

ADOPTED

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, MAY 23, 2000, 7:30 P.M.**

CONVENE: Following a Study Session commencing at 5:46 P.M. and concluding at 7:17 P.M. in the Police Community Room, 140 East Lime Avenue, to review the Fiscal Year 2000-2001 Budget, at which all members of the City Council were in attendance (with Ms. Blakely arriving at 5:52 P.M.), Mayor Robert T. Bartlett convened the Regular Meeting of the Monrovia City Council of Tuesday, May 23, 2000, at 7:36 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

INVOCATION: Pastor Richard Sullender, First Baptist Church, led the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Lara L. Blakely led the Pledge of Allegiance.

ROLL CALL: In attendance were Councilmembers Lara L. Blakely, Joe Garcia, Rob Hammond, Mayor Pro Tem Tom Adams and Mayor Robert T. Bartlett.

REPORT OF CLOSED SESSION: There was no Closed Session held on May 9, 2000.

PRESENTATIONS:

1. Introduction of Irma Horvath, Director-External Affairs, Pacific Bell

Mayor Bartlett read a short resume regarding Irma Horvath, Director, External Affairs of Pacific Bell. Ms. Horvath explained the Pac Bell services available to the community.

PROCLAMATIONS

1. Proclaiming the Week of May 21-27, 2000 as "Public Works Week"

Mayor Bartlett proclaimed May 21-27, 2000 as "National Public Works Week." This year's theme is "Proud to Care." The aim of Public Works Week is to acknowledge the contributions made by Public Works Departments across the United States and Canada regarding streets, highways, flood control facilities, parks, water systems, sewer systems, public buildings, vehicle fleets, and engineering.

Dave Fike, Acting Public Works Director, accepted the proclamation from the Mayor and City Council.

STUDENT GOVERNMENT LIAISON REPORT: Student Representative Starlin Oldaker, III, reported on activities at Monrovia High School.

A. CONSENT CALENDAR: It was moved by Councilmember Hammond, seconded by Council Garcia to approve the Consent Calendar consisting of Agenda Items *B, *E-3, *F-1, *I- 4, *I-5, *I-6, *I-7, *I-8, *K.

Agenda Item F-1 was removed from the Agenda to be discussed at a later date; Agenda Item I-7 was removed to be discussed at a later time on the Agenda.

ROLL CALL: Ayes: Councilmembers Blakely, Garcia, Hammond, Mayor Pro Tem Adams and Mayor Bartlett
Motion carried: 5-0

*B. **MINUTES:** The Minutes of the Regular Meetings of April 25, 2000 were approved by order of the Consent Calendar.

C. ORAL COMMUNICATIONS

1. Rosemary Harrahill, 242 N. Grand Avenue, spoke regarding the daytime curfew.
2. Pastor Anthony Steele, AME Bethel Church, 148 West Lime Avenue, spoke regarding concerns of activities in his area during the Monrovia Days celebration.

D. PUBLIC HEARINGS: None

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

CONVENE: Chairman Bartlett convened the Regular Meeting of May 23, 2000 of the Monrovia Redevelopment Agency Board of Directors Meeting at 7:50 P.M. without adjourning the City Council Meeting.

ROLL CALL: Boardmembers Blakely, Garcia, Hammond, Vice-Chairman Adams, and Chairman Bartlett

A. CONSENT CALENDAR: It was moved by Boardmember Garcia, seconded by Vice-Chairman Adams, to approve the Consent Calendar consisting of Item *B.

ROLL CALL: Ayes: Boardmembers Blakely, Garcia, Hammond, Vice-Chairman Adams and Chairman Bartlett
Motion carried: 5-0

*B. **MINUTES:** The Minutes of the Regular Meeting of April 25, 2000, were approved by order of the Consent Calendar.

MRA REPORTS:

1. To be Opened and Continued to May 23, 2000; Joint Public Hearing; Disposition and Development Agreement (DDA) with Vicki Novell and Peter Jacksen, 611 W. Huntington Drive; Resolution Nos. 10-2000 and 2000-44

Chairman Bartlett opened and continued the Public Hearing to June 13, 2000.

MRA ADJOURNMENT: It was moved by Vice-Chairman Adams to adjourn. The Monrovia Redevelopment Agency Meeting adjourned at 7:51 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

E. BIDS:

1. Monrovia General Public Dial-a-Ride Transit Service; Award of Three-Year Contract to R&D Transportation Service in the Amount of \$1,805,054.00

Alice Griselle, Planning Division Manager, reviewed the Staff Report.

