

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JANUARY 6, 2004, 7 30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, January 6, 2004 at 7 33 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Donald R Hopper, City Attorney Craig A Steele, and Acting City Clerk Alice D Atkins

INVOCATION Pastor Maurice Battle led the Invocation

PLEDGE OF ALLEGIANCE Councilmember Dan Kirby led the Flag Salute

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

REPORT OF CLOSED SESSION(S)

City Attorney Steele reported that the following agendized item was discussed No reportable action was taken and direction was given to Staff

December 16, 2003

1 Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), Ware v City of Monrovia, Case Number 01-004A

PRESENTATIONS

1 Introduction of Newly Hired Police Officers Robert Karch, Carmen Tirado, and Carol Herrador

Captain Don Lacher introduced newly hired Police Officers Robert Karch, Carmen Tirado and Carol Herrador to the Mayor, City Council and the community

PROCLAMATIONS

1 Proclaiming a Welcome Home from Iraq to Monrovia Resident Alfred Bustillos, Sergeant First Class, United States Army

Sergeant First Class Alfred Bustillos was unable to attend the meeting Mayor Hammond announced that the Proclamation would be mailed to him

STUDENT GOVERNMENT REPRESENTATIVE REPORT City Council Liaison Sable Smith was not in attendance

A CONSENT CALENDAR

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to approve the Consent Calendar consisting of Items *B, *I-3, *I-4, *I-5, *I-6, *I-7, *I-8, *I-9, and *K There were no objections

*B **MINUTES** The Minutes of the Regular Meeting of December 16, 2003, were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS

1 Natalie Porche, Senior Public Information Specialist AQMD, introduced herself to the Mayor and City Council as the new representative, provided informational packets for each, and gave a brief overview of current air quality conditions and efforts

2 Charlotte Schamadán, Monrovia, representing the Foothill Unity Center, thanked all who helped make the Thanksgiving and Christmas distributions a success

3 Cyrus Kemp Monrovia, expressed concerns about Altrio selling or abandoning their business in Monrovia, and gave his opinion on the selection of George Jaimes as 2003 Safety Employee of the Year and the leadership of the Monrovia Fire Department

4 John Nobrega, Monrovia, took exception to the preceding speaker's comments regarding the Fire Department and commended the department for their efforts and expertise

5 Pam Fitzpatrick, Monrovia, spoke in support of the Fire Department and recounted stories of her personal interactions with the Department

6 Harrison Taylor, Los Angeles, commented on the close-knit community that Monrovia is, and challenged Mayor Hammond regarding previous filming discussions

Mayor Hammond maintained that he has been truthful about a private business transaction

D PUBLIC HEARINGS/MEETINGS

1 **Tentative Tract map No 54414/Conditional Use Permit CUP2003-19 for Construction of a Four Unit, Two Story Detached Planned Unit Development Located at 824-826 Ocean View by Leon San Blas and Hank Jong, Applicants**

Mayor Hammond announced that his item was pulled and referred back to the Planning Commission for a public hearing on February 11, 2004, and that any who came to speak on this matter would have the opportunity to do so at that meeting

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE Chairman Rob Hammond convened the Regular Meeting of January 6, 2004 of the Monrovia Redevelopment Agency Board of Directors at 8 17 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, Mary Ann Lutz Vice Chairman Joe Garcia, and Chairman Rob Hammond

A CONSENT CALENDAR

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

***B MINUTES** The Minutes of the Regular Meeting of December 16, 2003, were approved by order of the Consent Calendar

MRA REPORTS None

MRA ADJOURNMENT Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8 17 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS None

F COMMUNICATIONS AND PETITIONS None

G CITY COUNCILMEMBERS & SUB-COMMITTEES

1 **Mayor Hammond** reported that

(a) **Appointment of Selection Committee to Fill Vacancy on Monrovia Old Town Advisory Board** He announced that there is a vacancy on the Monrovia Old Town Advisory Board and encouraged any merchant interested in being on the board to apply

(b) At the invitation of Congressman Dreier, he attended the Spirit Rover landing and progress at the Jet Propulsion Laboratory and commented on the remarkable time that we are living in

(c) He wished everyone a Happy New Year He stated that there are a lot of exciting things happening and opined that it will be the best year ever

2 Mayor Pro Tem Garcia reported that

- (a) **Police Department Exhibit** He introduced Captain Don Lacher who presented a brief PowerPoint presentation of the new Police Department Exhibit at the Monrovia Historical Museum He noted the interactive exhibit's educational and historical value and encouraged everyone to visit it
- (b) He wished everyone a Happy New Year

3 Councilmember Adams reported that

- (a) He wished everyone a happy New Year and thanked the employees who worked through the holidays

