

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, FEBRUARY 21, 2006, 7 30 P M**

**CONVENE** Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, February 21, 2006 at 7 33 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

**INVOCATION** Pastor Richard Sullender gave the Invocation

**PLEDGE OF ALLEGIANCE.** Councilmember Tom Adams led the Flag Salute

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

**PRESENTATIONS** None

**PROCLAMATIONS** None

**STUDENT GOVERNMENT REPRESENTATIVE REPORT** Student Liaison Krystina Mastrogiovanni was not in attendance

**A. CONSENT CALENDAR:**

It was moved by Councilmember Kirby, seconded by Councilmember Garcia, to approve the Consent Calendar consisting of Items \*B, \*F-1, \*I-2, \*I-3, \*I-4, \*I-5 and \*J.

**\*B UNADOPTED MINUTES.** The unadopted Minutes of the Regular Meeting of February 7, 2006 and Special Meeting of February 9, 2006 were adopted by order of the Consent Calendar

**C ORAL COMMUNICATIONS**

Those speaking

- 1 Becky Shevlin, Monrovia
- 2 Debbie Ashford, Monrovia
- 3 Emily Ashford, Monrovia
- 4 Rick Mount, Monrovia
- 5 Cyrus Kemp, Monrovia
- 6 Robert Barr, Monrovia
- 7 Kirk Carlstrom, Monrovia
- 8 Bobi Reed, Monrovia
- 9 Kathryn Reece-McNeill, Monrovia

Mayor Hammond asked that Police Chief Roger Johnson give the Police Department's perspective on the matters regarding the Aztec Hotel and Brass Elephant Chief Johnson briefly reviewed, beginning from one year ago to date, incidences from complaining residents, and the subsequent problems and proposed solutions In response to Mayor Hammond's question, City Manager Ochoa stated that City of Monrovia had no desire in purchasing the property

**D PUBLIC HEARINGS/MEETINGS:**

**1 Historic Landmark HL-83/Mills Act Contract MA-78 for the Property Located at 224 West Olive Avenue by Property Owners Virginia Kelly-Gentles and Betsy Johnston, Resolution No 2006-11**

Councilmember Garcia excused himself from discussion and exited City Council Chambers at 8 16 P M Councilmember Adams excused himself from discussion and exited City Council Chambers at 8 18 P M due to a possible conflict of interest

Alice Griselle, Director of Community Development, reviewed the Staff Report

She reported that the owners of the property at 224 West Olive Avenue had filed for Historic Landmark designation and approval of a Mills Act Contract The Queen Anne style house was built in 1887 A detailed description of the house was included on the DPR form attached to the Staff Report

The property was on the City's adopted Potential Landmark List and was also part of the current Historic Resources Survey, rated "5S1" by the City's Historic Consultant 5S1 was assigned to properties that were either locally designated landmarks or were eligible for designation

The Historic Preservation Ordinance required that a property meet at least one of the seven criteria specified in order to be designated a local historic landmark After reviewing the DPR form, the Historic Preservation Commission determined that the property met three of the Criteria significant person, architecture, and location The home was previously owned by Councilmember Joe Garcia

The applicants also requested approval of a Mills Act Contract, which would provide a reduction in the property tax lien for the homeowner The City would lose a portion of the property tax collected on the property to assure its preservation and restoration This house was in very good condition from public view so the set standards and conditions would be applied As a result of the approval of the Mills Act Contract, it was estimated that the City would lose approximately \$850 per year in property tax revenues The County Tax Assessor would determine the exact amount after the contract was recorded and processed

At its meeting of January 25, 2006, the Historic Preservation Commission voted to approve recommendation of Historic Landmark designation and execution of a Mills Act Contract for the subject property

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

**It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to adopt Resolution No. 2006-11 designating the property at 224 West Olive Avenue as the Reverend Wouldiam Stevenson House, Historic Landmark Number 83, and approve entering into a Mills Act Contract with the conditions of approval.**

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

Councilmembers Adams and Garcia returned to City Council Chambers at 8 18 P M

**2. Tentative Tract Map No. 065151/Conditional Use Permit CUP2006-01 to Construct a 4-unit, Two-story Detached Planned Unit Development at 911 Royal Oaks Drive by Leon San Blas, Developer, Resolution No. 2006-13**