The City of Monrovia has operated Monrovia Transit Dial-a-Ride for 17 years and has contracted with Dootson Enterprises, LLC since its inception. Last year, the Council approved an additional one-year extension due to Monrovia Transit's involvement in the San Gabriel Valley Smart Shuttle Technology (SGVSST) project which automated Monrovia Transit's dispatch system. With Dootson's contract set to expire last year, the City would have had to go out to bid, leaving the possibility that the City might have had to change contractors midway through the test.

A Request for Proposal (RFP) was sent out at the end of February of this year. The City received two proposals, one from the current contractor—Dootson Enterprises; and the other from R&D Transportation.

The evaluation team reviewed the proposals and held interviews with both bidders. In addition to City Staff, the evaluation team consisted of a representative from Foothill Transit and a representative from Los Angeles County Department of Public Works. The proposals were evaluated on Cost, Work Plan and Technical Approach, Qualifications, Experience, and Responsiveness of the Proposal. The evaluation team ranked R&D significantly higher in each of the categories.

Dootson has provided good service over the last 17 years. However, based on the evaluation of the proposals, interviews, tours of the facilities, and references, Staff is recommending awarding the contract to R&D Transportation.

The bidding of Monrovia Transit is regulated by the formal contract procedures as found in Chapter 3.24 of the MMC, and, as such, the City must contract with the lowest and most responsible bidder following the formal bid procedures. The following table compares the two bidder's proposed cost of service over a three-year period.

Provider	Year 1	Year 2	Year 3	Total
Dootson	607,030	616,135	625,377	\$1,848,542
R&D	587,967	601,618	615,469	\$1,805,054

R&D operates numerous Dial-A-Ride systems throughout greater Los Angeles including Arcadia Transit, East Los Angeles, and Alhambra in the San Gabriel Valley. They have received glowing reviews from all of those agencies. In their proposal, they were very specific about the improvements that they propose for Monrovia Transit and stated that they will exceed each of the service criteria specified in the RFP. They also stated that they felt confident in achieving these goals and would agree to place them into the contract. Monrovia Transit will be operated from R&D's existing facility in Monrovia at 1705 South Mountain Avenue, adjacent to the Edison substation.

In addition to the project manager, R&D will provide a full time field supervisor to assist with ongoing supervision of the drivers. They feel that this is an important strategy that both improves on time service to customers and teamwork between drivers, dispatch and field supervisors. This was not a requirement of the RFP, however Foothill Transit and Staff agree that this is another valuable level of supervision to ensure the quality of the operation of Monrovia Transit.

R&D has also proposed to work with City Staff to provide other service enhancements including: development of a service guide, improvement and expansion of current reporting, and development of coordination with adjoining transit systems to improve mobility for our riders.

sewer has revealed extensive root intrusions and longitudinal and circumferential cracking. There are two methods to remedy the situation:

1. Conventional Construction Method (excavate and replace).
2. Trenchless Method (no excavation).

Staff decided to use the Trenchless Method (no excavation) because it is cost effective, time efficient, and causes a minimum disruption to businesses.

On May 4, 2000, four bids were received and opened by the City Clerk. Bids ranged from a low of \$173,087.00 to a high of \$222,755.00. The apparent low bidder is Insituform Technologies (9445 Ann Street, Santa Fe Springs, CA 90670) in the amount of \$173,087.00. All documents are in order and references have been contacted. Staff found that this firm has recently satisfactorily completed similar work for other public agencies. The work will be performed at night between the hours of 9:00 p.m. and 7:00 a.m. during low flow conditions to minimize any inconvenience to area businesses.

Staff recommended awarding a contract to Insituform Technologies, Inc. in the amount of \$173,087.00

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Hammond, to award a contract to Insituform Technologies, Inc., in the total amount of \$173,087.00 for the Trenchless Sewer Rehabilitation Project on Myrtle Avenue; and reject all other bids.

**ROLL CALL: Ayes: Councilmembers Blakely, Garcia, Hammond, Mayor Pro Tem Adams, and Mayor Bartlett
Motion carried: 5-0**

***3. Purchase/Replacement of Two Public Works Dump Trucks; Award of Contract to Los Angeles Freightliner in the Amount of \$129,467.00**

This matter was approved by order of the Consent Calendar.

