

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

CONVENE: Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, February 16, 2010, at 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of Charles Wayne Gerringer, born October 14, 2009, to Parents Fredrick and Chinae Gerringer. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

INVOCATION: Josh Smith gave the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember Joe Garcia led the Flag Salute.

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

PRESENTATIONS/PROCLAMATIONS:

PR-1 Introduction of 2010 Senior Club Presidents

Community Services Commissioner Gloria Crudgington introduced New Horizon Senior Club President Pat Ostrye and Gad-A-Bout Senior Club President Clint Arsenault to the Mayor, City Council and the community.

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

ORDER OF BUSINESS: City Manager Scott Ochoa stated that based on the amount of interest Agenda Report item AR-2 generated over the weekend, Staff requested that the item be moved up to follow the Consent Calendar. Mayor Lutz agreed, announcing also that a speaker card was submitted for Consent Calendar item CC-4. As was the policy, CC-4 would be pulled from the Consent Calendar to be discussed following Administrative Reports.

CONSENT CALENDAR: At the request of a member of the public, item CC-4 was pulled for discussion following Administrative Reports. **It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to approve the Consent Calendar.** There were no objections. The Consent Calendar consisted of the following Agenda items:

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

CC-2 Payroll No. 3 in the Amount of \$596,194.64 and Voucher Nos. 163131 through 163393 in the Amount of \$993,297.18

CC-3 Denial of Liability Claim; Donna Huffaker vs. City of Monrovia: Ms. Huffaker alleged that on October 27, 2009, a City tree limb broke off causing damage to her vehicle. She believed the City is responsible for the cost to repair the vehicle.

City staff checked on the tree in question and determined that the tree showed no sign of visible disease or decay and had been regularly maintained and inspected. Therefore, the City bore no responsibility for this matter and Staff recommended that the City Council deny this claim.

CC-4 Amendment to Title 9 (Public Peace, Morals and Welfare) of the Monrovia Municipal Code Prohibiting Registered Sex Offenders from Loitering in Child Safety Zones, Residing in Residential Exclusion Zones, or Residing as Temporary Residents with Other Registered Sex Offenders in All Zones, Adoption of Ordinance No. 2010-02.

This item was pulled for discussion following Administrative Reports.

CC-5 Dispense with Competitive Bidding Due to the Existence of an Emergency and Award a Contract in an Amount not to Exceed \$10,000.00 to San Gabriel Valley Ornamental Iron Works to Repair/Replace Damaged Well Field Gate: On Friday morning, February 5, 2010, the City's well field sustained major damage by an unknown vehicle ramming through the fence and gate. The entire southern portion of fence and gate was destroyed and severely damaged. Temporary chain link fencing was being used to enclose this damaged area, while chains and locks were used to secure the fencing. It was crucial that repairs were made as soon as possible for the security of the well field as well as to restore site access through the Peck Road entrance.

Total estimated cost for repairs/replacement was not to exceed \$10,000 and would be available from the Water Fund.

Staff recommended that the City Council find that an emergency existed, dispense with competitive bidding and award a contract to San Gabriel Valley Ornamental Iron Works in an amount not to exceed \$10,000.00 for the repair/replacement of a damaged well field fence and gate.

CC-6 Destruction of Certain City Clerk, Community Services, Human Resources/Risk Management, Police and Public Works Departmental Records, Resolution No. 2010-07: Government Code §34090 provided a procedure whereby any city record which had served its purpose and was no longer required may be destroyed, as long as the destruction of said records would not interfere with the services and functions of the City. On August 5, 2003, the City Council approved a Citywide Records Retention/Destruction Schedule, setting into place the regulations covering the retention and destruction of citywide records.

There was no fiscal impact associated with this action and Staff recommended that the City Council adopt Resolution No. 2010-07 relating to the destruction of certain City Clerk, Community Services, Human Resources/Risk Management, Police and Public Works Departmental records listed on the attached Exhibit "A."

CC-7 2010 Local Agency Biennial Notice and Amendment of Conflict of Interest Code to Include Positions That Must be Designated and Delete Positions That no Longer Exist, Resolution No. 2010-09: California State Government Code Section 87200 required that every state and local government agency adopt a Conflict of Interest Code. The Code listed each position within the agency filled by individuals who made or participated in making governmental decisions, which could affect their personal financial interests. The Code also required individuals holding those positions to file annually disclosing certain personal interests.