Alice Griselle, Director of Community Development, reviewed the Staff Report

The applicant requested approval of a Tentative Tract Map for a four-unit Planned Unit Development (PUD) The subject site was a triangular shaped lot that was located on the northeast corner of Royal Oaks Drive and Mountain Avenue The property was designated PD-6/RM2500 (Planned Development-Area 6/Residential Medium Density 2500) which would permit a density of 6 units on this site

The existing single-family residence built in 1946 would be demolished and replaced with the proposed four-unit PUD The proposal met or exceeded all of the development standards in the Zoning Ordinance The four detached units would be served by a central driveway off of Royal Oaks Drive The front two units (Units 1 & 2) would be oriented toward Royal Oaks Drive with covered porches across the entire front elevations The mature Sycamore trees along the Sawpit Wash and the Oak trees in the front yard setback would be retained The units were Craftsman style

The overall site layout was well designed and would work well with the irregular lot configuration The project conformed to all applicable development standards and was sensitive to the surrounding area The project's density was consistent with the zoning and the existing development along this portion of Royal Oaks Drive

On January 11, 2006, the Planning Commission held a Public Hearing to review the proposed project At the hearing, the applicant spoke in favor of the application There was no other testimony received At the close of the hearing, the Commission unanimously voted to recommend approval to the City Council

**PUBLIC HEARING OPENED:** Mayor Hammond opened the Public Hearing

Those with concerns

1 Jennifer Doolittle, 913 East Royal Oaks, expressed concern that one could look down into her one story home window, and was fearful for the integrity of the block wall that had three feet of dirt piled against it for over 3 years

2 James Doolittle, 913 East Royal Oaks, expressed concern about the maintenance of the large oak tree that hung over his house and Royal Oaks, and the integrity of the block wall which had been comprised by piling of dirt against it

Those in favor

Leon San Blas, Developer

**PUBLIC HEARING CLOSED.** Mayor Hammond closed the Public Hearing as there was no one else who wished to speak for or against the matter

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to approve Tentative Tract Map No. 065151 and CUP2006-01 pursuant to the recommendations in the Staff Report with the addition that the Public Works Department inspect the integrity of the wall on the east side, that no clear window glass be used facing the nearby residents, and that the oak tree be trimmed when applicable.

**ROLL CALL:**

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

**3 Amendment to Tract Map No 61821/Conditional Use Permit CUP2004-10 to Modify a Public Works Condition Pertaining to the Drainage on the Property for a 47-Unit Planned Unit Development at 950 Royal Oaks Drive, Applicant Royal Oaks Village, LLC**  
Doug Benash, City Engineer, reviewed the Staff Report

The project was approved by the Planning Commission on October 13, 2004 and the City Council on October 19, 2004 with the requirement that all site drainage be directed to Royal Oaks Drive per the Uniform Building Code (UBC) The developer had approached Staff prior to project approval, requesting that the drainage be directed southerly towards Huntington Drive Staff required that the developer provide all drainage easements for drainage through the adjacent private properties Currently, the developer had obtained easements for two of the properties and was still working on the remaining easements If all the easements were not obtained, the project would be required to drain to Royal Oaks Drive

Staff recommended amending the Public Works Data Sheet No 3 Conditions of Approval for the 47 unit Planned Unit Development to also include allowing the project's drainage southerly towards Huntington Drive with the additional conditions as listed in the Staff Report

Much discussion ensued regarding the adequacy of the plans for the drainage

**PUBLIC HEARING OPENED.** Mayor Hammond opened the Public Hearing  
Those with concerns None  
Those in favor  
Rod Rossiter, Developer

After further discussion, Staff was instructed to bring back additional information, including flow charts, depicting the flow of the water from the properties

The Public Hearing was continued to a subsequent Meeting in March 2006

**4 Properties Designated by the County of Los Angeles Requiring Weeds or Brush and/or Rubbish Abatement for the Year 2006**

City Clerk Linda B Proctor reviewed the Staff Report

On February 7, 2006 the City Council approved a resolution setting a Hearing of Protest for the February 21, 2006 City Council meeting The Hearing would give an opportunity for any property owner whose property had been noticed by the County for potential weed abatement a time to be heard and to state reasons as to why the nuisance(s) should not be removed Owners had the option of removing the nuisance themselves or having the County abate and charge the owners accordingly on their property tax statement One property owner had contacted the City Clerk to advise that he would be at the Public Hearing In speaking to the County representative, that owner had been discussing his concerns with the County That representative of the Los Angeles County Weed Abatement Division, Debbie Humphreys, was in attendance to answer any questions

