

**MINUTES OF THE REGULAR MEETING OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, JULY 7, 2009, 7.30 P.M.**

**CONVENE:** Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, July 7, 2009, at 7:41 P.M., in honor of Isabella Lily Valdez, born to Parents Luis and Lily Valdez on June 23, 2009, in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, 6:00 P.M. to 7:15 P.M. (at which all City Councilmembers were in attendance). In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Linda B. Proctor.

**INVOCATION:** Reverend Dorothy Scott gave the Invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember Mayor Pro Tem Tom Adams led the Flag Salute.

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

**REPORT OF CLOSED SESSION.** City Attorney Steele reported Closed Session consisted of Meet and Confer Pursuant to Government Code §54957.6, All Groups, Conference with Legal Counsel, Existing Litigation Pursuant to Government Code §54956.9, Rudy Ramirez vs. City of Monrovia, BC391514, and Conference with Legal Counsel, Existing Litigation Pursuant to Government Code §54956.9, Simich Construction Company, Inc. vs. City of Monrovia, BC382985, and that no reportable action was taken.

**PRESENTATIONS/PROCLAMATIONS:**

**PR-1 Recognition of TOPKIDS Learning Center**

The Mayor and City Council recognized the TOPKIDS Center and its students who won First Place in the 2009 Sally Ride Science TOYchallenge National Competition "Get Out and Play" category. TOYchallenge was a national toy design competition for 5th – 8th graders intended to introduce girls and boys to engineering. This unique event, created and run by Sally Ride Science, showed students that engineering was collaborative, creative and all around them.

Chris Chai, Director and TOYchallenge Team Manager, accepted the proclamation.

**PR-2 Full Support and Participation in the Overwhelming Success of Census 2010**

In March 2010, Census questionnaires would be mailed out to everyone living in the United States, Washington D.C., Puerto Rico, U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. This included people of all ages, races, ethnic groups, both citizens and non-citizens.

The successful counting of every person in the community was important because it would determine the distribution of \$300 billion annually of government funding for critical community services. It would also generate thousands of jobs across the country and would impact our voice in Congress.

The City of Monrovia's partnership with the United States 2010 Census Bureau, through the creation of a Complete Count Committee, would help ensure that the citizens were educated about the importance of the census and the benefits of being counted.

**STUDENT GOVERNMENT REPRESENTATIVE REPORT.** To resume in September.

**ORDER OF AGENDA CHANGES**

Mayor Lutz removed AR-4, to be rescheduled for the July 21, 2009, City Council Meeting. Consent Calendar items CC-13, C-C11 and CC-12 were removed from the Consent Calendar for discussion and action.

**CONSENT CALENDAR.** Mayor Lutz removed CC-13 from the Consent Calendar to be heard following adoption of the Consent Calendar, and CC-10 and CC-11 to be heard at the appropriate time at the end of the Meeting. 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 June 16, 2009 Regular Meeting of the Monrovia City Council****CC-2 Payroll No. 13 in the Amount of \$667,608.22 and Voucher Nos. 159011 through 159428 in the Amount of \$2,616,736.75****CC-3 Set for Public Hearing on July 21, 2009, Historic Landmark HL-127 and Mills Act Contract MA-121 for the Property at 341 West Scenic Drive, Brian Saeki and Jennifer Paige-Saeki, Property Owners:** The property owners filed an application for consideration of a historic landmark designation and approval of a Mills Act Contract. At its meeting of June 24, 2009, the Historic Preservation Commission reviewed the application and determined that the property does not meet any of the required designation criteria in the Historic Preservation Ordinance.

The Commission voted to forward a nomination statement recommending denial of Historic Landmark status. As the Commission determined that the property does not meet any of the designation criteria, the request for a Mills Act Contract could not be recommended. Staff recommended setting July 21, 2009 as the date of the Public Hearing.

