

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, AUGUST 4, 2009, 7:30 P.M.**

CONVENE Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, August 4, 2009, at 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, 7 02 P M to 7 14 P M (at which all City Councilmembers were in attendance) in honor of Riley Grace Jennings, born on May 30, 2009, to Parents Steve and Natalie Jennings, Ethan del Rosario-Jimenez, born on July 23, 2009, to Parents Abby and James Jimenez, and Grandparents Fely and Chito del Rosario, David Santos Aguilera, born on July 24, 2009, to Parent Michelle Aguilera, and Great Grandparents Tina and Chava Aguilera, and Evolet Lyra Horn, born on July 29, 2009 to Parents Regine and Mark Horn, and Grandparents Becky and Chris Shevlin, and Laura and Chris Horn In attendance were City Manager Scott Ochoa, Acting City Attorney Roxanne Diaz, and City Clerk Linda B Proctor

INVOCATION: Pastor Phil Reed gave the Invocation

PLEDGE OF ALLEGIANCE: Councilmember Clarence R Shaw 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: Acting City Attorney Diaz reported that the Closed Session consisted of a Conference with Legal Counsel, Existing Litigation Pursuant to Government Code §54956 9, Rudy Ramirez vs City of Monrovia, BC39151 No reportable action was taken

PRESENTATIONS/PROCLAMATIONS: There were none

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September

PUBLIC INPUT:

1. Elisa Clifford, Southern California Edison

ORDER OF BUSINESS: City Manager Ochoa announced that Agenda Item CC-5 had been pulled entirely from the Agenda, and that the motion had been amended in Agenda Item CC-14

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

CC-1 Unadopted Minutes of the July 21, 2009 Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 15 in the Amount of \$608,576.59 and Voucher Nos. 159659 Through 159923 in the Amount of \$1,567,968.58

CC-3 Receive and File; Application for ABC Beverage License (Type 21 – Off-Sale General) for Garfield Beach CVS, LLC, dba CVS Pharmacy #9689, 950 West Foothill Boulevard: Notice was received from ABC that Garfield Beach CVS LLC dba CVS Pharmacy # 9689 had submitted an application for a Type 21 – Off-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

CC-4 Amendment to Monrovia Municipal Code Chapter 8.08, Residential Solid Waste, Green Waste and Recyclable Materials Collection; Adoption of Ordinance No. 2009-05: This was the final adoption of Ordinance No 2009-05 amending Chapter 8 08 of the Monrovia Municipal Code relating to Residential Solid Waste, Green Waste and Recyclable Materials Collection Staff continued to recommend approval of this ordinance

CC-5 Denial of Liability Claim; Southern California Edison vs. City of Monrovia: This item was pulled from the Agenda in its entirety

CC-6 Denial of Liability Claim; Larry Jerome Reed vs. City of Monrovia: Mr Reed alleged that on April 18, 2009, he was falsely arrested by Monrovia Police personnel and his vehicle was illegally towed. Mr Reed maintained that he was not driving the vehicle at the time. Rather, it was parked at a recycling center. Monrovia Police Officers observed Mr Reed driving the vehicle on a public street. They conducted a traffic stop on him and he turned into the recycling center. They determined that he was driving on a suspended license, therefore, he was cited for Driving on a Suspended License and the vehicle was towed and stored. Monrovia Police personnel responded in an appropriate manner. Therefore, the City bore no responsibility for this matter.

CC-7 Denial of Liability Claim; Kwang-Wei Han vs. City of Monrovia: Mr Han alleged that on October 15, 2008, he was the subject of a misdemeanor arrest by Monrovia Police personnel. He further claimed that the California Superior Court in Pasadena dismissed this case on April 15, 2009. Therefore, he believed he was the subject of false arrest. Monrovia Police Officers responded to a complaint of trespassing on private property. Mr Han was requested by the Police Officers to leave the premises but Mr Han refused. He was placed under citizen's arrest, Monrovia Police personnel issued Mr Han a citation and he then left the premises. This was the second time Mr Han was placed under citizen's arrest for trespassing at this property. Monrovia Police personnel responded in an appropriate manner. Therefore, the City bore no responsibility for this matter.