**PUBLIC HEARING OPENED.** Mayor Hammond opened the Public Hearing  
Those with concerns

1 John Pokrajac, property owner, expressed his concerns that his and his father's vacant property abutted property in Arcadia, and they believed that the Arcadia property owner should pay for the abatement as they built next to their vacant property After discussion, including an explanation by Interim Fire Chief Cruz and County Weed Abatement Division Representative Humphreys regarding weed abatement by the City and County, Mr Pokrajac was referred to the Arcadia City Council, the jurisdiction which caused Mr Pokrajac's dilemma City Manager

Ochoa stated that he would contact the Arcadia City Manager regarding the adoption of the same kind of Ordinance as the City of Monrovia's

Those in favor None

**PUBLIC HEARING CLOSED.** Mayor Hammond closed the Public Hearing as there was no one else who wished to speak for or against the matter

**It was moved by Mayor Pro Tem Lutz, seconded by Councilmember Garcia, to abate the subject properties and charge the owners accordingly**

**ROLL CALL** Ayes. Garcia, Mayor Pro Tem Lutz, Mayor Hammond  
Noes Councilmembers Adams, Kirby  
Motion carried 3-2

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

**CONVENE** Chairman Rob Hammond convened the Regular Meeting of February 21, 2006 of the Monrovia Redevelopment Agency Board of Directors at 9 29 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, Joe Garcia, Dan Kirby, Vice-Chairman Mary Ann Lutz, and Chairman Rob Hammond

**A CONSENT CALENDAR**

**It was moved by Boardmember Garcia, seconded by Vice Chairman Lutz, to adopt the Consent Calendar consisting of Agenda Item \*B and \*MRA-1. There were no objections**

**\*B. UNADOPTED MINUTES:** The unadopted Minutes of the Regular Meeting of the Monrovia Redevelopment Agency of February 7, 2006 were approved by order of the Consent Calendar

**MRA REPORTS**

**\*1 Authorization to Enter into a Professional Services Contract with John L. Hunter and Associates for Environmental Remediation Work at 1601 South Myrtle Avenue, in the Total Amount of \$57,800.00**

This matter was approved by order of the Consent Calendar

On June 15, 2004, the Agency Board authorized the purchase of 1601 South Myrtle Avenue (the "Site") for incorporation into the Monrovia multi-modal transit center. The site was a former gasoline and diesel fueling station, previously comprised of two underground storage tanks ("UST's") that were required to be removed as part of the development of the multi-modal center.

The State Water Resources Control Board and the California Environmental Protection Agency created a fund that allowed local agencies to obtain reimbursement for environmental remediation work associated with the removal of UST's. Agency Staff verified the eligibility of the site and would receive reimbursement after the completion of the remediation work.

The proposed contractor, John L. Hunter and Associates, performed the preliminary on-site environmental tests and was the sole source provider for the remediation of the site. Funding

for the remediation of this site would be reimbursed through the California Petroleum Underground Storage Tank Cleanup Fund

Staff recommended approval of the contract with John L. Hunter and Associates

**MRA ADJOURNMENT.** Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9 29 P M and the City Council Meeting continued

### RECONVENE MONROVIA CITY COUNCIL MEETING

**E BIDS** None

#### **F. COMMUNICATIONS AND PETITIONS.**

**\*1 Application for ABC Beverage License (Type 41 – On-Sale Beer and Wine), Person to Person Transfer for Kiku Sushi Restaurant, 670 West Huntington Drive, Suite 5G; Receive and File**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Chong Mi Lee and Jason Lee submitted an application for a Type 41 – On-Sale Beer and Wine License, Person to Person Transfer 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

#### **G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES.**

**1 Mayor Hammond** reported that

(a) On Friday, February 24, 2006, Assemblymember Carol Liu and three State Senators, Tom Torlakson, Alan Lowenthal and Bob Margett, would do a fact finding mission to here in Monrovia thanks to Councilmember Garcia Following a tour of the historic depot, an Integrated Development Design Conference would be held to discuss the challenges, opportunities and benefits associated with transit-oriented development

