrounding residential properties, the Committee can require notification of those property owners. The proposed rules and regulations include: hours of operation, review of off-site parking location, review of routes to be used, sign specifications, and general operating procedures.

Generally, valet parking is operated by a company that is contracted by a business to provide the service rather than the business running the valet service. For purposes of the permit process, the valet parking operator is considered the applicant and all the requirements apply to the operator.

The valet parking process is designed to provide one more parking option for the Old Town Merchants. Staff is seeking to maximize the parking efficiency and availability in Old Town.

The fiscal impact of adopting these regulations is expected to be minimal. There are two fees that will be collected as part of the application process: the permit fee (DRC) and the business license fee. These are both existing fees. Due to the small number of establishments that are expected to apply for valet parking permits, the amount of revenue that will be generated is limited and those fees will cover the cost of processing the requests. Staff recommends approval of the Ordinance 2000-27.

If the City Council concurs, the appropriate action would be a motion to:

Introduce and read by title only Ordinance 2000-27 relating to valet parking regulations.

2. Amendment of Title 13, Chapter 13.12, of the Monrovia Municipal Code Relating to the Maintenance of Sewer Laterals, Second Reading and Adoption, Ordinance No. 2000-25

This is the second reading and final adoption of Ordinance No. 2000-25 amending Title 13, Chapter 13.12 of the Monrovia Municipal Code, relating to the maintenance of sewer laterals. Staff continues to recommend approval of this ordinance.

If the City Council concurs, the appropriate action would be a motion to:

- 1. Read by title only Ordinance No. 2000-25; and**
- 2. Adopt Ordinance No. 2000-25.**

***3. Adoption of Resolution No. 2000-102 Endorsing the National League of Cities' Call to Municipal Governments to Actively Pursue Means of Ending Racism in Local Communities**

For the Year 2000, the National League of Cities (NLC) adopted the goal of eliminating racism in local communities as a national comprehensive program. Members of the NLC have been encouraged to endorse a proclamation that spells out the need, as well as methods, of encouraging community members to take an active role in fostering tolerance, diversity awareness and racial harmony in cities and towns across America.

Resolution No. 2000-102 is a ringing endorsement of the NLC's proclamation and a call to Monrovia's to further enhance existing, and seek out new, community relationships that diminish the hateful and damaging effects of racism.

Despite Monrovia's proud record of racial and ethnic harmony on even the most controversial community issues, there are always methods to further improve interpersonal and intra-community relationships. Staff recommends that the City Council approve Resolution No. 2000-102.

If the City Council concurs, the appropriate action would be a motion to:

Approve Resolution No. 2000-102, endorsing the National League of Cities' call to municipal governments to actively pursue means of ending racism in local communities.

***K. PAYROLL & VOUCHERS**

Approve Payroll No. 22 and 23 in the net amounts of \$381,402.00 and \$370,112.56 Respectively and Voucher Numbers 90272 through 90677 nonsequentially in the amount of \$1,474,755.07.

L. SCHEDULED MEETINGS

A Study Session of the Monrovia City Council to discuss the Housing Element to be held at the Monrovia Police Community room, 140 East Lime Avenue, will precede the next Regular Meeting of the Monrovia City Council, scheduled for Tuesday, November 28, 2000, 7:30 p.m., Council Chambers, 415 South Ivy Avenue, Monrovia, California.

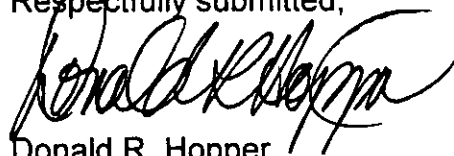
M. CLOSED SESSION

None

N. ADJOURN

In memory of Larry Bowden and Elma Thwaites

Respectfully submitted,



Donald R. Hopper
City Manager

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