

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JULY 17, 2007, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, July 17, 2007, at 7:36 P.M. in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of newborn Jonathon Rose, born May 29, 2007 to Christina and Glen Rose. Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A. Steele and City Clerk Linda B. Proctor.

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

INVOCATION: Youth Pastor Ulises Gutierrez led the Invocation.

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

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Retiring Community Services Commissioner Karen Sutherland, and Historic Preservation Commissioner Hany Malak: The Mayor and City Council recognized retiring Community Services Commissioner Karen Sutherland and Historic Preservation Commissioner Hany Malak for their service to the community

Karen Sutherland had been a dedicated Community Services Commissioner since 2003. She provided invaluable insight to park improvements and recreation programming. Her contributions enhanced the quality of life for all Monrovians. She would continue to serve the community through her work on the Monrovia Reads Board and the Boys and Girls Club of the Foothills.

Hany Malak was principal in the architectural and design firm of McKentley/Malak. Hany brought his talents as an architect to both the Planning Commission from 2003 to 2005 and to the Historic Preservation Commission from July 2005 to the present. During his terms, he gave valuable input into the Colorado Commons, Barratt and other projects.

PR-2 Recognition of Retiring Police Department Employee Jane Millett: The Mayor and City Council recognized retiring Police Department employee Jane Millet. Jane was retiring after 50 years of service to the Monrovia Police Department. She began her career on May 28, 1957, as a Monrovia Police Matron and served for five different Chiefs of Police during her tenure.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September

CONSENT CALENDAR: It was moved by Councilmember Lutz, seconded by Councilmember Garcia, 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 3, 2007 Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 14 in the Amount of \$579,001.57 and Voucher Nos. 144324 through 144533 in the Amount of \$980,808.24

CC-3 Community Center Tile Flooring Project; Total Project Amount of \$23,495.00, Acceptance of Work, Approve One Change Order in the Amount of \$130.00, Notice of Completion, and Final Payment in the Amount of \$23,625.00 to Pasco Tile: On May 15, 2007 the City Council awarded a contract to Pasco Tile in the amount of \$23,495.00 for the removal and disposal of 940 square feet of tile, 1,755 square feet of carpeting; and the installation of 2,695 square feet of new ceramic tiles. The ceramic tiles and grout were purchased in advance from C.V. Tile & Stone in Monrovia to ensure the best price. Pasco Tile worked quickly and efficiently to install the tile in a timely manner. Two of the thirty-six interior doors required shaving to accommodate the newly installed tile for an additional charge of \$130.00. The project was successfully completed on June 22, 2007. The funds were available in the Capital Improvement Projects Fund.

Staff recommended that the City Council accept the contract work as completed by Pasco Tile in the total amount of \$23,495.00; approve one Change Order in the amount of \$130.00; direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder; approve Final Payment in the Amount of \$23,625.00 to Pasco Tile; and authorize the Director of Public Works to release the retention of funds thirty-five (35) days after filing of Notice of Completion with the Los Angeles County Recorder.

CC-4 Authorization to Waive City fees for the Community Development Block Grant (CDBG) and Monrovia Area Partnership (MAP) Home Improvement Grant Programs; Resolution No. 2007-40: The Monrovia Municipal Code provided that fees for permits and applications shall be established by the Monrovia City Council. The fee waiver requested applied to building and encroachment permits and application fees that may apply in carrying out these home rehabilitation projects. These rehabilitation projects did not create any new housing so no additional burdens were placed on existing City services. Waiving these specific fees posed no direct cost to the City, however, there was a potential for a loss of revenue from fees that could have been collected. Staff could not determine exactly how much money these projects would have collected; however, they believed the resultant benefits to the community far outweighed the potential for fee generation.

Staff recommended that the City Council approve waiving City fees for rehabilitation projects undertaken through the CDBG Handy-Worker program and the MAP Home improvement programs.

CC-5 Zone Change ZC2007-02 Changing the General Plan and Zoning Designations to Hillside Wilderness Preserve (HWP) on Six Recently Acquired Parcels by the City of Monrovia, Second Reading and Adoption of Ordinance No. 2007-12: This was the second reading and final adoption of Ordinance No. 2007-12 changing the General Plan and Zoning Designations to Hillside Wilderness Preserve (HWP) on six recently acquired parcels by the City of Monrovia. Staff continued to recommend approval of this ordinance.

CC-6 Zone Change ZC2007-03 Changing the General Plan and Zoning Designations from Residential Medium Density (RM2500) to Planned Development (PD-23a) and Establishing Guidelines for Planned Development-Area23a for the Property Located at 805 South Shamrock Avenue, Second Reading and Adoption of Ordinance No. 2007-13: This was the second reading and final adoption of Ordinance No. 2007-13 changing the General Plan and Zoning Designations from Residential Medium Density (RM2500) to Planned Development (PD-23a) and establishing Guidelines for Planned Development-Area23a. Staff continued to recommend approval of this ordinance.

