

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JUNE 21, 2011, 7:30 P.M.**

CONVENE: Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, June 21, 2011, at 7:30 p.m., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of Berlyn Riley Barakeh, born June 3, 2011, to Mike and Lisa Barakeh, preceded by a Closed Session, 6:32 p.m., at which all Councilmembers were present to discuss: CS-1 Real Property Negotiations Pursuant to Government Code §54956.8; Negotiating parties: Redevelopment Sr. Project Manager, City Manager, and Agency Attorney Under Negotiation: Price and Terms of Payment for the Following Properties: (1) Real property located at 1714 South California Avenue and Identified as Assessor's Parcel Number 8513-012-908; (2) Real property located at 1620 South California Avenue and Identified as Assessor's Parcel Number 8513-012-909; (3) Real property located at 475 East Duarte Road and Identified as Assessor's Parcel Number 8513-012-910; (4) Real Property located at 1616 South California Avenue and Identified as Assessor's Parcel Number 8513-012-911 & 912; and (5) Real property Identified as Assessor's Parcel Number 8513-012-913; CS-2 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Excalibur Property Holdings, LLC, a California Limited Liability Company, and George W. Brokate, an Individual, BS129985; and CS-3 Real Property Negotiations Pursuant to Government Code §54956.8; Negotiating parties: Redevelopment Sr. Project Manager, City Manager, and Agency Attorney Under Negotiation: Price and Terms of Payment for the Following Properties: (1) Real property located at 1622 South Magnolia Avenue and Identified as Assessor's Parcel Number 8507-003-917; (2) Real property located at 204 West Pomona Avenue and Identified as Assessor's Parcel Number 8507-003-919; (3) Real property located at 200 West Pomona Avenue and Identified as Assessor's Parcel Number 8507-003-920; and (4) Real property located at 1675 South Primrose Avenue and Identified as Assessor's Parcel Number 8507-003-918. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

PRESENTATION OF COLORS: Boy Scout Troop 185 sponsored by the Duarte Elks Lodge 1427 presented the colors.

INVOCATION: Damon Colaluca led the invocation.

PLEDGE OF ALLEGIANCE: Eagle Scout Jeffrey Ramos led the Pledge of Allegiance.

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

REPORT OF CLOSED SESSION:

RCS-1 Real Property Negotiations Pursuant to Government Code §54956.8; Negotiating parties: Redevelopment Sr. Project Manager, City Manager, and Agency Attorney Under Negotiation: Price and Terms of Payment for the Following Properties: (1) Real property located at 1714 South California Avenue and Identified as Assessor's Parcel Number 8513-012-908; (2) Real property located at 1620 South California Avenue and Identified as Assessor's Parcel Number 8513-012-909; (3) Real property located at 475 East Duarte Road and Identified as Assessor's Parcel Number 8513-012-910; (4) Real Property located at 1616 South California Avenue and Identified as Assessor's Parcel Number 8513-012-911 & 912; and (5) Real property Identified as Assessor's Parcel Number 8513-012-913: City Manager Scott Ochoa stated that there was no reportable action.

RCS-2 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Excalibur Property Holdings, LLC, a California Limited Liability Company, and George W. Brokate, an Individual, BS129985: City Manager Scott Ochoa stated that there was no reportable action.

RCS-3 Real Property Negotiations Pursuant to Government Code §54956.8; Negotiating parties: Redevelopment Sr. Project Manager, City Manager, and Agency Attorney Under Negotiation: Price and Terms of Payment for the Following Properties: (1) Real property located at 1622 South Magnolia Avenue and Identified as Assessor's Parcel Number 8507-003-917; (2) Real property located at 204 West Pomona Avenue and Identified as Assessor's Parcel Number 8507-003-919;

(3) Real property located at 200 West Pomona Avenue and Identified as Assessor's Parcel Number 8507-003-920; and (4) Real property located at 1675 South Primrose Avenue and Identified as Assessor's Parcel Number 8507-003-918: City Manager Scott Ochoa stated that there was no reportable action.

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Monrovia Eagle Scout Jeffrey Ramos: The Mayor and City Council recognized Jeffrey Ramos for his achievement of the rank of Eagle Scout and for his contribution to the community through his Leadership Service Project, the Fountain to the Falls trail.

PR-2 Proclaiming July 2011 as "Parks and Recreation Month": The Mayor and City Council presented a proclamation to Community Services Commission Vice Chair Tom Dittmar, recognizing that Parks and Recreation make lives and communities better.

PR-3 Recognition of sponsors for MAP Neighborhood Conference 2011: Dan McConnell, Neighborhood Services Coordinator, and Alexis Newell, Neighborhood Services Specialist, assisted the Mayor and City Council in recognizing the sponsors of the 2011 MAP Neighborhood Conference; Southern California Gas Company, Athens Services, Southern California Edison, Lunch Salon, Energy Upgrade California and Dolphin Rentals.

PR-4 Recognition of 2011 NUSA "Who's Who in America's Neighborhoods" Award Recipient, Larry Spicer, MAP Leader/Planning Commissioner; 2011 NUSA "Neighborhood of the Year" Third Place Award Recipient, Sherman Avenue Neighborhood; 2011 NUSA "Best Neighborhood Program: Second Place Award Recipient, Leadership Training & Development Academy (LTD); and 2011 NUSA "Neighborhood Newsletter" Silver Award of Excellence Recipient, MAP Newsletter: Dan McConnell, Neighborhood Services Coordinator, assisted the Mayor and City Council in recognizing the recent recipients of several Neighborhoods, USA (NUSA) awards. Each year the NUSA Board recognized the commitment of neighborhoods and neighborhood friendly individuals or enterprises in awarding "Neighborhood of the Year" (NOTY), Best Neighborhood Program and "Who's Who in America's Neighborhoods" Awards.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September.

ORDER OF BUSINESS: City Manager Scott Ochoa asked that item MRA PH-1 be moved up for consideration following Public Input.

CONSENT CALENDAR: It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Shaw, to approve the Consent Calendar. The motion carried unanimously. The Consent Calendar consisted of the following Agenda items:

CC-1 Unadopted Minutes of the June 7, 2011, Regular Meeting of the Monrovia City Council: The City Council approved the Minutes as presented.

CC-2 Payroll No. 12 in the Amount of \$501,864.58 and Voucher Nos. 171816 through 172017 in the Amount of \$1,209,595.94: The City Council approved the Payroll and Vouchers as presented.

CC-3 Extension of Contract – Second-year Option for Equipment Maintenance Services with Parking Company of America in an Amount not to Exceed \$95,680.00: The City Council approved a contract extension for the period ending June 30, 2012, with Parking Company of America for Equipment Maintenance Services in an amount not to exceed \$95,680.00.

CC-4 Extension of Contract – Second-year Option for Janitorial Services with Trinity Facility Services, Inc., in the Amount of \$268,825.00: The City Council approved a contract extension for the period ending June 30, 2012, with Trinity Facility Services, Inc., for Janitorial Services in the amount of \$268,825.00.

CC-5 2011-2012 Gann Appropriation Limit, Resolution No. 2011-24: The City Council adopted Resolution No. 2011-24.

CC-6 Fiscal Year 2011-2012 Citywide Lighting and Landscaping Maintenance Assessment District; Approval of Engineer's Report, Resolution No. 2011-18; and Intention of Public Hearing July 5, 2011, Resolution No. 2011-19: The City Council adopted Resolution Nos. 2011-18 and 2011-19.

CC-7 Fiscal Year 2011-2012 Park Maintenance Assessment District, Approval of Engineer's Report, Resolution Mp/ 2011-20, and Intention of Public Hearing on July 5, 2011, Resolution NO. 2011-21: The City Council adopted Resolutions Nos. 2011-20 and 2011-21.

CC-8 Award of Contract for Publication of Legal Advertisements to Beacon Media, Inc., for the Period Ending June 30, 2012: The City Council awarded a contract to Beacon Media, Inc., for the period ending June 30, 2012.

CC-9 Julian Fisher Park Grant Application for Proposition 84 Statewide Park Development and Community Revitalization Program of 2008 (Statewide Park Program) Funding; Resolution No. 2011-30: The City Council adopted Resolution No. 2011-30.

CC-10 Agreement with Monrovia Chamber of Commerce for Fiscal Year 2011-2012, Ending June 30, 2012: The City Council approved agreement with the Chamber of Commerce for Fiscal year 2011-2012 and authorized the City manager to execute the necessary documents.

CC-11 Annual Performance Review for the Exclusive Residential Solid Waste Franchise Agreement with Athens Services: The City Council received and filed the Athens Services 2010 Annual Performance Review for the Exclusive Residential Solid Waste Franchise Agreement.

CC-12 Athens Services Annual Service Rate Adjustments for the Collection of Residential Solid Waste, Pursuant to the Exclusive Residential Solid Waste Franchise Agreement, Resolution No. 2011-25: The City Council adopted Resolution No. 2011-25.

CC-13 Approval of Fund Balance Policy, Resolution No. 2011-32: The City Council adopted Resolution No. 2011-32.

CC-14 Acceptance of Grant Assistance Program (GAP) Funds from the Department of Alcoholic Beverage Control (ABC) in the Amount of \$20,000.00 for Training and Enforcement of Alcoholic Beverage Control Laws, Resolution No. 2011-33: The City Council adopted Resolution No. 2011-33.

PUBLIC INPUT

1. Rick Keshishi, Monrovia, Photoworks by Rick, Project One
2. Eloise Hart, Monrovia Duarte Black Alumni Association
3. Gwendolyn Jones, Monrovia

The following item was heard out of order.

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of June 21, 2011, of the Monrovia Redevelopment Agency Board of Directors at 8:13 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, Clarence R. Shaw, Becky A. Shevlin, Vice-Chairman Joe Garcia and Chairman Mary Ann Lutz.

MRA PUBLIC HEARINGS/MEETINGS

MRA-PH-1 Continued from June 7, 2011 – Joint Public Hearing; Purchase and Sale Agreement between the Monrovia Redevelopment Agency and the Metro Gold Line Foothill Extension Construction Authority for the Total Consideration of \$39,627,818.00; Resolution Nos. 7-2011 and 2011-22

On June 7, 2011, Staff presented the Staff Report for this item, the Public Hearing was opened, and testimony was received from members of the public. Following the close of the Public Hearing, the Council voted 4-1 to continue the matter to the June 21 meeting in order to allow the parties involved additional time to come to terms. There were no changes to the documents presented on June 7, 2011.

City Manager Ochoa stated that the Gold Line Construction Authority had request that the City Council and Agency Board postpone taking action on this item and GLCA would respond in kind by not initiating an eminent domain action on Monrovia at its special Board meeting schedule for July 5, 2011.

Boardmember Adams stated that he was in favor of the Gold Line extension but that the Maintenance and Operations Facility was a different subject, and it was his desire to abandon negotiations.

Vice Chairman Garcia opined that the legal matters were complicated but separate from the negotiations between the GLCA and the City of Monrovia. **It was moved by Vice Chairman Garcia, seconded by Boardmember Shevlin, to continue the matter to the July 5, 2011 Regular Meeting.**

Public Comment

1. Christopher Sutton, Representing Excalibur Property Holdings, LLC and George W. Brokate
2. Mark Lamb

In response to speaker no. 2, City Manager Ochoa clarified the terms of the 2004 Settlement Agreement. In response to the first speaker, City Manager Ochoa directed Mr. Sutton to address his concerns to the GLCA and restated the objectives maintained by the City over the past two years. He recommended the City Council and Agency Board continue the item.

Following discussion, roll call was taken and the motion to continue the matter to July 5, 2011, carried on the following vote: **AYES:** Boardmembers Shaw and Shevlin; Vice Chairman; Chairman Lutz. **NOES:** Boardmember Tem Adams.

RECONVENE MONROVIA CITY COUNCIL MEETING

PUBLIC HEARINGS / MEETINGS:

PH-1 General Plan Amendment GPA2011-01, Amending the Land Use Element, and Zone Change ZC2011-01, Amending Title 17 (Zoning) of the Monrovia Municipal Code to Change the Designations from Public/Quasi Public (P/QP) to Specific Plan (SP) and Adopting the Rose Gardens at Santa Teresita Specific Plan, for a Phased Development of Senior Housing and Care Facilities in the Cities of Monrovia (2.7 acres) and Duarte (9.3 acres); and Conditional Use Permit CUP2011-08 for the Construction of a 22-Unit Assisted Living Facility for Property Located at the Southeast Corner of Royal Oaks Drive and Sierra Terrace, APN 8530-001-059; Carmelite Sisters of Monrovia, Applicant; Resolution Nos. 2011-14 and 2011-35; Introduction and First Reading of Ordinance No. 2011-03

Craig Jimenez, Planning Division Manager, reviewed the Staff Report.