**CC-4 Ratification of Action to Close Monrovia Canyon Park on July 3-5, 2009** Historically, the Fire Department has closed Monrovia Canyon Park on the Fourth of July holiday. This year, due to the extreme fire danger, the Fire Chief extended the closure dates. Fireworks were dangerous and illegal in Monrovia. Unsupervised barbecuing by numerous people could be particularly dangerous in Canyon Park during fire season, when the City typically experienced hazardous fire weather combined with dry vegetation conditions.**CC-5 Set for Public Hearing on July 21, 2009; Historic Landmark HL-126 and Mills Act Contract MA-120 for the Property at 415 North Magnolia Avenue, John and Bobbie Curley, Property Owners:** The property owners filed an application for consideration of a historic landmark designation and approval of a Mills Act Contract. At its meeting of June 24, 2009, the Historic Preservation Commission reviewed the application and determined that the property does not meet any of the required designation criteria in the Historic Preservation Ordinance.

The Commission voted to forward a nomination statement recommending denial of Historic Landmark status. As the Commission determined that the property did not meet any of the designation criteria, the request for a Mills Act Contract could not be recommended. Staff recommended setting July 21, 2009 as the date of the Public Hearing.

**CC-6 Set for Public Hearing on July 21, 2009; General Plan Amendment GPA2009-01 Amending the Text of Planned Development-Area 9a to Allow Residential Development, California Lofts By Mur-Sol Development, LLC, Developer** In 2007, the City approved a 16-unit live/work development at 1402 South California Avenue, which also included an amendment to the General Plan and a zone change. Previous to the change in designation, the property was zoned M (*Manufacturing*) and was occupied by Collins Roll-off, a waste disposal business. The site was blighted for many years. Unfortunately, the downturn in the economy and the newness of this type of product had proven to be an extremely hard sell. The developer filed an application with the City to allow the live/work units to be converted to a residential condominium development. The Planning Commission reviewed the request on June 10, 2009 and adopted Planning Commission Resolution No. 2009-02 recommending approval of the General Plan Amendment to the City Council. Staff recommended setting July 21, 2009 as the date for the Public Hearing.**CC-7 Set for Public Hearing on July 21, 2009, Amendment to Tract Map No. 69232 and Amendment to Conditional Use Permit CUP2007-03 to Allow a Recently Constructed 16-unit Mixed-use Condominium Development to Change to a 16-unit Residential Condominium Development in the PD-9a Zone, California Lofts by Mur-Sol Development, LLC, Developer** In 2007, the City approved tentative tract map and conditional use permit to allow the construction of a 16-unit live/work development at 1402 South California Avenue. The development was in the final stages of completion and the developer had found that even with very heavy marketing, this product had proven to be an extremely hard sell. The developer had filed an application with the City to allow the live/work units to be converted to a residential condominium development which required an amendment to the tract map and conditional use permit.

The Planning Commission reviewed the request on June 10, 2009 and voted to recommend approval of the amendment to the tract map and the amendment to the conditional use permit to the City Council. Staff recommended setting July 21, 2009 as the date for the Public Hearing.

**CC-8 Approval of Resolution 2009-37 for Paying and Reporting the Value of Employer Paid Member Contributions to the California Public Employees' Retirement System:** The City currently funds both the employee and employer share of the cost for participation in the Public Employees' Retirement System for all

employees. The employee cost was 8% for those with the local miscellaneous retirement benefit, currently 2.7% @ 55, and 9% for those with the local safety retirement benefit, currently 3% @ 50.

Effective November 12, 1997, the City Council authorized that employees in positions designated as Management, the City Manager and the City Clerk, be entitled to participate in the PERS Employer-Paid Member Contribution (EPMC) Program providing that they remained in the employ of the City for a minimum of three years from that date. On December 12, 2000 the City Council approved Resolution No. 2000-110 with an effective date of November 28, 2000 implementing this Program. On September 7, 2004, the City Council approved Resolution No. 2004-53 with an effective date of December 26, 2004 implementing this Program for employees in positions designated as Mid-Management and on June 20, 2006, the City Council approved Resolution No. 2006-42 with an effective date of July 1, 2006 implementing this Program for employees in the Monrovia Municipal Employees' Association (MMEA).