The Public Works Department currently has two 1983 model dump trucks that are scheduled for replacement. One truck is assigned to the Street Maintenance Division and the other to the Utilities Division. The trucks are used in a wide variety of construction and maintenance activities and have been in service since 1983. They have a life expectancy of fifteen years, which is standard for government agencies.

On December 28, 1999, the City Council authorized the issuance of a purchase order to Los Angeles Freightliner in the amount of \$129,467.00 for the procurement of two dump trucks. The bid specifications for these trucks are identical to those needed for the replacement of the existing trucks.

Los Angeles Freightliner has agreed to provide two additional dump trucks to the City under the same terms, conditions, and pricing as those purchased under City Bid No. 99-12 and Purchase Order No. OP20551. Funding for this purchase is available through the Equipment Pool Replacement Fund.

Staff recommended approval to authorize Staff to increase the existing purchase order with Los Angeles Freightliner from the existing amount of \$129,467.00 for two dump trucks to \$258,934.00 for the purchase of a total of four dump trucks.

F. COMMUNICATIONS AND PETITIONS

***1. Receive and File; ABC License (Type 41 On-Sale General) for Rigos Mexicana Food at 457 West Foothill Boulevard, Monrovia**

This matter was removed from the Consent Calendar to be discussed at a later date due to an appeal of the Planning Commission's approval of Conditional Use Permit for the sale of wine and beer at this location.

Notice had been received from the ABC that an application has been received from Rigoberto Bugarin Serrano and Primitiva Serrano, Rigos Mexicana Food, 457 W. Foothill, requesting the issuance of a ABC License (Type 41 On-Sale General).

G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1. Mayor Bartlett

(a) He reported he had met with members of the German Parliament who came here to look at the proposed project for MagLev. From that meeting, a Joint Agreement between Lockheed-Martin and Trans-Rapide of Germany to move forward as partners to build a system in Germany was accomplished. Senator Dianne Feinstein has allotted the local MagLev project \$10 million. There are seven projects nationwide. We have the best ridership and are hopeful that our project would be funded. In other federal awards, Metro Link received \$2.2 million, Monrovia received \$570,000.00 with a chance to get bumped up even more (or down); and Foothill Transit received \$4 million.

(b) He attended the Eagle Scout Award ceremonies for Starlin Oldaker Sunday and congratulated Starlin for being one of 2% of those in Boy Scouts reaching the Eagle status.

(c) He reported that our Fire Services in Monrovia celebrated its 90th year of services in Monrovia. He called attention to former Councilmember John Nobrega in the audience, a prime mover of fire service.

(d) Resolution of Support Relating to the Completion of the 710 Freeway, Resolution No. 2000-53

He reported that a coalition has been working on support of this matter. He reported that the Southern California Association of Government (SCAG) has to make a conformity finding for the air quality in this basin, and if it can't be made, all federal dollars coming into California will be stopped. All federal monies into Atlanta was stopped until a conformity finding was made there.

Ms. Blakely added that COG took a position to oppose Adam Schiff's bill. The bill did not encourage an agreement by South Pasadena with Cal Trans. There was no third party to proceed in an impasse. This bill will continue to perpetuate what has happened over the past 30 years. If the bill included language to resolve the dispute, it more than likely would have been supported.

After discussion, it was moved by Councilmember Blakely, seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2000-53 relating to the support of the completion of the 710 Freeway.

Mr. Garcia stated that his philosophical position on the 710 freeway was known by his fellow Councilmembers, and he personally could not support the resolution.

**ROLL CALL: Ayes: Councilmembers Blakely, Garcia, Hammond, Mayor Pro Tem Adams and Mayor Bartlett
Motion carried: 5-0**

3. Acceptance of Irrevocable Offer of Dedication from Gold Hills Associates of Lot 56 Consisting of Approximately Fifty-two Acres, Resolution No. 2000-45

Robert Kastenbaum, Community Development Director, reviewed the Staff Report.

As part of Tract 38720 (Gold Hills), lot 56 was irrevocably offered to be dedicated to the City. This lot is located at the end of Hidden Valley Road and is approximately 52 acres. The City acquired title to this property in 1990; however, no formal action by the City Council was taken. The City Attorney has advised that the City Council adopt a resolution in order to formally accept the property.

This property was recently rezoned and reclassified in the Land Use Element of the General Plan to Hillside Wilderness Preserve (HWP). This designation is for publicly owned property that preserves the land as open space lands.

Staff recommended adopting Resolution 2000-45, formally accepting the offer from the Gold Hills Associates.

