



SPECIAL MEETING
of the
MONROVIA CITY COUNCIL
City Council Chambers
Tuesday, March 16, 2010
6:30 P.M.

CLOSED SESSION

- CS-1 Conference with Legal Counsel – Pending Litigation Pursuant to Government Code §54956.9(a), Celeste Foran v. City of Monrovia, GC040339
- CS-2 Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation Pursuant to Government Code §54956.9(b), One Case

REGULAR MEETING
of the
MONROVIA CITY COUNCIL
7:30 P.M.

AGENDA SUMMARY

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| CONVENE | Mayor Mary Ann Lutz |
| IN HONOR OF | William Lee Kingston, born August 22, 2009, to Parents Matthew and Angelique Kingston |
| INVOCATION | Dr. John Mastrogiovanni |
| PLEDGE OF ALLEGIANCE | Councilmember Shevlin |
| ROLL CALL | Councilmember Shevlin, Mayor Pro Tem Adams and Mayor Lutz
Excused: Councilmembers Garcia and Shaw |

PRESENTATIONS/PROCLAMATIONS**PR-1 Recognition of Jeanette Chavez, Recipient of the 49th Assembly District “Woman of the Year” Award**

Assemblymember Mike Eng honored Jeanette Chavez as the 49th Assembly District “Woman of the Year” in a ceremony held at the State Capitol on March 8, 2010. The annual ceremony commemorates exemplary California women from each Assembly District in the state. The Mayor and City Council will recognize Ms. Chavez for her tireless efforts to assist and improve the lives of those families that have been affected by senseless acts of violence.

Student Government Representative Report

Student Liaison Savannah Spicer

ORDER OF BUSINESS**CONSENT CALENDAR****CC-1 Unadopted Minutes of the March 2, 2010 Regular Meeting of the Monrovia City Council****CC-2 Payroll No. 5 in the Amount of \$573,937.63 and Voucher Nos. 163684 through 163939 in the Amount of \$992,898.51****CC-3 Legislative Bulletin**

This report will highlight and summarize pending State legislation that may be important to Monrovia and provides a brief analysis of the potential impacts to the City. The recommendations made by Staff reflect the City’s priorities and programs, as well as the direction taken by the League of California Cities.

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

Approve the Legislative Bulletin and direct Staff to contact Monrovia’s elected representatives for their support.

CC-4 Facility Use Agreement between the City of Monrovia and the Volunteer Center of the San Gabriel Valley for Use of Office Space in the Monrovia Community Center

On December 31, 2006, the Monrovia Volunteer Center and the Volunteer Center of San Gabriel Valley merged into what is now the Volunteer Center of San Gabriel Valley, which currently operates from office space in the Monrovia Community Center. Shortly after the merger, the City began negotiations with the Volunteer Center to establish a Facility Use Agreement. In December 2009 the language of the Agreement was finalized by the City Attorney and the City’s Risk Management attorney and was reviewed and accepted by the

legal counsel and board members of the Volunteer Center of San Gabriel Valley. In January 2010, Community Services Commission voted to recommend City Council approval of the Facility Use Agreement with the Volunteer Center of San Gabriel Valley.

Community Services Commission and Staff recommend approval of this agreement.

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

Approve the Facility Use Agreement with the Volunteer Center of San Gabriel Valley.

CC-5 Julian Fisher Park Grant Application for Proposition 84 Park Development and Community Revitalization Funding; Resolution No. 2010-13

On November 7, 2006, Californian voters passed Proposition 84, the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006", granting \$5.4 billion in funds. Funding for the \$368 million Revitalization Grant Program was made available through the Sustainable Communities and Climate Change Reduction chapter.

This program will award grants on a competitive basis for the creation of new parks and new recreation opportunities in proximity to the most critically underserved communities across California. Staff has identified Julian Fisher Park as a site that meets the eligibility requirements.

Staff will develop conceptual renderings for the site and prepare a cost estimate, with the anticipated costs for the project to be approximately \$1.1 million.

The State Department of Parks and Recreation has been delegated the responsibility for the administration of the Statewide Park Program and require the legislative body to certify by resolution the approval of applications before application submission to the State. If the grant application is not submitted, funding to revitalize Julian Fisher Park will be deferred until funds become available.

Water and Park funds will expend \$2,500.00 each to retain the firm Avant Garde to administer the grant. Staff will spend an estimated 40 hours obtaining documents to be submitted together with the grant application package.

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

Adopt Resolution No. 2010-13.

CC-6 Initiation of Proceedings for the Levy and Collection of Assessments and Ordering the Preparation of the Engineer's Report for the Fiscal Year 2010-11 Citywide Lighting and Landscape Maintenance Assessment District; Resolution No. 2010-11

The Citywide Lighting and Landscape Maintenance Assessment District provides funding for the maintenance of public street lighting and traffic signals; maintenance of street trees; maintenance of landscaping of the street median and parkway areas including Myrtle Avenue, Huntington Drive, Cypress Avenue and Maple Avenue; and maintenance of landscaping of parkway areas for the Gold Hills Parkway Landscaping.

The annual proceedings are to be initiated by adoption of Resolution No. 2010-11. A budgetary review of the proposed assessment for fiscal year 2010-2011 is required. The process is as follows: initiate the proceedings for the levy and collection of assessments and order the preparation of the Engineer's report; review and approve the Engineer's Report; acknowledge the intent to levy and collect assessments, including setting the time and place to conduct a Public Hearing; conduct a Public Hearing and confirm the levy and collection of assessments.

If the City Council chooses not to adopt the resolution then alternative means of funding in the amount of \$1.2 million will be required to maintain the assessment district.

The cost to provide the Engineer's report is approximately \$7,800 and is budgeted from the Street and Park funds.

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

Adopt Resolution No. 2010-11.

CC-7 Initiation of Proceedings for the Levy and Collection of Assessments and Ordering the Preparation of the Engineer's Report for Fiscal Year 2010-11 Park Maintenance Assessment District; Resolution No. 2010-12

The City property owners voted and authorized the formation of the Park Maintenance Assessment District in fiscal year 1997-98, to maintain seven City parks: Canyon, Library, Recreation, Rotary, Olive Avenue, Julian Fisher, and Grand Avenue.

The proposed assessments for fiscal year 2010-2011 can be changed from the assessments of fiscal year 2009-2010 by the federally calculated Consumer Price Index Cost of Living Adjustment.

The annual proceedings are to be initiated by adoption of Resolution No. 2010-12. As part of the procedures, a budgetary review of the proposed assessment for fiscal year 2010-2011 is required. The process is as follows: initiate the proceedings for the levy and collection of assessments and order the preparation of an Engineer's report; review and approve the Engineer's Report; acknowledge the intent to levy and collect assessments, including setting the time and place to conduct a Public Hearing; conduct a Public Hearing and confirm the levy and collection of assessments.

If the City Council chooses to not adopt the resolution, then alternative funding in the amount of \$180,000 will be required to maintain the assessment district.

The cost to provide the Engineer's report is approximately \$7,800 and is budgeted from the Park funds.

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

Adopt Resolution No. 2010-12.

CC-8 Denial of Liability Claim Filed by Ann Lavine

Ms. Lavine alleges that on November 5, 2009, Monrovia Police personnel took her to the emergency room against her will. She indicates she is unable to pay the emergency room bill.

Police personnel responded to a call for service. They determined that Ms. Lavine was a danger to herself. Police personnel acted in an appropriate manner. Therefore, the City bears no responsibility for this matter.

Staff recommends that Council deny this claim.

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

Deny the claim filed by Ann Lavine.

CC-9 Acceptance of Fiduciary Management Over the 2010-2011 High Intensity Drug Trafficking Area (HIDTA) Grant and the 2010-2011 California Emergency Management Agency (Cal EMA) Anti-Drug Abuse and Enforcement Team Recovery Act Grants

The City of Monrovia has volunteered to accept the fiduciary responsibility for managing the 2010-2011 HIDTA Grant and the 2010-2011 Cal EMA Anti-Drug Abuse and Enforcement Team Recovery Act Grants. These grants provide funding to assist in the fight against, and prevention of, drug trafficking within the Southern California region. If approved, the City will be the conduit for these grant funds. Authorized representatives from the LA HIDTA multi-jurisdictional task forces will submit approved invoices for payment and the City of Monrovia will, in turn, issue payment and draw down funds from the federal and state governmental offices for reimbursement of monies paid.