CC-7 Set for Public Hearing on August 7, 2007; Adoption of the Congestion Management Program (CMP): All cities in Los Angeles County were required to adopt and file a Local Implementation Report with the Los Angeles County Metropolitan Transportation Authority (Metro). The Local Implementation Report was required to be adopted by the City Council at a noticed Public Hearing.

CC-8 Set for Public Hearing on August 7, 2007; Amendment to Title 17 (Zoning) Regarding Permitted Uses in the HC-D (Historic Commercial-Downtown) Zone: The Zoning Ordinance of the Monrovia Municipal Code established zoning districts in order to regulate and control the development and uses of all properties within the City Limits. The Use Chart was a matrix of uses that was established by zone whether the use was permitted, conditionally permitted (major or minor) or prohibited. The Permitted Uses Chapter (17.08) also defined each use listed in the Use Chart.

CC-9 Ratification of the Action to Close of Monrovia Canyon Park on July 1 Through July 5, 2007: Monrovia Canyon Park was closed by the Fire Department July 1st through July 5th, 2007 in the interest of public safety. According to the Monrovia Municipal Code, the Fire Chief was authorized to close Monrovia Canyon Park to protect the public health, safety and welfare. Staff recommended ratification of the Fire Department's decision to close Monrovia Canyon Park July 1-5, 2007, in accordance with the Monrovia Municipal Code, Paragraph 17 of Section 12.32.030 of Chapter 12.32 of Title 12.

CC-10 Consideration of a Federal Lobbying Strategy: In past years, the City had submitted a list of projects to the City's federal lobbyist in December for their review. The lobbyists looked over the list to find possible appropriations bills where they could be funded, determined which projects were more viable for funding, and possible "tweaks" to the projects to improve their viability for funding. The projects were then fine-tuned, ranked, and submitted to Congressman Dreier's and Senators Feinstein and Boxer's offices for consideration.

Both the House and Senate had been working on new appropriations rules and guidelines, which included more visibility to earmarks and the Members requesting them. In addition, Appropriations Committee leaders in both Houses indicated they intended to significantly reduce -- by 50 percent -- the number and dollar level of earmarks in this year's bills. Disagreement on how the new earmark guidelines would be implemented had slowed deliberations on appropriations measures for Fiscal Year 2008, and it remained uncertain how many earmarks would be included in the bills. What was clear was that Congress would again have a very difficult time completing action on all bills prior to the end of the Fiscal Year on September 30, meaning either a continuing resolution or omnibus appropriations measure again this year.

However, on Wednesday, July 11, the City received word from its lobbyist that Congressman Dreier successfully secured \$500,000 for Monrovia's Transit Village in the Transportation/Housing and Urban Development Appropriations Bill. Considering both the number and dollar value of dedicated appropriations requests had been cut in half this year, this was very good news. The City still had Senate action and the Conference Committee to go, of course, but this was a great start in a tough year.

In anticipation for next year's appropriations cycle, staff agreed with the federal lobbyist's recommendation that Monrovia continue the same procedure as in past years, with the one modification. Reduce the number of requested projects to two, Monrovia Transit Village and City Hall ADA Improvements. Staff would also coordinate with the federal lobbyist regarding dates for a City Council lobbying trip to Washington, DC in April 2008 to personally advocate for City projects.

CC-11 Denial of Claim, Simich Construction Company vs. City of Monrovia: Simich Construction Co, Inc. alleged that the City of Monrovia had not complied with the payment terms of the contract they performed for the City related to removal and replacement of asphalt at selected locations within the City. Public Works personnel and the City's attorney had reviewed the contract language and payment records and determined that appropriate payments had been made based on the work performed. Staff recommended that Council deny this claim.

CC-12 Denial of Liability Claim, Southern California Gas Company vs. City of Monrovia: The Southern California Gas Company alleged that on November 30, 2006, their gas facilities on Myrtle Avenue between Foothill and Palm were damaged. They asserted that the City of Monrovia was responsible for the damage and, therefore, the necessary repair cost. The City contracted with a private contractor to perform work at this location. The City was named as an additional insured on the contract for such work. Therefore, the City bore no responsibility for the damage.

PUBLIC INPUT:

1. Brenda Trainor, KGEM, Monrovia

PUBLIC HEARINGS/MEETINGS:

Taken as PH-2:

PH-1 Public Protest Hearing; Annual Weed Abatement Charge List

Councilmembers Adams and Garcia announced they would be excusing themselves due to an appearance of impropriety exited Council Chambers at 8:23 p.m.

