

**MINUTES OF THE REGULAR MEETING OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, JULY 21, 2009, 7:30 P.M.**

**CONVENE:** Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, July 21, 2009, at 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, 6:00 P.M. to 6:35 P.M. (at which all City Councilmembers were in attendance) in honor of Berenice Oliva, born to Parents Roberto Oliva and Rosa Guerrero on June 28, 2009. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and Deputy City Clerk Alice D. Atkins.

**INVOCATION:** Reverend Dorothy Scott gave the Invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember Joe Garcia led the Flag Salute.

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

**REPORT OF CLOSED SESSION:** City Attorney Steele reported Closed Session consisted of Meet and Confer Pursuant to Government Code §54957.6, Police Employees; and Real Property Negotiations Pursuant to Government Code §54956.8; Property: 1218 South Fifth Avenue; Agency Negotiators, City Manager and City Attorney; Under Negotiation, Price and Terms of Payment, and that no reportable action was taken.

**PRESENTATIONS/PROCLAMATIONS:** None

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** To resume in September.

**ORDER OF BUSINESS:** City Manager Ochoa announced that there were no changes to the order of business, with the exception of the cancellation of the Closed Session following the meeting.

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

**CC-1 Unadopted Minutes of the July 7, 2009 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll No. 14 in the Amount of \$644,466.42 and Voucher Nos. 159429 through 159658 in the Amount of \$2,569,381.32**

**CC-3 Purchase of One 2009 Chevrolet Silverado 3500 Work Truck, One 2009 Chevrolet Silverado 2500 XT Cab 2wd Work Truck, and One 2009 Chevrolet Colorado Pickup Truck from Wondries Fleet Group for a Total Amount of \$85,505.59:** The Public Works Department replaced its vehicles on an average of every 10-12 years. The three vehicles being proposed for replacement were each purchased in 1997. In order to obtain the most competitive price for the vehicles, Staff obtained pricing from the statewide California Multiple Award Schedule (CMAS). Each vehicle was treated as a separate bid and dealerships were informed that the City would compare their prices with the CMAS. After evaluating each bid proposal and extending the local vendor a 1% total consideration allowance, Wondries Fleet Group was the lowest responsive bidder in the amount of \$85,505.59 for the three vehicles. Funds were available in the Equipment and Vehicle Replacement Fund.

**CC-4 Destruction of Certain City Clerk and Police Departmental Records, Resolution No. 2009-48:** Government Code §34090 provided a procedure whereby any city record which had served its purpose and was no longer required may be destroyed, as long as the destruction of said records would not interfere with the services and functions of the City. On August 5, 2003, the City Council approved the Citywide Records Retention/Destruction Schedule, setting into place the regulations covering the retention and destruction of citywide records.

There was no fiscal impact associated with this action and Staff recommended that the City Council adopt Resolution No. 2006-77 relating to the destruction of certain City Clerk and Police Departmental records listed on the attached Exhibit "A."

**CC-5 Receive and File; Application for ABC Beverage License (Type 20 – Off-Sale Beer & Wine) for Jay's Shell, 705 West Huntington Drive:** Notice was received from ABC that Jalal and Nelly Rabadi dba Jay's Shell had submitted an application for a Type 20 – Off-Sale Beer & Wine 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 and Staff recommended that the City Council receive and file the application.

**CC-6 Receive and File; application for ABC Beverage License (Type 41 – On-Sale Beer & Wine Public Eating Place) for Enrique's, 150 East Colorado Boulevard:** Notice was received from ABC that Jose Gerardo Moctezuma dba Enrique's had submitted an application for a Type 41 – On-Sale Beer and Wine Public eating Place License. Based on the background investigation on the applicant, Staff found no reason to recommend any other action on this application. There was no fiscal impact and Staff recommended that the City Council receive and file the application.

**CC-7 Receive and file; Application for ABC Beverage License (Type 47 – On-Sale General Eating Place License and Type 30 – Temporary Permit) for Taurian BA, LLC, dba Black Angus Steakhouse # 1061, 560 West Huntington Drive:** Notice was received from ABC that Taurian BA, LLC dba Black Angus Steakhouse # 1061 had submitted an application for a Type 47 – On-Sale General Eating Place License and a Type 30 – Temporary Permit. Based on the background investigation on the applicant, Staff found no reason to recommend any other action on this application. There was no fiscal impact and Staff recommended that the City Council receive and file the application.

