

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

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, December 16, 2008, at 7 33 P M in City Council Chambers. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele and City Clerk Linda B. Proctor.

INVOCATION: Pastor Joshua Smith gave the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember Tom Adams led the Flag Salute.

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

ANNOUNCEMENTS: Mayor Hammond announced that Public Hearing PH-1 would be opened and continued to January 6, 2009.

Councilmember Adams announced that he would extend the date of his resignation to May 31, 2009, which was at a time when the newly elected City Council would decide how to fill his vacant position.

PRESENTATION/PROCLAMATION:

PR-1 Recognition of Winners for the 2008 "Holiday Home Decorating Contest" Community Services Commission Chair Paul Larsen assisted the Mayor and City Council in recognizing the winners of the 2008 Holiday Home Decorating Contest. The annual home decorating contest was held on December 12th. Community Services Commissioners, community members and Youth Commissioners judged the decorated homes and selected the following award winners: Best Still Display, Best Outdoor Display, Most Traditional Award, Best Decorated Indoor Tree, Best Decorated Outdoor Tree, Most Effective Use of Lighting a House, Children's Choice Award, Best Window Display, Snowman Award, Toyland Award, Best Neighborhood Effort, and the Tim McKeegan "Best of the Season Award."

PR-2 Recognition of 2008 "Make a Difference Day" Contributors Pattie Tellez, Volunteer Center Executive Director, recognized the sponsors of the October 25, 2008 Make a Difference Day Eighteenth Annual day of volunteerism. A short presentation was played highlighting the event.

PR-3 Recognition of Newly Hired Public Works Utilities/Streets Division Manager / Deputy Director of Public Works Mark C. Carney. Ron Bow, Director of Public Works, introduced newly hired Public Works Utilities/Streets Division Manager/Deputy City Manager Mark C. Carney to the Mayor, City Council and the community.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Interim Student Liaison Sarah Wallick reviewed the events at Monrovia High School.

CONSENT CALENDAR It was moved by Councilmember Adams, seconded by Mayor Pro Tem Kirby, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda items:

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

CC-2 Payroll No. 25 in the Amount of \$682,834.90 and Voucher Nos. 155277 through 155513 in the Amount of \$1,174,793.19

CC-3 Receive and File; Application for ABC Beverage License (Type 47 – On-Sale General License) for Romano's Macaroni Grill, 945 West Huntington Drive. Notice was received from ABC that Mac Acquisition LLC, dba Romano's Macaroni Grill, submitted an application for a Type 47 – On-Sale General License. Based on the background investigation on the applicant, Staff found no reason to recommend any other action on this application. There was no fiscal impact and Staff recommended that the City Council receive and file the application.

CC-4 Receive and File, Application for ABC Beverage License (Type 47 – On-Sale General License) for Los Gueros Mexican Restaurant & Cantina, 423 South Myrtle Avenue. Notice was received from ABC that Los Gueros Inc , dba Los Gueros Mexican Restaurant & Cantina, submitted an application for a Type 47 – On-Sale General License Based on the background investigation on the applicant, Staff found no reason to recommend any other action on this application There was no fiscal impact and Staff recommended that the City Council receive and file the application

CC-5 Receive and File, Application for ABC Beverage License (Type 18 – Distilled Spirits Wholesaler and Type 12 – Distilled Spirits Importer License) for Knockout Beverages, 1705 South Mountain Avenue. Notice was received from ABC that Knockout Beverages LLC dba Knockout Beverages submitted an application for a Type 18 – Distilled Spirits Wholesaler and Type 12 – Distilled Spirits Importer License Based on the background investigation on the applicants, Staff found no reason to recommend any other action on this application There was no fiscal impact and Staff recommended that the City Council receive and file the application

CC-6 Zone Change (ZC2008-02, Station Square), for the Properties Bounded by Duarte Road, Evergreen, Myrtle and Magnolia Avenues; Adoption of Ordinance No. 2008-09: This was the adoption of Ordinance No 2008-09 amending Title 17 of the Monrovia Municipal Code, The Official Zoning Map, to change the zone designation on certain parcels of land from PD-12 to SP (Specific Plan) and amending Section 17 040 035 by adding Station Square Specific Plan Staff continued to recommend approval of this ordinance