The State required that each agency's Conflict of Interest Code be reviewed every other year in the even numbered year to be certain that the list of filers was consistent with government code. The adoption of Resolution No. 2010-09 brought Monrovia's Conflict of Interest Code current with respect to the Political Reform Act and Fair Political Practices Commission requirements by adding the Human Resources Division Manager, Infrastructure Maintenance Manager and Chief Deputy City Clerk, and by removing the Parks Division Manager, Facilities Division Manager and Utilities Division Manager. A full list of filers was included in Appendix A of the resolution.

PUBLIC INPUT:

1. Pam Fitzpatrick, Monrovia
2. Steve Baker, Monrovia Historical Museum
3. Ray Morford, Monrovia
4. Susan Hirsch, Monrovia
5. Jeanette Chavez, Monrovia
6. Gwendolyn Jones, Monrovia
7. David Gomez, Monrovia Youth Baseball League

The following item was taken out of order:

AR-2 Award of Contract to PCR Services Corporation in the Amount of \$98,689.00 for the Preparation of an Environmental Impact Report Related to the Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan

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

After the City Council rescinded the minimalist Resource Management Plan and the Mitigated Negative Declaration, the City Council authorized Staff to solicit Requests for Proposals to complete an Environmental Impact Report (EIR). In December 2009, the City solicited Requests for Proposals from consultants to conduct an Environmental Impact Report (EIR) that would look at what was included in the minimalist plan for the Resource Management Plan and the Mitigated Negative Declaration (MND) as potential impacts to the Hillside Wilderness Preserve, as well as all of the following; parking lots at Cloverleaf Drive and Highland Avenue (Upper Cloverleaf); access points and security lighting; picnic areas at Highland Avenue and Cloverleaf Drive access points; Vistas with seating on the Lower Clamshell Motorway and the Highland Avenue (Upper Clamshell) access; a kiosk at the Lower Clamshell Motorway – Cloverleaf Drive access point; Bike racks at each access point; drinking fountains at each access point; Restrooms at the Cloverleaf Drive access point; a complete analysis of all trail connectors, to include: 1) from Canyon Park to the Lower Clamshell Motorway, 2) re-establishing the Clamshell Truck Trail, 3) connecting the Upper Clamshell access to the Lower Clamshell Truck Trail and Motorway and to Arcadia Wilderness Park; re-routing the Cloverleaf Road to the west of the Cloverleaf Water Reservoir; a Nature Center by the Wilderness Preserve Station 103; a Native Plant Nursery at Wilderness Preserve Station 103; and improving and perfecting fire protection strategies within the hillside preserve.

Proposals were due January 20, 2010 and three proposals were received; PCR Services Corporation in the amount of \$98,689.00, Rincon Consultants, Inc., in the amount of \$124,755.00, and LSA Associates in the amount of \$279,950.00.

Upon reviewing the proposals and checking references, Staff determined that PCR provided the Scope of Service necessary to complete the EIR and the references checked stated they provided excellent service, stayed within the timeline and budget. One of PCR's current projects was the La Verne Wilderness Area Management Plan. An outline of the Scope of Service was included in the Agenda Report.

At 8:23 P.M. Mayor Lutz and Councilmember Garcia recused themselves from discussion due to the proximity of their properties and exited Council Chambers. At the request of City Attorney Steele, Mayor Lutz also announced a short recess, and Mayor Pro Tem Adams reconvened the Meeting at 8:30 P.M.

At the request of Councilmember Shevlin, City Attorney Steele reviewed in detail the events that led up to the current item up for their consideration. Prior to adoption of the Resource Management Plan (RMP) and Initial Study/Mitigated Negative Declaration (IS/MND), several meetings were held between Staff and the stakeholders who had concerns and questions. A list of things that addressed those concerns and was designed to minimize the impact of the RMP on property owners was developed through good faith discussions. Upon adoption of the RMP and IS/MND, a lawsuit was filed demanding that the City repeal the RMP and prepare a more detailed level of Environmental Impact Report (EIR). The City Council made a policy decision not to litigate the lawsuit, instead repealing the RMP and directing staff to prepare an EIR. It was noted that no judge reviewed the RMP and/or IS/MND, there was no trial or judgment indicating that the IS/MND was illegal. City Attorney Steele felt the City Council had made a defensible decision, however after weighing the risks, the City Council decided not to spend \$100,000.00 on litigation and put those funds toward preparation of an EIR instead. The California Environmental Quality Act (CEQA) required that in an EIR the public agency fully examine a reasonable range of alternatives on either side of a proposed project, both more and less impactful than what might be the intended use, in this case everything reasonable allowable under the General Plan and voter approved measures. At the end of the process, the City Council would have a full range of options to choose from, however, a minimalist approach could still be approved.