**CC-8 Final Tract Map No. 63146, Re-subdivision of Property Located at 700 South Myrtle Avenue, by Urban Housing Group:** Tentative Tract Map No. 63146 was for the re-subdivision of property in the 700 block of South Myrtle Avenue. The area was being re-subdivided into 163 multi-family units, 6,000 square feet of retail/commercial space and 404 parking spaces in a multi-story parking structure as part of the condominium development. The tentative subdivision map was approved by the Planning Commission at its meeting of October 23, 2007 and was approved by the City Council on December 4, 2007. The Final Tract Map conformed to the approved tentative map and was technically correct and conformed to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance. The Conditions, Covenants & Restrictions (CC&R's) would be finalized as part of the air-space subdivision map as project construction neared completion.

**CC-9 Renewal of Memorandum of Understanding (MOU) between the Angeles National Forest and the City of Monrovia:** The City of Monrovia was awarded a grant from the Los Angeles County Regional Parks and Open Space District for the restoration of the Ben Overturff trail after a portion was washed out in the January 2005 rains. The City had been awarded \$43,200.00 of the original grant amount. The remaining \$4,800.00 was contingent upon verification of a renewed MOU between the Angeles National Forest and the City of Monrovia.

**CC-10 Legislative Bulletin:** This report highlighted and summarized pending State legislation that might be important to Monrovia and provided a brief analysis of the potential impacts to the City. The recommendations made by Staff reflected the City's priorities and programs, as well as the direction taken by the League of California Cities, and were as follows: Support, AB715, SB346; Oppose, AB479, AB1004, SB355, SB696, SB652.

**CC-11 Denial of Liability Claim; Dean Greenman vs. City of Monrovia:** Dean Greenman alleged that on May 10, 2009, he found that his water line was broken. He claimed the City moved the water meter from the back to the front yard of his home about one year ago. He believed the City was responsible for the cost to replace the water pipe.

City Staff investigated and found that the leak was on the homeowner's water line. The water main was relocated to the street in front of the house two years ago as part of the Water Main Replacement Project of 2006-2007. The actual work was done by a private contractor and a warranty was in effect for a period of one year. Therefore, the City bore no responsibility for this matter.

Staff recommended that Council deny this claim.

**CC-12 Denial of Liability Claim; RueDell Willey vs. City of Monrovia:** RueDell Willey alleged that on May 11, 2009, she tripped and fell over a concrete curb located in the Huntington Oaks parking lot and sustained injuries. She believed the City was responsible for this parking lot.

The City did not own this parking lot. Additionally, the City was not responsible for its maintenance. Therefore, the City bore no responsibility for this matter. Ms. Willey was notified to contact the property owner.

Staff recommended that Council deny this claim.

**CC-13 Amend Personnel Rules & Regulations, Appendix "F," to Change the Title and Amend Compensation and Benefits for Certain Temporary/Hourly Employees, Resolution No. 2009-49:** From time to time it was necessary to staff various positions within the City with hourly and temporary employees based on the needs of the various city departments. Currently, Appendix "F" of the Personnel Rules & Regulations did not include several classifications that were contained in the Fire, Management, Police, and Mid-Management appendices for positions which the City had recruited and staffed on an hourly and/or temporary basis.

Staff reviewed classifications within all bargaining units and identified those classifications for which the City had employed, on an hourly or temporary basis, positions that were not currently included in the compensation and benefits of Appendix "F." In order to assure that the administration of employee compensation and benefits were clear, it was necessary to change the title of Appendix "F" from Part-Time to Temporary/Hourly and to amend the compensation and benefits contained in Appendix "F" to provide for consistent administration of such compensation and benefits.

Staff recommended that City Council adopt Resolution No. 2009-49.

**CC-14 Repeal of Resolution No. 2009-04 and Associated Directions to Staff:** Staff and the City Attorney recommended that the City Council repeal Resolution No. 2009-04 and associated directions to Staff in order to provide the basis for the City Council to undertake supplemental environmental and policy review of the Hillside Preserve and Hillside Recreation Area Resource Management Plan and Initial Study/Mitigated Negative Declaration.