The administration of this grant will have a zero cost impact on the City's General Fund. The City will receive approximately \$120,000.00 as part of a federal HIDTA grant, which will cover personnel and other administrative costs incurred to properly account for the grant funds. In addition, the City will receive reimbursement for costs associated with performing other fiduciary responsibilities related to the grant activities. This will be the fourth year that the City is acting in a fiduciary capacity for these grants.

Per the federal and state grant requirements, City Council approval is required before the City of Monrovia can accept funds for the grants. In addition, grant guidelines require City Council to appoint an authorized official to execute the necessary documents. The Chief of Police will be designated as the authorized official.

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

Approve the acceptance of responsibility for fiduciary oversight over the 2010-2011 HIDTA Grant, the 2010-2011 Cal EMA Anti-Drug Abuse and Enforcement Team Recovery Act Grants, and other related fiduciary responsibilities, and authorize the Chief of Police to execute the related agreements.

CC-10 Amendment to the Citywide Retention Destruction Schedule, Resolution No. 2010-06

On August 5, 2003, the City Council approved the first Citywide Records Retention/Destruction Schedule (Records Retention Schedule), setting into place the regulations covering the retention and destruction of citywide records. On October 7, 2008, the City Council approved an amendment to accommodate changes in the City's departmental and divisional structure.

The City Attorney recently reviewed the definitions used in the existing Records Retention Schedule and the Records Retention Resolution, and has made the recommended changes related to this amendment. The purpose is to clean up the definition of City records and non-records in accordance with the guidance provided in a published opinion of the California Attorney General, as well as allow the City to avail itself of options provided by Government Code Section 34090.7 with regard to the deletion of certain electronic records as duplicates once the record copy is printed on paper, thereby formalizing existing practices.

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

Adopt Resolution No. 2010-06.

CC-11 Third Amendment to Lease Agreement and Assignment of Lease Agreement Related to the Santa Anita Family YMCA Facility to the YMCA of Metropolitan Los Angeles; and Assignment of Lease Agreement Related to the Mary Wilcox Youth Center to the YMCA of Metropolitan Los Angeles

The City of Monrovia and the Young Men's Christian Association (YMCA) entered into lease agreements for certain real property and use of City facilities since 1983. For the purposes of this report, the specific agreements pertain to use of land space in Recreation Park for the existing YMCA facility and use of the Mary Wilcox Youth Center. The following information is an overview of these respective leases.

In May 1983 the City and what was then the YMCA of Pasadena entered into a lease agreement for certain real property (Recreation Park) to construct the existing YMCA facility. This agreement was amended by a First Amendment to Lease Agreement in September 1983 to clarify language from the original agreement. There was a Second Amendment to the Lease Agreement dated July 22, 1992 to permit the YMCA to construct their Child Care facility, and as recorded in the Assignment of Lease Agreement in February 2000, a name change from YMCA of Pasadena to the Santa Anita Family YMCA.

In October 2009 the City and the Santa Anita Family YMCA entered into a lease agreement for use of the Mary Wilcox Youth Center, for the purpose of the YMCA to expand their youth programs and services.

Effective April 1, 2010 the Santa Anita Family YMCA will transfer their interest in the certain real property (Recreation Park) and their use of the Mary Wilcox Youth Center, to the YMCA of Metropolitan Los Angeles. As a result of this transfer, a Third Amendment to the Lease Agreement and Assignment of the Lease Agreement must be authorized for the certain real property (Recreation Park) and an Assignment of Lease must be authorized for the Mary Wilcox Youth Center.

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

Approve the Third Amendment to Lease Agreement and Assignment of Lease Agreement related to the Santa Anita Family YMCA Facility to the YMCA of Metropolitan Los Angeles; and approve the Assignment of Lease Agreement related to the Mary Wilcox Youth Center to the YMCA of Metropolitan Los Angeles.

CC-12 Denial of Liability Claim Filed by Bill Chu

Mr. Chu alleges that on February 7, 2010, while he was driving his vehicle a pine cone from a City tree fell and hit his windshield. His windshield cracked and had to be replaced. He alleges that the pine cone fell from a City tree.

The dropping of pine cones is a natural condition of the tree. Therefore, the City bears no responsibility for this matter.

Staff recommends that Council deny this claim.

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

Deny the claim filed by Bill Chu.

CC-13 Denial of Liability Claim Filed by David White

Mr. White alleges that on February 9, 2010, his car was parked on the street in front of his house. During the wind/rainstorm, a tree limb from a City tree across the street broke off causing damage to his vehicle.

City records indicate that the tree shows no visible sign of disease or decay and has been regularly maintained and inspected. Therefore, the City bears no responsibility for this matter.

Staff recommends that Council deny this claim.

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

Deny the claim filed by David White.

PUBLIC INPUT

PUBLIC HEARINGS / MEETINGS

None

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

MRA CONVENE

Chairman Lutz

MRA ROLL CALL

Boardmember Shevlin, Vice-Chairman Adams, and Chairman Lutz
Excused: Boardmembers Garcia and Shaw

MRA CONSENT CALENDAR

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

MRA CC-2 Amendment to the Professional Services Agreement with Mayfield Enterprises, Inc., for 1622 South Magnolia Avenue, in an Amount Not to Exceed \$88,000.00.

The Agency acquired the former Metric Machining site in July 2006 as part of the proposed Station Square development. Prior to conveying the site to a developer, the site must undergo environmental remediation. Concurrently with the environmental work being conducted at the site, the Agency Board approved a Professional Services Agreement with Mayfield Enterprises Inc. ("Mayfield") for a two phased demolition. The first phase has been completed and the second phase which consists of the removal of the asphalt, concrete floorings and footings has commenced.

The excavation and transportation of contaminated soil and unanticipated substructure removal are the proposed adjustments to Mayfield's Professional Services Agreement. The total consideration of \$88,000.00 that would be paid to Mayfield Enterprises includes \$38,000.00 for the excavation of contaminated soil, \$27,500 for the transportation of the contaminants, \$2,000.00 for the additional sandbags, and \$20,500.00 for the removal of additional asphalt and underground concrete blocks, uncovered as part of the field work.

In addition to being the onsite demolition contractor, Mayfield also possesses the contaminated waste removal license to excavate and haul contaminated soil to the waste facility. To reduce costs, Agency staff is proposing to pay Mayfield directly. The Agency will save a fifteen percent overhead charge.

Staff recommends that the Agency Board approve the additional environmental remediation and demolition costs.

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

Approve an amendment to the Professional Services Agreement with Mayfield Enterprises, Inc.

MRA CC-3 Recycling of Contaminated Soil at Soil Safe Waste Recycling Facility for 1622 South Magnolia Avenue, in an Amount not to Exceed \$71,184.90

In January 2007, the Agency Board authorized a Professional Services Agreement with Tetra Tech for the environmental remediation of the 1622 South Magnolia site. As part of Tetra Tech's mitigation plan, the contaminated soil must be properly disposed of at a facility that treats contaminated soil. At the completion of the on-site field work, over 2,300 tons of soil have been identified and transported to the waste recycling facility, Soil Safe.

As our contractor, Tetra Tech, would usually pay the waste facility directly and be obligated to charge the Agency overhead project management charges. Agency

Staff is proposing to pay for these costs directly to Soil Safe, thus saving \$4,000.00 in overhead charges from Tetra Tech.

Staff recommends that the Agency Board approve the Soil Recycling Fee to Soil Safe waste facility.

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

Approve payment of the soil recycling fee in an amount not to exceed \$71,184.90 for 1622 South Magnolia Avenue.

MRA PUBLIC HEARINGS/MEETINGS

None

MRA ADMINISTRATIVE REPORTS

None

MRA ADJOURNMENT

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

- RCC1** Mayor Lutz
- RCC2** Mayor Pro Tem Adams
- RCC3** Councilmember Garcia
- RCC4** Councilmember Shaw
- RCC5** Councilmember Shevlin

ADMINISTRATIVE REPORTS

AR-1 Youth Sports Spring Season Funding Request

Kerri Zessau, Recreation Supervisor, will review the Staff Report.

The Department of Community Services has provided an afterschool Youth Sports program at Bradoaks, Mayflower, Monroe and Wild Rose Elementary Schools since September of 2008. The Youth Sports Program is available to 4th and 5th grade boys and girls. The program focuses on character building and sportsmanship as well as athletics and fitness. Currently, there are two seasons for youth sports. Fall Flag

Football and Cheerleading, which operates September through December, and winter Basketball and Cheerleading, which operates January through March. The program is a positive alternative to peer pressure activity such as gang violence, drug and alcohol abuse and vandalism.

Based on the success of the Youth Sports program to date, as well as feedback from parents, Monrovia Unified School District (MUSD) staff and Community members, Staff was asked to investigate a third sports season. The overwhelming response from parents and participants was that a competitive program such as soccer was most desirable. The addition of a third season will meet a community need by ensuring that youth have an entire school year of organized activity, character building, sportsmanship, fitness, recognition and role models.

Program costs of \$14,991.00 are based on a 10 week soccer season and include staff and supplies. Reduced program budgets and limited sponsorship dollars restrict the Community Services budget from offsetting the cost of a third youth sports season.

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

Authorize reallocation of funding in the amount of \$14,991.00 from the City Council budget to the Community Services budget for the purpose of providing a Youth Sports Spring season.

AR-2 Extended Producer Responsibility (EPR) Support; Resolution No. 2010-14

Sharon Gallant, Sr. Management Analyst, will review the Staff Report.

In December 2009, the San Gabriel Valley Council of Governments (SGVCOG) began implementing a household hazardous waste grant. The program is intended to build knowledge and capacity among San Gabriel Valley local governments, retailers, producers, etc, to begin the transition from government managed and financed end-of-life (EOL) systems to producer-managed and financed EOL for products banned from landfills. SGVCOG is working to implement this grant over the next two and a half years.

Extended Producer Responsibility (EPR) offers a solution by engaging producers in the lifecycle management of their products by the design of their products. For example, producers may utilize and fund existing recycling facilities and programs, capitalize on existing distribution networks to create take-back programs that utilize "reverse retail", mail-back systems or work with other producers to develop product stewardship organizations.

The City of Monrovia is a member agency of the SGVCG and receives direct benefits from their grant funded efforts to establish local take-back opportunities and educate local businesses and stakeholders about EPR. The SGVCOG has encouraged the City of Monrovia to adopt an EPR Resolution and become a participating member of the California Stewardship Council (CPSC).

Rejection of the EPR policy or CPSC membership would not have a direct impact on the city; however, the greater support for EPR the more successful CPSC can be to help reduce the disposal cost for banned products, increase convenient disposal opportunities and encourage manufacturers to create less hazardous products.

There is no fiscal impact to the City of Monrovia resulting from the adoption of the resolution supporting EPR; however the City of Monrovia stands to gain fiscal relief in the future if the EPR policy is passed on a statewide level. Annual membership dues for the CPSC are \$1,000 which is budgeted in the Waste Management Fund.

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

Adopt Resolution No. 2010-14.

SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, April 6, 2010, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

PUBLIC INPUT, CONTINUED, IF NEEDED

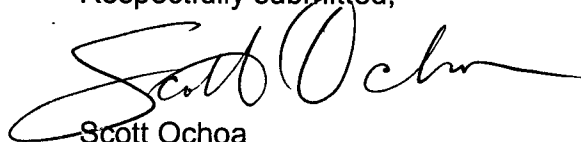
ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED

ADJOURNMENT

IN MEMORY OF Chelsea King, Daughter of Brent and Kelly King

Nellie Gonzales, Mother of Former Planning Commissioner Patricia Gonzales

Respectfully submitted,



Scott Ochoa
City Manager

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A full City Council agenda packet with all backup information is available at City Hall, the Monrovia Library, and on the City's website at www.cityofmonrovia.org. Copies of individual Agenda Reports are available via email upon request (aatkins@ci.monrovia.ca.us).