CC-8 Amendment of the Joint Exercise of Powers Agreement for Insurance and Risk Management Purposes of the Independent Cities Risk Management Authority, Resolution No. 2009-52 The City of Monrovia had been a member of the ICRMA since 1987. The City designated a Board Member, Alternate Boardmember and Substitute Alternate Boardmember to ICRMA. Former Mayor Rob Hammond was the City's designated Boardmember. Director of Human Resources and Risk Management Theresa St Peter was the Alternate Boardmember. Human Resources Senior Management Analyst Danielle Tellez was the Substitute Alternate Boardmember.

The retirement of Rob Hammond created a vacancy for the City's Boardmember. Resolution No. 2009-52 authorized Mayor Mary Ann Lutz to be appointed as the City's delegate for the ICRMA Governing Board. The Resolution also restated the current appointments for alternate and substitute alternate to this Board.

CC-9 Support of an Application for Federal Funding for the Creation of a Wireless Communications Network to Serve the Community, Resolution No. 2009-53: Staff recommended support for Champion Broadband's application to the Federal Government for stimulus dollars to be used to construct and operate a wireless WiFi communications network in Monrovia, serving parks, schools, public buildings, the Old Town commercial district and most business and residential neighborhoods in the community.

CC-10 Installation of All-Way Stop Signs at Primrose and Lime, Primrose and Chestnut, and Primrose and Lemon Avenues, Resolution No. 2009-51: An all-way stop at Primrose and Lime Avenues was evaluated and discussed at Traffic Safety Committee Meeting. The Traffic Safety Committee reviewed the pedestrian and vehicle traffic conditions of the area and recommended an all-way stop. The intersection of Primrose and Chestnut Avenues met the criteria for a 4-way stop, and the Traffic Safety Committee recommended the installation.

In 2006, as part of the traffic mitigation measures for Colorado Commons, the Traffic Safety Committee recommended the temporary installation of a 4-way stop at the intersection of Primrose and Lemon Avenues. The Committee re-evaluated the intersection and recommended the permanent installation of the 4-way stop. Funds were available through the Street Maintenance Fund.

CC-11 Memorandum of Understanding; Amend Personnel Rules and Regulations Related to Compensation and Supplemental Benefits Effective Fiscal Years 2009-2011 for Elected and Appointed Employees, Appendix "D"; Resolution No. 2009-54: All sworn safety employees received a 4% salary increase for FY 2009/10. Also, in FY 2009-10, Managers, Mid-Managers, General and Police and Fire non-sworn employees received a 3% salary increase. These employees were also participating in compensation reductions to assist the City in balancing its budget over the next two years.

The classification of Executive Assistant to the City Manager was included in the Appendix for Elected and Appointed Employees along with the City Manager and our elected officials. The City Manager and Elected Officials did not receive a salary increase for FY 2009-10. However, the classification of Executive Assistant to the City Manager normally received salary and benefit adjustments commensurate with the Mid-Managers. Approval of this Resolution would provide the Executive Assistant to the City Manager with a 3% salary increase and subject the position to the same compensation reductions as those currently in effect for Mid-Management employees.

CC-12 Denial of Liability Claim; Marianne Baldwin vs. City of Monrovia: Ms. Baldwin alleged that on June 9, 2009, Monrovia Fire personnel damaged an entry door to an apartment when responding to an emergency call at the apartment. Monrovia Fire personnel had reason to believe that an occupant of the apartment's life was in danger. They exercised reasonable care in responding to the call and attempting to gain entry to the apartment. Therefore, the City bore no responsibility in this matter.

CC-13 Reduction in the 2007 Monrovia Library Tax Allocation Bonds Property Tax Collections for Fiscal Year 2009-10, Resolution No. 2009-55: In 2007, the residents of Monrovia passed Measure L, which approved a parcel tax to generate approximately \$16 million for the construction of a new public library in Library Park. At the time, based on the building floor plan and schematic designs, \$16 million was the estimated construction cost of the new building. The cost of materials and labor decreased due to the slowdown in the economy and the City recognized a cost savings of approximately \$280,000.00 from the original construction budget.

The passage of Measure L generated approximately \$1 million of property tax revenue that paid the annual debt service payments on the 2007 bonds that were issued. The one-time cost savings of \$280,000.00 allowed the City to reduce the tax collected from property owners for 2009-10 by \$280,000.00. The City would still meet its annual debt service obligation by combining the reduced amount of property tax collected along with the savings from the construction budget.

The estimated average savings for a single family residence would be \$18 for fiscal year 2009-10. The savings would be reflected on their property tax bills, which would be sent out by Los Angeles County in early fall.