It was moved by Councilmember Hammond, seconded by Mayor Pro Tem Adams, to adopt Resolution 2000-45 accepting the irrevocable offer to dedicate from the Gold Hills Associates.

**ROLL CALL: Ayes: Councilmembers Blakely, Garcia, Hammond, Mayor Pro Tem Adams and Mayor Bartlett
Motion carried: 5-0**

***4. Set for Public Hearing on July 11, 2000; 2000-2001 Fiscal Year Citywide Lighting and Landscape Maintenance Assessment District, Approval of Engineer's Report, Resolution No. 2000-49 and Resolution of Intention, Setting the Public Hearing for July 13, 2000, Resolution No. 2000-49**

This matter was approved by order of the Consent Calendar.

As part of the procedures the City must follow in connection with assessment districts formed under the Landscaping and Lighting Act of 1972, an annual budgetary review of the proposed assessments is required. The review includes the initiation of proceedings for the levy and collection of assessments, review and approve the Engineer's Report, acknowledge intent to levy and collect assessments, which includes setting a time and place to conduct a public hearing.

Staff recommended the City Council approve the Engineer's Report for FY 2000-2001 by adoption of Resolution No. 2000-49; authorize a General Fund Contribution estimated at \$130,100; and declare the intention to levy an assessment for FY 2000-2001 and setting July 11, 2000 as the date of the Public Hearing by adoption of Resolution No. 2000-50.

***5. Set for Public Hearing on July 11, 2000; 2000-2001 Fiscal Year Park Maintenance Assessment District, Approval of Engineer's Report, Resolution No. 2000-51; and Resolution of Intention, Setting the Public Hearing for July 11, 2000, Resolution No. 2000-52**

This matter was approved by order of the Consent Calendar.

As part of the procedures the City must follow in connection with assessment districts formed under the Landscaping and Lighting Act of 1972, and assessment conditions of Prop 218, an annual budgetary review of the proposed assessments is required. The review includes the initiation of proceedings for the levy and collection of assessments, review and approve the Engineer's Report, acknowledge intent to levy and collect assessments, which includes setting a time and place to conduct a public hearing.

Staff recommended the City Council approve the Engineer's Report by adoption of Resolution No. 2000-51; and declare the intention to levy an assessment for FY 2000-2001 and set July 11, 2000 as the date of the Public Hearing by adoption of Resolution No. 2000-51.

***6. Request for Funding to the California Department of Conservation (DOC) for Funds Allocated to the City of Monrovia Pursuant to the California Beverage Container Recycling and Litter Reduction Act; Resolution No. 2000-46**

This matter was approved by order of the Consent Calendar.

SB 332, the California Beverage Container Recycling and Litter Reduction Act ("the Act"), was passed by the State Legislature in 1999. The Act authorized the expenditure of \$10,500,000.00 annually for payments to cities and counties for beverage container recycling and litter cleanup activities. Cities are eligible to receive a minimum of \$5,000 or a per-capita based amount calculated by the DOC's Division of Recycling (whichever is greater). Based on the per-capita calculation, Monrovia has been allocated \$11,853.00 for expenditure on eligible activities for FY 1999-2000. Staff has identified the following activities for the FY 1999-2000 Funding Request:

Monrovia Office Recycling Effort (MORE) Program: \$9,800.00

MORE, a Citywide office recycling program, will be implemented at five City facilities. The program will promote recycling, with an emphasis on beverage container recycling.

City Interactive CD-ROM: \$2,053.00

The City is currently working on an interactive CD-ROM to market City services to the community. A portion of the CD will be dedicated to the City's waste management program and will incorporate information and "links" on beverage container recycling information and opportunities for residents.

Staff was quoted a cost of \$10,491.00 for additional contract services to support the office-recycling program. As the MORE program will facilitate the collection of a wide range of recyclables, approximately 50% of this cost (\$5,491) will be shared by the Waste Fund to further demonstrate the City's commitment to the goals of AB 939. SB 332 has provided the City with a new source of funds to facilitate beverage container recycling. As such, these funds have the potential to be another vital resource for the City's overall recycling programs.

For these reasons, staff recommends approval of Resolution No. 2000-46, authorizing submittal of the Funding Request Form for \$11,853.00 to the DOC, and authorizing the City Manager to execute all necessary forms to secure the funding.