Members of the City Council raised questions regarding security, parking, construction mitigation, and noise.

Mayor Lutz opened the Public Hearing.

Public Input:

1. Alex Zucco, Monrovia, spoke in support of the project.
2. Applicant; Sister Mary Claire, CEO, Santa Teresita, spoke in support of the project and addressed questions posed by the City Council.
3. Erin Kennedy, Project Manager, spoke in support of the project.
4. David Gilmore, Monrovia, spoke with concerns regarding noise.
5. Chris Rooney, San Dimas, spoke in favor of the project.
6. David Lowes, Monrovia, spoke with concerns regarding access from Sierra Terrace.
7. James Walker, spoke with concerns regarding traffic mitigation.

Rebuttals:

1. Applicant; Sister Mary Claire spoke to address the concerns of the neighbors and the City Council.

Mayor Lutz closed the Public Hearing.

Following further discussion, **it was moved by Councilmember Shevlin, seconded by Councilmember Adams, to adopt Resolution Nos. 2011-14 and 2011-35; introduce, waive further reading, and read by title only Ordinance No. 2011-03; and approve CUP2011-08 subject to the amended Planning conditions on Data Sheet No. 1 and Public Works conditions on Data Sheet No. 2.** The motion carried unanimously.

City Attorney Steele read the title of Ordinance No. 2011-03 as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING SECTION 17.04.040 OF TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE TO CHANGE THE P/QP (PUBLIC/QUASI PUBLIC) ZONE DESIGNATION TO THE SP (SPECIFIC PLAN) ZONE ON THE OFFICIAL ZONING MAP FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ROYAL OAKS DRIVE AND SIERRA TERRACE (APN 8530-001-059) AND AMENDING SECTION 17.040.035 OF TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE BY ADDING THE ROSE GARDENS AT SANTA TERESITA SPECIFIC PLAN

PH-2 Amendment to Title 5 (Business Taxes, Licenses and Regulations) and Title 17 (Zoning) of the Monrovia Municipal Code Relating to Massage Regulations; Introduction and First Reading of Ordinance No. 2011-05

Sheila Spicer-Batice, Neighborhood Services Division Supervisor, will review the Staff Report.

Mayor Lutz opened and closed the Public Hearing as there was no one who wished to speak for or against the matter.

Following brief discussion, **it was moved by Mayor Pro Tem Garcia, seconded by Councilmember Shevlin, to introduce, waive further reading, and read by title only Ordinance No. 2011-05.** The motion carried unanimously.

City Attorney Steele read the title of Ordinance No. 2011-05 as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING CHAPTER 5.24 (MASSAGE ESTABLISHMENTS) OF TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) AND CHAPTERS 17.08 (PERMITTED USES), 17.14 (HISTORIC COMMERCIAL DOWNTOWN (HCD) ZONE), AND 17.44 (SPECIAL USES) OF TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO REGULATIONS FOR MASSAGE ESTABLISHMENTS

Mayor Lutz called a 10 minute recess at 9:40 p.m.

RECONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MRA CONSENT CALENDAR: It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Shaw to approve the Consent Calendar. The motion carried unanimously. The Consent Calendar consisted of the following Agenda item:

MRA CC-1 Unadopted Minutes of the June 7, 2011, Regular Meeting of the Monrovia Redevelopment Agency: The Agency Board approved the Minutes as presented.

MRA PUBLIC HEARINGS/MEETINGS:

MRA-PH-1 Continued from June 7, 2011 – Joint Public Hearing; Purchase and Sale Agreement between the Monrovia Redevelopment Agency and the Metro Gold Line Foothill Extension Construction Authority for the Total Consideration of \$39,627,818.00; Resolution Nos. 7-2011 and 2011-22

This item was heard out of order following Public Input above.

MRA ADMINISTRATIVE REPORTS:

MRA-1 Adoption of 2011-2013 Fiscal Years Budget, Resolution No. 8-2011

Mark Alvarado, Director of Finance, reviewed the Staff Report.

It was moved by Boardmember Adams, seconded by Boardmember Shevlin, to adopt Resolution No. 8-2011. The motion carried unanimously

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 10:00 P.M.

**CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT
ADJOURNING CITY COUNCIL MEETING**

MFA CONVENE: President Mary Ann Lutz convened the Meeting of June 21, 2011, of the Monrovia Financing Authority Board of Directors at 10:01 p.m. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

MFA ROLL CALL: Those in attendance were Commissioners Adams, Shaw, Shevlin, Vice-President Garcia and President Lutz

It was moved by Vice-President Garcia, seconded by Commissioner Shaw, to approve the Consent Calendar. The motion carried. The Consent Calendar consisted of the following item:

MFA CC-1 Adoption of Fiscal Years 2011-2013 Budget, Resolution No. A2011-02: The Authority Board adopted Resolution No. A-2011-02.

MFA ADJOURNMENT: President Lutz adjourned the Meeting at 10:02 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

RCC-1 Mayor Lutz reported on:

(a) Redevelopment Elimination Update; City Manager Ochoa gave a brief update.

(b) **Appointment of Community Services, Historic Preservation, and Planning Commissioners, Library and Monrovia Old Town Advisory Board Boardmembers:** It was moved by Mayor Lutz, seconded by Councilmember Shevlin, to make the following appointments: to the Planning Commission, the reappointment of Eric Faith and the appointment of Scott Austin and Carlos Parrague to the Commission for a term of three years; to the Historic Preservation Commission, the reappointment of Jimi Hendrix and Javier Gonzalez-Camarillo to the Commission for a term of three years; to the Community Services Commission the reappointment of Phil Lopez and the appointment of Genia Mills to the Commission for a term of three years; to the Library Board the reappointment of John Carlson and the appointment of Janet Wall to the Board for a term of three years; to the Monrovia Old Town Advisory Board (MOTAB), the reappointment of Brian Whelan and Betty Sanford to the board for a term of two years. The motion carried unanimously.

(c) **Fourth of July Events Update:** April Soash gave a brief update on plans for celebrations and KGEM played a brief video presentation from the 2010 events.

(d) She stated she would report back at the next Council Meeting on her attendance at the U.S. Conference of Mayors annual meeting.

RCC-2 Mayor Pro Tem Garcia had no report.

RCC-3 Councilmember Adams had no report.

RCC-4 Councilmember Shaw reported on:

(a) He was informed that he would be called soon for what likely would be a 12 month tour of duty; he thanked his colleagues and the community for their support.

RCC-5 Councilmember Shevlin reported on:

- (a) She wished everyone a happy summer and encouraged the community to check out the programs and activities through the Community Services Department.
- (b) She encouraged the community attend events in Old Town.

ADMINISTRATIVE REPORTS:

AR-1 Adoption of Fiscal Years 2011-2013 Budget, Resolution No. 2011-26, and 2011-2012 Fees and Charges, Resolution No. 2011-27

Mark Alvarado, Director of Finance, reviewed the Staff Report.

Councilmember Adams reminded Staff that he had requested open reporting of employee separation payouts. Director Alvarado stated that Staff had been evaluating processes and reporting would being in the new fiscal year as a line on the Staff Report related to payroll and vouchers.

Following brief discussion, **it was moved by Mayor Pro Tem Garcia, seconded by Councilmember Shaw, to adopt Resolution Nos. 2011-26 and 2011-27.**

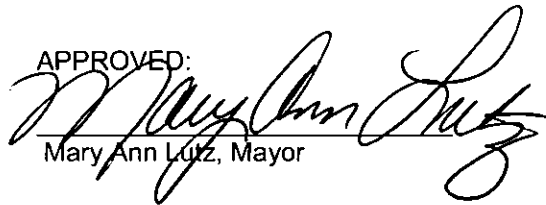
SCHEDULED MEETINGS: The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, July 5, 2011, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

PUBLIC INPUT, CONTINUED, IF NEEDED: None.

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: None.

ADJOURNMENT: At 10:39 p.m. Mayor Lutz adjourned the Meeting in memory of Sara Maloney, Mother of Brianna and John Maloney; Richard Beal, Former City Manager; and Mimi Mency, lifetime resident, former School Board Member, Community Services Commissioner, Planning Commissioner, and community activist and volunteer.

APPROVED:



Mary Ann Lutz, Mayor

ATTEST:



Alice D. Atkins, CMC, City Clerk