

**MINUTES OF THE REGULAR MEETING OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, SEPTEMBER 6, 2011, 7:30 P.M.**

**CLOSED SESSION:** Mayor Mary Ann Lutz convened the Closed Session Meeting of the Monrovia City Council at 6:10 p.m. on Tuesday, September 6, 2011, in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, at which all Councilmembers were present with the exception of Councilmember Clarence R. Shaw who was excused, to discuss the following Closed Session item: CC-1 Conference with Labor Negotiator Pursuant to Government Code §54957.6; Agency Negotiator: Theresa St. Peter; Group Employees: Monrovia Firefighters' Association and Monrovia Police Officers' Association. The meeting adjourned at 7:30 p.m.

**CONVENE:** Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, September 6, 2011, at 7:33 p.m. in City Council Chambers, in honor of Alexander Nicholas and Chloe Grace, Born March 19, 2010, to Nick and Rita Lambajian. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

**INVOCATION:** Police Chaplain Terrence Brown led the invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember Tom Adams led the Pledge of Allegiance.

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

Mayor Lutz spoke regarding Councilmember Shaw's extended excused absence. City Attorney Craig Steele provided background on the Military and Veteran's Code relating to an elected official who is deployed on active or reserve duty, explaining that the office remained theirs as long as the deployment lasted for the duration of the current term. He further explained that the City Council had the right but not the requirement to appoint someone in the caretaker position, and that the City Council had not requested that an item related to such an appointment be on an agenda. He further explained that any reference to Councilmember Shaw's seat being vacant was legally incorrect. Discussion continued regarding the City Council's options and Councilmember Shaw's wishes to leave his seat unfilled as long as it didn't affect making quorums. City Manager Scott Ochoa indicated that Councilmember Shaw had remained close contact with the City during his deployment.

**REPORT OF CLOSED SESSION:** City Attorney Craig A. Steele stated that there was no reportable action.

**PRESENTATIONS/PROCLAMATIONS:**

**PR-1 Introduction and Swearing In of Newly Hired Police Chief James Hunt**

City Manager Scott Ochoa introduced newly hired Police Chief James Hunt to the Mayor, City Council and the community. City Clerk Alice Atkins administered the Oath of Office and presented a Certificate of Appointment to Police Chief Hunt.

The following Proclamation was added at the behest of Mayor Lutz.

**Proclaiming September 16, 2011, as "American Legion Day"**

Mayor Lutz presented a proclamation to American Legion Monrovia Post 44 Commander Earl Sweeney, who accepted on behalf of Post 44 members.

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** Student Liaison Kevin Greenwood reviewed past and upcoming events at Monrovia High School.

**ORDER OF BUSINESS:** City Manager Scott Ochoa stated that CC-3 had been pulled for discussion as the result of a speaker information card submitted for the item and would be heard following Administrative Reports. RCC-1(a) and (b) were moved forward to be heard prior to the Consent Calendar.

**RCC1 Mayor Lutz**

(a) **Arcadia Methodist Hospital FAST-MAG Program:** Jim Helms, Methodist Hospital Foundation Board Member Emeritus, and Dr. Andrew Lee presented a plaque to Fire Chief Donovan, thanking the Fire Department for their support of and participation in the FAST-MAG program.

(b) **American Cancer Society Relay for Life Update:** Jenny Pappano, American Cancer Society Relay for Life Chair, and Andrea Sweet reported a record amount raised - \$123,607.02 - and presented an engraved vase of Iris flowers in recognition of the City's support of the 2011 Relay for Life. She also presented a Bronze Sponsor award to Mary Ann and Corey Lutz.

**CONSENT CALENDAR:** Noting that item CC-3 had been pulled for discussion, and with Mayor Lutz abstaining from item CC-7, **it was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to approve the consent calendar.** The motion carried unanimously. The Consent Calendar consisted of the following Agenda items:

**CC-1 Unadopted Minutes of the August 2, 2011, Regular Meeting of the Monrovia City Council:** The City Council adopted the Minutes of the August 2, 2011, Regular Meeting as presented.

**CC-2 Payroll Nos. 16, 17, and 18 in the Amounts of \$552,429.38, \$532,069.02, and \$537,133.56, Respectively, and Voucher Nos. 172853 through 173099 and 173100 through 173467 in the Amounts of \$1,447,765.14 and \$2,540,529.26, Respectively:** The City Council approved the Payroll and Vouchers as presented.

**CC-3 Award of Police Towing Services Contract to Foothill Towing for the Period Ending June 30, 2016:** This item was pulled for discussion following Administrative Reports

**CC-4 Award of Bid to Ink Spots for Production and Printing of the Monrovia Department of Community Services Brochure in the Amount of \$17,664.00 for Fiscal Year 2011-12:** The City Council awarded a bid to Ink Spots for production, printing and mailing of the Monrovia Department of Community Services Brochure in the amount of \$17,664.00 for Fiscal Year 2011-12.

**CC-5 Professional Services Agreement with Cost Recovery Systems, Inc., for the Completion of Senate Bill 90 (SB 90) State Mandated Reimbursement Claims in an Amount not to Exceed \$9,250.00:** The City Council approved a professional services agreement with Cost Recovery Systems, Inc., in the amount of \$9,250.00 and authorized the Director of Administrative Services to execute the agreement.

**CC-6 Approval of Agreement for Services with Joe A. Gonsalves & Son for Legislative Advocacy Services:** The City Council approved the agreement with Joe A. Gonsalves & Son for Legislative Advocacy Services and authorized the City Manager to execute the necessary documents.

**CC-7 Legislative Bulletin:** The City Council approved the Legislative Bulletin and direct Staff to contact Monrovia's representatives. Mayor Lutz abstained from voting on the matter.

**CC-8 Denial of Liability Claim filed by State Farm Insurance Company a/s/o Nick Powell:** The City Council denied the claim filed by State Farm Insurance Company a/s/o Nick Powell against the City of Monrovia.

**CC-9 Denial of Liability Claim filed by Southern California Edison:** The City Council denied the claim filed by Southern California Edison against the City of Monrovia.

**CC-10 Application for ABC Beverage License (Type 41 – On-Sale Beer and Wine General Eating Place) for Old Town Pizza at 338 South Myrtle Avenue:** The City Council received and filed the report.

**CC-11 Application for ABC Beverage License (Type 41 – On-Sale Beer and Wine General Eating Place) for BigShrimps Seafood Grill at 123 East Colorado Boulevard:** The City Council received and filed the report.

**CC-12 Application for ABC Beverage License (Type 21 – Off-Sale General) for House of Spirits at 501 West Duarte Road:** The City Council received and filed the report.

**CC-13 Application for ABC Beverage License (Type 16 – Wine Broker Non-Retail) for Shafer Integrated Health Technologies at 710 Norumbega Drive:** The City Council received and filed the report.

**CC-14 Application for ABC Beverage License (Type 20 – Off-Sale Beer and Wine) for 7-Eleven at 400 West Foothill Boulevard:** The City Council received and filed the report.

#### **PUBLIC INPUT**

1. Kurt Thorgerson, Monrovia
2. Pam Fitzpatrick, Monrovia
3. Sylvia Domotor, Rotary Club of Monrovia
4. Stephen Grollnek, Monrovia
5. Joanne Montgomery, Citrus Community College
6. James Recabareo, Sierra Madre
7. Robert Silverstein, Attorney for Excalibur Property Holdings, LLC, and George W. Brokate
8. Jimmy O'Balles, Monrovia Latino Heritage Society
9. Gwendolyn Jones, Monrovia
10. Cyrus Kemp, Monrovia
11. Chuck Keen, Monrovia

In response to comments made during Public Input, City Manager Ochoa provided background and context related to a recent article on the condition and availability of baseball fields for youth baseball in the City, and reviewed facts surrounding the issue of local elected officials serving concurrently on the Gold Line Construction Authority Board. City Attorney Steele responded to allegations of Brown Act violations recently made by resident Jules Bagneris to the District Attorney's Office, as well as several allegations of Brown Act and Conflict of Interest violations made by Mr. Silverstein.

#### **PUBLIC HEARINGS / MEETINGS:**

**PH-1 Historic Landmark HL-127/Mills Act MA-121 for the Property Located at 311 East Palm Avenue by Property Owners John and Jennifer Rice; Resolution No. 2011-46:**

Steve Sizemore, Director of Community Development, reviewed the Staff Report.

Mayor Lutz opened the Public Hearing

Public Input

1. Gwendolyn Jones spoke in favor of the item.

Mayor Lutz closed the Public Hearing as there was no one else present who wished to speak on the matter.

**It was moved by Councilmember Adams, seconded by Councilmember Shevlin, to adopt Resolution 2011-46 and approve Mills Act Contract with the property owners at 311 East Palm Avenue.** The motion carried unanimously.

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

**MRA CONVENE:** Chairman Mary Ann Lutz convened the Meeting of September 6, 2011, of the Monrovia Redevelopment Agency Board of Directors at 9:02 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, Becky A. Shevlin, Vice-Chairman Joe Garcia and Chairman Mary Ann Lutz. Clarence R. Shaw was excused.

**MRA CONSENT CALENDAR:** It was moved by Councilmember Adams, seconded by Vice Chairman Garcia, to approve the Consent Calendar. The motion carried unanimously. The Consent Calendar consisted of the following Agenda items:

**MRA CC-1 Unadopted Minutes of the August 2, 2011, Regular Meeting and the August 23, 2011, special Meeting of the Monrovia Redevelopment Agency.** The Agency Board approved the Minutes as presented.

**MRA CC-2 Agreement with John L. Hunter & Associates for Environmental Remediation Services at 204 West Pomona Avenue in an Amount not to Exceed \$18,615.00:** The Agency Board approved the agreement with John L. Hunter & Associates in the amount of \$18,615.00 and authorized the Executive Director to execute the necessary documents.

**MRA PUBLIC HEARINGS/MEETINGS:** None.

**MRA ADMINISTRATIVE REPORTS:** None.

**MRA ADJOURNMENT:** Chairman Lutz adjourned the Meeting at 9:03 p.m.

### RECONVENE MONROVIA CITY COUNCIL MEETING

#### REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

##### **RCC1 Mayor Lutz**

(a) **Arcadia Methodist Hospital FAST-MAG Program:** This item was taken out of order following Order of Business above.

(b) **American Cancer Society Relay for Life Update:** This item was taken out of order following Order of Business above.

(c) **September 11 Remembrance Ceremony at Fire Station 101;** Chief Donovan reviewed the events planned for the special event, and encouraged residents to contact the Veterans of Foreign Wars for proper disposal of worn and tattered flags.

(d) **Human/Wildlife Interface Informational Meeting, September 7, 2011;** Police Chief Hunt reviewed topics to be discussed at the upcoming meeting.

##### **RCC-2 Mayor Pro Tem Garcia reported on:**

(a) **Attendance as voting delegate at the upcoming League of California Cities Annual Conference in San Francisco.**

##### **RCC-3 Councilmember Adams reported on:**

(a) **Review the Purchase of Property at 601 Los Angeles for a Neighborhood Park:** Councilmember Adams moved to direct Staff to take actions the following day to acquire the property for the purchase price of \$299,000. Discussion ensued regarding the occurrence of such an opportunity, a challenge to the Kiwanis club to support the project, fair market value of the property, and the source of funding for the purchase. City Manager Ochoa stated that Staff could make an offer to the broker conditioned on approval by the City Council at the September 20, 2011, Regular Meeting, giving time for Staff to prepare a full report, and mentioned the possibility of a Special Meeting, if needed. City Attorney Steele commented on the matter of making required CEQA findings prior to approving the purchase.

Councilmember Adams amended his motion to direct Staff to put in an offer to purchase property at 601 East Los Angeles subject to Council approving a purchase agreement and making the necessary CEQA finding, and directing Staff to contact the lender of record to see if the foreclosure could be forestalled pending final approval, but if necessary have an urgent Special Meeting in order to approve the purchase in time. Mayor Pro Tem Garcia seconded the motion, which carried unanimously.

**RCC-4 Councilmember Shaw** was excused.

##### **RCC-5 Councilmember Shevlin reported on:**

(a) **Upcoming events in the City**

#### **ADMINISTRATIVE REPORTS:**

**AR-1 Unilateral Implementation of Last, Best and Final Offer to the Monrovia Municipal Employees Association; Amend Personnel Rules and Regulations to Provide for Compensation and Supplemental Benefits Effective Fiscal Year 2011-12 for General Employees, Appendix "B," Resolution No. 2011-38; Paying and Reporting the Value of Employer Paid Member Contributions to the California Public Employees' Retirement System, Resolution No. 2011-39; Amendment to Personnel Rules and Regulations to Provide for Compensation and Supplemental Benefits Effective Fiscal Year 2011-12 for Management Employees, Appendix "C," Resolution No. 2011-40; Elected and Appointed Employees, Appendix "D," Resolution No. 2011-41; Hourly Employees, Appendix "F," Resolution No. 2011-42; and Mid-Management Employees, Appendix "H," Resolution No. 2011-43**

Danielle Tellez, Human Resources Division Manager, reviewed the Staff Report.

Public Input:

1. Cyrus Kemp, Monrovia
2. John Jogminas, Monrovia

In response to comments made during Public Input, Councilmember Adams clarified with Staff that sick and vacation pay was not included final calculations for PERS. CM Ochoa, reviewed the Pay for Performance program and Sick-Leave accumulation. Councilmember Shevlin spoke to the matter of accrued vacation leave and City Manager Ochoa stated that Staff would bring back information regarding a hard cap at the mid-year budget review.

**It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to adopt Resolution Nos. 2011-38 through 2011-43.** The motion carried unanimously on the following vote: **AYES:** Councilmember Adams and Shevlin; Mayor Pro Tem Garcia; Mayor Lutz. **NOES:** None. **ABSENT:** Councilmember Shaw.

**PUBLIC INPUT, CONTINUED, IF NEEDED:** None.

#### **ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED**

The following item was pulled from the Consent Calendar for discussion:

#### **CC-3 Award of Police Towing Services Contract to Foothill Towing for the Period Ending June 30, 2016**

Captain Alan Sanvictores reviewed the Staff Report.

Public Input:

1. Cyrus Kemp.

In response to comments made by Mr. Kemp, City Attorney Steele explained that the City of Bell was currently under investigation by the Department of Justice due to a franchise fee related to towing services, and that sometimes the public perception is that law enforcement decisions are being made as a way of increasing revenue.

**It was moved by Councilmember Shevlin, seconded by Councilmember Adams, to award a Police Towing Services contract to Foothill Towing for the period ending June 30, 2016, and authorize the Chief of Police to execute the necessary documents.** The motion carried unanimously.

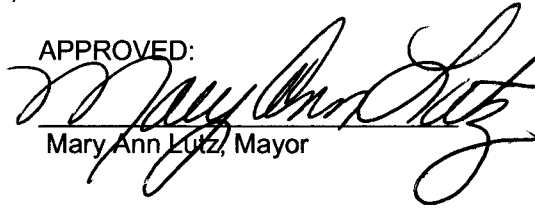
#### **SCHEDULED MEETINGS**

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, September 20, 2011, 7:30 p.m., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

**ADJOURNMENT:** At 10:17 p.m. Mayor Lutz adjourned the Meeting in honor of Ralph McKnight, San Gabriel Valley Community Activist, and Civic Leader; Larry Van Den Bossche, Lifetime Member of Monrovia Chamber of Commerce; Mario Duron, Longtime Resident; Doris Ann Walters, Longtime

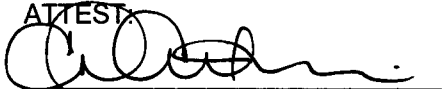
Kindergarten Teacher and Member of Monrovia Tennis Club, Monrovia Guild for the Children's Hospital Los Angeles, and Monrovia PEO Chapter; Jim Merriman, Longtime Resident and Brother of Pam Fitzpatrick, Cindy Ranger and Jennifer Ranger; and Jim Bateson.

APPROVED:



Mary Ann Lutz, Mayor

ATTEST:



Alice D. Atkins, CMC, City Clerk