

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JUNE 15, 2004, 7 30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, June 15, 2004 at 7 38 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Salute to Service Program, 7 00 P M, in City Council Chambers Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION Monrovia Police Chaplain Sylvia Van Doren led the Invocation

PLEDGE OF ALLEGIANCE Mayor Rob Hammond 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) None

PRESENTATIONS

1 Introduction of Newly Hired Police Department Personnel, Police Officers Nancy Lanoy and Gregory Gallin

Police Chief Roger Johnson introduced newly hired Police Officers Nancy Lanoy and Gregory Gallin to the Mayor, City Council and the community

2 Recognition of Police Department Agent Glen Coleman as Recipient of the 2004 Heart in Hand Humanitarian Award

Agent Glen Coleman, Monrovia Police Department, was the recipient of the Foothill Unity Center's 2004 Heart in Hand Humanitarian Award Agent Coleman was honored at the June 9, 2004 Seventh Annual Golden Plate Awards Luncheon at the Monrovia Holiday Inn

Mayor Hammond introduced Agent Coleman to the City Council and the Community, and presented him with a plaque of recognition

PROCLAMATIONS None

STUDENT GOVERNMENT REPRESENTATIVE REPORT To resume in September

A CONSENT CALENDAR

Cyrus Kemp, Monrovia, requested that Item *I-11 be removed from the Consent Calendar

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to approve the Consent Calendar consisting of Items *I-8, *I-9, *I-10, *I-12, *I-13, and *J

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

***B MINUTES** None

C ORAL COMMUNICATIONS

1 Pattie Tellez, Executive Director of Monrovia Volunteer Center, and Lisa Magno, 'Leven Oaks Assisted Living Facility, informed the City Council that the Meals on Wheels Program was alive and well, even though the Monrovia Community Hospital that provided the meals had closed Ms Tellez reported that she had contracted with 'Leven Oaks to provide the meals needed to serve those Meals on Wheels clients

2 Jasen Lewis, Executive Director, Community Media of the Foothills, KGEM, announced the upcoming Blood Drive, noting that those wishing to schedule an appointment could access givelife.org

3 Chuck Keen, Monrovia, American Legion Post 44, stated that he was working with the Blue Star Family Support Group in contacting individuals to write messages in provided postcards to the service men and women. The postcards would be forwarded to them by the Blue Star Family Support Group.

4 Cyrus Kemp, Monrovia, expressed his concern regarding the Trails Committee and the territory it was covering in its meetings. He requested that the City Council decide on what the Committee could and should discuss.

D PUBLIC HEARINGS/MEETINGS

1 2004-2005 Fiscal Year Citywide Lighting and Landscaping Maintenance District, Resolution No 2004-36

Dave Fike, Director of Public Works, reviewed the Staff Report

In connection with the annual review of the Citywide Lighting and Landscaping Maintenance Assessment District, a Public Hearing for the fiscal year 2004-2005 Citywide Lighting and Landscaping Maintenance Assessment District to confirm the assessment and levying of the assessment was necessary.

The Citywide Lighting and Landscaping Maintenance District provided funding for maintenance of public street lighting and traffic signals, maintenance of street trees, maintenance of landscaping in street median and parkway areas (Myrtle Avenue, Huntington Drive, Cypress Avenue and Maple Avenue), and maintenance of landscaping of parkway areas for the Gold Hills development.

The recommended assessment for fiscal year 2004-2005 for a typical single family dwelling was \$56.23.

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

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to adopt Resolution No 2004-36

ROLL CALL

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

2 2004-2005 Fiscal Year Park Maintenance Assessment District, Resolution No 2004-37

David Fike, Director of Public Works, reviewed the Staff Report

In connection with the annual review of the Park Maintenance Assessment District, a Public Hearing for the fiscal year 2004-2005 Park Maintenance Assessment District to confirm the assessment and levying of the assessment was necessary.

The Park Maintenance District provided funding for the maintenance of Canyon, Library, Recreation, Rotary, Olive Avenue, Julian Fisher, and Grand Avenue Parks.

The recommended assessment for fiscal year 2004-2005 for a typical single family dwelling was \$8.78, an increase of \$0.16 from the Fiscal Year 2003-2004.

PUBLIC HEARING OPENED AND CLOSED Mayor Hammond opened 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 Councilmember Lutz, to adopt Resolution No 2004-37 There were no objections.