Public Input:

Dolores Reed, Monrovia, Opposed
Gloria Crudgington, Monrovia, In Favor
John Jogminas, Monrovia, Opposed
Vickie Adams, Monrovia, Opposed (letter read by John Jogminas)
Tom Suess, Monrovia, Opposed
Paul Larsen, Monrovia, In Favor
John Volk, Monrovia, Opposed

City Manager Ochoa pointed out that the City can't simply give back the grant money to avoid the public access requirement. Also, in order to connect existing trails in the Wilderness Preserve for access from only Canyon Park, as a speaker suggested, new trails would need to be cut, whereas, the minimalist plan included using an existing motorway. Also in response to comments, he stated that during discussions with the plaintiff, the City offered the option of indemnification to residents whose properties would be crossed for existing access points detailed in the original plan. The Wilderness Preserve needed a management plan, and in order to have a management plan at this point, an EIR needed to be completed.

Amidst discussion, Mayor Pro Tem Adams indicated that the City Council wanted to deliver a minimalist plan that allowed residents the opportunity to use what they were paying for through parcel taxes. Councilmember Shevlin worked on the RMP while serving on the Community Services Commission, she felt it provided for outstanding oversight, included checks and balances, and was meant to be a living document to be modified appropriately as time went on. Councilmember Shaw concurred that it was important to have a management plan in place and would not want to move forward without an EIR only to have the City sued again.

After further discussion, it was moved by Councilmember Shaw, seconded by Councilmember Shevlin, to direct Staff to continue discussion and mediation with the plaintiffs for a period of no more than 60 days, at which time if no resolution has been reached the City Manager is authorized to execute an agreement with PCR Services Corporation for the preparation of an Environmental Impact Report related to the Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan in an amount not to exceed \$98,689.00.

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

Mayor Lutz and Councilmember Garcia returned to Council Chambers at 10:07 P.M.

Although it was not directly linked to item AR-2, due to perceptions stated to the contrary by a prior speaker, Mayor Pro Tem Adams requested that Administrative Report AR-3 be postponed 60 days to the first meeting thereafter. Following discussion, there were no objections.

PUBLIC HEARINGS/MEETINGS: None.

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of February 16, 2010, of the Monrovia Redevelopment Agency Board of Directors at 10:13 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

MRA ROLL CALL: Those in attendance were Boardmembers Joe Garcia, Clarence R. Shaw, Becky A. Shevlin, Vice-Chairman Tom Adams and Chairman Mary Ann Lutz.

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

MRA CC-1 Unadopted Minutes of the February 2, 2010, Regular Meeting of the Monrovia Redevelopment Agency

MRA PUBLIC HEARINGS/MEETINGS: None

MRA ADMINISTRATIVE REPORTS:

MRA PH-1 Sale of Agency Surplus Property, APN 8506-014-907; Resolution 1-2010

Project Manager Darlene Sanchez reviewed the Staff Report.

In 1982, the Agency Board purchased a 958 square foot parcel on West Olive Avenue in anticipation of the potential expansion of Olive Park. Since the acquisition, Olive Park had been developed without the subject parcel, which had been held by the Agency as surplus property.

The adjacent property owners, Mr. Lam and Mrs. Liaw, submitted plans to add square footage to their home. A portion of the addition included the Agency owned parcel which was already improved as a planter. The subject parcel was an irregularly shaped lot only accessible through Mr. Lam's and Mrs. Liaw's property, inhibiting development of the Agency owned lot by anyone other than the adjacent property owner. The sale of this property would correct the irregularly shaped lot and allow the private investor to redevelop the parcel.