**PUBLIC INPUT:**

1. Nina Rambeau, Monrovia
2. Coach Rodney Jefferson, "A" Game Fundamentals Basketball Clinic

**PUBLIC HEARINGS/MEETINGS:**

**PH-1 Historic Landmark HL-127 and Mills Act Contract MA-121 for the Property Located at 341 West Scenic Drive; Brian Saeki and Jennifer Paige-Saeki, Property Owners**

Craig Jimenez, Principal Planner, reviewed the Staff Report.

Based on Los Angeles County Tax Assessor information, the house at 341 West Scenic Drive was built in 1926 and represents a modest version of the English Tudor Revival style. As specified in the Historic Preservation Ordinance, a property must meet one or more of the designation criteria. The applicants had identified four criteria that they believed the property met and potentially a fifth.

On June 24, 2009, the Historic Preservation Commission held a Public Hearing to review the request for historic landmark designation. The Commission discussed the merits of the application at length. Two major topics of the discussion centered on the impact of the recent addition to the house and its connection with Walter T. Shattford II who lived in the house for a couple years as a boy. Mr. Shattford's significance was not in question; however, the Commission felt that due to the short time span and the time frame that he lived in the house, it did not correlate with his significance which was more Pasadena-based. Additionally, the Commission was concerned that the addition to the side of the house impacted the historical integrity of the house.

After the Commission reviewed the application and discussed the applicability of the five suggested criteria (notable person, notable builder, architecture, potential district contributor, and location), they determined that there were not strong enough connections of the property to fully meet the criteria.

The Historic Preservation Commission determined that the house at 341 West Scenic Drive did not meet the required criteria for historic landmark designation and recommended denial of the designation and the Mills Act Contract.

**PUBLIC HEARING OPENED:** Mayor Lutz opened the Public Hearing.

Those in favor:

1. Vanessa Withers, on behalf of Brian Saeki and Jennifer Paige-Saeki

Those against:

None

**PUBLIC HEARING CLOSED:** Mayor Lutz closed the Public Hearing.

After much discussion, it was suggested by Mayor Pro Tem Adams that a joint workshop of the City Council and the Historic Preservation Commission be held to review objectives and bring new Councilmembers up to speed on the Historic Landmark and Mills Act process.

**After much discussion, it was moved Mayor Pro Tem Adams, seconded by Councilmember Shaw, to deny the application for historic landmark designation and deny the Mills Act Contract.**

**ROLL CALL:**

**Ayes: Councilmembers Shaw, Shevlin, Mayor Pro Tem Adams, Mayor Lutz**

**Noes: Councilmember Garcia**

**Motion carried: 4-1**

**PH-2 Historic Landmark HL-126 and Mills Act Contract MA-120 for the Property Located at 415 North Magnolia Avenue; John and Bobbie Curley, Property Owners**

Craig Jimenez, Principal Planner, reviewed the Staff Report.

According to City Permit records, permits were obtained to build the property at 415 North Magnolia Avenue in March 1935 for a cost of \$4,736.00. The house was a variation of the California ranch-house type of architecture. As specified in the Historic Preservation Ordinance, a property must meet one or more of the designation criteria. The applicants had identified three criteria that they believed the property met.

At the June 24, 2009 Historic Preservation Commission meeting, the Commission reviewed the three criteria that the applicant believed that the property met. The applicants felt the home qualified for its relationship to significant persons and events in local history, the home being representative of the work of a notable designer/architect, and that the home contributed to the significance of a geographically definable historic area.

The Commission discussed the application at length and noted that the modifications to the front elevation substantially affected the ability of the property to be designated as a historic landmark under the criteria submitted. The Commission also agreed that it was an interesting fact that the home was the first property in Monrovia to be funded by a government loan, but that fact didn't qualify it as significant under Criteria Number 1.

After the Commission reviewed the application and discussed the applicability of the three suggested criteria, they determined that that the house at 415 North Magnolia Avenue did not meet the required criteria for historic landmark designation and recommended denial of the designation and the Mills Act Contract.

**PUBLIC HEARING OPENED:** Mayor Lutz opened the Public Hearing.

Those in favor:

1. John and Bobbie Curley
2. Brian Saeki



sixteen 2-car garages and 12 open parking spaces and spanned the entire site with ingress and egress points from both California and Fig Avenues. The proposed plan would convert the majority of the ground floor to a second bedroom (approximately 300 square feet) and added a shower to the half bath upstairs.

