

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, FEBRUARY 3, 2004, 7:30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, February 3, 2004 at 7 38 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Study Session to discuss the 2003-05 mid-year budget, 6 00 P M to 7 15 P M at which all City Councilmembers were in attendance Staff in attendance was City Manager Donald R Hopper, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION: Monrovia Police Chaplain Stuart Levin led the Invocation

PLEDGE OF ALLEGIANCE: Councilmember Mayor Pro Tem Garcia 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):

Mayor Hammond reported that the following agendized item was discussed No reportable action was taken and direction was given to Staff

January 20, 2004

1 Conference with Labor Negotiator pursuant to Government Code Section §54957 6 Agency Negotiator Theresa St Peter, Group Employee Firefighters Association

February 2, 2004

1 Government Code §54957, Public Employee Appointment City Manager

Mayor Hammond reported that the following agendized item was discussed Direction was given to Staff to prepare a contract to offer Scott Ochoa the position of City Manager The contract will be presented at a later City Council Meeting

Mr Ochoa stated he was honored and happy for the confidence bestowed upon him, and, after eleven years with the City of Monrovia, he considered it a labor of love He introduced his family members who were in the audience

PRESENTATIONS

1 **Recognition of Monrovia High School Auto Shop Students Alex Boley and Jeremiah Elliott, First Place Winners in the Greater Los Angeles New Car Dealers Association Automotive Competition, Monrovia High School Teacher Phil Jelinek, Mentor Mike Wheeler of Sierra Autocars, and Sponsors Charles Gill of the Greater Los Angeles New Car Dealers Association, and Peter Hoffman of Sierra Autocars**

Mayor Hammond introduced Alex Boley and Jeremiah Elliot, Monrovia High School Auto Shop students, Phil Jelinek, their teacher, Mentor Mike Wheeler, Sierra Autocars, and sponsors Charles Gill, Executive Director, Greater Los Angeles New Car Dealers Association sponsoring the competition, and Peter Hoffman, President, Sierra Autocars, Inc , sponsoring the students, in recognition of the students taking top honors at the Greater Los Angeles New Car Dealers Association Automotive Competition held on January 8, 2004 at the Los Angeles Auto Show Teams of two students each had 20 minutes to demonstrate their expertise on everything from brakes and suspension parts to electronics and precision As winners of the regional

competition, they were each awarded a \$5,000 00 scholarship to Universal Technical Institute in Rancho Cucamonga and \$1,300 00 worth of Snap On tools They will now represent Monrovia High School at the national competition in New York on April 13, 14, 2004 First place in that competition will bring a new car and a full automotive scholarship to each student

2. Recognition of Winners of the 2004 Monrovia Recycles Fifth Grade Calendar Contest Bessy Mendoza, Lesly Hinostroza, Lauren Gutierrez, Michael Dennis, Kristen Federoff, Jennifer Arias, Jannet Rivera, Ariana Jackson, Ashlee Null, Cesar Gonzalez, Sara Brown, Jennett Curiel

In November, Staff asked all fifth grade classes in Monrovia to participate in a drawing contest for America Recycles Day by drawing a picture depicting how they can recycle at home Approximately 150 entries were received from all 5 public elementary schools (private schools were asked but did not participate this year), and 12 winners were chosen to be featured in the 2004 Monrovia Recycles Fifth Grade Calendar Tammy Evans, Management Analyst I, will be on hand tonight to assist the Mayor and City Council in recognizing the winners Calendars have been distributed by Staff to all fifth grade classes and will be available to the public at City Hall public counters

PROCLAMATIONS: None

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

A CONSENT CALENDAR

Mayor Hammond removed the Closed Session matter under N from the Agenda as one was not needed Resident Cyrus Kemp requested that item J-1 be pulled from the Agenda

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to approve the Consent Calendar consisting of Items *B, *E-1, *F-1, *I-3, *I-4, *I-5, *J-1, and *K. There were no objections

The following item was taken out of order

J. RESOLUTIONS & ORDINANCES

1. 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; Second Reading and Adoption of Ordinance No. 2004-01

Cyrus Kemp, Monrovia, expressed concern that other pieces of property may surface which could be developed City Manager Hopper explained that this property was located in the Angeles National Forest and had come to light through the Forest Services The City did fulfill its promise to the citizens that it would buy all of the property in the City's jurisdiction This property has dual locations in both the National Forest and in the City The Forest Service could not manage property that was privately owned It reported to the City that illegal grading was taking place and the City notified the owner to desist City Attorney Steele stated that the purpose of the moratorium was to take the remaining three parcels not now included in the Specific Plan and impose development standards on them which were consistent with what the voters approved

This was the second reading and final adoption of Ordinance No 2004-01 establishing a moratorium on development of privately owned hillside properties in the Angeles National Forest Staff continued to recommend approval of this ordinance

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to adopt Ordinance No 2004-01.