Chief Donovan, reviewed the Staff Report.

Each year, the Los Angeles County Department of Agricultural Commissioner/Director of Weights and Measures identified properties around town that contained excessive weeds, brush or rubbish and constituted a public nuisance or health and safety concern. On February 20, 2007, a Protest Hearing was held. No property owner protested.

Now that the County personnel had inspected and cleared the identified lots, it was appropriate to confirm the charges that would ultimately be placed on the owners' property tax bills. All affected property owners had been notified that the County was requesting confirmation of its final cost report at the July 17, 2007 City Council meeting. A copy of the declaration list was posted as per legal requirements. A representative of the Weed Abatement Division, Los Angeles County, was present to answer any questions.

Staff recommended that the City Council confirm the report of the Los Angeles County's 2006-07 weed abatement charges for abating weeds, trash and other debris.

PUBLIC HEARING OPENED: Mayor Hammond opened the public hearing.

Those opposed: Sally Adams, aka Sara Schmidt, as her name appeared on the abatement notice she received last week from Los Angeles County.

Mrs. Adams noted that one parcel on the charge list was located in Duarte.

Raymond Smith, Bureau Chief assured the City Council that he would verify whether the parcel in question was located in Duarte. He also noted that the \$7,650 notice Mrs. Adams received was an estimate for the next abatement cycle and was based on the County doing the work. City Attorney Steele clarified that what was before the City Council was a confirmation of

charges for work performed in connection with the 2006-07 abatement process. Any work provided from this time on would come back to a public hearing this time next year.

With regard to determination of abatement requirements, Mr. Smith stated property lines are well defined with GIS/GPS technology and used along with tax assessor maps during inspections. He further explained noticing procedures and the inspection process. Mayor Hammond confirmed that inspections are done on foot, but Mr. Smith was unable to say at that time how long Mrs. Adams property may have been included on the inspection list, as properties are continually discovered and added.

It was moved by Mayor Hammond, seconded by Councilmember Lutz, to open and continue the public hearing for 90 days, ascertain that all properties on the charge list are in Monrovia, and find a way to amiably sever the relationship for weed abatement services with the County.

Mayor Pro Tem Kirby requested that the County provide documentation of when each parcel was inspected and by whom.

Mayor Hammond stated his belief that there are dual efforts being expended and expressed his belief that the citizens of Monrovia are getting good value for their money in the services provided by the Monrovia Fire Department through the general fund.

Mr. Smith expressed his concern that the charge list be confirmed before the Board of Supervisors meeting scheduled for August 10, 2007. Mayor Hammond and Councilmember Lutz stated they would not consider voting on the matter tonight with the accuracy of the parcels included on the charge list in question.

ROLL CALL:
Ayes: Councilmember Lutz, Mayor Pro Tem Kirby, Mayor Hammond
Excused: Councilmembers Adams and Garcia
Motion carried: 3-0

Councilmembers Adams and Garcia returned to Council Chambers at 9.03 P.M.

PH-2 Public Protest Hearing; City of Monrovia Abatement Charge List: This item was taken out of order, prior to Public Hearing-1.

Chief Chris Donovan reviewed the Staff Report. The members of the Fire Department began brush inspections after May 15, 2007. Homeowners received a notice of non-compliance via first class mail and a copy was posted on the property. The second inspection was conducted on average 15 days later and a final notice was sent by certified mail and the property was again posted. The property was then inspected a third time and a certified letter was sent notifying the property owner of the Public Hearing to abate the subject property.

All notices sent to the property owner outlined if the owner did not abate the property in accordance with the City's notification, the City may clear the property at the owner's expense and place the cost on the property owners property taxes.

All affected property owners in abatement had been notified that the City would request confirmation of its report for the clearance of the properties at the July 17, 2007, City Council meeting. After posting of the agenda for this meeting and upon final inspection it was found that all properties were in compliance and there were no abatement orders to bring forward.

PUBLIC HEARING OPENED: Mayor Hammond opened the public hearing.

Mr. John Yacoub, Resident, spoke of his concerns about the process.

Those opposed: None

Those in favor: None

PUBLIC HEARING CLOSED: Mayor Hammond closed the public hearing.

Chief Donovan explained the fire hazards associated specifically with palm trees and the aggressive stance the Department took with such trees in regard to abatement in the extremely high fire zone, as well the thorough and methodical inspections that took place. He thanked the homeowners that did such an outstanding job of weed abatement and was very proud of the one hundred percent compliance.

Discussion ensued with respect to the boundaries of the Very High Fire zone and the type of trees that especially pose a threat.