Although it was not developed under residential development standards, it met most of the regulations for multi-family zones (e.g. unit size, parking, front and side setbacks). The exception was the yard area requirement. In order to provide some recreation space, the applicant was proposing converting the guest parking area in the middle of the development to an open space area. This would result in a common area of approximately 2,025 square feet in area. The Planning Commission added a condition requiring child friendly amenities in the common area. Nine open guest parking spaces would be provided, one more than was required by the multifamily residential requirements.

On June 10, 2009, the Planning Commission held a Public Hearing to review the proposed tract map and CUP amendment (and the General Plan Amendment discussed in Item PH-3). The Commission discussed the proposal related to the change in use that included issues concerning the potential for families with children living there. Overall, most of the Commissioners did not have strong reservations about the conversion from live/work to multifamily residential. Through their discussion, they recommended several additional conditions of approval including the installation of speed bumps, review of the driveway gates after occupancy and providing child friendly amenities. These were added to the conditions of approval recommended by staff. Conditions 1-12 on Data Sheet 1 were the recommended amendments. No changes were proposed to the Fire and Public Works conditions and they would remain in force. Some of the previous conditions had been modified that were only applicable to live/work.

The Planning Commission voted 5-1 to recommend approval of the amendment to the tract map and the amendment to the CUP to the City Council.

**PUBLIC HEARING OPENED:** Mayor Lutz opened the Public Hearing.

Those in favor:

1. Jasen Grohs, Mur-Sol Development, LLC

Those against:

None

**PUBLIC HEARING CLOSED:** Mayor Lutz closed the Public Hearing.

**After discussion, it was moved by Mayor Pro Tem Adams, seconded by Councilmembers Garcia, to adopt Resolution No. 2009-26; and approve the amendment to Tract Map 69232 and the amendment to Conditional Use Permit CUP2007-03 pursuant to the recommendations in the Staff Report. There were no objections.**

**PH-5 Adoption of the Los Angeles County Congestion Management Program (CMP); Local Implementation Report; Resolution No. 2009-35**

Steve Sizemore, Planning Division Manager, reviewed the Staff Report.

The CMP for Los Angeles County was established to meet the requirements of Section 65089 of the California Government Code. It was intended to address regional congestion by linking transportation, land use and air quality decisions. State legislation required METRO to annually monitor and determine that local jurisdictions were in conformance with all applicable requirements of the CMP.

Since 2005, METRO had been working on developing a Congestion Mitigation Fee program for Los Angeles County. As part of the process, METRO initiated a pilot program with the San Gabriel Valley Council of Governments to demonstrate how such a program would work. While work on the nexus study continued, the CMP requirement for maintaining a positive credit balance continued to be suspended. As a result, cities did not have to report their transportation improvement strategies for the 2009 cycle. However, cities were required to continue to report their new net development activity and self-certify conformance with all elements of the CMP, just as in prior years. The credit balance for Monrovia continued to be frozen with a positive balance. Until the METRO Board took action to resume this aspect of the program, no new credits or debits would be accrued.

The resolution adopted Monrovia's Local Implementation Report, which included the Deficiency Status Summary Report for the reporting period of June 1, 2008 to May 31, 2009.

**PUBLIC HEARING OPENED AND CLOSED: Mayor Lutz 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 Shevlin, seconded by Councilmember Shaw, to adopt Resolution No. 2009-35 and direct Staff to submit the required report to the Metropolitan Transportation Authority.** There were no objections.

**PH-6 Fiscal Year 2009-10 Citywide Lighting and Landscaping Assessment Maintenance District, Resolution No. 2009-47**

Ron Bow, Director of Public Works, reviewed the Staff Reprt.

The Citywide Lighting and Landscaping Maintenance District provided funding for maintenance of public street lighting and traffic signals; maintenance of street trees; maintenance of landscaping in street median and parkway areas (Myrtle Avenue, Huntington Drive, Cypress Avenue and Maple Avenue); and maintenance of landscaping of parkway areas for the Gold Hills development.

The City Council, at its February 17, 2009 meeting, adopted Resolution No. 2009-06 initiating proceedings for the annual levy of assessments and ordering the preparation of the Engineer's Report. On June 16, 2009, the City Council adopted Resolution No. 2009-33 approving the Engineer's Report; and Resolution No. 2009-34 declaring the intention to levy an assessment for Fiscal Year 2009-2010 and setting July 7, 2009 as the date of the Public Hearing. At the July 7, 2009 City Council Meeting the Public Hearing date was opened and continued to July 21, 2009.