(b) On February 17, 2006, he, Board of Education President Clare Chesley, and Monrovia High School Principal Frank Zepeda traveled to Sacramento to attend the Youth in Government Day sponsored by the YMCA, where the students actually participated as legislators and introduced a bill

(c) Over the last three years, the City had been working extremely hard to get the Monrovia Post Office to comply with the Americans with Disabilities Act He thanked Congressman Dreier, former Mayor Bob Bartlett and City Attorney Steele for their assistance in bringing about the post office to comply The design portion of the project would be completed by March 21, 2006 with the completion by September 1, thus making Monrovia Post Office a handicap accessible facility Mayor Hammond and Assistant City Manager Tito Haes were also thanked

**2 Mayor Pro Tem Lutz** reported that

(a) She explained the latest AQMD program regarding the purchase of a new leaf blower (trading in the old, loud style) by professional gardeners for \$200 00 She reviewed the various locations where one could find more information from the AQMD regarding the program

**3 Councilmember Adams** reported that

(a) He also attended the ICA Conference and thanked Chief Johnson and Assistant City Manager Haes for the fine support during the conference

**4 Councilmember Garcia reported that**

(a) The League of California Cities Infrastructure Committee had made recommendations to the League Board, and on February 16, 2006, the League Board approved supporting a long term infrastructure plan. The principals of the plan could be found on the League of California Cities' website.

(b) February 10, 2006, he and Mayor Pro Tem Lutz attended the League dinner for the Los Angeles Division at Paramount Pictures Studios. One of the major topics was run away film productions. Currently released figures showed that Los Angeles County was at risk of losing much income, therefore proposed legislation for motion picture tax incentive to keep filming in California had been written. He noted that Monrovia also benefited in many ways from filming.

(c) Mayor Hammond congratulated Councilmember Garcia as the newly elected Treasurer of the Los Angeles County Division of the League of California Cities.

**5 Councilmember Kirby reported that**

(a) He had attended the Independent Cities Association Conference in Santa Barbara where the theme of the conference was "We are prepared to work together" regarding homeland security.

**H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None****I. ADMINISTRATIVE REPORTS****1. Renovation and Extension of Parking Lot No 6, Project No 2952, Total Project Amount of \$406,899 46, Acceptance of Work, Notice of Completion, and Final Payment in the Amount of \$40,689 95 to Excel Paving**

David Fike, Public Works Director, reviewed the Staff Report

The existing Parking Lot No 6 was located east of Myrtle Avenue and south of Colorado Boulevard. The renovation and extension constructed an additional 49 parking spaces. The project included the removal of damaged concrete, construction of new asphalt surface, resurfacing, installation of new lighting, irrigation and landscaping, and three new trash enclosures.

On February 22, 2005, the City Council awarded a contract to Excel Paving Company in the amount of \$368,290 00. The contractor started work in May 2005 and completed the work in September 2005. Unforeseen construction conditions resulted in one change order in the amount of \$17,048 82. The total project cost was \$406,899 46. Funds for this project were available through a VA-HUD Federal grant through the Economic Development.

Mayor Pro Tem Lutz asked that the signage at the alley on Ivy between Lemon and Colorado be investigated to provide more information for the public to park in the public parking lots, as compared to signage by the owner of private property who had his property posted with signs prohibiting public parking. City Manager Ochoa stated that it could be looked at during the Bates' project.

**It was moved by Councilmember Adams, seconded by Mayor Pro Tem Lutz, to accept the contract work as completed by Excel Paving Company, Long Beach, California in the total amount of \$406,899 46, approve one Change Order, and direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder, and authorize the Director of Public Works to approve final payment thirty-five days after filing of Notice of Completion with the County Recorder. There were no objections.**

**\*2. Renewal of Five-Year General Services Agreement with County of Los Angeles, Commencing July 1, 2006 Through June 30, 2011, Resolution No 2006-14**

This matter was approved by order of the Consent Calendar

From time to time, the City of Monrovia utilized the services provided by the County of Los Angeles. These services had been performed under the terms of a General Services Agreement. The present agreement was due to expire June 30, 2006 unless the City and the County approve a new agreement providing for an extension of general services.

