

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JANUARY 18, 2005, 7 30 P M.**

CONVENE. Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, January 18, 2005 at 7 35 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Study Session to discuss the 2004-05 Mid-Year Budget, 6 00 P M , City Council Chambers, at which all Councilmembers, with the exception of Councilmember Lutz, was in attendance Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION Pastor Phil Reed gave the Invocation

PLEDGE OF ALLEGIANCE Mayor Rob Hammond led the Flag Salute

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

REPORT OF CLOSED SESSION(S) None

PRESENTATIONS.

Mayor Hammond took the following item out of order

G-5(a) Youth in Government

Kathy Parnell, YMCA Director, introduced Jennifer Postawate who introduced the students involved in the Youth in Government Program for the YMCA Each student introduced himself and explained briefly his role in the upcoming State Legislative Day in Sacramento

2. Recognition of Wells Fargo Bank for its Donation of a Grant in the Amount of \$1,000.00 for Senior Programs

Penny Arroyo, Assistant Recreation Coordinator, introduced John Tate, Wells Fargo Branch Manager, who presented a check in the amount of \$1,000 00 for Senior Programs, to the Mayor, City Council and community

3. Introduction of the 2005 Golden Age, New Horizon and Gad-A-Bouts Senior Club Presidents

Penny Arroyo, Assistant Recreation Coordinator, introduced the newly installed Senior Club Presidents for 2005, Golden Age Club President Albert Villagran, New Horizon Club President Norma Yuhas, and Gad-A-Bout Club President June Badger to the Mayor, City Council and the community

4 Recognition of Make-A-Difference Day Donors

Pattie Tellez, Volunteer Center Executive Director, and Chris Shevlin, Committee Chair, thanked the numerous sponsors of the Eleventh Annual Make a Difference Day on October 23, 2004, and presented a short video highlighting the event featuring 17 projects

PROCLAMATIONS. None

Student Government Representative Report: Student Liaison Pamela Cheng reported on activities of Monrovia High School

A CONSENT CALENDAR It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Garcia, to approve the Consent Calendar consisting of Items *B, *F-1, *F-2, *I-7, *I-8 *I-9, and *J There were no objections

***B MINUTES:** The Minutes of the Regular Meeting of January 4, 2005 were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS

1 Nancy Zack, Monrovia, expressed concern that Staff was involved in community groups

2 Stephen Grollnek, Monrovia, took exception to the recent public State of City Address event and stated that the ACLU would be contacting the City, stated that the Democrat party was endorsing him and funding his campaign, and asked for fair election practices

3 Rainbow Yeung, South Coast Air Quality Management District, reviewed the role of District and submitted packets of information to the City Council

4 April Kelsey, 2004 Chair of the Fire Safe Council (FSC), explained the role of FSC and reviewed the year's accomplishments, including use of grant monies

5 Martha Welch, Monrovia, expressed her concern regarding the FSC election which she believed was not noticed, and expressed concern that City Staff had interfered with the FSC

6 John Jogminas, Monrovia, took issue with the City Manager's Weekly Report regarding the FSC meeting

7 Steve Miller, Monrovia, explained his comments regarding the merchant grant program from the last City Council Meeting which he believed were misunderstood, took issue with a statement by a previous speaker that she had been elected Chair of the FSC in November, took issue with a \$45,000 00 expenditure of grant money, asking that the City Council correct the expenditure, and expressed his opinion of the City Manager

8 Cyrus Kemp, Monrovia, took exception with the City Manager's report of the FSC meeting, and expressed his opinion of the City Manager

Mayor Hammond responded to comments made regarding the City Manager, noting that the City Manager was worthy of the position he had, had earned the position that he had, and that he was of the highest integrity

City Manager explained the role of Staff in a community-based organization, reviewed the reason for the Weekly Report, and reported on the events regarding the FSC meeting

Mayor Hammond called a recess from 8 54 P M to 9 10 P M.