The Buyer would pay the Agency the total consideration of \$5,000.00 for the property. Additionally, the enhancements made to the property would yield a nominal increase in property tax to the City.

Staff recommended that the Agency Board approve the Quit Claim Deed to transfer ownership of the property and authorize the Executive Director to execute the Deed.

Chairman Lutz opened and closed the public hearing as there was no one who wished to speak for or against the matter.

It was moved by Boardmember Garcia, seconded by Boardmember Shevlin, to adopt Resolution No. 1-2010.

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 10:17 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

RCC-1 Mayor Lutz reported that:

(a) Support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, Resolution No. 2010-10. It was moved by Mayor Lutz, seconded by Mayor Pro Tem Adams to adopt Resolution No. 2010-10. There were no objections.

(b) She, along with Councilmembers Garcia and Shaw, had to reschedule their lobbying trip to Washington D.C., as their flights were cancelled due to severe storms.

(c) She and Councilmember Shevlin attended the YMCA Youth in Government Day in Sacramento to witness the fifth consecutive delegation from Monrovia. Of the many bills considered, the main bill they were pushing related to requiring volunteer hours for high school graduation. She opined that if these were the future leaders of the nation, things would be great.

(d) She attended the Operation Safe Neighborhoods meeting on February 5 held at the YMCA, which was primarily for the benefit of the Youth Alliance. There would be an all-Spanish version of the presentation on February 19.

RCC-2 Mayor Pro Tem Adams reported that:

(a) Monrovia's Participation in L.A. Impact: Police Chief Roger Johnson gave a report on the City's involvement in L.A. Impact, noting that some agencies aren't able to participate or may be limited by available resources.

(b) California Early Release Program/"Non-Revocable Parole": He asked Police Chief Johnson to report on the impact on Monrovia of the 6,000 prisoners being released to Los Angeles County. Chief Johnson noted that because there was no residency requirement for these parolees, there would be no notice provided to Monrovia and the department would be unable to compare crime statistics to parolee releases. Currently, 50 parolees were managed by an Agent, not much for a community of Monrovia's size.

(c) Independent Cities Association/Los Angeles County Police Chiefs Association Conference: He attended the conference with Councilmembers Garcia and Shaw aimed primarily at educating councilmembers on the role of police and what they were doing. The main topic was the Early Release Program, as well as a great program on LA Impact.

RCC-3 Councilmember Garcia report that:

(a) **Google Trial for High Speed Internet:** Google was looking to partner with communities of 50-100,000 to build a super-fast high-speed network. Mitch Cochran, Information Systems Manager, gave a brief explanation of the proposed network. Councilmember Garcia said the City would approach the neighboring cities and move forward with the application.

RCC-4 Councilmember Shaw reported that:

(a) **Dial-a-Ride Dispatch Update:** He reported on his visit to the Monrovia Transit operation, had the opportunity to speak with the knowledgeable staff who answered most of his questions.

(b) **Safe City Strategies Follow-up:** Police Chief Johnson reported back on questions previously raised by Councilmember Shaw regarding some of the programs being used to deal with gang issues in our community and the region. This included dissemination of gang information to the community, a Gun Buy Back Program, Cal-GRIP Grants, and possible integration of CHP officers into the DAMAGE Team.

RCC-5 Councilmember Shevlin reported that:

(a) She wished everyone a Happy Fat Tuesday.

(b) She reported on future events in the City, including Monrovia Reads on March 4, the Friends of the Library Book Sale on February 20 and February 22-27; Bethel AME Church's annual awards dinner honoring City Treasurer Steve Baker on February 26, and the Habitat for Humanity dedication of the house on Sherman on March 6.

(c) She reminded everyone to Shop Monrovia.

ADMINISTRATIVE REPORTS

AR-1 Review of Tax Assessments for Fiscal Year 2010-11

Mark Alvarado, Director of Finance, reviewed the Staff Report.

The Lighting and Landscape Assessment District ("District") tax was assessed to all property holders in Monrovia. The District's current operating budget was \$1,300,000.00. The annual assessment revenue, along with other miscellaneous revenues, was approximately \$1,100,000.00. The District's operations covered all maintenance and repairs of street lights and traffic signals, median and parkway maintenance, the downtown landscaping, and the trimming of trees.