This Program consisted of the City paying 100% of the normal contributions as EPMC, and reporting the same percent (value) of compensation earnable, excluding Government Code Section 20636c (4), as additional compensation to the Public Employees' Retirement System thereby enhancing reportable earnings for retirement purposes.

The City was currently facing a budget deficit of approximately \$2.6 million dollars for fiscal years 09-10 and 10-11. In order to assist with this budget deficit and to implement cost saving measures to assure long term fiscal viability, Staff had been negotiating with all bargaining units requesting that they pay for the cost of the EPMC benefit. The cost of this benefit for miscellaneous employees was 1.946% of the 8% employee share and 3.811% of the 9% employee share for safety employees. Management, Mid-Management and MMEA were the first groups to agree to pay for this benefit. The effective date of this change would be June 21, 2009.

**CC-9 Set for Public Hearing on July 21, 2009; Adoption of the Los Angeles County Congestion Management Program (CMP), Local Implementation Report, Resolution No. 2009-35.** All cities in Los Angeles County were required to adopt and file a Local Implementation Report with the Los Angeles County Metropolitan Transportation Authority (Metro). The Local Implementation Report was required to be adopted by the City Council at a noticed Public Hearing.

**Pulled from the Consent Calendar to be heard at end of Meeting.**

**CC-10 Purchase of Two 2009 Global Electric Motorcars (GEM) Model GEM EI XD from Coalinga Motors, Inc., for a Total Amount of \$33,964.73**

**Pulled from the Consent Calendar to be heard at end of Meeting**

**CC-11 Contract Agreement with Monrovia Chamber of Commerce for Fiscal Year 2009-10, Ending June 30, 2010**

**CC-12 Purchase of One Chevrolet Silverado 2500 Long Bed, 4WD, Extended Cab Work Truck from Coalinga Motors, Inc., in the Amount of \$29,097.66.** This was a new vehicle that would be used by the Community Services Department as a maintenance and patrol vehicle for the Monrovia Wilderness Preserve and Hillside Recreation Areas.

**Pulled from the Consent Calendar to be heard at end of Consent Calendar:**

**CC-13 Determination of Public Convenience and Necessity, Conditional Use Permit CUP2009-05, 705 West Huntington Drive by Jay's Shell**

**CC-14 Amendment of the California Public Employees Retirement System (PERS) Contract Implementing the Provisions of IRC Section 414(H)(2), Employer Pick Up, Resolution No. 2009-36.** The City contracted with PERS to provide retirement benefits for its eligible employees. Pursuant to IRC Section 414(h) (2), the employer may enter into a contract to allow contributions that were deducted from the salary of employees and credited to the individual employees' retirement account pursuant to California Government Code section 20691 to be done on a pre-tax basis, thereby allowing employees to realize the tax benefits of IRC Section 414 (h) (2).

By entering into this contract option with PERS, the City would provide employees the tax benefits by deferring income tax liability on member contributions. Staff recommended that City Council adopt Resolution No. 2009-36.

**Pulled from the Consent Calendar to be heard at end of Consent Calendar.**

**CC-13 Determination of Public Convenience and Necessity, Conditional Use Permit CUP2009-05, 705 West Huntington Drive by Jay's Shell**

Community Development Director Alice Griselle reviewed the Staff Report with the aid of PowerPoint. The request before the City Council was from the Department of Alcohol and Beverage Control (ABC) for a finding of "public convenience and necessity" in order to complete their application process for the applicant's Type 20 license (off-site sale of beer and wine).

At the May 13, 2009 Planning Commission meeting, CUP88-52 was amended to remove a previous condition prohibiting the sale of alcoholic beverages that had been imposed as a condition of approval for the reconstruction of the Shell Service Station and the new construction of a mini-market in 1988. Also, CUP2009-05 was approved to allow the sale of beer and wine from the mini-market. The report and attachments to the report gave the complete background and history of the site and included a letter of opposition.