ROLL CALL

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

***B. MINUTES** The Minutes of the Regular Meeting of January 20, 2004, were approved by order of the Consent Calendar

C. ORAL COMMUNICATIONS:

1 Donna Baker, President, Monrovia Day Association, thanked the Royal Court of 2003 for its fabulous service during the year and its special project "Have a Heart, Give a Hug" Teddy Bear Drive where over 800 children received a holiday Teddy Bear, and its participation in the Monrovia Police Departments "Project Cuddles" Scholarships were presented to each

2 Kathe Wilson, Temple City, expressed her opinion of the Executive Director of the San Gabriel Humane Society She distributed a packet of materials to the City Council

3 Cyrus Kemp, Monrovia, expressed his opinion of a recent visit by a representative of the Humane Society regarding licensing of his dog He expressed his opinion of the search and announcement of the hiring of the new City Manager

3 Stephen Grollnek, Monrovia, expressed his opinion regarding the appointment of proposed new City Manager, took exception of comments made by a Councilmember at a recent meeting, expressed his opinion of certain City Councilmembers, employees and residents, requested ratings for Monrovia restaurants, asked the Mayor when he would be available to accept recall documents, and requested that the City Council support strikers

4 Cleve Crudginton, Monrovia, expressed sorrow for the past speaker, congratulated the current City Manager for doing such a wonderful job in Monrovia, and expressed support for those who were criticized by the last speaker

5 Rosemary Harrahill, Monrovia, commended the current City Manager, and asked for constructive comments by those who speak

6 Mike Pollard, Monrovia, expressed concern regarding negative statements by speakers, and complimented the City Council on its work

7 Chuck Keen, Monrovia, stated that he was tired of negative speakers

Councilmembers expressed their opinion of the positive merits of constructive criticism as opposed to non-constructive criticism and innuendoes

D PUBLIC HEARINGS/MEETINGS: None

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

CONVENE. Chairman Rob Hammond convened the Regular Meeting of February 4, 2004 of the Monrovia Redevelopment Agency Board of Directors at 8 46 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 Boardmember Adams, seconded by Vice-Chairman Garcia, to approve the Consent Calendar consisting of Item *B. There were no objections

*B. **MINUTES:** The Minutes of the Regular Meeting of January 20, 2004, were approved by order of the Consent Calendar

MRA REPORTS:

1. Authorization to Acquire Real Property Located at 142 East Cypress Avenue in the Amount of \$300,000.00, and to Provide Relocation Benefits in the Amount of \$100,000.00, Resolution No. 1-2004

Kevin O'Brien, Redevelopment Division Manager, reviewed the Staff Report

The Monrovia Redevelopment Agency was required by State Law to allocate 20% of its funds towards the development of housing that was affordable to low and moderate-income residents. On September 13, 2001, the Agency Board approved a Disposition and Development Agreement with Bourne Construction to provide for the development of two affordable housing units at 138 and 142 East Cypress Avenue. Under the DDA, the Agency committed to using its best efforts to acquire the site at 142 East Cypress Avenue, and sell that site, as well as an adjoining Agency owned property at 138 East Cypress

The property at 142 East Cypress had been improved with one 812 square foot single-family dwelling, which was constructed in 1946. Upon review of the physical conditions of the property, it was determined that the dwelling did not warrant rehabilitation. Consequently, the best disposition of the site was to acquire the property and sell it, along with the Agency owned lot to the developer who would construct two single-family dwellings that were affordable to moderate income buyers.

Following a review of the property, it was determined that the fair market value was approximately \$280,000.00. After extensive negotiations, a compromise sales price of \$300,000.00 was reached. The Agency and Seller reached an agreement whereby a total of \$100,000.00 in relocation assistance would be paid, and no additional relocation claims would be brought against the Agency.

Staff recommended that the Agency Board adopt Resolution No. 1-2004, authorizing the Executive Director to acquire 142 East Cypress Avenue.

Cyrus Kemp, Monrovia, stated that he was in favor. In answer to his inquiry regarding the need for multiple affordable housing units, Boardmember Adams stated that as this was a single family neighborhood, the Agency Board was trying to stay consistent with the neighborhood.

It was moved by Vice-Chairman Garcia, seconded by Boardmember Kirby, to approve Resolution No. 1-2004 and authorize the execution of any required documentation.

ROLL CALL

Ayes Boardmembers Adams, Kirby, Lutz, Vice-Chairman Garcia, and Chairman Hammond
Motion carried: 5-0

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8:47 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) On February 12, 13, 2004, there will be a public safety seminar sponsored by ICA. He and three City Councilmembers would attend as it related to medical costs and how it will impact city budgets all over the state

(b) The Library bond application was sent last month, which was Phase III of the last cycle. He thanked members of the community for attending a recent meeting regarding the application and possible future funding for the Library

2. Mayor Pro Tem Garcia reported that

(a) Pursuant to Government Code §54956 5, it was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to add to the Agenda Resolution No. 2004-15 in opposition of SB 744 as an urgency matter as the information was received after the Agenda was compiled and published.

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

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to oppose SB744 (Dunn).

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

(b) The Boys & Girls Club of the Foothills annual "For the Love of Youth Dinner and Auction" was scheduled for February 7, 2004, Historical Museum, and will honor Dorothy Ann and Lathrop Hoffman. Reservations should be made by January 27, 2004 to the Boys and Girls Club. Angels Manager Mike Scioscia was scheduled to be the guest speaker

3 Councilmember Adams reported that

(a) **Update on Filming:** He stated that there was a great impact by the filming companies on public streets, parking lots, etc. Assistant City Manager Scott Ochoa reported that MOTAB would review the guidelines on February 10, 2004 at its meeting, and would probably need to review it at its next meeting also. MOTAB would then send a recommendation to the City Council regarding the Ordinance language in the Municipal Code. He noted that dollar amounts could not be imposed by the City and that private negotiations might be in order between the individual merchant and the filming company. Resident Cyrus Kemp expressed concern of the amount of Staff time taken to enforce filming rules

Councilmember Lutz did not take part in the discussion due to her former business status with filming in the City of Monrovia

4. Councilmember Kirby reported that

(a) **Update of Altrio Communications:** At Councilmember Kirby's request, Public Information Officer Dick Singer reported that Altrio Communications had five formal proposals, all of whom wanted to continue the current three operations. It should know next week who it

will talk to Mr Singer explained that there would be no interruption in service and that the franchise would remain the same

(b) Update of Foothill Boulevard Improvements: At Councilmember Kirby's request, Public Works Director David Fike reported that the project would go out to bid the first part of March, awarded in April, with work commencing in May and finishing in July. There was much preparation work before the actual improvements could begin. Cyrus Kemp, Monrovia, requested that Staff investigate lighting of the crosswalks such as was found on Grand Avenue in Glendale. Mr Fike reported that Staff had sought grants for this project for several years. At Councilmember Adams' suggestion, information will be forwarded by Mr Fike to the City's lobbyist for investigation.

5. **Councilmember Lutz** had no report at this time

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I. ADMINISTRATIVE REPORTS

1. Art in Public Places, and Formation of Monrovia Endowment for the Arts, Introduction and First Reading of Ordinance No. 2004-03

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

Recognizing that if the City of Monrovia wished to acquire more quality pieces of art like the Mark Twain bronze, private donations might not meet the desire to expand this program, the proposed Ordinance would establish a wide array of public art in Monrovia by collecting funds from development projects, financial and/or art donations and art incorporated in major development projects. Funds could also be raised through the Monrovia Endowment for the Arts as a non-profit organization that can accept donations for Art in Public Places. The Ordinance provided for

- Design, acquisition, installation, improvement, maintenance and insurance of public artwork displayed on City property. Public artwork acquired with money from the Art in Public Places fund shall be the property of the City,
- Offering of performing arts programs on City property for the community, and
- Offering of art education programs on City property for the community, provided, however, that not more than 5% of the fund's annual budget shall be used for this purpose

The "in lieu" art fee would be 1% of the project cost paid by developers based on the following,

- Residential development projects involving five or more dwelling units and having a project cost in excess of \$1 million, and
- Commercial, industrial, office or other non-residential development projects having a project cost in excess of \$1 million

Development projects that would be exempt from the public artwork requirement were government buildings, low and moderate income housing developments, tenant improvements to existing structures and reconstruction of buildings that had been damaged by fire, flood, wind, earthquake or other calamity. The public artwork project could be satisfied through one of three actions, donating public artwork to the city, installing public artwork on private property, or paying an "in lieu" art fee to be paid to the City for the art in public places fund.

Staff recommended that City Council approve the proposed ordinance and the formation of a non-profit, Monrovia Endowment for the Arts, that would raise funds for Art in Public Places in Monrovia.

After discussion, resident Cyrus Kemp stated that he had reservations regarding the Ordinance Developer Fred Bowden, Monrovia, reviewed his concerns. After further discussion, City Attorney Steele suggested that an increase to the project cost in excess of \$1 million could be based on yearly construction costs, to be adjusted annually, based on construction cost index. The ordinance would be reviewed each year in the manner described by the City Attorney.

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to introduce and waive further reading Ordinance No. 2004-03, bringing it back to the City Council in twelve (12) months to consider adjusting the \$1 million base, and exempting any low to moderate income housing projects that were either deed-restricted for occupancy by persons of low and moderate income for five years or more or constructed pursuant to a DDA with the Monrovia Redevelopment Agency.

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

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to read by title only Ordinance NO. 2004-03. City Attorney Steele read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA ADDING CHAPTER 15.44 TO THE MONROVIA MUNICIPAL CODE RELATING TO ART IN PUBLIC PLACES

2. Annual Service Rate Adjustments for the Collection of Commercial/Industrial Solid Waste from the Old Town Franchise Area and Extension of Contract to December 16, 2006 Pursuant to the Exclusive Franchise Agreement Between the City of Monrovia and Athens Services; Resolution No. 2004-07

Louis Celaya, Management Analyst II, reviewed the Staff Report.

On November 10, 1998, the Monrovia City Council awarded an exclusive commercial waste collection franchise to Athens Services for the majority of the Old Town business district effective December 16, 1998 and is due to expire on December 16, 2004.

The rate adjustment request submitted by Athens on December 12, 2003 with a proposed adjustment date of February 1, 2004, was changed to March 1, 2004 in order to accommodate consideration by the Monrovia Old Town Advisory Board (MOTAB) before submission to City Council for approval.

The City would receive about a \$4,100.00 increase in revenues from the increased franchise fee rate and the increase in the gross receipts of Athens Services, which the franchise fee was based upon. Previously, the City received \$8,757.00 in revenues.

Cyrus Kemp, Monrovia, took issue with the MOTAB issuing direction to Staff. Councilmember Adams explained why direction was given to Staff by the MOTAB.

It was moved by Councilmember Lutz, seconded by Councilmember Adams, to approve Resolution No. 2004-07 granting the annual Service Rate Adjustments and incorporating the first two-year option for commercial and industrial solid waste collection in the Old Town Franchise area, pursuant to the Exclusive Franchise Agreement between the City of Monrovia and Athens Services.

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

***3 Set for Public Hearing on February 17, 2004, Historic Landmark HL-68/Mills Act Contract MA-64 for Property Located at 201 North Encinitas Avenue by Owners Scott and Deana Curry**

This matter was approved by order of the Consent Calendar

At its meeting of January 28, 2004, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act for the property at 201 North Encinitas Avenue to the City Council

Staff recommended setting February 17, 2004 as the date of the Public Hearing

***4 Set for Public Hearing on February 17, 2004; Historic Landmark HL-70/Mills Act Contract MA-66 for Property Located at 248 Highland Place by Owners Joseph Mercado and Rose Marie Imstepf**

This matter was approved by order of the Consent Calendar

At its meeting of January 28, 2004, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act for the property at 248 Highland Place to the City Council

Staff recommended setting February 17, 2004 as the date of the Public Hearing

***5. Set for Public Hearing on February 17, 2004; Tentative Tract Map No. 54414/Conditional Use Permit CUP2003-19 for Property Located at 824-826 Ocean View Avenue by Leon San Blas and Hank Jong, Applicants**

This matter was approved by order of the Consent Calendar

The applicant requested approval of a 4-unit detached Planned Unit Development (PUD) at 824-826 Ocean View Avenue. The site was located on the south side of Ocean View Avenue west of Mountain Avenue. The Planning Commission originally heard this item at its meeting of December 10, 2003 and it was scheduled for the January 6, 2004 meeting of the City Council. However, prior to the Public Hearing, it was discovered that not all of the neighbors were noticed of the original Planning Commission meeting. Therefore, another meeting before the Commission was scheduled for February 11, 2004, and the City Council meeting was rescheduled to February 17, 2004.

Staff recommended setting February 17, 2004 as the date of the Public Hearing

J RESOLUTIONS & ORDINANCES

1. 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; Second Reading and Adoption of Ordinance No. 2004-01

This matter was taken out of order (see above)

***2 An Interim Ordinance of the City of Monrovia Enacted Pursuant to California Government Code Section 65858 Prohibiting the Development of New Structures and Specified New Uses on Specified Properties on South Myrtle Avenue; Second Reading and Adoption of Ordinance No. 2004-02**

This matter was approved by order of the Consent Calendar

This was the second reading and final adoption of Ordinance No 2004-02 prohibiting the development of new structures and specified new uses on specified properties on South Myrtle Avenue Staff continued to recommend approval of this ordinance

***K PAYROLL & VOUCHERS:** Payroll No 3 in the net amount of \$460,813 55 and Voucher Numbers 116173 through 116451 non-sequentially in the amount of \$488,294 75 were approved by order of the Consent Calendar

L SCHEDULED MEETINGS:

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, February 17, 2004, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Salute to Service Program in City Council Chambers, 7 00 P M

M. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED: None

N CLOSED SESSION: None

O ADJOURNMENT: The City Council Meeting was adjourned at 10 10 P M in memory of Roger Menlove and Roy S Kropke

APPROVED

Rob Hammond, Mayor

ATTEST

Linda B Proctor, CMC, City Clerk