The current budget included approximately \$200,000.00 of increased electricity costs, along with an increased cost of traffic signal repairs. Electricity costs that used to average \$275,000.00 per year were projected to cost \$400,000.00 for fiscal year 2009-2010. In addition, traffic signal maintenance and repair costs had doubled in the last three years.

The increased operational costs of the Lighting and Landscape Assessment District required the implementation of one of three options: an increase in property tax assessment revenues; a reduction in operational costs; or another City funding source to cover the operational shortfall.

If the District's budget were to be cut, some of the effects of these budget cuts would be as follows: The Public Works Department would have to eliminate two full-time positions; Landscaping of all medians and parkways would be done on an "emergency" basis, as opposed to a regular schedule; the trimming of parkway trees would be eliminated; street light repairs would be done on a priority basis - major arterial streets would receive first priority, residential streets would be handled if time and funds allowed; the downtown landscaping and the maintenance of City Parks would be severely scaled back; and the cleaning of flowerbeds, pulling weeds, and replanting of flowers and shrubs would be done less often.

Staff recommended that the City Council use City reserves for a one time (for fiscal year 2010-11) funding source to balance the Lighting and Landscape Assessment District budget. The City reserves were estimated to be \$5 million at June 30, 2010.

It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Adams, to approve a one-time transfer of \$200,000 from the City's General Fund Operating Contingency reserves to the Lighting and Landscape Assessment District as part of the fiscal year 2010-11 budget.

ROLL CALL:

Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Councilmember, Mayor Lutz
Motion carried: 5-0

AR-2 Award of Contract to PCR Services Corporation in the Amount of \$98,689.00 for the Preparation of an Environmental Impact Report Related to the Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan

This item was heard following Public Input above.

AR-3 Proposed Membership in the Emerald Necklace Coalition and Execution of the Emerald Necklace Accord

Following discussion of item AR-2 above, this item was postponed.

AR-4 Award of Contract to Hogle-Ireland, Inc., for the Preparation of an Initial Study and Appropriate Environmental Document for the Potential Development of a Light Rail Maintenance and Operation Facility in Planned Development Area 12 – Station Square Transit Village in the Amount of \$144,485.00

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

As the City continued to explore the available options and the possible location of a maintenance and operation facility, it was critically important that appropriate information was obtained to make an informed decision. The environmental impacts associated with the development of a maintenance and operation facility needed to be fully explored. In order for this to occur, the City needed to have additional studies done that would be utilized in the California Environmental Quality Act (CEQA) process to determine potential impacts associated with the development of the site with a maintenance and operation facility. The land planning and development consulting firm of Hogle-Ireland Inc. prepared these types of documents in the past for the City of Monrovia. They included a General Plan Amendment and Master Environmental Impact Report, the Station Square Transit Village Phase I Specific Plan and Transit Village Phase II Specific Plan and associated environmental documents.

The contract with Hogle-Ireland, Inc would be for the completion of an Initial Study and the appropriate environmental document for the development of a light rail maintenance and operation facility on the 27 acre site. Hogle-Ireland had estimated that the time frame for the documents would be approximately 120 days from the award of contract.

Hogle-Ireland Inc. was intimately familiar with the Transit Village Planning area as well as the City of Monrovia. They had great success for the City in achieving critical time frames in preparing and circulating planning and environmental documents. It was the City's experience that they were able to comply with pertinent environmental and regulatory issues and be in compliance with CEQA procedures. Their documents were defensible and would help guide the City through the complex environmental planning process.

This was an unbudgeted item. However, the City had \$190,000 dollars in its General Plan Implementation fund that could be utilized to pay for the studies. These funds could be recouped if the proposed maintenance and operation facility became a reality. Staff would recommend that in negotiations, the General Plan Implementation fund be reimbursed as part of an agreement with METRO and/or the Gold Line Authority.

Staff recommended that the City Council award a contract to Hogle-Ireland, Inc. in the amount of \$144,485.00 for the preparation of environmental documents for the analysis of a light rail maintenance and operation facility in Phase II of the Station Square Transit Village.

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to award a contract to Hogle-Ireland, Inc. in the amount of \$144,485.00 for the potential development of a Light Rail Maintenance and Operation Facility.

ROLL CALL:

Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Councilmember, Mayor Lutz
Motion carried: 5-0