Jay's Shell was located in Census Tract #4309 where an "undue concentration" of ABC licenses existed per ABC. The twenty-four businesses within the same census tract as Jay's Shell sold alcoholic beverages (on-site and off-site) and included restaurants, grocery stores, retail stores, hotels and a Veterans club. The Police Department reviewed the request and had no objections to the proposed off-site sale of alcoholic beverages at the subject property since it would be incidental to the overall business operation. Since a conditional use permit was approved, the conditions of approval, including security measures such as an ID scanner and cameras, would ensure that the sale of alcoholic beverages would be incidental to the overall business operation on the site.

The other businesses within Census Tract #4309 with ABC licenses provided a wide variety of services and products to their customers. There were no other service stations with mini-markets that sold alcoholic beverages within this census tract. Allowing off-site alcoholic beverages to be sold at the mini-market would allow it to be competitive with similar convenience stores in the area.

Staff recommended that the Council make a finding of "convenience and necessity" to allow the applicant to have a Type 20 license at the subject property.

**Those speaking**

- 1 Peggy Madrid, Monrovia, opposed
- 2 Clint Arsenault, Monrovia, neither for or against
- 3 Attorney Abpalla Innabe, representing Jay's Shell, for
- 4 Kevin Sayles, Monrovia, opposed
- 5 Darla Sayles, Monrovia, opposed
- 6 Cyrus Kemp, Monrovia, opposed
- 7 Gregory Carr, Monrovia, opposed
- 8 Jerry Rabadi, owner, Jay Shell, for

City Manager Ochoa addressed items of concerns and explained the process. After much discussion, Mayor Lutz asked for meetings with the Neighborhood Watch groups rather than waiting six months for a report to the Planning Commission regarding the conditions.

**It was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to approve a finding of "convenience and necessity" and refer the matter to Alcohol Beverage Control Board.**

**ROLL CALL.**

**Ayes. Councilmembers Garcia, Shevlin, Mayor Pro Tem Adams, Mayor Lutz**  
**Noes Councilmember Shaw**  
**Motion carried 4-1**

**PUBLIC INPUT.**

- 1 Darcel Woods, La Verne
- 2 Ray Morford, Monrovia
- 3 Cyrus Kemp, Monrovia
- 4 Dorothy Kelty, Monrovia,

**PUBLIC HEARINGS/MEETINGS.**

**PH-1 First Extension of Interim Urgency Ordinance; Wireless Antenna Facilities in Rights-of-Way Moratorium, Ordinance No 2009-04U**

Douglas Benash, City Engineer, reviewed the Staff Report.

Extending the interim moratorium for ten months and fifteen days, prohibiting the installation of commercial wireless facilities in public rights-of-way throughout the City while the City continued to study and review the

City's current codes and update them once it was determined what conditions and standards were applicable was the object of the moratorium

State law specifically allowed cities to adopt interim moratoria in situations exactly like this one. A moratorium would ensure that installation of commercial wireless facilities that would be inconsistent with the actions and programs the City was considering did not occur before the City was able to complete its planning process.

This extension of this moratorium prevented the issuance of discretionary or ministerial permits for the installation, augmentation and relocation of wireless facilities in the City's rights-of-way for a period of ten months and fifteen days. During the initial 45-day period established under interim urgency Ordinance 2009-02U on June 2, 2009, the City Council would hold a public hearing to determine whether to extend the moratorium or allow it to expire. Pursuant to California Government Code Section 65858(a), this first extension of the interim ordinance had to be adopted by not less than a four-fifths vote of this City Council and would be in effect for an additional ten (10) months and fifteen (15) days. The City Council might consider one additional extension of the interim ordinance, pursuant to all legal requirements, if necessary.