CC-7 One-Year Contract Extension with John L. Hunter for National Pollutant Discharge Eliminations System (NPDES) Industrial/Commercial Storm Water Inspections in the Amount of \$30,290 00, Ending December 31, 2009: On December 13, 2001, the California Regional Water Quality Control Board–Los Angeles issued the Municipal Storm Water NPDES Permit to the Los Angeles County Flood Control District and all co-permittee cities, including Monrovia The State mandated that the County and co-permittee cities implement an Industrial/Commercial Facilities Control Program to inspect industrial and commercial sites within the City for pollutant reduction and control measures to prevent pollutant discharges to the storm drain systems The proposed Contract extension would continue NPDES permit compliance The agreement also included assistance with Trash, Metals, and Nutrients TMDL compliance planning, and assistance services needed to meet upcoming compliance dates

PUBLIC INPUT

- 1 Gino Roncelli, Monrovia businessman
- 2 Paul Greenwood, Monrovia
- 3 Sarah Maloney, Monrovia
- 4 Sandra Costello, Monrovia

PUBLIC HEARINGS / MEETINGS

PH-1 Tentative Tract Map No 070357, Conditional Use Permit CUP2008-27, CUP2008-28, CUP2008-29, CUP2008-30, CUP2008-31, to Subdivide 14 84 Acres into 8 Lots and Construct a Five-Store, 347-Unit Multiple-Family Residential Structure, a Five-Story Mixed-Use Structure with 337 Housing Units, and Three, Four-Story Commercial Buildings with a Total of 444,995 Square Feet of Office Space for Area Bounded by Evergreen, Myrtle and Magnolia Avenues and the Railroad Right-of-Way (Station Square); Applicant Samuelson & Fetter, LLC

It was moved by Mayor Pro Tem Kirby, seconded by Councilmember Adams, to open and continue the Public Hearing to January 6, 2009 City Council Meeting There were no objections

PH-2 Protest Hearing, Integrated Solid Waste Management Fee Increases, Resolution No. 2008-67

Senior Management Analyst Heather Maloney reviewed the Staff Report

Monrovia Municipal Code Section 18 08 080 authorized the City to charge a Residential Waste Management fee for the cost of preparing, adopting and implementing of the source reduction and recycling element and the Integrated Waste Management Plan mandated by Section 40000 et seq of the California Public Resources Code The proposed fee would help sustain programs and services needed to maintain AB 939 compliance, prepare for future AB 939 diversion mandates and Monrovia Environmental Accords

The proposed rate increases, \$1.44 to \$2.28, would be effective January 1, 2009. The monthly per unit fee would be increased by the Consumer Price Index (Los Angeles-Riverside-Orange) ("CPI") each year, effective July 1, 2009 and thereafter July 1 each following fiscal year.

Without a plan for future changes in the waste management industry, it might be impossible for the City to remain in AB 939 compliance. Currently, funding of the City's programs related to AB 939 compliance, source reduction and recycling element, and the Integrated Waste Management Plan implementation were Commercial Permit Fees, none, Residential Franchise Fees, \$61,000.00, Residential AB 939 Fees, \$197,000.00, and Hazardous Waste Pick-up Programs, \$29,000.00, for a total of \$287,000.00, without a fee increase. The total budgeted annual program cost for fiscal year 2008-09 would be \$393,000.00.

Public notifications were mailed on November 1, 2008 to the property owners, and included the proposed fee amount, how it was calculated, the reason for the fee, and the date, time, and location of the Public Hearing for the proposed fee. If the rate increase was approved, estimated additional revenue amounts of \$55,693.75 would be collected and distributed to the Environmental Services Waste Management Fund.

Mayor Hammond opened and closed the Public Hearing as there was no one who wished to speak for or against the matter.

Councilmember Adams requested to know the number of residents who would be eligible for lifeline discounts to be presented at the next meeting. Mayor Hammond requested that the information be placed on the municipal services bill to inform residents of the discount for them.

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to adopt Resolution No. 2008-67. There were no objections.

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MRA CONVENE Chairman Rob Hammond convened the Regular Meeting of December 16, 2008 of the Monrovia Redevelopment Agency Board of Directors at 8:46 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

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

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

MRA CC-1 Unadopted Minutes of the December 2, 2008 Regular Meeting of the Monrovia Redevelopment Agency

MRA CC-2 Fiscal Year 2007-08 Annual Report of Financial Transactions to the State Controller The California State Controller's Office required redevelopment agencies to submit an annual report of financial transactions and audit report each year. The Annual Report included information regarding agency activities and financial transactions during the previous fiscal year. This report had to be completed and forwarded to the State Controller by December 31, 2008. Failure to file a report could result in a fine of \$10,000.

MRA CC-3 Environmental Remediation Work Completion with Tetra Tech EM, Inc., for 1622 South Magnolia Avenue, in an Amount Not to Exceed \$75,351.00. On May 3, 2005, the Agency Board authorized the purchase of 1622 South Magnolia Avenue as part of the proposed Station Square development. The site, a former 80,477 square foot metal fabricating plant, was also once operated as a manufactured gas plant. On January 16, 2007, the Agency Board authorized a Professional Services contract with Tetra Tech that authorized them to complete the written work plan and the preliminary field work at the site. This item was the all-inclusive costs to complete the mitigation of the site. The contractor would be authorized to complete all remediation on the property including, the finalization of the Preliminary Endangerment Assessment Report, updating the Health and Safety Plan, preparing the Response Plan, completing any removal action and preparing the final completion report to the Department of Toxic Substance Control.

In consideration of the Agency assuming the responsibility to complete any required soil remediation that was not the responsibility of the Gas Company, the seller of the site provided a credit to the Agency from the purchase price in the total amount of \$150,000 00 This amount was being utilized to fund the remediation work

MRA ADJOURNMENT. Chairman Hammond adjourned the Meeting at 8 46 P M

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES

RCC-1 Mayor Rob Hammond reported that

- (a) He thanked the community for pulling together in time of crisis and doing the best that it was good at in helping each other when it was at the forefront during the first few months of the year
- (b) The parade was awesome He thanked the Dollmakers for very good television coverage, which was untold for what it did for the community
- (c) He wished warm holiday greetings to all in community

RCC-2 Mayor Pro Tem Dan Kirby reported that

- (a) He wished all a merry Christmas and asked that neighbors check on their neighbors around them to make sure they were doing well

RCC-3 Councilmember Tom Adams reported that

- (a) **Review of Solid Waste Fees, Fuel Charges** He called on Heather Maloney who reviewed the fuel service adjustment She also reported that Athens had contacted the City previously with an agreement on how to adjust this charge back down, noting that the last two increases for fuel costs would be essentially erased beginning July 1

RCC-4 Councilmember Joe Garcia had no report at this time but expressed best wishes for a happy new year to all

RCC-5 Councilmember Mary Ann Lutz reported that

- (a) She believed the holiday parade was one of the best the City had ever had, and that Old Town absolutely beautiful She thanked Community Services, the merchants, and all Public Works Staff

ADMINISTRATIVE REPORTS

AR-1 2008-09 Mid Year Budget Review; Resolution No 2008-68

Finance Director Mark Alvarado will review the Staff Report

Every year the Administrative Services Department completed a comprehensive mid year review of the City's financial condition, based upon actual revenues and expenditures accounted for through the first half of the fiscal year

Overall, revenues were down from the adopted budget of 2008-09, due to the slowdown of the economy Statewide Adding to this was the housing slump that had affected not only homeowners potentially losing their home, but also overall consumer confidence had weakened Adjustments were made to a number of the revenue accounts Included was sales tax, originally budgeted to be \$6,537,985 00 With a weak third and fourth quarter (January to June) in 2007-08, the year end revenue was \$6,336,459 00 This year end total was approximately \$200,000 00 less than what was anticipated

For fiscal year 2008-09, Staff anticipated 0% growth on existing sales activity, but with the one addition of new revenue from the opening of a Circuit City store in town This put the City at its original projection After reviewing the first quarter sales, and analyzing the economic forecasts for the future, it was apparent the sales tax revenue would be down from the prior year Thus, Staff recommended a \$385,000 00 reduction for the 2008-09 fiscal year

The assessed valuation reports received from the county regarding secured property tax at the beginning of the year indicated a 5% increase in property tax value Based on estimated totals for the prior year, \$5,105,113 00 was budgeted The actual property tax receipts for the prior year came in slightly lower than expected Staff's analysis indicated that the property tax growth would be 6% Based on this data,

the revised budget for 2008-09 would be \$5,117,660 00 This was a slight increase of \$12,547 00 over the original budget