4 Councilmember Kirby reported that

- (a) He wished everyone a Happy New Year He looked forward to a bright, promising New Year in Monrovia and encouraged everyone to keep track of what's going on and to stay involved

5 Councilmember Lutz reported that

- (a) She wished all fabulous holidays and a happy, healthy and prosperous New Year
- (b) She reminded everyone that the winter farmers market is open Friday evenings, in the area of Olive and Myrtle Avenues The regular Family Festival will resume in March
- (c) She said to keep watching what is going on She expects it to be an exciting New Year with challenges and new things coming up

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

1 State Lobbying Services, Award of One-Year Contract to Gonsalves & Son in the Amount of \$36,000 00

Scott Ochoa, Assistant City Manager, reviewed the Staff Report

Especially over the last 10-15 years, cities have become increasingly susceptible to maneuvers by the State of California to undermine the principles of home rule and redirect revenues specifically earmarked for local government From the ERAF shifts of the 1990's to the current controversy over the VLF and the so-called "triple-flip", the State has consistently taken a cavalier attitude toward the reallocation of city and county funds to resolve its own fiscal problems

Simultaneously, the State has put forth to the voters a number of bond measures to raise funds for specific program areas Monrovia has been very successful in bringing back home some of these bond dollars in the arena of wilderness preservation (coincidentally, with the assistance of a lobbying firm) However, we have not yet had the same success in identifying and securing funds in other areas like library funding and housing

And while the League of California Cities (the "League") does a good job of representing local government's interests on a macro-level, many cities – both large and small – have long retained lobbying firms to assist in advocating for their communities' specific priorities As a blanket organization, the League is at times unable to advocate on certain issues because some client cities may be conflicted on a particular matter or may be competing for funding Thus, advocacy of "specialty" legislation and/or awards of grants are oftentimes unsuitable for League participation

In September 2003, City staff solicited proposals for lobbying services from two qualified firms The firms were advised that the City's lobbying program would focus on brownfield reclamation, affordable housing, transportation/light rail expansion, library services, and the general protection of local government resources Both firms expressed their interest and submitted comprehensive proposals

Both firms came highly recommended and were extremely qualified Upon checking references, Staff determined that both enjoyed high levels of customer satisfaction Finally, both firms offered \$3,000 per month retainers By way of comparison, the City's federal lobbyist – David Turch & Associates – charges a retainer of \$4,000 per month

In October, the City Council held a Study Session to interview the two firms. Given their evenly matched nature, the recommendation came down to a matter of "fit" – who could best relate their experience to the needs of the City and identify with the vision of the City Council. Ultimately, Staff felt comfortable in recommending the firm Gonsalves & Son as the successful candidate. Staff's review and reference check has borne out an impressive record of service and achievement.

The fiscal impact of retaining Gonsalves & Son is the \$36,000 retainer fee. This was the same fee amount proposed by the other competing firm and was less than the City's federal lobbying firm.

This expenditure was not included in the FY 2003-04 budget. Thus, Staff proposed to utilize expenditure control budgeting (ECB) savings to pay for the first six months' retainer and incorporate the balance into the FY 2004-05 budget. In the event that the City Council felt that the City was not receiving value for the expenditure, then the contract could be terminated by giving 30 days written notice.

Staff recommended that the City Council award a one-year contract to Gonsalves & Son in the amount of \$36,000 to provide State lobbying services.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to Award a one-year contract to Gonsalves & Son in the amount of \$36,000.00 to provide State lobbying services and authorize the City Manager to execute the agreement.

Discussion in support of the firm Gonsalves & Son followed.

ROLL CALL

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

2 Request for Commitment to All the Requirements of the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000, Resolution No 2004-02

April Soash, Director of Community Services, reviewed the Staff Report.

This purpose of this report was to approve Resolution No 2004-02 to be included in the Library Bond Act Application (due March 28, 2003) for the City Council's Commitment to the 35% match, supplemental funds and a commitment to operate the Library as a public library for the next 40 years.

The Library Bond Act of 2000 was approved by California voters in March of 2000 which set aside \$350,000,000 in competitive grant funds. The rulemaking procedures for the grant were completed in January of 2002 providing all the necessary information to complete the application for funds. There were three funding cycles, 1) The application deadline for the first funding cycle was June 14, 2002 – in this cycle grants were awarded totaling \$150,000,000. The City submitted a grant in the first funding cycle, but the application was unsuccessful, 2) The application deadline for the second funding cycle was March 28, 2003 – in this cycle grants were awarded totaling no more than \$110,000,000. The City submitted a grant application in cycle two, but it was not awarded a grant, 3) The application deadline for the third funding cycle is January 16, 2004 – all remaining grant funds will be awarded in this cycle totaling approximately \$90 million.