Staff was collecting and analyzing existing ordinances from surrounding jurisdictions. Upon completion of the analysis, an ordinance would be presented to Council for consideration.

**PUBLIC HEARING OPENED AND CLOSED** Mayor Lutz opened and closed the Public Hearing as there was no one who wished to speak for or against the matter.

After discussion, it was moved by Councilmember Shaw, seconded by Mayor Pro Tem Adams, to introduce, read by title only and adopt Urgency Ordinance No. 2009-04U.

**ROLL CALL** Ayes. Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Mayor Lutz  
Motion carried. 5-0

City Attorney Steele read as follows:

**An Urgency Ordinance of the City Council of the City Of Monrovia, California, Extending the Interim Zoning Ordinance that Established a Temporary Moratorium on the Approval of Specified Permits for the Installation of Commercial Wireless Facilities in Public Rights-of-Way**

**PH-2 Open and Continue to July 21, 2009; Fiscal Year 2009-10 Park Maintenance Assessment District, Resolution No. 2009-46**

It was moved by Councilmember Shevlin seconded by Councilmember Shaw, to open and continue the Public Hearing to July 21, 2009. There were no objections.

**PH-3 Open and Continue to July 21, 2009; Fiscal Year 2009-10 Citywide Lighting and Landscaping Maintenance Assessment District, Resolution No. 2009-47**

It was moved by Councilmember Shevlin seconded by Councilmember Shaw, to open and continue the Public Hearing to July 21, 2009. There were no objections.

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

**MRA CONVENE** Chairman Mary Ann Lutz convened the Meeting of July 7, 2009, of the Monrovia Redevelopment Agency Board of Directors at 9:40 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 Boardmember Garcia, seconded by Vice-Chairman Adams, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following item:

**MRA CC-1. Unadopted Minutes of the June 16, 2009 Meeting of the Monrovia Redevelopment Agency****MRA PUBLIC HEARINGS/MEETINGS:** None**MRA ADMINISTRATIVE REPORTS****MRA AR-1 Operating Covenant and Restrictive Covenants with Living Spaces, Inc., for the Property Located on 407 West Huntington Drive**

Earlier this year, Home Depot announced the closures of its Expo Design Center stores. Included in the closures was their 88,000 square foot Monrovia store located at 407 West Huntington Drive. This store, which was opened in 2000, employed approximately 85 people, and during its 10 years of operation, generated approximately \$200,000.00 annually in sales tax to the city.

Following Expo's closure announcement, Staff began to identify potential retailers that potentially would be interested in the site. Living Spaces Furniture was quickly identified, and discussions were initiated. Following their review, Living Spaces determined the site could work both for their store, as well as their subtenant Paul's Big Screen TV ("Paul's"), but would require in excess of \$5 million dollars to complete the necessary tenant improvements. Because of the high start up costs, they indicated that some form of assistance from the Redevelopment Agency was required to make the project financially feasible.

After considering various options, the parties determined the appropriate vehicle would be for the Agency to purchase an Operating Covenant and Restrictive Covenants ("Agreement"). Under the proposed Agreement, Living Spaces would agree to remain operational for a ten year period. In exchange for receiving their operating covenant, the Agency would pay a yearly fee during the covenant period. The amount of the fee would be determined by sales tax generated by Living Spaces. The sales tax generated by Paul's would not be included in the total. While sales tax generated determined the consideration amount, the actual payment made to Living Spaces would be from agency tax increment.

The proposed Agreement would ensure that the former Expo site was quickly returned to productive use in a very challenging economic climate. A total of 125 new jobs would replace the 85 jobs lost, and the total sales tax revenue, including Paul's contribution, flowing directly to the City would be substantially higher than that generated by Expo. It was estimated that Paul's would contribute an additional \$75,000.00 in sales tax revenue, above the minimum of \$200,000.00 that would be realized under the Agreement. Living Spaces indicated that it would give priority in hiring former Expo employees. Staff recommended that the Board grant the approval of the Operating Covenant and Restrictive Covenants.