Staff recommended approval of Resolution No. 2000-46, authorizing the submittal of the Funding Request Form for \$11,853.00 to the California Department of Conservation for FY 1999-2000, and authorizing the City Manager to execute all necessary forms to secure funding."

7. Legislative Bulletin (Pulled from the Consent Calendar for discussion)

This report highlighted and summarized 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.

It was moved by Councilmember Blakely, seconded by Mayor Bartlett, to approve the Legislative Bulletin and direct Staff to contact Monrovia's elected representatives for their support.

**ROLL CALL: Ayes: Councilmembers Blakely, *Garcia, Hammond, Mayor Pro Tem Adams and Mayor Bartlett
Motion carried: 5-0**

*with the opposition of AB1930 by Councilmember Garcia

***8. Filing of Amicus Curiae Brief in the Case of Friends of Sierra Madre, et al vs. City of Sierra Madre (California Supreme Court No. S085088)**

This matter was approved by order of the Consent Calendar.

From time to time, the City receives requests from other jurisdictions to file a "friend of the court" amicus curiae brief with the court in regards to the pending litigation. Essentially, the case referenced in this matter focuses on whether the submission of a ballot measure to the voters is exempt from review under the California Environmental Quality Act ("CEQA") when the submission to the voters is by the legislative body rather than by a signed voter petition.

In *Friends of Sierra Madre, et al v. City of Sierra Madre, et al* (Cal Supreme Court No. S085088), the Court of Appeal took a very narrow interpretation of the existing CEQA guidelines and ruled that if the voters submit a ballot measure to the electorate, it does not have to go through CEQA review. However, ballot measures submitted by the City Council do have to go through the CEQA process.

This is problematic because many times city councils place matters on the local ballot as a means of expeditiously implementing the public will, without forcing community groups to through the arduous process of collecting signatures, etc. Not only does this ruling hamper city councils' ability to be responsive to their communities, but it also may call into question pending or previously approved initiatives. The appeal is now before the California Supreme Court.

Staff recommended that the City Council direct the City Attorney to author and file the Amicus Curiae brief on behalf of the Appellant City of Sierra Madre.

J. RESOLUTIONS & ORDINANCES:

1: Amendment of Chapter 3.28 of the Monrovia Municipal Code Relating to Claims and Demands, Introduction and First Reading, Ordinance No. 2000-12

Michael Colantuono, City Attorney, reviewed the Staff Report.

Ordinance No. 2000-12 revises Chapter 3.28 in its entirety. The ordinance makes clear that the general claims procedures set forth in the Tort Claims Act govern the presentation, processing, review, settlement, compromise and rejection of claims for money or damages against the City.

In addition, the ordinance requires that claims exempted from the Tort Claims Act be presented in the same manner as other claims. This provision allows the City to take advantage of the short statute of limitations period for claims otherwise exempt from the Tort Claims Act. Such claims include, but are not limited to, refund of taxes or assessments and claims for salary, fees and expenses by former or current employees.

The ordinance also requires that all claims and demands against the City, except claims and demands by employees or former employees for fees, salary or expenses, be filed with the City Clerk. Claims and demands by employees or former employees for fees, salary or expenses are required to be filed with the Director of Human Resources and Risk Management.

It was moved by Councilmember Hammond, seconded by Mayor Pro Tem Adams, to introduce and read by title only Ordinance No. 2000-12, relating to claims and demands. As there were no objections, City Attorney Colantuono read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING CHAPTER 3.28 OF THE MONROVIA MUNICIPAL CODE RELATING TO CLAIMS AND DEMANDS

**ROLL CALL: Ayes: Councilmembers Blakely, Garcia, Hammond, Mayor Pro Tem Adams, and Mayor Bartlett
Motion carried: 5-0**

***K. PAYROLL AND VOUCHERS:** Payroll No. 10 in the net amount of \$344,488.68 and Voucher Numbers 84831 through 86826 nonsequentially in the amount of \$568,162.50 were approved by order of the Consent Calendar.

L. SCHEDULED MEETINGS: A Study Session is scheduled for Tuesday, May 30, 2000, 6:00 P.M., in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, to receive Department Budget Presentations for the 2000-2001 Fiscal Year.

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, June 13, 2000, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

M. CLOSED SESSION: None

N. ADJOURNMENT: It was moved by Councilmember Garcia to adjourn. The Meeting was adjourned at 8:41 P.M.

APPROVED:

Robert T. Bartlett, Mayor

ATTEST:

Linda B. Proctor, CMC/AE, City Clerk