A legal notice for the 2009-210 Citywide Lighting and Landscaping Maintenance District, including the elements of the District, and scheduled Public Hearing date, was published on July 6, 2009. The Engineer's Report for the Citywide District fully described the maintenance work, budget and assessment amounts for Fiscal Year 2009-2010.

The recommended assessment for 2009-10 for a typical single family dwelling was consistent with the previous five years of \$56.23.

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

City Attorney Steele noted that no protests, statements, or communications were received regarding this matter.

**It was moved by Councilmember Garcia, seconded by Councilmember Shevlin, to adopt Resolution No. 2009-47.** There were no objections.

**PH-7 2009-10 Fiscal Year Park Maintenance Assessment District; Resolution No. 2009-46**

Ron Bow, Director of Public Works, reviewed the Staff Report.

The Park Maintenance District provided funding for the maintenance of Canyon, Library, Recreation, Rotary, Olive Avenue, Julian Fisher, and Grand Avenue Parks.

The City Council, at their February 17, 2009 meeting, adopted Resolution No. 2009-07 initiating proceedings for the annual levy of assessments and ordered the preparation of an Engineer's Report; on June 16, 2009 Council adopted Resolution No. 2009-31 approving the Engineer's Report; and set a Public Hearing for July 7, 2009 by adoption of Resolutions No. 2009-32. At the July 7, 2009 Council meeting, the Public Hearing date was extended to July 21, 2009.

A legal notice of the Public Hearing providing details on the District and the proposed assessments was published on July 6, 2009.

There was no assessment increase for Fiscal Year 2009-10, for a typical single family dwelling unit. The assessment would remain at \$10.29 for a typical single family dwelling unit.

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

City Attorney Steele noted that no protests, statements, or communications were received regarding this matter.

**It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shevlin, to adopt Resolution No. 2009-46.** There were no objections.

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

**MRA CONVENE:** Chairman Mary Ann Lutz convened the Meeting of July 21, 2009, 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 Joe Garcia, Clarence R. Shaw, Becky A. Shevlin, Vice-Chairman Tom Adams, and Chairman Mary Ann Lutz.

**MRA CONSENT CALENDAR:** It was moved by Vice-Chairman Adams, seconded by Boardmember Garcia, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following item:

**MRA CC-1: Unadopted Minutes of the July 7, 2009 Meeting of the Monrovia Redevelopment Agency**

**MRA PUBLIC HEARINGS/MEETINGS:** None

**MRA ADMINISTRATIVE REPORTS:** None

**MRA ADJOURNMENT:** Chairman Lutz adjourned the Meeting at 9:02 P.M.

#### **RECONVENE MONROVIA CITY COUNCIL MEETING**

##### **REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:**

**RCC1 Mayor Lutz** reported that:

(a) She and her fellow Councilmembers attended the recent Independent Cities Association conference. She emphasized the importance of their attendance and the ability to network and gain valuable information to aid in implementing innovative programs in the City.

(b) Legislation had come up with a plan for the state budget without great opposition. At the request of the Mayor, City Manager Ochoa gave an update on the impacts of the currently proposed state budget. Mayor Lutz opined that any potential delay in capital improvements would result in higher costs in the long run, and encouraged everyone to call their legislator to let them know their thoughts.

(c) The Monrovia Area Partnership (MAP) Program had received the National Association of Housing and Redevelopment Officials (NAHRO) Award of Merit. After a review of the award by Dan McConnell, Neighborhood Services Coordinator, she commented on the significance of the National recognition and stated that the MAP program wouldn't be as successful as it was if it weren't for the Staff and residents embracing the vision and becoming such strong partners. Councilmember Shaw suggested adding a list of awards that the City had received to the City website.

**RCC2 Mayor Pro Tem Adams** reported that:

(a) He made a presentation at the recent Volunteer Center luncheon where they recognized the Foothill Unity Center with the Spirit of Volunteerism award, and numerous additional organizations and residents of Monrovia.

**RCC3 Councilmember Garcia** reported that:

(a) **Resolution of Support Relating to the Highway Users Tax Account (HUTA), Resolution No. 2009-50.** He called on Dan Bell, Management Analyst, who provided background on the Governor's proposal to transfer local gas taxes and weight fees to the state general fund to balance the state budget.