Battalion Chief Scott Haberle reviewed the Monrovia Fire Department's weed abatement process.

Mayor Hammond requested that Staff speak with Mr. Yacoub to alleviate his concerns. Mayor Pro Tem Kirby also suggested Mr. Yacoub speak with Police Department Personnel regarding enforcement of the closure of Monrovia Canyon Park on the Fourth of July.

Mayor Hammond stated that no action was required as there was one hundred percent abatement compliance.

PH-3 Fiscal Year 2007-08 Park Maintenance Assessment District; Resolution No. 2007-42

Director of Public Works David Fike reviewed the Staff Report.

In connection with the annual review of the Citywide Lighting and Landscaping Maintenance Assessment District the City conducted a Public Hearing for the Fiscal Year 2007-2008 Citywide Lighting and Landscaping Maintenance Assessment District to confirm the assessment and levying of the assessment.

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 recommended assessment for Fiscal Year 2007-2008 for a typical single family dwelling was \$56.23.

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 Garcia, seconded by Councilmember Lutz, to adopt Resolution No. 2007-42.

ROLL CALL:

Ayes: Councilmembers Adams, Garcia, Lutz, Mayor Pro Tem Kirby, Mayor Hammond

Motion carried: 5-0

MFA CONVENE: President Rob Hammond convened the Regular Meeting of July 17, 2007 of the Monrovia Financing Authority at 9:11 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

MFA ROLL CALL: In attendance were Authority Commissioners Tom Adams, Joe Garcia, Mary Ann Lutz, Vice President Dan Kirby, and President Rob Hammond.

MFA CONSENT CALENDAR: It was moved by Commissioner Adams, seconded by Vice President Kirby, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda item:

MFA CC-1 Unadopted Minutes of the July 3, 2007 Regular Meeting of the Monrovia Financing Authority

MFA ADMINISTRATIVE REPORTS: None

MFA ADJOURNMENT: President Hammond adjourned the Monrovia Financing Authority Meeting at 9:11 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:

RCC1 Mayor Hammond reported that:

- (a) He apologized for the glitch in the Fourth of July grand finale of the fireworks program, and state steps had been taken to ensure it would not happen in the future;
- (b) At the Independent Cities Association Conference, he shared with the Mayor of Los Angeles his belief that some of the problems in Monrovia are actually bigger than those in larger cities in that we often know the person's name and it's sometimes easier to deal with something on an anonymous level. The key is in prevention, where there is more value for the dollar, and Monrovia is doing just that with programs such as the Monrovia Area Partnership (MAP) and YES! Student Summer Intern programs.

RCC2 Mayor Pro Tem Kirby reported that:

- (a) He, along with Mayor Hammond, Councilmember Adams, and City Manager Ochoa, attended the Independent Cities Association, noted the importance of citizens reporting unlawful gang activities to law enforcement and reminded residents of the existing bounty program relating to graffiti.

RCC3 Councilmember Adams reported that:

- (a) He, along with Mayor Pro Tem Kirby, Mayor Hammond, and City Manager Ochoa, attended the Independent Cities Association, where they received a tremendous amount of information on gangs and the trend to address the issues with civil injunctions.

RCC4 Councilmember Garcia reported that he had no report at this time.

RCC5 Councilmember Lutz reported that:

- (a) She met with the Director of the Village After School Program and discussed retooling the program to meet the interests of middle school students, including special interest clubs, such as Chess, Dance, and Archery Clubs, rather than treating them the same as children in elementary school. In addition, they were asking community leaders to, like the Adopt-a-School program, consider adopting a club. More information would be forthcoming.

REPORTS OF STAFF MEMBERS: There were none.

ADMINISTRATIVE REPORTS: None

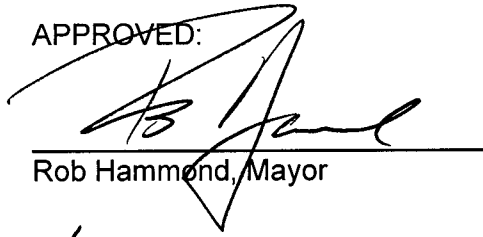
SCHEDULED MEETINGS: Mayor Hammond announced that the next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, August 7, 2007, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, and noted that the August 21, 2007 City Council Meeting had been cancelled.

PUBLIC INPUT, CONTINUED, IF NEEDED: There was no additional public input.

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: There were no items pulled from the Consent Calendar.


ADJOURNMENT: The previously scheduled Closed Session was cancelled and the Meeting was adjourned by Mayor Hammond at 9.19 P.M.

APPROVED:



Rob Hammond, Mayor

ATTEST



Linda B. Proctor, MMC, City Clerk