It was moved by Boardmember Garcia, seconded by Boardmember Shaw, to approve the Operating Covenant and Restrictive Covenants with Living Spaces, Inc., and authorize the Executive Director to execute the necessary documents. There were no objections.

**MRA ADJOURNMENT** Chairman Lutz adjourned the Meeting at 9:45 P.M.**RECONVENE MONROVIA CITY COUNCIL MEETING****CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT  
ADJOURNING CITY COUNCIL MEETING**

**MFA CONVENE** President Mary Ann Lutz convened the Meeting of July 7, 2009, of the Monrovia Financing Authority Board of Directors at 9:45 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

**MFA ROLL CALL:** In attendance were Authority Commissioners Garcia, Shaw, Shevlin, Vice-President Adams, and President Lutz.

**MFA CONSENT CALENDAR** It was moved by Commissioner Garcia, seconded by Commissioner Shaw, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following item:

**MFA CC-1 Minutes of the Meeting of June 16, 2009 of the Monrovia Financing Authority.****MFA ADJOURNMENT.** President Lutz adjourned the Meeting at 9:46 P.M.**RECONVENE MONROVIA CITY COUNCIL MEETING**

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

**RCC1 Mayor Lutz** reported that

(a) **Appointment of Library Boardmember** Mayor Lutz appointed John Wayne Carlson to fill the vacancy created by Boardmember LaBau's recent death, for a term ending June 30, 2011. There were no objections

(b) She thanked the Community Services Staff for a very good 4<sup>th</sup> of July Program in Recreation Park. Due to the logistics of the new wooden structure under construction on Myrtle Avenue, the event was moved to Recreation Park. Consequently, no fireworks were done this year. She thanked the community for understanding.

(c) There was some really good news from the meetings over the past few months with MTA regarding the Gold line. On its July 23<sup>rd</sup> Agenda, MTA had included the long range plan, with monies from Measure R, at which the City's project would be adopted. Also included was discussion of the design for the bridge over the 210 freeway.

(d) She had discussed the Monrovia Day Spelling Bee with Assistant Superintendent Jim Coombs. The District and City would do the same next year and also expand it to private schools in City. It would most likely be tied to Monrovia Day celebration.

(e) She also discussed with Mr. Coombs the YMCA Youth in Government Program. They proposed having students shadow City Councilmembers and Department heads for a 2 ½ hour period. They would be given a topic to discuss and they would sit with City Councilmembers at a City Council Meeting. The District would pay for the advertising and the City would do the exposure.

(f) The YES Interns began their work on June 23, 2009. The City Councilmembers could join the YES meetings and get to know them.

**RCC2 Mayor Pro Tem Adams** reported that

(a) **Trolley Maintenance Update.** Community Development Director Alice Griselle presented a trolley update, noting that Staff would go out to bid for the painting of the two cars. Mayor Pro Tem Adams, suggested that Staff call Mike Ferrari to look at the trolley for painting.

**RCC3 Councilmember Garcia** had no report at this time.

(a) The League sponsored "Understanding Public Engagement" a few weeks ago at the Public Library Community Room. Approximately 35 elected commissioners and staffers attended. He thanked the League Staff.

**RCC4 Councilmember Shaw** reported that

(a) He had been researching Clean Cities, particularly abandoned shopping carts, and was looking forward to working with Staff and his colleagues in this area. Mayor Pro Tem Adams offered assistance in this area.

**RCC5 Councilmember Shevlin** reported that

(a) She and Mayor Lutz attended a 2-11 LA Co Access Number presentation.

(b) She attended a Youth Alliance Graduation on June 16, 2009.

(c) A July 11, 2009 Electronic Waste Collection was scheduled at 625 West Foothill Boulevard.

(d) On August 22, 2009, the Chamber and City would be partnering on an Electronic Waste Event at the Park and Ride Lot.

(e) The 4<sup>th</sup> of July Concerts were excellent. She congratulated staff on great job. There were four upcoming concerts.

