

**MINUTES OF THE REGULAR MEETING OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, MAY 19, 2009, 7:30 P.M.**

**CONVENE:** Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, May 19, 2009, at 7 35 P M , in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, 6 00 P M , and a Salute to Service Program, 7 00 P M . In attendance were City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

**INVOCATION:** Pastor Dorothy Scott gave the Invocation

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

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

**REPORT OF CLOSED SESSION:**

**RCS-1 Meet and Confer Pursuant to Government Code §54957.6; All Groups:** City Attorney reported that Closed Session convened at 6 00 P M and adjourned at 7 00 P M , and that no reportable action was taken

**PRESENTATIONS/PROCLAMATIONS:**

**PR-1 Proclaiming May 20, 2009 as "Marion Melon Day" in the City of Monrovia in Celebrating her 100<sup>th</sup> Birthday:** On May 10, 2009, Marion Mellon, born in 1909, became a centenarian. In celebration of her 100th birthday, the Mayor and City Council proclaimed May 20, 2009 as "Marion Mellon Day" and asked the citizens of Monrovia to join them in wishing her many more years of continuing good health and extraordinary vitality

**PR-2 Proclaiming the Month of May 2009 as "Older Americans Month":** In recognition of the contributions of the senior citizens of Monrovia, the Mayor and City Council proclaimed the month of May 2009 as "Older Americans Month"

**PR-3 Recognition of 2009 Older American of the Year Alma Hall:** Community Services Commissioner and Senior Liaison Gloria Crudgington assisted the Mayor and City Council in recognizing the 2009 Older American of the Year Alma Hall

**PR-4 Recognition of Father Charles Ramirez, Immaculate Conception Church:** Father Charles Ramirez was transferring from Immaculate Conception Church in Monrovia to Our Lady of Assumption Church in Claremont, effective July 1, 2009. Father Charles had served Monrovia for nearly twenty years. Throughout his tenure with IC, Father Charles had been a vocal community leader and involved in the various issues impacting Monrovia. Especially during the escalation in gang violence in the winter of 2008, Father Charles demonstrated his considerable skills and abilities as a both a spiritual and community leader. His support, enthusiasm and faith would be missed.

**PR-5 Recognition of Carole Anne Kaufman, 2008 and 2009 Women's International Whistling Grande Champion:** The Mayor and City Council recognized Monrovia resident Carole Anne Kaufman for her accomplishments as 2008 and 2009 Women's International Whistling Grande Champion. In addition to competing on the international stage, Carole had been busy with her many other professional and creative pursuits, including her hair salon in Monrovia and performing comedy improvisation in Los Angeles for over fifteen years with renowned troupes such as Los Angeles Theatre Sports and Los Angeles Comedy Sportz. Carole was also honored to support the Monrovia Relay for Life as emcee for the cancer fund raising event. A strong believer in the human right to happiness, she was dedicated to living life to its utmost potential and making a contribution to the world. She demonstrated her prowess by whistling her rendition of the song "It's Now or Never."

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** There was no representative in attendance

**CONSENT CALENDAR:** It was moved by Councilmember Garcia, seconded by Councilmember Adams, to approve the Consent Calendar. Councilmembers Shaw, Shevlin, Adams abstained on CC-1, as they had not been in attendance. There were no objections. The Consent Calendar consisted of the following Agenda items:

**CC-1 Unadopted Minutes of the May 5, 2009 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll No. 10 in the Amount of \$578,131.68 and Voucher Nos. 158264 through 158531 in the Amount of \$1,899,986.86**

**CC-3 Certificate of Authorized Officials for Signing Official Documents; Resolution No. 2009-19:** Resolution No. 2009-19 identified the authorized officials who were qualified and could conduct either banking or custodial transactions, or sign documents on the City's behalf. This listing was a standard procedure for banking, custodial operations, and all other official city business, and permitted agencies to execute transactions after an authorized official has provided direction.