D PUBLIC HEARINGS/MEETINGS

1 Proposed 31st Year (Fiscal Year 2005-06) Community Development Block Grant (CDBG) Programs Allocation, Resolution No. 2005-01

Dan McConnell, Housing Division Coordinator, reviewed the Staff Report

He reported that the estimated FY 2005-2006 Community Development Block Grant (CDBG) allocation was \$431,332 00 Based on the information provided by the County, this amount was approximately \$24,000 00 less than last year's allocation The CDC required participating cities to report a preliminary summary of the projected use of these funds by February 4, 2005 Projects and estimated budgets were Administration, \$43,132 00, Residential Rehabilitation- Historic Preservation (Handyworker Program), \$85,000 00, Code Enforcement, \$238,500 00, and Neighborhood Recreation Program, \$64,700 00

There was no negative impact on the City's General Fund

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

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to approve Resolution No. 2005-01. There were no objections

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

CONVENE Chairman Rob Hammond convened the Regular Meeting of January 18, 2005 of the Monrovia Redevelopment Agency Board of Directors at 9 22 P M in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

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

A. CONSENT CALENDAR

It was moved by Boardmember Adams, seconded by Vice Chairman Garcia, to approve the Consent Calendar consisting of Item *B. There were no objections

***B MINUTES** The Minutes of the Regular Meeting of January 4, 2005, were approved by order of the Consent Calendar

MRA REPORTS. None

MRA ADJOURNMENT Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9 23 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS None

F. COMMUNICATIONS AND PETITIONS

***1. Application for ABC Beverage License (Type 41 – On-Sale Beer and Wine) for Sweet Garlic, 614 South Myrtle Avenue, Receive and File**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Rafael and Maria Fajardo submitted an application for a Type 41 – On-Sale Beer and Wine and Type 47 – On-Sale General 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 Staff recommended that the City Council receive and file the application

***2 Application for ABC Beverage License (Type 41 – On-Sale Beer and Wine, and a Type 47 – On-Sale General License) for Tidal Wave Seafood & Oyster Bar, 414 South Myrtle Avenue, Receive and File**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Lalita Homsangpradit, Pornpanit Kamourut, Khwanreun Paktachai and John Wee have submitted an application for a Type 41 – On-Sale Beer and Wine 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 Staff recommended that the City Council receive and file the application

G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1 Mayor Hammond reported that

(a) **Employee Recognition** He recognized the efforts of Public Works, Police and Fire on last Sunday evening because of the torrential rains which caused water and mudslide emergencies He noted that Monrovia had over half of its normal rain fall during a 16 day period when normal rain fall for the year was approximately 21 inches He called upon Public Works Director David Fike who presented slides of the disaster in Monrovia and the level of water throughout the City

(b) **Proclaiming Existence of a Local Emergency, Resolution No 2005-06**

Due to the local disaster, it was moved by Mayor Pro Tem Garcia, seconded by Councilmember Kirby, to adopt Resolution No 2005-06 There were no objections

Mayor Hammond requested that Mr Fike provide information to KGEM regarding the fact that sandbags were available at the City Yard

(c) Councilmember Lutz had had a personal emergency and could not attend the City Council Meeting He asked that she and her family be held in everyone's prayers

2 Mayor Pro Tem Garcia reported that

(a) He would be attending the Housing, Community and Economic Development Policy Committee, which he was appointed as Vice Chairman, on January 20, 2005 in Los Angeles Discussion would include insights on growth, housing and infrastructure in the state as well as other legislative issues He stated he would report at the next City Council regarding the outcome of the meeting

3 Councilmember Adams had no report at this time

4 Councilmember Kirby reported that

(a) He had attended his first San Gabriel Valley Mosquito and Vector Control meeting, noting that it was quite educational He reported that these record amounts of rain caused mosquitoes to form in stagnant water and that residents needed to check their homes and yards for pools of standing water to ward off the West Nile Virus

(b) He attended the Recognition Dinner for the Canyon Park Volunteer Program and complimented the volunteers He introduced Parks Division Manager Dan Iwata and Volunteer Training Coordinator Kim Bosell who presented slides of the Volunteer Program

5 Councilmember Lutz was excused

(a) **Youth in Government** This presentation was taken out of order under PRESENTATIONS above

H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

1 Review of Gold Line Phase II Extension Through Monrovia, Receive and File

Tito Haes, Assistant to the City Manager, reviewed the Staff Report

In the summer of 2003 the Metro Gold Line began operations from Pasadena (Sierra Madre Villa Station) to downtown Los Angeles (Union Station) Currently, the Metro Gold Line Foothill Extension Construction Authority is working on the preliminary engineering for the Phase II Extension The Extension is an approximately 24-mile east-west light rail line from Pasadena to Montclair The project begins just east of the existing Metro Gold Line Sierra Madre Villa Station in Pasadena and runs along the former Burlington Northern Santa Fe (BNSF) railroad right-of-way, generally paralleling the I-210 Freeway Phase II will connect the communities of Arcadia, Monrovia, Duarte, Irwindale, Azusa, Glendora, San Dimas, La Verne, Pomona, Claremont and Montclair