CC-14 Award of Contract to Hogle-Ireland, Inc., to Complete a Specific Plan for the Proposed Gold Line Maintenance and Operating Facility and an Addendum to the Master Environmental Impact Report for a Sum not to Exceed \$74,900.00: In January 2008, the City Council approved an update to the Land Use Element of the General Plan which added a development plan for the Station Square and Transit Village area bounded by Magnolia, Evergreen, Shamrock Avenues and Duarte Road. A Master Environmental Impact Report was certified for the General Plan Amendment and evaluated the environmental impacts associated with the proposed uses. The land planning and development consulting firm of Hogle-Ireland prepared the General Plan Amendment and Master Environmental Impact Report. Hogle-Ireland also prepared the Station Square Specific Plan which won the American Planning Association Los Angeles Section "Planning Excellence for Best Practice of Merit." Sam Gennaway, from Hogle-Ireland Inc., led the consultant team and was intimately familiar with the site and Monrovia. Mr. Gennaway had also moderated several public meetings for planning issues with great success for the City.

The contract with Hogle-Ireland, Inc., was for the completion of a new specific plan for the 24.96-acre area bounded by Shamrock, Evergreen, California Avenues and Duarte Road. The specific plan was for the proposed Gold Line maintenance and operating facility. Hogle-Ireland estimated that the time frame for the documents would be approximately 120 days from the award of contract. The public scoping sessions would begin later this month.

Hogle-Ireland, Inc., quoted a "not to exceed" amount of \$74,900.00 for the documents and public meetings and hearings. The money was available in the General Plan Recovery Fund.

CC-15 Paying and Reporting the Value of Employer Paid Member Contributions to the California Public Employees' Retirement System (Fire Employees), Resolution No. 2009-56: The City currently funded 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.

On June 21, 2005, the City Council authorized that employees in the Monrovia Firefighter's Association be entitled to participate in the PERS Employer-Paid Member Contribution (EPMC) Program effective July 1, 2005. Employees in positions designated as Managers, Mid-Managers and MMEA employees began paying for this benefit effective June 21, 2009.

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 20636© (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 2009-10 and 2010-11. In order to assist with this budget deficit and to implement cost saving measures to assure long term fiscal viability, Staff negotiated an agreement with the Monrovia Firefighter's Association which provided that all members in this bargaining unit 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.

PUBLIC HEARINGS/MEETINGS: There were no Public Hearings.

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of August 4, 2009, of the Monrovia Redevelopment Agency Board of Directors at 7:41 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 July 21, 2009 Meeting of the Monrovia Redevelopment Agency

MRA PUBLIC HEARINGS/MEETINGS: None.

MRA ADMINISTRATIVE REPORTS: None.

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 7:42 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

RCC1 Mayor Lutz reported that

(a) Update on State Budget: City Manager Ochoa presented the latest update on the State Budget with the aid of PowerPoint. Included in his report was the fact that the State's recently adopted budget proposed to "borrow" \$850,000.00 from the City's General Fund and take \$2.5 million from the Redevelopment Agency at this time, and then back again mid-year to find more money somewhere. After discussion, Staff was directed to have the City engage in the California Redevelopment Association (CRA)'s new lawsuit to protect Redevelopment Agencies, and to memorialize the repayment procedure whereby the funds that are returned by State and accepted be on the same City Council Meeting Agenda as the funds which would be approved for payment to the State.

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shevlin, to have the City's website list all those legislators who voted for this takeaway. There were no objections.

(b) Monthly Update on Census 2010: Community Development Director Alice Griselle reported that this was the first of monthly updates on the 2010 Census Count. Ili Lobaco, Associate Planner, was continuing to spearhead our Census efforts with the Census Bureau representative, Meredith Maxwell. Monrovia's Complete Count Committee had been formed and would be guiding the census promotions and distributing census information and materials through the website and newsletters. Complete Count Committee members were from the Chamber of Commerce, School District, and churches and included several city employees. In November, a Census Kick Off Event was planned with push to educate residents on the importance of completing the form for the March 2010 Census mail out. One hundred forty thousand workers had already verified addresses to make the delivery of questionnaires more accurate in mid-March. The Bureau was scheduled to hire approximately 1.4 million people to conduct the 2010 Census, including following up with the households that did not return their questionnaire.

(c) Gold Line Update: City Manager Ochoa reported that METRO indicated it would not commence with the Gold Line until a Maintenance and Operations Yard for the entire Gold Line was identified and that the previously identified City of Irwindale was not now interested in the project. He and Mayor Lutz proposed in discussions with other cities that the M&O Yard be located in Monrovia where the Redevelopment Agency had already purchased a considerable amount of land adjacent to the Gold Line right-of-way at California Avenue. The City Council had approved at this Meeting a contract with Hogle, Ireland to facilitate a planning process to determine if the M&O Yard was a real possibility. A public process to discuss the project would be underway in September and October. After the gathering and weighing of that information, the Staff could make a recommendation to the Planning Commission and the City Council.

(d) She attended the Southern California Clear Air Car Show on Sunday, July 26, 2009 in South Pasadena. There was quite an array of cars and was a great tool regionally to bring people out to see what was available.

RCC2 Mayor Pro Tem Adams reported that

(a) He thanked Councilmember Garcia and reported that the Chamber of Commerce and City were hosting an E-waste Drive on August 22, 2009 at the Park "N Ride at Myrtle and Pomona Avenues.

(b) Energy Efficiency Loan Update: Sr. Management Analyst Heather Maloney provided an update on the Loan program with the aid of PowerPoint. Implementation options were discussed, noting that the second option with Los Angeles County would be considerably longer (12 to 18 months) but the City option would be shorter, depending on how much the City could expend on the program.

RCC3 Councilmember Garcia reported that

(a) This Thursday marked one year that he had been President of the Los Angeles Division of the League of California Cities and marked the end of his term. He stated that he had enjoyed his term and gave a brief overview of his year as President, noting that it was a great experience. Mayor Lutz congratulated him, stating that he was owed a great debt of gratitude for his work and that he was one of the leading Councilmembers in the entire state.

RCC4 Councilmember Shaw reported that

(a) He congratulated Councilmember Garcia on a job well done, and encouraged all to shop in Monrovia.

RCC5 Councilmember Shevlin reported that

(a) She would be off to Germany on the upcoming Thursday to visit with her new granddaughter, Evolet Lyra Horn.

(b) She thanked Community Services for the Concerts in the Park.

(c) She reminded viewers to attend the last MAFA Art Walk and Open Air Film Night on August 29, 2009.

(d) Foothill Unity Center Back to School Distribution would be held on August 20, 2009 at Santa Anita Park. Volunteers were needed.

ADMINISTRATIVE REPORTS

AR-1 Memorandum of Agreement for the Administration and Cost Sharing of the Coordinated Implementation Plan for the Los Angeles River Reach 2 and Tributaries Metals Total Maximum Daily Load (TMDL) with the San Gabriel Valley Council of Governments

Senior Management Analyst Heather Maloney reviewed the Staff Report

The Los Angeles River (LAR) Reach 2 and Tributaries Metals TMDL, adopted by the Los Angeles Regional Water Quality Control Board, required the watershed cities and agencies to prepare and implement a Coordinated Implementation Plan. Per the requirements of the TMDL, LAR Reach 2 cities planned to prepare a coordinated implementation plan to meet the compliance deadlines for submittal. The Staff Report outlined the requirement for these efforts, their foreseeable costs, proposed implementation through a cost sharing agreement, and fiscal management through the San Gabriel Valley Council of Governments (SGVCOG)

Funds were available in the Storm drain Fund

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to approve the Memorandum of Agreement with the San Gabriel Valley Council of Governments at a cost not to exceed \$20,000. There were no objections

SCHEDULED MEETINGS

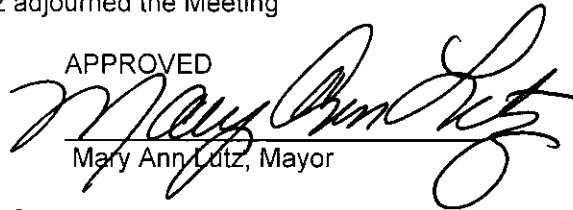
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, September 1, 2009, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California. Mayor Lutz reminded everyone that the August 18, 2009 Regular Meeting had been cancelled.

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ITEMS PULLED FROM CONSENT CALENDAR: None


ADJOURNMENT: At 8:32 P.M. Mayor Lutz adjourned the Meeting

APPROVED



Mary Ann Lutz, Mayor

ATTEST



Linda B. Proctor, MMC, City Clerk