The new General Services Agreement was for a five-year period which would commence July 1, 2006 through June 30, 2011. Services that might be utilized on an "as needed" basis included such functions as predatory animal control, prosecution of city ordinances, direct assessment collection, and a variety of public works activities such as Tract and Parcel Maps processing and traffic signal maintenance. There were no fiscal impacts until such time as the City utilized County of Los Angeles services.

Staff recommended that the City Council adopt Resolution No. 2006-14 and authorize the Mayor and the City Clerk to execute the General Services Agreement with the County of Los Angeles, for the period commencing July 1, 2006 through June 30, 2011.

### **\*3 Legislative Bulletin**

This matter was approved by order of the Consent Calendar

The report highlighted and summarized pending State legislation that could 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.

Staff recommended that the City Council approve the Legislative Bulletin and direct Staff to contact Monrovia's elected representatives for their support as follows: Oppose, SCA20 and ACA22, Watch, SB1206, Support, AB1387.

### **\*4 2006 Local Agency Biennial Notice and Amendment of Conflict of Interest Code to Include Certain Positions that Must be Designated, Resolution No. 2006-12**

This matter was approved by order of the Consent Calendar

California State Government Code Section 87200 required that every state and local government agency adopt a Conflict of Interest Code. The Code listed each position within the agency filled by individuals who made or participated in making governmental decisions, which could affect their personal financial interests. The Code also required individuals holding those positions to file annually disclosing certain personal interests.

The State required that each agency's Conflict of Interest Code be reviewed every other year in the even numbered year to be certain that the list of filers was consistent with government code.

Staff reviewed the current list of filers with the City Attorney's office and proposed additions to the list of filers who must disclose under specific types of categories described in Form 700. The adoption of Resolution No. 2006-12 would bring Monrovia's Conflict of Interest Code current with respect to the Fair Political Practices Commission requirements by adding the members of the Community Services Commission and the Historic Preservation Commission and the positions of Library Division Manager, Neighborhood Preservation Manager, Battalion Chief and Police Captain. The resolution also incorporated by reference the standard Conflict of Interest Code prepared by the Fair Political Practices Commission (FPPC) and repealed the existing Conflict of Interest Code, Resolution No. 2002-89.

**\*5 Water and Sewer Main Replacement Project, Project No. C-2969, Total Project Amount of \$160,100 02, Acceptance of Work, Notice of Completion and Final Payment in the Amount of \$16,010 01 to Perry C. Thomas Construction, Inc**

This matter was approved by order of the Consent Calendar

The project replaced undersized and deteriorated welded steel and cast iron water mains, and abandoned and replaced an undersized sewer main in the alley west of Myrtle Avenue between Lemon Avenue and Colorado Boulevard

On September 20, 2005, the City Council awarded a contract to Perry C Thomas Construction, Incorporated, in the amount of \$146,719 00 The contractor started the water main replacement program in October and completed the work in early December 2005 In late November, the contractor started the sewer main replacement and completed the work in mid-January 2006 The sewer project had one change order in the amount of \$13,381 02

Total project cost was \$160,100 02, with \$75,532 00 taken from the Water Fund and \$84,468 02 taken from the Sewer Funds

Staff recommended that the City Council accept the contract work as completed by Perry C Thomas Construction (Monrovia, California) in the amount of \$160,100 02, approve one Change Order, direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder, and authorize the Director of Public Works to approve final payment thirty-five (35) days after filing of Notice of Completion with the County Recorder

**\*J. PAYROLL:** Payroll No 3 in the net amount of \$475,097 62 was approved by order of the Consent Calendar Vouchers would be approved at a subsequent meeting due to technical difficulties with the newly installed program

**K SCHEDULED MEETINGS**

Mayor Hammond announced that the next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, March 7, 2006, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California, and that Special Meetings were scheduled with the Library Board, Community Center, 7 00 P M , February 23, 2006, and for a fact finding mission and an Integrated Development Design Conference with Assemblymember Liu and others on February 24, 2006, 10 15 A M , City Council Chambers

**L. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED:** None

**M. ADJOURNMENT TO CLOSED SESSION:** None


**N RECONVENE AND REPORT OF CLOSED SESSION.** None

**O. ADJOURNMENT:** Mayor Hammond adjourned the Meeting at 9 51 P M

APPROVED

  
Rob Hammond, Mayor

ATTEST

  
Linda B Proctor, MMC, City Clerk