The first segment of Phase II would run from Pasadena to Azusa and was scheduled for completion by 2009 This segment would travel 2.01 miles through the City of Monrovia and travel along the

BNSF railroad There would be five at-grade crossings within Monrovia and the Monrovia station would be located at the historic Santa Fe depot on Myrtle Avenue south of West Pomona Avenue and just north of West Duarte Road

Gold Line Authority staff was in attendance to provide additional information and answer any specific technical questions the Council or community might have regarding the extension through Monrovia

Staff recommended the City Council receive and file this informational report

After discussion, it was moved by Councilmember Adams, seconded by Councilmember Kirby, to receive and file the report. There were no objections

2 2003-04 Comprehensive Annual Financial Report (CAFR), Receive and File

Mark Alvarado, Director of Finance, reviewed the Staff Report

The City was required under Municipal Code to complete an independent audit on an annual basis This audit included a review of the existing internal accounting controls regarding document assets, and reliability of the computer systems to properly record transactions In addition, major account balances or large dollar activities were reviewed to validate year-end balances

Lance Soll & Lunghard, LLP, Certified Public Accountants, were retained to audit the financial records of the City Lance Soll & Lunghard issued an unqualified opinion on the City's financial statements In simpler terms, this means the financial information presented in our accounting records and financial statements are accurately presented and free from material misstatement Also, the Finance Department followed the appropriate accounting practices and regulations in recording the day to day financial activities of the City

In order to be awarded a Certificate of Achievement in Financial Reporting, a city must publish an easily readable and well organized Comprehensive Annual Financial Report The CAFR must satisfy both applicable legal requirements and generally accepted accounting practices Monrovia received the Government Finance Officer's Association (GFOA) financial reporting award for the last 12 years Once again, the Finance Department would submit the City's report for State and National award consideration Staff recommended the City Council receive and file the 2003-04 Comprehensive Annual Financial Report

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to receive and file the report There were no objections

3 Award of Contractor to Abate Unsafe/Nuisance Conditions at 1219 South Magnolia Avenue

Bill Skiles, Neighborhood Preservation Division Manager, reviewed the Staff Report

After a fire in June 2002, the Monrovia Fire Department and Building Division referred this property to the code enforcement staff due to severe "packrat-type" conditions During the investigation, Los Angeles County's Elderly GENESIS team, Adult Protective Services and Public Guardian's offices assisted staff in working with the owner to gain voluntary compliance After repeated efforts failed to gain compliance, the GENESIS team and the Public Guardian's office referred the case to Los Angeles County Counsel Sari Steele for legal action

On July 15, 2004, Los Angeles County Counsel Sari Steele assisted by the City Prosecutor presented the case to the Pasadena Superior Court Based on the provided evidence, the Honorable Judge Coleman Swart placed a Deputy Public Guardian as Conservator over the property owner Judge Swart ordered the Conservator to abate and clean-up all unsafe and nuisance conditions at the subject property and to insure that the property remained in compliance with the property maintenance codes Los Angeles County Counsel Sari Steele represents the Conservator Court-appointed attorney Gloria Pitzer represents the property owner The Conservator requested that

Staff seek bids to abate the nuisance conditions The bids were obtained and ranged from \$9,000 00 to \$56,500 00

On October 20, 2004, Neighborhood Preservation Division Staff, Monrovia Fire Marshall, the City Prosecutor, Los Angeles County Counsel, Los Angeles County Elderly GENESIS team, the Public Guardian's Office, and Ms Mills' court-appointed attorney met to review the contractor bids In discussing the three bids, all present agreed that the abatement methodology proposed by the Center for Organization and Goal Planning best met the needs and health concerns of the property owner This consensus was based on the fact that Dorothy Breinenger of the Center for Organization and Goal Planning is a recognized expert in working with individuals affected with packrat obsessive compulsive disorders, Ms Breinenger had already established a working relationship with Ms Mills, her attorney and the court appointed conservator, the abatement plan included organizing, labeling, packaging and temporarily storing items of salvage value up to three months, and working with Ms Mills to develop an organizational plan for the future At this meeting, Gloria Pitzer agreed to the bid amount of \$18,500 00 as a reasonable cost to complete the project The Elderly GENESIS team believed that the Center for Organization and Goal Planning abatement plan provided Ms Mills with the best alternative