The property tax in lieu of motor vehicle license fee revenue would be slightly higher, up \$17,298 00 from the original estimate The property tax in lieu of sales tax would also be higher, up \$54,284 00 from the original estimates The total adjustment to the General Fund revenues was a reduction of \$587,608 00 The remaining General Fund revenues, mainly consisting of charges for specific departmental services, were tracking on budget for the year

Regarding expenditures, through the first five months of the fiscal year, all operating departments within the General Fund were tracking at or around 42% Any departments that anticipated going over budget by the end of the fiscal year would use their Expenditure Control Budget (ECB) savings to offset the deficit

To balance the budget for 2008-09, now that revenues were adjusted downward, two adjustments were recommended The first was a 2.5% cut to each General Fund operating department's budget The expenditure savings amounted to \$631,238 00, net of an increased contribution to the retirement fund Over the last four years, department budgets had been cut 4.5%

Staff believed the recommendations presented above were necessary to bring the budget into alignment with expected year end revenue results, and to better align reserves for long term growth and stability By taking an action on these items, the City Council was informed of the critical mid-year corrections necessary to maintain accurate financial budgeting and reporting

Discussion ensued Mayor Hammond reported that he and Councilmember Lutz had met with the Superintendent, City Manager and two school board members talking about using the redevelopment pass-through funds for the schools Monrovia Unified School District Superintendent Louise Taylor reviewed the financial plight of the school districts in California and in particular Monrovia's, with more cuts looming in the near future She thanked the City Council for the upwards of \$350,000 a year to help support the educational program in the district Mayor Hammond requested that information about the after school sports program be presented at the first meeting in January Councilmember Adams requested a 12 month review of the tier 1 portion

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Kirby, to approve Resolution No 2008-68 There were no objections

AR-2 Shafer Ambulance Service Contract Permitting "Pass-Through" Fees for Advanced Life Support Services Provided by the Monrovia Fire Department

Fire Chief Chris Donovan reviewed the Staff Report

The Monrovia Fire Department currently provided Pre-hospital Emergency Medical Services through the use of dual-function Firefighter Paramedics This service included the assessment and treatment of ill and injured patients who were then transported to the hospital via a private ambulance company (Schaefer) This level of service was common among fire departments in the region and was a very effective use of resources Where a departure from the norm occurred was in the recovery or "pass-through" of fees associated with the transport of the patients that were assessed and treated by Monrovia Fire Paramedics Currently, 30 of the 31 Fire Departments within Los Angeles County recovered a fee known as the "ALS/BLS differential" whenever a patient was transported to the hospital with paramedic follow-up This ALS/BLS differential was an approved cost recovery that was charged to the patient's medical insurance company Monrovia Fire has not executed a contract with Schaefer for the pass-through of the ALS service and was, therefore, not recovering an authorized service fee that could produce an estimated \$130,000 00 of new revenue for the City

The Federal Government, through the Medicare program, allowed for the billing of patients provided paramedic service and ambulance transport Currently, Schaefer billing includes an ALS service charge, medical equipment charge, medical supply charge and mileage charge to all patients receiving paramedic service, including Monrovia residents The concern was that Schaefer personnel were not providing the Advanced Life Support service, nor were they providing the medical equipment and supplies necessary to treat the patients which Monrovia Fire Department was providing, but were receiving cost recovery for these services Effective January 1, 2009 ALS/BLS differential fees allowed by the County of Los

Angeles would be \$343 00 An 8% administrative fee would be charged by Schaefer Ambulance for the billing service provided, with this cost deducted from the fees "passed through "

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to approve the contract with Schaefer Ambulance Service to collect funds for the Fire Department's Emergency Medical Services Division

ROLL CALL

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

SCHEDULED MEETINGS

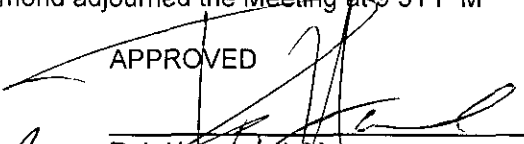
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, January 6, 2009, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

PUBLIC INPUT, CONTINUED, IF NEEDED None


ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED None

ADJOURNMENT Mayor Hammond adjourned the Meeting at 9 51 P M

APPROVED


Rob Hammond, Mayor

ATTEST


Linda B Proctor, MMC, City Clerk