The grant would fund 65% of the construction costs. The City Council, also, would need to commit to make available the local 35% matching and supplemental funds when these funds are needed to meet cash flow requirements for the project. The City Council must also certify the project budget (see attached staff report), and commit to provide direct public library service from the facility for at least 40 years.

The Library Project Budget identified all the line items of eligible and ineligible costs per the grant application and the Title 5 Library Bond Act Regulations with a total of \$16.5 million in eligible costs for the 65% match from the state and a total of \$570,700 supplemental funds not provided for in the grant, but necessary to complete the project. After calculating the line items per the Title 5 regulations there was a total of \$10.7 million for the 65%. The City would receive this amount if the grant were awarded to the City. The remaining 35% would be the matching funds for a total of \$5.8 million and the supplemental funds at a total of \$570,700. The 35% match and the supplemental funds totaling \$6.4 million are the

City's responsibility to raise through fund campaigns or a local bond measure. If the City was unsuccessful in raising these funds the grant would revert back to the state without penalty to the City.

Staff recommended the adoption of Resolution No. 2004-02 and submit the Library grant application in the third funding cycle, January 16, 2004 and commit to the 35% match (\$5.8 million), the supplemental funds (\$570,700), to operate the completed facility and provide library direct service and to dedicate the facility to library direct service use for a period of 40 years.

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Lutz, to adopt Resolution No. 2004-02 making a commitment of local and supplemental local funds for the new City Library project, certifying the Project Budget and committing to provide direct public library service from the facility for at least 40 years. There were no objections.

***3 Set for Public Hearing on January 20, 2004, Proposed 30th Year (Fiscal Year 2004-05) Community Development Block Grant (CDBG) Programs Allocation**

This matter was approved by order of the Consent Calendar.

In 1974, the Congress initiated the Community Development Block Grant Program (CDBG) as part of the Housing and Community Development Act. This program is being funded directly by the Department of Housing and Urban Development (HUD). Since we are a City with a population of less than 50,000, we contract with the Los Angeles County Community Development Commission (CDC) for participation in the Community Development Block Grant Program.

Staff requested that a Public Hearing be set on January 20, 2004 to receive public input as to the use of these funds.

***4 Police Station Emergency Generator Project, Acceptance of Work, Notice of Completion, and Final Payment to Richard M. Lane Company, in the Amount of \$27,886.20**

This matter was approved by order of the Consent Calendar.

On January 14, 2003, the City Council awarded a contract to Richard M. Lane Company (419 West Maple Avenue, Monrovia, California 91016), in the amount of \$283,682.00 for the completion of the Police Station Emergency Generator Project. Staff reviewed the contractor's work throughout the construction progress and found it to be completed in a satisfactory manner.

The project was completed within the total contract amount of \$283,682.00.

The project was funded through the following:

Capital Improvement Project Reserves	\$166,661.00
Facilities Maintenance Fund Reserves	\$100,000.00
Police Department ECB Funds	\$17,021.00
Total	\$283,682.00

Staff recommended that the City Council:

Accept the contract work as completed by Richard M. Lane Company in the total amount of \$283,682.00,

Direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder, and

Authorize the Director of Public Works to approve payment of retention in the amount of \$27,886.20, thirty-five (35) days after filing the Notice of Completion.

***5 Annual update of City Investment Policy, Resolution No. 2004-06**

This matter was approved by order of the Consent Calendar.

The City reviews the investment policy every year. Staff analyzes the State Government code, past fiscal practices, and current investment trends in updating the policy. State law requires that the City Council

be provided with an investment policy update no less than annually at a public meeting This report satisfied the requirement for the 2004 calendar year

The City of Monrovia's investment policy met all the requirements of Government Code Section 53600 (the code that identifies how public funds are managed) A critical element of the policy is the specification of the following objectives, in order of importance

Safeguarding of principal
Meeting the liquidity needs of the City
Achieving a rate of return (yield) on all funds

Allowable investment instruments and other compliance issues are defined in the State of California Government Code Section 53600 et al The City's policy as presented included a narrower definition of allowable investments when compared to those defined in the State Code The reasoning for this restriction is to eliminate certain investment vehicles to help prevent loss of principal or compromise liquidity needs

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 determines any financial impact

Staff recommended adopting Resolution No 2004-06 and approving Administrative Policy 2 35 regarding the City's investment policy

***6 Set for Public Hearing on January 20, 2003, Historic Landmark HL-67 for the Monrovia Historical Museum Building Located at 742 East Lemon Avenue, City of Monrovia, Applicant**

This matter was approved by order of the Consent Calendar

The Historic Preservation Commission had initiated an application for historic landmark designation for the Monrovia Historical Museum building in Recreation Park The Spanish Revival building was constructed in 1925 and originally served as the bath house for the municipal plunge At its meeting of November 19, 2003, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status to the City Council