A waiver of rights regarding the abatement costs was completed and signed by the Conservator (Public Guardian's Office), County Counsel and Ms Mills court-appointed attorney in December 2004 In effect, this was a waiver of all public nuisance proceedings and requirements of Chapter 8 12 Monrovia Municipal Code The agreement allowed the City to recover the abatement costs up to \$18,500 00 if the property owner was absent during the abatement or up to \$25,500 00 if the owner was present The Conservator agreed to reimburse the abatement costs by allowing a special assessment lien to be recorded (against the property) with the Los Angeles County Tax Assessor Office and Recorder's Offices

As an alternate and additional grounds for awarding this contract to the Center for Organization and Goal Planning, Staff believed that the facts of this unique case required the careful sorting and preservation of items of perceived value to the property owner, rather than the wholesale disposal of all materials regardless of value For that reason, Staff recommended that the City Council also find that due to the nature of the services solicited here, negotiation of this contract will best serve the City

Under the current court order, the Los Angeles County Public Guardian was authorized to reimburse the City of Monrovia up to \$18,500 00 for abatement costs or up to \$25,500 00 if the property owner was present during the abatement Abatement costs would be reimbursed by allowing a special assessment lien to be recorded with the Los Angeles County Tax Assessor Office and Recorder's Offices

Initially, general fund monies would need to be appropriated to pay the selected contractor for the abatement costs These monies would then be recouped via the special assessment lien If paid back through the Tax Assessor's Office, the process could take three to five years to recover all abatement costs If the owner sells her property, the City would be paid back in full at the sale of the property

Staff recommended that the City Council approve the awarding of the abatement contract to the Center for Organization and Goal Planning

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to find that this contract is exempt from the purchasing provisions of the Monrovia Municipal Code pursuant to MMC Section 3 24 120(B), award the contract to abate unsafe and unsanitary conditions at 1219 South Magnolia Avenue, Monrovia, to The Center for Organization and Goal Planning as the lowest and best responsible bidder, reject all other bids, and approve the appropriation of general fund money to complete the abatement process, subject to reimbursement from the Los Angeles County Public Guardian There were no objections

4. Purchase of Narrow Band Mobile Two Way Radio Equipment from Motorola in the Amount of \$80,321 22

Police Lieutenant Rick Miglia reviewed the Staff Report

The Police Department proposed to purchase radio equipment and radio frequency licensing, which will allow them to comply with new Federal Communications Commission (FCC) regulations. These new regulations required VHF two-way radio users to switch from traditional wide band radio frequencies to the new narrow band frequencies. The Police Department had been preparing to meet the new FCC requirements by replacing old radios with narrow band compatible radios. Twenty-two (22) additional narrow band mobile radios still needed to be purchased. Motorola was the sole source provider for these radios based on their encryption capabilities.

The cost of the twenty-two narrow band mobile radios, the installation of these radios, and frequency licensing fees is \$80,321 22. These funds were available in the Police Department's radio inter-service charges account. Staff recommended the City Council approve the purchase of the twenty-two narrow band mobile radios, the installation of these radios, and frequency licensing fees.

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Kirby, to authorize the Police Department to purchase twenty-two narrow band mobile radios, the installation of these radios, and the licensing fees for radio frequencies from their radio inter-service charges account at a cost of \$80,321 22. There were no objections.

5 Renewal of Janitorial Services Contract Between the City of Monrovia and Facility Operations Plus in the Amount of \$226,171 00 for the First Year, with a Consumer Price Index (CPI) Increase for Each Subsequent Year, for the Period Ending June 30, 2007

Dennis Shiflett, Facilities Division Manager, reviewed the Staff Report

The City Council awarded a contract to Facility Operations Plus on April 15, 1997. With the State budget crisis growing and the City's funding reductions, Facility Operations Plus demonstrated their support to the City by accepting the additional services requested for the Historical Museum and not increasing their costs for fiscal year 2003-2004.

After July 1, 2004, Staff requested Facilities Operations Plus to continue performing their duties on a month-to-month basis until Staff negotiated a new work schedule to meet the City's current needs.

Funding for janitorial services is available through the Building Maintenance Fund.

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to approve the renewal of Janitorial Services Contract between the City of Monrovia and Facility Operations Plus in the amount of \$226,171 00 for the first year, with a Consumer Price Index (CPI) increase for each subsequent year, for the period ending June 30, 2007. There were no objections.

6 Adoption of the City of Monrovia Hazard Mitigation DMA 2000 Plan, Resolution No. 2005-05

Battalion Chief Dave Dennis reviewed the Staff Report

Under the Disaster Mitigation Act of 2000, every California City was required to develop, write, and submit, a copy of a Hazard Mitigation Plan to the State Office of Emergency Services and the Federal Emergency Management Agency. This comprehensive planning document would require Hazard Identification, Analysis and Risk Assessment, and Capability assessment for the City. It will further assess Feasible Hazard Mitigation Measures and Needs. The project would also include a Development Plan and Implementation Strategy.