**CC-4 Approval of Mills Act Contract MA-10 for Historic Landmark HL-52 Located at 312 Wildrose Avenue by Robert L. Martin, Owner:** On October 21, 2003, the City Council adopted Resolution No. 2003-62 designating the property at 312 Wildrose Avenue as Historic Landmark No. 52 (HL-52). Although owners of locally designated landmarks were eligible for a Mills Act Contract, the owner decided not to apply at that time. As the house was in very good condition, the set standards and conditions would be applied. Additionally, a condition was added to repair the grout on the stonework. As a result of the approval of the Mills Act Contract, it was estimated that the City would not realize approximately \$1,120.00 per year in property tax revenues.

**CC-5 Agreement with the City of Bradbury to Provide Transportation Services on Monrovia Transit Dial-a-Ride:** The City of Monrovia operated a dial-a-ride system providing transit service to riders in Monrovia and the County area to the south which includes the Duarte, Monrovia, Arcadia, and El Monte County Islands. The proposed expansion of dial-a-ride services to Bradbury would offer more public transportation opportunities in the area, and provided a viable alternative to the single passenger automobile. The term of this agreement was for one year. Bradbury would reimburse Monrovia for its fair share of the service. As this was a new service, the level of usage could only be estimated. Staff included provisions that would guarantee a minimum monthly reimbursement which would cover the cost of the service provided as well as the Staff time to administer the agreement. If the service proved to be mutually beneficial, the agreement allowed for two, one-year extensions and allowed renegotiation of each extension to ensure that the terms remain equitable.

**CC-6 Monrovia Public Library Project; Acceptance of Work, Approve Change Orders, Notice of Completion and Release of Retention for Bid Packages ML-03, Structural Steel to Columbia Steel for a Total Contract Amount of \$1,392,561.85; ML-04, Plumbing and Site Utilities to Continental Plumbing, Inc., for a Total Contract Amount of \$374,967.00; ML-08, Site Fire Protection to Advance Fire Protection for a Total Contract Amount of \$118,246.00; ML-09, HVAC to Cool Air Supply, Inc., for a Total Contract Amount of \$626,366.00; ML-10, Electrical to Berg Electrical for a Total Contract Amount of \$1,469,845.86; ML-14, Millwork, to MAJ International, Inc., for a Total Contract Amount of \$457,530.61; ML-15, Ceramic Tile to Stoneware Tile, Inc., for a Total Contract Amount of \$46,025.00; ML-18, Trenching to Atlas-Allied, Inc., for a Total Contract Amount of \$112,904.79; and ML-19, Demolition to Specialized Environmental, Inc., for a Total Contract Amount of \$17,000.00:**

In the spring and summer of 2008, the City Council awarded contracts to the above listed contractors to complete the construction of the new library building. Staff and Bernard's confirmed completion of the project and recommended accepting the work, approving the change orders and issuing the notice of completions.

**CC-7 Denial of Claim; Joseph Nyerges vs. City of Monrovia:** Joseph Nyerges alleged that on April 2, 2009, he parked by Library Park and got a flat tire. He alleged that the nail was part of debris from the contractor constructing the new Library. Work at the location in question was performed by a private contractor. Therefore, the City bore no responsibility for this matter.

**CC-8 Legislative Bulletin:** This report highlighted and summarized pending State legislation that might be important to Monrovia and provided a brief analysis of the potential impacts to the City. The recommendations made by Staff reflect the City's priorities and programs, as well as the direction taken by the League of California Cities. Staff recommended approval of the Legislative Bulletin and directed

Staff to contact Monrovia's elected representatives for their support as follows Support, SB696, SB652, Oppose, SB355, AB1004

**PUBLIC INPUT**

- 1 Debbie Martinez, Monrovia
- 2 Cyrus Kemp, Monrovia

In response to Speaker No 2's stated concerns, City Manager Ochoa stated that he would address the residential flyers and advertising distributed by solicitors in his next Weekly Report.

**PUBLIC HEARINGS/MEETINGS:****PH-1 Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Pertaining to Regulations for the HCD (Historic Commercial Downtown) Zone, Introduction and First Reading of Ordinance No. 2009-01**

Principal Planner Craig Jimenez reviewed the Staff Report

A phased update and organizational streamlining of the Zoning Ordinance was in the Planning Division Strategic Plan. The first component of the update as presented in this proposed ordinance was related to regulations for the HCD (Historic Commercial Downtown) Zone. The HCD Zone was comprised of all properties with Myrtle Avenue frontage from Foothill to Olive (with the exception of the Foothill Park Plaza and Library Park)

As currently structured, the Zoning Ordinance was organized primarily by topic. The proposed ordinance consolidated many of the regulations for the HCD Zone into a single chapter which would facilitate its use by both Staff and the public. New provisions proposed were the addition of "Antique Store" to the use chart and definitions as outlined in the Staff Report.

The proposed code amendment consolidated the majority of the regulations for the HCD zone into a single chapter of the Zoning Ordinance, but did not significantly alter existing regulations. It added several additional permitted and conditionally permitted uses to Old Town and included topics not currently addressed at all, such as residential development standards and building height. The ordinance was also designed to reduce existing non-conforming uses. The regulations pertaining to security devices were crafted to address the concerns raised by the Planning Commission and incorporated the input received from MOTAB. At its meeting of April 15, 2009, the Planning Commission adopted Planning Commission Resolution No. 2009-01 approving and recommending approval of Ordinance No. 2009-01 to the City Council.

Discussion ensued. Councilmember Adams requested that gender specific references be deleted from the Ordinance.

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

Those speaking

- 1 Cyrus Kemp, Monrovia

In response to Speaker No. 1, City Attorney Steele explained that the CUP went with the land.

**PUBLIC HEARING CLOSED:** Mayor Lutz 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 introduce, waive further reading, and read by title only Ordinance No. 2009-01 as amended.

**ROLL CALL:**

**Ayes:** Councilmembers Adams, Garcia, Shaw, Shevlin, and Mayor Lutz

**Motion carried:** 5-0

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

**MRA CONVENE:** Chairman Mary Ann Lutz convened the Meeting of May 19, 2009, of the Monrovia Redevelopment Agency Board of Directors at 8 35 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, Clarence R Shaw, Becky A Shevlin, and Chairman Mary Ann Lutz

**MRA CONSENT CALENDAR:** It was moved by Boardmember Adams, seconded by Councilmember Shevlin, to approve the Consent Calendar. Boardmember Adams abstained as he had not been in attendance at the Meeting There were no objections The Consent Calendar consisted of the following item

**MRA CC-1: Unadopted Minutes of the May 5, 2009 Regular Meeting of the Monrovia Redevelopment Agency**

**ROLL CALL:** Ayes: Boardmembers Garcia, Shaw, Shevlin, and Chairman Lutz  
A Abstain: Boardmember Adams  
Motion carried: 4-0-1

**MRA PUBLIC HEARINGS/MEETINGS:** None

**MRA ADMINISTRATIVE REPORTS:** None

**MRA ADJOURNMENT:** Chairman Lutz adjourned the Meeting at 8 36 P M

#### RECONVENE MONROVIA CITY COUNCIL MEETING

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

##### **RCC-1 Mayor Lutz reported that**

(a) Appointment of Mayor Pro Tem

**It was moved by Councilmember Garcia, seconded by Councilmember Shaw, to appoint Councilmember Adams as Mayor Pro Tem for a two year period.** There were no objections

(b) City Council Assignments for 2009-11 Mayor Lutz appointed the City Council Assignments for the two-year period Alternates would be appointed at the June 2, 2009 City Council Meeting

(c) Receive and File, Election Date, Filling of Vacancies, Municipal Code Update City Manager Ochoa, with the aid of PowerPoint, reviewed City elections since the 1968, noting that the election month had moved back and forth from March to April over the years The filing of vacancies remained status quo as under General Law Cities regulations, the City did not have the option of customizing voting laws to facilitate the automatic selection of a third place candidate The City Council directed Staff to bring back in the summer of 2010 discussion on the possibility of moving the election date back to March

(d) Solid Waste Sub-Committee Update A PowerPoint presentation was given by City Manager Ochoa, briefly updating information from the Solid Waste Sub-committee focused on the renegotiation of the exclusive residential waste franchise agreement with Athens Services A new franchise agreement was planned for inclusion on the Agenda in June or July, 2009

##### **RCC-2 Councilmember Adams reported that**

(a) The Week of May 17-23 2009 was proclaimed as "National Public Works Week "

(b) National League of Cities Prescription Discount Card Program The NLC was sponsoring a program in which national retail pharmacies were offering discount cards that could be used to offset the cost of goods and services including prescription drugs which required the City to distribute the cards through various City facilities He thanked resident Pat Dunlap for bringing the item to his attention The City Council directed Staff to place the matter on an upcoming agenda for formal discussion

##### **RCC-3 Councilmember Joe Garcia reported that**

(a) He requested that a resolution of financial hardship be agendized for the next Meeting due to the State's purported intent to raid the City coffers again Councilmember Shaw asked that the resolution be available to accompany members of the City Council to Sacramento the following day

**RCC-4 Councilmember Clarence R. Shaw** had no report at this time

**RCC-5 Councilmember Becky A. Shevlin** reported that

- (a) A Chamber of Commerce Mixer would be held Thursday, May 21st 5 30 to 7 30 P M at the Montecito Fine Arts College of Design, 121 East Huntington Drive
- (b) The Monrovia High School Talent Show was scheduled for May 21, 2009, 6 00 P M
- (c) She enjoyed the Monrovia Day Parade on May 16, 2009 and liked Thursday evenings for future parades

#### **ADMINISTRATIVE REPORTS**

**AR-1 Renewal of Agreement with Community Media of the Foothills for Public Access, Governmental and Educational Cable Television Production and Cablecasting for Fiscal Years 2009-10, 2010-11 and 2011-12**

Public Information Officer/Deputy City Manager Dick Singer reviewed Staff Report

The City had a three-year agreement with Community Media of the Foothills (CMF) to provide Public Access, Education and Government (PEG) video services to the community That agreement would expire in June, 2009 The agreement specified the services to be provided by CMF and the funding sources and mechanisms to pay for them Over the past year, the Board and staff at CMF had made considerable advances in programming, technology and professionalism Staff recommended a three-year extension of the current agreement

CMF Board Chair Bob Melisso and Interim Executive Director Lance Mungia provided input to the City Council regarding CMF's activities and events

#### **PUBLIC INPUT**

- 1 Cyrus Kemp, Monrovia, opposed
- 2 Dorothy Kelty, Monrovia opposed

After much discussion, the City Council continued the matter until CMF could demonstrate that it had appropriate controls in place to handle public records requests and complaints The Council also took issue with a \$25 00 membership fee currently charged, enabling only those who paid the fee to vote, and directed that the fee should be a donation versus a mandated fee

#### **SCHEDULED MEETINGS**

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, June 2, 2009, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Budget Study Session, City Council Chambers, 5 30 P M

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

**ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: None**

**ADJOURNMENT TO CLOSED SESSION:** At 10 34 P M , Mayor Lutz adjourned the Meeting to Closed Session in memory of Gladys Stewart, Mother of Redevelopment Division Manager Kevin O'Brien, Michael Ostrye, Son of Former Mayor Patricia Ostrye, Teresa Villegas, Mother of Community Services Employee Jessie Cote, and Wes Goshorn, Long-time Resident and Businessman of Monrovia, noting that the City Council would reconvene the City Council Meeting to report on Closed Session Closed Sessions items were

**ACS-1 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Hillside Wilderness Preservation Campaign Group, a California unincorporated association, and Thomas A. Suess, an individual, vs. City of Monrovia, BS119186**

**ACS-2 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Rudy Ramirez vs. City of Monrovia, BC391514**

**RECONVENE AND REPORT OF CLOSED SESSION:** At 11 30 P M , Mayor Lutz reconvened the City Council Meeting City Attorney Steele reported that no reportable action was taken in Closed Session on either items

**RCS-1 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Hillside Wilderness Preservation Campaign Group, a California unincorporated association, and Thomas A. Suess, an individual, vs. City of Monrovia, BS119186**

**RCS-2 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Rudy Ramirez vs. City of Monrovia, BC391514**

**ADJOURNMENT:** At 11 30 P M , Mayor Lutz adjourned the Meeting

ATTEST:   
Linda B Proctor, MMC, City Clerk

APPROVED   
Mary Ann Lutz, Mayor