(f) On July 25, 2009 there would be a Summer Art Walk and then the evening ET Movie.

**ADMINISTRATIVE REPORTS**

**AR-1 Amendment of the Contract Between the City Council of the City of Monrovia and the Board of Administration of the California Public Employees' Retirement System (PERS), Urgency Ordinance No 2009-03U**

Human Resources Management Analyst Danielle Tellez reviewed the Staff Report.

The contract amendment would allow certain miscellaneous employees to retire from City service with an "open window" for time and receive two years of additional service credit with PERS. It would provide an incentive for employees to retire now rather than stay employed with the City for another few years. As a result, the City would be able to eliminate some of these positions and fill some of the remaining positions at a lower classification and/or time base.

The City was experiencing a budget shortfall, and, as a result, needed to implement an ongoing reduction to its

expenditures The City's single largest expenditures was devoted to personnel costs Therefore, a reduction in the overall number of personnel employed by the City would help to reduce the budget deficit

The City proposed July 9, 2009 through October 20, 2009, as the "open window" period during which an eligible employee must retire to receive this benefit The minimum time period this benefit could be offered for was ninety calendar days

Currently, twelve employees indicated that they would be willing to retire within the "open window" period and receive two years additional service credit This would result in the elimination of ten positions throughout the City The remaining positions would be modified to a lower classification and/or time base

Staff recommended that City Council approve Urgency Ordinance No 2009-03U to implement the contract amendment with PERS to provide Section 20903 (Two Years Additional Service Credit) for certain miscellaneous employees

**It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to adopt Urgency Ordinance No 2009-03U**

**ROLL CALL.**

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

City Manager Ochoa read as follows

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA  
AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF  
MONROVIA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM**

**AR-2 Memorandum of Understanding, Amend Personnel Rules and Regulations to Provide for  
Compensation and Supplemental Benefits Effective Fiscal Year 2009-10 for Management Employees,  
Appendix "C," Resolution No 2009-38, Fiscal Year 2009-10 for Mid-Management Employees, Appendix  
"H," Resolution No. 2009-39, and Fiscal Year 2009-10 for General Employees, Appendix "B," Resolution  
No 2009-43**

Human Resources Management Analyst Danielle Tellez reviewed the Staff Report

It was the City's practice to endeavor to compensate its employees at a competitive rate Due to the poor economic conditions, Management, Mid-Management and General Employees did not receive a salary increase for fiscal year 2008-09 All sworn safety employees received a 4% salary increase effective FY 2008-09 and were slated to receive an additional 4% increase effective FY 2009-10 Also in FY 2009-10, a 3% salary increase was recommended for Managers and Mid Managers General Employees would also receive a 3% salary increase effective FY 2009-10 as approved by the City Council when the current MOU was adopted in June 2008

The above miscellaneous employees would use 1.946% of the recommended salary increase to pay for a portion of their retirement benefit provided by the California Public Employees' Retirement System (PERS) Managers and Mid-Managers designated as safety employees would pay 3.811% for a portion of their retirement benefit provided by PERS Additionally, all merit salary adjustments and performance bonuses for these employees would be suspended for fiscal years 2009-11 Should the City's economic position improve in FY 2010-11, merit salary adjustments and performance bonuses would be reinstated at that time

Additionally, the MOU for the General employees would be extended for an additional year through June 30, 2011 General employees would receive a 1% salary increase effective the last day of the pay period for fiscal year 2010-11

**It was moved by Councilmember Garcia, seconded by Councilmember Shaw, to adopt Resolution Nos. 2009-38, 2009-39 and 2009-43.**

**ROLL CALL.**

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

**AR-3 Memorandums of Understanding, Amend Personnel Rules and Regulations to Provide for Compensation and Supplemental Benefits Effective Fiscal Years 2009-10 for Certain Fire Employees, Appendix "A," Resolution No 2009-41**

Human Resources Management Analyst Danielle Tellez reviewed the Staff Report

The current Memorandum of Understanding (MOU) for the Monrovia Firefighters' Association (MFA) was effective through fiscal year 2011. Due to the poor economic conditions, Staff had gone back to all of the employee units requesting that each of them assist the City in balancing its budget over the next two fiscal years.