In January 2004, the City received information about the DMA 2000 Hazard Mitigation Plan requirement. After attending workshops Staff determined that this plan development would require either a full time staff person or the contract of service to develop and write this plan.

After completion of the plan, the City was required to adopt a resolution approving the plan and then submitting a copy of both the resolution and the plan to the State Office of Emergency Services and Federal Emergency Management Agency.

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Kirby, to adopt Resolution No 2005-05. There were no objections.

***7 Annual Update of City Investment Policy, Resolution No 2005-02**

This matter was approved by order of the Consent Calendar.

Staff reviewed the investment policy every year. Staff analyzed the State Government code, past fiscal practices, and current investment trends in updating the policy. State law required that the City Council be provided with an investment policy update no less than annually at a public meeting.

The City of Monrovia's investment policy met all the requirements of Government Code Section 53600. The critical element of the policy was the specification of the following objectives, in order of importance as follows: preservation of capital and protection of investment principal, maintenance of sufficient liquidity to meet anticipated cash flows, attainment of a market value rate of return, diversification to avoid incurring unreasonable market risks, and compliance with the City's Municipal Code.

No direct fiscal impact would occur as a result of adopting the Investment Policy. The market's rise or fall in interest rates and investment value determined any financial impact.

***8. Amendment to Titles 2 (Administration and Personnel) and 17 (Zoning) of the Monrovia Municipal Code Pertaining to the Powers and Duties of the Development Review Committee, Second Reading and Adoption of Ordinance No 2005-01**

This matter was approved by order of the Consent Calendar.

This was the second reading and final adoption of Ordinance No 2005-01 amending Titles 2 and 17 of the Monrovia Municipal Code, relating to the powers and duties of the Development Review Committee. Staff continued to recommend approval of this ordinance.

***9 Set for Hearing on February 1, 2005, Amendment to the Monrovia Municipal Code Relating to Title 17 (Zoning) Establishing Interim Development Standards for the South Myrtle Avenue Corridor**

This matter was approved by order of the Consent Calendar.

In February 2004, the City enacted a moratorium along the Myrtle Avenue Corridor extending from Olive Avenue south to Duarte Road. The moratorium was to end in March 2005. The purpose of the moratorium was to allow the City to develop a new land use plan for this area that would build upon the success of the revitalization of the downtown and the creation of a high-tech corridor along Huntington Drive.

As this would take an extended period of time, Staff believed the solution was an interim zoning ordinance that would keep the existing zone designations and the majority of the development standards of the Zoning Ordinance in place while ensuring the new development met the intent of the ULI Study.

Staff recommended setting February 1, 2005 as the date of the Public Hearing.

*J **PAYROLL & VOUCHERS:** Payroll No 1 in the net amount of \$458,344 44, and Voucher Numbers 123182 through 123388 non-sequentially in the amount of \$420,494 30 was approved by order of the Consent Calendar

K SCHEDULED MEETINGS

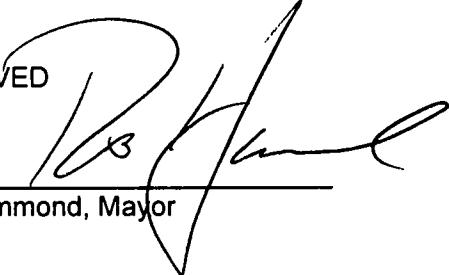
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, February 1, 2005, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

L. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

M. CLOSED SESSION At 10 12 P M , Mayor Hammond announced that the City Council would hold a Closed Session to Conference with Legal Counsel, Existing Litigation, Government Code §54956 9(a), Jose Martinez vs City of Monrovia, Case No GC033802 He announced that the second matter for Closed Session, Conference with Legal Counsel, Government Code §54956 9(a), Workers Compensation Claim, Lloyd Weekley vs City of Monrovia, Case No 9500025, had been pulled

N. ADJOURNMENT Mayor Hammond adjourned the Meeting in memory of Holly Wooster, daughter of Library Boardmember and Santa Fe teacher Gail LaBau, and, Rosalind Farrar, sister of Public Works employee Ron Farrar, at 10 14 P M He announced that the Council would adjourn from Closed Session and the report of Closed Session would be made at the next City Council Meeting

APPROVED



Rob Hammond, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk