

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, NOVEMBER 6, 2007, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, November 6, 2007, at 7:44 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California (preceded by a Study Session, 6.00 P.M., City Council Chambers, to discuss Integrated Waste Management Issues, at which Mayor Hammond arrived at 6:32 P M , and Councilmember Adams was excused), in honor of newborns Leah Marie Sanchez, born Friday, October 12, 2007, to Parents Darlene and Javier Sanchez, and Jack Michael Livingston, born Monday, October 15, 2007, to Parents Jennifer and Jon Livingston 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: Father Marco Reyes led the Invocation.

PLEDGE OF ALLEGIANCE Councilmember Tom Adams led the Flag Salute

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Sponsors for the 2007 Halloween Event "Screamin' Skeletons"

Community Services Commission Chair Gloria Crudgington introduced the sponsors of the 2007 Halloween Carnival and Costume Contest The main event sponsors included Jodi Breneman of Dickson Podley Realtors, Sierra Autocars, Inc., Monrovia Youth Baseball League, Kim's Hapkido Karate, Monrovia Old Town Businesses and Centre Stage

PR-2 Recognition of the Volunteer Center for "Make A Difference Day"

The Mayor and City Council recognized the Volunteer Center for its efforts in organizing a successful "Make A Difference Day" event held on Saturday, October 27, 2007 Pattie Tellez, Co-Executive Director, and Tom Duffy, Board President, gave a power point presentation highlighting events of the day.

PR-3 Presentation of the Good Neighbor Award to the Men and Women of Monrovia's Home Depot Store

Mayor Pro Tem Dan Kirby presented the Good Neighbor Award to the staff at Monrovia's Home Depot for exceptional generosity in assisting the family of a child with serious medical needs.

PR-4 Recognition of Community Emergency Response Team (CERT) Training Program Graduating Class No. 1, and Captain Brad Dover

Fire Chief Chris Donovan assisted the Mayor and City Council in acknowledging Captain Brad Dover and the participants of the first CERT class to graduate

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Rachel Jamieson was excused.

ADDITION TO THE AGENDA:

It was moved by Councilmember Kirby, seconded by Councilmember Adams, to find that there was a need for immediate action which could not reasonably wait for the next regularly scheduled Meeting, and that the need for such action came to the attention of Staff after the Agenda was posted.

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

The following matters were added to Closed Session:

CONVENE TO CLOSED SESSION: ACS-2 Conference with Legal Counsel; Government Code §54956.9, Pending Litigation; One case: Glenn Cobb vs. City of Monrovia, Case No. BC 357 416

REPORT OF CLOSED SESSION: RCS-2 Conference with Legal Counsel; Government Code §54956.9, Pending Litigation; One case: Glenn Cobb vs. City of Monrovia, Case No. BC 357 416

CONSENT CALENDAR. It was moved by Councilmember Lutz, seconded by Councilmember Garcia, to to approve the Consent Calendar. There were no objections

The Consent Calendar consisted of the following Agenda items

CC-1 Payroll Nos. 21 and 22 in the Amounts of \$530,891.71 and \$594,156.07, respectively, and Voucher Nos. 146330 through 146732 in the Amount of \$842,710.99.

CC-2 Denial of Liability Claim – Cesar Villanueva vs. City of Monrovia: Mr Villanueva was involved in a traffic accident with a City vehicle on September 14, 2007. As a result, he alleged he sustained damage to his vehicle as well as bodily injury. The property damage portion of his claim was investigated and a settlement had been reached. However, the City disputed the claimed personal injury. Therefore, Staff recommended that the bodily injury portion of the claim be rejected.

CC-3 Denial of Liability Claim; United Financial Casualty Company vs. City of Monrovia: United Financial Casualty Company claimed that its insured vehicle sustained damage when a City tree limb broke off on April 18, 2007. Staff was in contact with a representative from United Financial Casualty Company and informed them there was no City tree at the named location. They indicated they would withdraw their claim as unsubstantiated but had not done so to date. The City bore no responsibility in this matter. Staff recommends that Council deny this claim.

CC-4 Denial of Liability Claim; Matthew Thompson vs. City of Monrovia: Mr. Thompson alleged that City personnel retaliated against him with regard to terms and conditions of employment. Matthew Thompson provided no evidence that supported his claim of retaliation. Therefore, the City bore no responsibility in this matter.

CC-5 Application for ABC Beverage License (Type 21 – Off-Sale General License) for Certified Market, 227 East Foothill Boulevard; Receive and File: Notice was received from ABC that Anthony and Andy Askar submitted an application for a Type 21 – Off-Sale General 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 Set for Public Hearing on November 20, 2007; Historic Landmark HL-115 and Mills Act Contract MA-109 for the Property Located at 354 North Magnolia Avenue by Owners Michael Kane & Janie Gallandat-Kane: At its meeting of October 24, 2007, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and approval of a Mills Act Contract for the property at 354 North Magnolia Avenue to the City Council.

CC-7 Set for Public Hearing on November 20, 2007; Historic Landmark HL-116 and Mills Act Contract MA-110 for the Property Located at 217 East Greystone Avenue by Owner Steven R. Purves

At its meeting of October 24, 2007, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act Contract for the property at 217 E. Greystone Avenue to the City Council.

CC-8 Set for Public Hearing on November 20, 2007; Historic Landmark HL-117 and Mills Act Contract MA-111 for the Property Located at 257 Melrose Avenue by Owner Steven R. Purves

At its meeting of October 24, 2007, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act Contract for the property at 257 Melrose Avenue to the City Council

CC-9 Cancellation of January 1, 2008 City Council Meeting: On September 20, 1994, the City Council adopted Ordinance No. 94-13, which allowed for the cancellation of a regularly scheduled meeting of the City Council. Due to the City Council meeting falling on New Year's Day, Staff recommended canceling the Meeting. There was no fiscal impact, other than savings in utility costs for the approximate three to four hour period of time added to the regular business day at City Hall

CC-10 Denial of Liability Claim; Brenda Foster vs. City of Monrovia: Ms. Foster alleged that on September 26, 2007, her family was harassed by Monrovia Police personnel. Police personnel had interaction with Ms. Foster and her family members. They responded in an appropriate manner. Therefore, the City bore no responsibility in this matter.

CC-11 One Year Time Extension For Tentative Tract Map TTM 063146 Allowing the Consolidation and Re-subdivision of the Property at 700 South Myrtle Avenue for the Development of 138 Dwelling Units, 9 Live/Work Units, 7,800 Square Feet of Non- Residential Space and Subterranean Parking by Barratt American, Applicant: On November 15, 2005, the City Council approved the 700 South Myrtle Avenue Specific Plan which allowed for the development of a mixed-use project on South Myrtle Avenue between Olive and Walnut Avenues. Tentative Tract Map TTM 063146 and Conditional Use Permit CUP2005-22 were approved concurrently with the Specific Plan. As specified in the Subdivision Map Act and the Monrovia Municipal Code, the applicant requested an extension of the Tentative Tract Map. If approved, the Conditional Use Permit would be automatically extended. Staff recommended approval of the time extension of the Tentative Tract Map for one year until November 15, 2008.

CC-12 Ratification of Action to Close Monrovia Canyon Park on October 22 through October 27, 2007: Given the large number of brush fires in the region, deployment of City resources to assist with the fire fighting efforts and extreme weather conditions, it was deemed appropriate to close Canyon Park. The vegetation/brush hazard in the hillside area was at an extremely critical stage and given the extremely low humidity with high temperature and winds it was prudent to close Canyon Park for the safety of the public.

PUBLIC INPUT

1. Bill Daugherty, Monrovia
2. Karin Crehan, Chamber of Commerce, Monrovia

PUBLIC HEARINGS/MEETINGS:

PH-1 Open and Continue to December 4, 2007; Amendment to the 700 South Myrtle Avenue Specific Plan, Amendment to Tentative Tract Map TTM 063146 and Amendment to Conditional Use Permit CUP2005-22 to Allow a Modification of the Previously Approved Project Including 163 Dwelling Units and 404 Space Parking Structure at 700 South Myrtle Avenue by Urban Housing Group; Resolution No. 2007- 54

The Urban Housing Group submitted an application to amend the previously approved project. The most significant changes of the proposal involved the relocation of the parking structure, elimination of the live/work units and an increase in the total number of dwelling units. The applicant requested that the Public Hearing be continued until December 4, 2007.

Mayor Hammond opened and continued the Public Hearing to the Regular City Council Meeting of December 4, 2007. There were no objections.

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

MRA CONVENE: Chairman Rob Hammond convened the Regular Meeting November 6, 2007 of the Monrovia Redevelopment Agency Board of Directors at 8 24 P M in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

MRA ROLL CALL: Those in attendance were Boardmembers Tom Adams, Joe Garcia, Mary Ann Lutz, Vice-Chairman Dan Kirby, and Chairman Rob Hammond.

CONSENT CALENDAR: It was moved by Boardmember Garcia, seconded by Boardmember Lutz, to approve the Consent Calendar. There were no objections.

The Consent Calendar consisted of the following Agenda item

MRA CC-1 Authorization to Enter into a Professional Services Contract with Camarena Land Clearing Company for the Demolition of Structure at 498 Monrovista and 1214 Sherman Avenues for the Total Consideration of \$28,300.00: Over the years, the Agency worked to address the various forms of blight and provide affordable housing opportunities to the low and moderate income residents. In order to continue with these projects, it was necessary to demolish all above ground improvements at 1214 Sherman Avenue and 498 Monrovista Avenue. Pursuant to the Habitat for Humanity DDA, signed July 3, 2007, the Agency had to convey the site to the developer free of all improvements. Additionally, to continue with the significant upgrades underway on Monrovista Avenue, a dilapidated Agency-owned single family dwelling needed to be cleared.

Under the proposed agreement, the Agency would pay the Contractor \$28,300.00 for the demolition of both single family residences upon completion of the work. Staff recommended that the Board approve a Professional Services Contract with Camarena Land Clearing Company, in the amount of \$28,300.00, and authorize the Executive Director to execute the necessary documents.

MRA CC-2 Authorization to Approve the Relocation Plan and the Replacement Housing Plan for the Station Square Phase One Project Area: The Redevelopment Agency committed to provide financial, legal and administrative assistance to assist with the property acquisition and relocation components associated with the Station Square Phase One development located north of Duarte Road, east of Magnolia Avenue, south of Evergreen Avenue, and west of Myrtle Avenue. Prior to undertaking any displacing activity, the Agency was required to prepare certain studies to determine the potential impacts the contemplated project could have on residential and commercial tenants.

Under Section 33413.5 of the Health and Safety Code, redevelopment agencies were required to adopt a Replacement Housing Plan whenever they contemplated an agreement for acquisition of real property, or an agreement for the disposition and development of property which could potentially lead to the destruction or removal of low and moderate income units. As required by law, this plan identified the potential impacts and discusses appropriate mitigation measures.

In addition to a Replacement Housing Plan, agencies were also required to prepare Relocation Plans to evaluate all affected parties, and to describe replacement housing. The requirement of this report fulfilled an administrative requirement, but did not constitute specific relocation actions, which were carried out on a case by case basis.

These plans were prepared by Overland, Pacific & Cutler, Inc. ("OPC"), a professional consulting firm specializing in public authority acquisition and relocation projects. Copies of the Relocation Plan and Replacement Housing Plan were on file with the City Clerk.

MRA ADMINISTRATIVE REPORTS

MRA AR-1 Authorization to Enter into a Sign Easement Option Agreement with CADI Monrovia Market Place, LLC, Dome Monrovia Marketplace LLC, and Nationwide Monrovia Marketplace LLC, Concerning Property Located at Northwest Corner of Huntington Drive and Monterey Avenue

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

One of the most cost effective forms of advertising in the southern California marketplace was freeway adjacent electronic message board signs. A frequent practice for municipalities was to erect such signs to promote local businesses as well as civic events. As potential locations were highly sought after, it could be very difficult and expensive to secure a quality, high visibility site.

Following the recent departure of the CompUSA store at Huntington Drive and Monterey Avenue, agency Staff initiated discussions with the site owner to offer assistance for their efforts to re-tenant the site. During these meetings, the possibility of the Agency acquiring the right to construct a sign on the premises was discussed. To secure the right to erect such a sign on behalf of the Agency, the parties agreed to enter into a Sign Easement Option Agreement that gave the Agency the right to place a sign on the premises for a five year term. The monthly term for the option was \$6,500.00.

Attractive and high quality signs could easily cost in excess of one million dollars. Due to this significant cost, an alternative the Agency could pursue was to identify corporate sponsors to help defray the cost. Presently, there were several major projects in the planning stages. It might be possible to lease out panels on the sign to some of these businesses. When sufficient interest in participating had been generated, the option could then be exercised.