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

CONVENE Chairman Rob Hammond convened the Regular Meeting of June 15, 2004 of the Monrovia Redevelopment Agency Board of Directors at 7 58 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 None

***B MINUTES** None

MRA REPORTS

1 Adoption of Fiscal Year 2004-2005 Budget, Resolution No 5-2003

Mark Alvarado, Director of Finance, reviewed the Staff Report

All of the Agency's funds were projected to end the 2004-05 budget year with a positive fund balance The projected tax increment revenue (property tax) to be received was sufficient to pay all current debt service payments due on the 1998A, 1998B 2002, and 2003 Bonds, as well as the Zions National Bank loan This revenue stream was reduced based on an agreement between the Redevelopment Agency and the County of Los Angeles (including the Los Angeles County Flood Control District)

As part of the State of California's budget process for the 2004-05 fiscal year, the State decided to continue with an Educational Revenue Augmentation Fund ("ERAF") takeaway from Redevelopment Agencies The State took away property tax revenue in the amount of \$155,000 00 in 2002-03, and \$280,000 00 in 2003-04 It was projected that this ERAF shift would be increased for the 2004-05 fiscal year This was estimated to be \$600,000 00 This reduction in property tax revenue was accounted for in the 2004-05 budget

The Low and Moderate Income Housing Fund was mandated by law to receive 20% of every tax increment dollar received by the Agency Beginning with fiscal year 1998-99, a portion of this 20% tax increment was pledged as debt service payments for the 1998A and B Bonds The Housing Fund received approximately \$5,000,000 00 in bond proceeds, in fiscal year 1998-99 as part of the 1998A and B Bonds refinancing The Housing Fund was projected to receive approximately \$400,000 00 in tax increment revenue after the debt service obligations had been met

The bond proceeds referred to above had been, and would continue to be used to create affordable housing in the community The projected sale of the fourth Student Housing 101 project was estimated to generate approximately \$200,000 00 in revenue in fiscal year 2004-05 The Duarte Road/Magnolia Avenue housing project was also scheduled to be completed

Lastly, the Economic Development Fund was scheduled to move forward with many projects

It was moved by Vice Chairman Garcia, seconded by Boardmember Lutz, to adopt the Fiscal Year 2004-2005 Budget and Resolution No 5-2004

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 06 P M and the City Council Meeting continued

CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE President Rob Hammond convened the Regular Meeting of June 15, 2004 of the Monrovia Financing Authority Board of Directors at 8 06 P M in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

ROLL CALL In attendance were Authority Commissioners Tom Adams, Dan Kirby, Lutz, Vice-President Joe Garcia, and President Rob Hammond

A CONSENT CALENDAR It was moved by Authority Commissioner Adams, seconded by Vice President Garcia, to adopt *MFA-1 There were no objections

***B MINUTES** None

MFA REPORTS

***1 Adoption of Fiscal Year 2004-2005 Budget, Resolution No A2004-01**

This matter was approved by order of the Consent Calendar

In 1996, the City created through a Joint Powers Authority, the Monrovia Financing Authority (MFA) This was done in order to successfully refinance an obligation of the Water Fund A Department of Water Resources (DWR) loan was secured by the City in 1982 under the Safe Drinking Water Bond Law of 1976 The DWR loan was used to construct water system improvements in the northern section of town By refinancing in 1996, the City was able to reduce interest costs, thus saving the Water Fund approximately \$19,000 per year in operating expenses

The outstanding portion of the DWR Loan on June 30, 2004 was \$790,297 00 Annual debt service of \$124,206 00 was to be made in semi-annual installments in fiscal year 2004-05 The attached budget schedule reflected the sources and uses of funds Each year, the MFA would meet the debt obligations, and was not expected to retain any residual monies at year-end Staff recommended adoption of the Budget

ADJOURNMENT President Hammond adjourned the Monrovia Financing Authority Meeting at 8 07 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS

1 Award of One-Year Contract to Core Media Group, Inc for Publication of Legal Advertisements for the Period Ending June 30, 2005

City Clerk Linda Proctor reviewed the Staff Report

In accordance with Public Contract Code §20169, annually, before the beginning of the fiscal year in cities where there was more than one newspaper of general circulation, a notice inviting bids for a contract for the publication of legal notices was required to be published in such a newspaper, and a subsequent contract must be awarded by the City Council by June 30th

A bid package was sent to all three of the City's adjudicated newspapers On May 6, 2004, a request for proposal (RFP) was published in The Monrovia Mountain Views, our current contractor