**It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2009-50.** There were no objections.

**RCC4 Councilmember Shaw** reported that:

(a) He thanked Public Works Staff for taking time to take him on a site visit of Athens and opined that it sent a message to the vendor that the City of Monrovia cared.

**RCC5 Councilmember Shevlin** reported that:

(a) She attended a fundraiser for Operation Gratitude, an organization that had sent over 100,000 care packages to service members, and recommended to those interested in the subject to view a moving film called *Brothers at War*.

(b) She and her fellow Councilmembers attended the Independent Cities Association conference, and reminded residents to watch for useful information often inserted into the various utilities bills received.

(c) She attended the governing board meeting for Foothill Transit, where they formalized an invitation to include the City of Pasadena in the JPA, discussed the new Transit Access Pass (TAP) card, and received a report regarding three new electric buses that would go into service in 2010.

(d) She attended a recent meeting of the San Gabriel Valley Council of Governments and would be attending a strategic planning workshop the following day.

(e) She reviewed upcoming special events and encouraged everyone to "Shop Monrovia."

## ADMINISTRATIVE REPORTS

### **AR-1 Memorandum of Understanding; Amend Personnel Rules and Regulations to Provide for Compensation and Supplemental Benefits Effective Fiscal Years 2009-10 for Certain Police Employees, Appendix "G," Resolution No. 2009-42**

Theresa St. Peter, Director of Human Resources, reviewed the Staff Report.

The current Memorandum of Understanding (MOU) for the Monrovia Police Officers' Association (MPOA) was effective through fiscal year 2013. It had been the City's practice, going back to the late 1970's, to endeavor to compensate its employees at a competitive rate. However, due to the poor economic conditions, the City had gone back to all of the employee units requesting that each of them assist the City in balancing the budget shortfall over the next two fiscal years. To date, all other employees had voluntarily reduced their benefits to come up with the funds needed to meet the projected budget shortfall.

MPOA sworn employees would receive a 4% salary and benefit increase and non-sworn employees would received a 3% salary increase, as approved by Council in June 2008. However, MPOA representatives had reported that their membership was not willing to agree to provide a two-year budget solution at this time. MPOA members had determined that they would participate in a work furlough for FY 2009-10 instead. Based on the amount of funds required from the MPOA for a twelve-month period, each employee would be furloughed for 103.25 hours during FY 2009-10. The MPOA had indicated that the City could come back and request additional furlough hours or funding needed at the end of FY 2009-10, if it were still necessary to close the budget gap.

**It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to adopt Resolution No. 2009-42.** There were no objections.

### **AR-2 Amended and Restated Exclusive Residential Solid Waste Franchise Agreement with Athens Services**

Senior Management Analyst Heather Maloney reviewed the Staff Report.

The Puente Hills Landfill was scheduled for closure in November 2013 and would become a waste-by-rail transfer station system. Currently, approximately 85% of the City's residential waste was disposed of at the Puente Hills Landfill.

Athens Services Franchise Agreement original term dates for the contract were January 1, 2004 through January 31, 2011, with the option of two four-year extensions. The City's deadline to exercise the first four-year extension option was July 31, 2009.

At the November 6, 2007 Study Session, City Council directed Staff to develop a White Paper by obtaining a consultant for an independent analysis of the City's solid waste services and future options related to impacts of Puente Hills Landfill closure and five solid waste service planning goals (Long-term cost containment; Long-term disposal assurance; Commitment to waste diversion; Quality customer service; Efficient franchise administration).

The White Paper was presented to City Council on July 15, 2008, recommending that the City "begin discussions with Athens regarding the extension of the current residential agreement" and "that the City be willing to re-negotiate the current franchise agreement." Staff presented recommendations to the City Council on May 19, 2009. Proposed Residential Contract Amendments were introduced to City Council on July 7, 2009.

Puente Hills Landfill closure placed pressure on the City to find alternative green waste capacity. Currently 100% of Monrovia's residential green waste was sent to Puente to be used for Alternative Daily Cover (ADC). However, the new waste-by-rail system would not be accepting green waste for ADC. If an alternative diversion method was not utilized for green waste, the City would face increased disposal costs and likely fall out of compliance with AB 939 diversion requirements.