It was moved by Boardmember Adams, seconded by Boardmember Lutz, enter into a Sign Easement Option Agreement with CADI Monrovia Market Place LLC, Dome Monrovia Marketplace LLC, and Nationwide Monrovia Marketplace LLC, concerning property located at northwest corner of Huntington Drive and Monterey Avenue. There were no objections.

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8:27 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 requested that Staff use the water bills to highlight ways to conserve water for the residents by next month.
- (b) November 13, 2007 was declared as "John and Elaine Bonaparte Day" in Monrovia. The Bonapartes were celebrating their anniversary of 70 years, and had been residents of Monrovia for 60 years. He thanked Don Theall for bringing this to his attention.

RCC2 Mayor Pro Tem Kirby reported that:

- (a) He and other City Councilmembers participated in a fruitful trip to Northern California to look at and evaluate Urban Housing's sites.

RCC3 Councilmember Adams reported that.

- (a) November 15, 2007 was proclaimed "America Recycles Day." Public Works Staff distributed over 300 coloring contests for recycling to 5th grade students. Twelve of the best would be made into a 2008 calendar. He reported that he and his wife had down sized recyclables from a 90 gallon container to a 60 gallon container which was picked up about every other week, which was good for the environment, the City and also saved them money. He urged citizens to get involved in recycling.
- (b) He noted that former City Councilmember John Nobrega was in the audience.

RCC4 Councilmember Garcia reported that:

- (a) November 8, 2007, the League of California Cities was partnering with California Contract Cities Association and Independent Cities Association to have a joint meeting to be held at the Grand Long Beach Event Center, which would bring three agencies joining together to share regional ideas for joint projects.

RCC5 Councilmember Lutz reported that:

- (a) The second annual conference for Girl Power was held on October 27, 2007 where over 150 girls were in attendance. The theme was "Celebrating Our Leaders of Tomorrow." Rose Espinoza of "Rosie's

Waste and individual quoted amounts for HHW Commercial and business waste was not covered under the contract

The annual cost of the program was \$20,000.00. Funds were available in the Waste Management's Household Hazardous Waste Pick-Up Service Account Future increases required Curbside, Inc , to submit a formal written request and obtain City Council Approval

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to amend the Agreement with Curbside, Inc., for the Household Hazardous Waste Door-to-Door Program to Include Electronic Waste Collection and to Extend the Agreement through November 30, 2009, in an Amount not to Exceed \$20,000 Per Year with the Option of Three, Two-Year Extensions. There were no objections

SCHEDULED MEETINGS: The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, November 20, 2007, 7:30 P.M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

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 TO CLOSED SESSION: At 8.46 P.M , Mayor Hammond announced that the City Council would adjourn the Meeting in memory of Donna Luening, and proceed to Closed Session to discuss the following items and would return to Council Chambers for a report of Closed Session.

ACS-1 Conference with Labor Negotiator Pursuant to Government Code §54957.6; Agency Negotiator: Theresa St. Peter; Group Employees: Monrovia Firefighters Association and Monrovia Police Officers Association

ACS-2 Conference with Legal Counsel; Government Code §54956.9, Pending Litigation; One case: Glenn Cobb vs. City of Monrovia, Case No. BC 357 416

RECONVENE AND REPORT OF CLOSED SESSION: At 9:32 P.M , Mayor Hammond reconvened the City Council Meeting City Attorney Steele announced that no reportable action was taken on RSC-1, and that the City Council approved a settlement for RSC-2, with a 3-2 vote, with Councilmember Adams and Mayor Hammond voting "No "

RCS-1 Conference with Labor Negotiator Pursuant to Government Code §54957.6; Agency Negotiator: Theresa St. Peter; Group Employees: Monrovia Firefighters Association and Monrovia Police Officers Association


RCS-2 Conference with Legal Counsel; Government Code §54956.9, Pending Litigation; One case: Glenn Cobb vs. City of Monrovia, Case No. BC 357 416

ADJOURNMENT: At 9 32 P M., Mayor Hammond adjourned the Meeting in memory of Donna Luening

APPROVED


Rob Hammond, Mayor

ATTEST


Linda B Proctor, MMC, City Clerk