The City had been negotiating with the MFA to come up with solutions. The MFA and the City reached a tentative agreement on July 2 and it was now endeavoring to convene a meeting of its members to vote on this tentative agreement. The MFA representatives anticipated that this vote would occur on Monday, July 6, 2009, provided it was able to gather a majority of their members with short notice. Otherwise, the vote would take place by July 12, 2009. Staff was requesting that the City Council adopt Resolution 2009-41 contingent upon MFA's approval of the tentative agreement in this form. Should this occur, the City Council would direct the City Manager to execute the MOU.

The above employees would receive a 4% salary increase as approved by Council in June 2008. MFA members would use 3.811% of this salary increase to pay for a portion of their retirement benefit provided by the California Public Employees' Retirement System (PERS). Additionally, all merit salary adjustments would be suspended for fiscal year 2009-2010. Performance bonuses for these employees would be suspended for fiscal years 2009-2011. Should the City's economic positions improve in FY 2010-2011, merit salary adjustments and performance bonuses may be reinstated at that time. Certificate pay for attainment of Fire Officer and Chief Fire Officer certification pay would be increased by \$50 per month.

The MOU would be extended for an additional year through June 30, 2012. In fiscal year 2010-11, employees would receive a 4% salary increase—1/2 at the beginning of the fiscal year and the remaining 1/2 the first pay period of calendar year 2011. In fiscal year 2011-12, employees would receive a 3% salary increase—1.5% at the beginning of the fiscal year and the remaining 1.5% the first pay period of calendar year 2012. The Sick Leave Incentive Program would be suspended through June 20, 2012.

**It was moved by Councilmember Shevlin, seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2009-41**

**ROLL CALL.**

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

**AR-4 Memorandum of Understanding, Amend Personnel Rules and Regulations to Provide for Compensation and Supplemental Benefits Effective Fiscal Years 2009-10 for Certain Police Employees, Appendix "G," Resolution No 2009-42**

This item was pulled from the Agenda and rescheduled for the July 21, 2009 City Council Meeting

**AR-5 Introduction to Athens Services Residential Contract Proposed Amendments**

Senior Management Analyst Heather Maloney reviewed the Staff Report

An exclusive Franchise Agreement between the City of Monrovia and Athens Service was in place for the services of Residential Solid Waste collection and disposal. The City's deadline to exercise the first four-year extension option was July 31, 2009.

On November 6, 2007, City Council directed Staff to obtain consultant services to develop a Solid Waste White Paper to analyze the City's solid waste services and future options related to impacts of Puente Hills Landfill closure and five solid waste service planning goals (long-term cost containment, long-term disposal assurance, commitment to waste diversion, quality customer service, and efficient franchise administration).



**It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to approve the contract agreement with the Monrovia Chamber of Commerce**

**ROLL CALL**

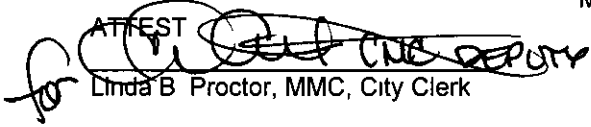
**Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Mayor Lutz  
Motion carried 5-0**

**ADJOURNMENT** At 12 04 P M , July 8, 2009, Mayor Lutz adjourned the Meeting in memory of Don R Soash, Husband of Marilyn, Father of Carol, Greg, Brian and Jim Soash, Father-in-Law of Community Services Director April Soash, and long-time Monrovia Business Owner, and Robert Myers long-time Monrovia

APPROVED

  
Mary Ann Lutz, Mayor

ATTEST

  
Linda B Proctor, MMC, City Clerk