Athens Services had recently acquired California Biomass, an organics composting facility, which would provide alternative diversion capacity for Monrovia's green waste post 2013.

The City's compliance with its AB 939 requirements was dependant on resident's waste reduction and participation in diversion programs. In anticipation for increased AB 939 diversion requirements and to help control costs, the Monrovia Environmental Accords called for the City to achieve 75% diversion to waste disposal methods by 2015 and to "implement 'user-friendly' recycling and composting programs, with the goal of reducing by 20% per capita solid waste disposal by 2015."

The proposed new rate structures would accurately distribute adjustments for disposal and service costs associate with the service provided by dividing the rates into the following portions as applicable: Disposal Portion, Green Waste Portion, and Service Portion. Current base rate for an existing structure cost \$4.00 for disposal and \$9.32 for the service, and for a proposed new structure, \$2.84 for disposal, \$2.76 for green waste and \$7.72.

The proposed increase included a phased increase to reflect the amortized cost of new Green Waste, Solid Waste, and Recycling Barrels and to replace service vehicles with Alternative Fuel service trucks. The total increase of \$3.78 would be spread over three years and would be added to 90 and 60 gallon rates as follows: September 1, 2009, \$1.26 (included in proposed rates); July 1, 2010, \$1.26; and July 1, 2011, \$1.26.

The rates for the proposed Residential Agreement amended would be effective September 1, 2009. A 4.5% fuel price increase was also credited to the rate. Displayed rates also included the first year for new barrels and alternative fuel vehicles.

Increased franchise fee revenue would provide an additional \$114,000.00 in revenue to the Waste Management Fund for waste reduction, recycling and educational programs.

**After extensive discussion, it was moved by Councilmember Shevlin, and seconded by Garcia, to approve the Amended and Restated Exclusive Residential Solid Waste Franchise Agreement with Athens Services**

**ROLL CALL: Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Lutz  
Noes: Mayor Pro Tem Adams  
Motion carried: 4-1**

**AR-3 Amendment to Monrovia Municipal Code Chapter 8.08, Residential Solid Waste, Green Waste and Recyclable Materials Collection; Ordinance No. 2009-05**

Senior Management Analyst Heather Maloney reviewed the Staff Report.

The proposed Ordinance amendment provided language to revise definitions and green waste program description, language to authorize City Council to approve solid waste collection agreement(s), and direction in the event a conflict occurred between a collection agreement authorized by City Council and Chapter 8.08.

It was moved by Councilmember Shevlin, seconded by Councilmember Garcia, to introduce, read by title only and waive further reading of Ordinance No. 2009-05.

**ROLL CALL:** Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Mayor Lutz  
Motion carried: 5-0

City Attorney Steele read as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING CHAPTER 8.08 OF TITLE 8 (RESIDENTIAL SOLID WASTE, GREEN WASTE, AND RECYCLABLE MATERIALS COLLECTION) OF THE MONROVIA MUNICIPAL CODE AUTHORIZING THE CITY COUNCIL TO CONTRACT FOR RESIDENTIAL SOLID WASTE, GREEN WASTE, AND RECYCLABLE MATERIALS COLLECTION**

**SCHEDULED MEETINGS**

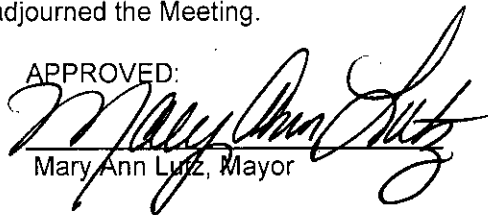
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, August 4, 2008, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California. Mayor Lutz reminded everyone that the August 18, 2009 Regular Meeting had been cancelled.

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

**ITEMS PULLED FROM CONSENT CALENDAR:** None

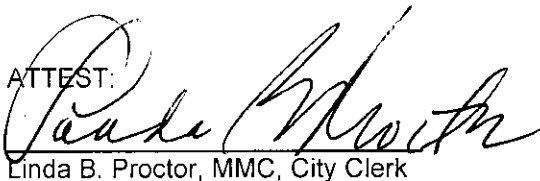
**ADJOURNMENT:** At 10:54 P.M. Mayor Lutz adjourned the Meeting.

APPROVED:



Mary Ann Lutz, Mayor

ATTEST:



Linda B. Proctor, MMC, City Clerk