Staff recommended setting January 20, 2004 as the date for the Public Hearing

***7 Authorization for the Execution of the Program Supplement to Administering Agency-State Agreement (Master Agreement) for Federally Funded Street Resurfacing Projects, and Adopt Resolution No 2004-04 Authorizing the Director of Public Works and/or Designee to Execute all Subsequent Supplements to the Master Agreement**

This matter was approved by order of the Consent Calendar

The City uses Federal and State transportation funds for completion of street resurfacing projects These funds are administered by the State of California Department of Transportation (Caltrans) After completion of the project, the City prepares and submits a final project accounting for processing and approval As projects are approved, a reimbursement check is sent to the City

The Master Agreement between the City and Caltrans provides the requirements which the City is to follow in order to utilize Federal and/or State funds for street resurfacing projects The execution of the supplements to the Master Agreement is procedural and an administrative action Funds reimbursed by Caltrans are returned to the Street Maintenance Fund

Staff recommended that the City Council authorize execution of Program Supplements to the Master Agreement and adopt Resolution No 2004-04 authorizing the Director of Public Works and/or Designee to execute all subsequent supplements to the Master Agreement

***8 Set for Public Hearing on January 20, 2004, An Interim Ordinance of the City of Monrovia Enacted Pursuant to California Government Code Section 65858 Establishing a Moratorium on Development of Privately Owned Hillside Properties in the Angeles National Forest**

This matter was approved by order of the Consent Calendar

Approximately three weeks prior, a property owner of one 80-acre lot in the Angeles National Forest (within the incorporated boundaries of Monrovia) illegally graded a pad for a "cabin". A letter had been sent from the Public Works Department requiring restoration of the site. Obviously, it is the intent of the property owner to construct a habitable structure on the site. In researching the Angeles National Forest acreage within the incorporated boundaries of Monrovia, the General Plan and zoning designation is Angeles National Forest. There are no development standards for the Angeles National Forest designation as it was to be open space lands held in ownership by the Federal Government. However, it is now known that there are private in holdings within the National Forest, so standards for development of these properties are required to be adopted by the City Council by law, so that there is not a "taking" by the City. In order to give Staff time to research environmental requirements and cabin, grading and other regulations appropriate for acreage within the National Forest, Staff and the City Attorney recommended that the City Council consider a moratorium.

Staff recommended setting the Public Hearing for January 20, 2004.

***9 Set for Public Hearing on January 20, 2004, An Interim Ordinance of the City of Monrovia Enacted Pursuant to California Government Code Section 65858 Establishing a Moratorium on Development of Specified Properties on South Myrtle Avenue**

At the December 16th City Council meeting, a contract was approved for a Land Use Study for the Transit Village and South Myrtle Avenue. In February, the Urban Land Institute will be conducting the land use analysis and providing a series of recommendations to the City. Because of the importance of this land use study, Staff requested that the City Council consider a moratorium on development until the recommendations are made to the City. At that point, Staff would be in a position to develop a plan to implement the recommendations of the Urban Land Institute study. A moratorium would prevent potentially inappropriate uses allowed by the current zoning in the study corridor.

Staff recommended setting the Public Hearing for January 20, 2004.

***K PAYROLL & VOUCHERS** Payroll Nos 26 and 1 in the net amounts of \$505,791.81 and \$461,142.83, respectively, and Voucher Numbers 47025 through 47030 and 115505 through 115815, non-sequentially, in the amount of \$919,127.70 were approved by order of the Consent Calendar.

L SCHEDULED MEETINGS

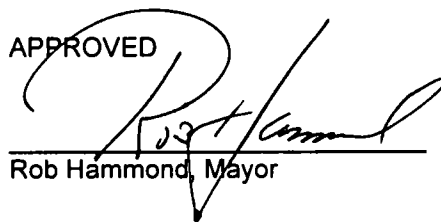
The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, January 20, 2004, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session pursuant to Government Code §54957, Public Employee Appointment. City Manager.

M ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

N CLOSED SESSION None

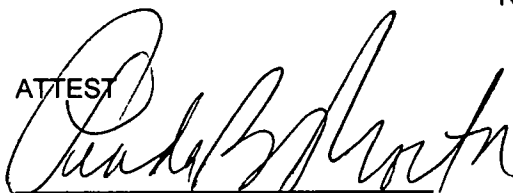
O ADJOURNMENT The City Council Meeting was adjourned at 8:41 P.M. in memory of Wanda Weatherman, and Hardiman Cureton.

APPROVED



Rob Hammond, Mayor

ATTEST



Linda B. Proctor, CMC, City Clerk