Three bids were received representing each of the newspapers listed above However, the bid from the Mountain Views was received two and a half hours after the appropriate time given in the legal advertisement Upon consultation with the City Attorney, the bid was returned to the sender unopened with a letter of explanation Mountain Views protested that action

Included in the RFP was a request to submit an actual ad as submitted by the City Clerk's Office with the cost noted The Monrovia Weekly, to be published on Monday and Thursday, required a 2 business day submission lead time, noon, one day prior to publishing retraction lead time, and submitted a cost for the ad of \$15 30 The Star - Monrovia NewsPost, to be published on Sunday, required a 3 business day submission lead time, 4 00 P M , 2 days prior to publishing retraction lead time, and submitted a cost for the ad of \$29 60 With the proposal was the Pasadena Star News, published daily, requiring 3 business days submission lead time, 10 00 A M , 1 day prior to publishing retraction lead time, and a \$66 60 cost for the ad

Staff recommended that the contract be awarded to Core Media Group, Inc , The Monrovia Weekly

After discussion, it was moved by Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to award a contract to the Core Media Group, Inc , The Monrovia Weekly, for the publication of legal advertisements for the period ending June 30, 2005 There were no objections

As Mr Kemp had requested to speak to this item, it was moved by Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to reconsider There were no objections

Cyrus Kemp, Monrovia expressed his positive opinion as to the award of bid to Core Media, and thanked Mayor Hammond and City Attorney Steele for their assistance Mayor Hammond assured Mr Kemp that he and the City Attorney had not spoken about the award of bid and had nothing to do with the award of bid

It was moved by Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to award a contract to the Core Media Group, Inc , The Monrovia Weekly, for the publication of legal advertisements for the period ending June 30, 2005 There were no objections

F COMMUNICATIONS AND PETITIONS None

***1 Denial of Liability Claim, State Farm Insurance vs City of Monrovia**

This matter was approved by order of the Consent Calendar

State Farm Insurance presented this claim based on costs it incurred on behalf of its insured, David Dennis On November 25, 2003 a canopy blew down during a windstorm and damaged Mr Dennis' vehicle There was no evidence the City knew the winds were going to be of such a magnitude and intensity that they could cause the canopy to come into contact with Mr Dennis' vehicle State Farm failed to establish that the canopy was in a dangerous condition at the time of the incident as required per Government Code Section 835 Staff recommended that the City Council deny this claim

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1 Mayor Hammond reported that

(a) Appointment of Commissions/Boards for Three-Year Terms, Gloria Crudgington, Karen Sutherland and Matt Ward to Community Services Commission, Steve Baker and Penny Zuk to Historic Preservation Commission, Hany Malak and Ed Zoolalian to Planning Commission, and Kathy Knudsen, Charlotte Schamadan, and Amit Sen to Library Board

Mayor Hammond removed the two-year appointments to the MOTAB to be rescheduled at a subsequent meeting

It was moved by Councilmember Kirby, seconded by Councilmember Adams, to appoint Gloria Crudgington, Karen Sutherland and Matt Ward to the Community Services Commission for one three-year term There were no objections

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to appoint Steve Baker and Penny Zuk to the Historic Preservation Commission for one three-year term There were no objections

It was moved by Councilmember Lutz, seconded by Councilmember Kirby, to appoint Hany Malak and Ed Zoolalian to the Planning Commission for one three-year term There were no objections

It was moved by Mayor Pro Tem Garcia, seconded by City Councilmember Lutz, to appoint Kathy Knudsen, Charlotte Schamadan and Amit Sent to the Library Board for one three-year term There were no objections

(b) Support of AB712 (Liu), Metro Gold Line Authority, and Opposition of AB2702 (Steinberg), Housing

Mayor Hammond instructed Staff to write letters of opposition to AB2702, and letters of support for AB712

(c) He attended Monroe Elementary School's retirement party today for three of its teachers

(d) He was attending Monrovia High School graduation exercises tomorrow night, at which his daughter would be graduating

2 Mayor Pro Tem Garcia reported that

(a) He explained the newly formed Parent Patrol Volunteer program in use on Friday evenings at the Family Festival. He asked that more parents and adults in the community become involved by contacting Chief Roger Johnson. Captain Don Lacher reported that there was a calming effect by having the volunteers there.

(b) This Sunday was the beginning of the Family Concert series which would continue throughout the summer.

3 Councilmember Adams had no report at this time.

4 Councilmember Kirby reported that

(a) He invited all to attend the 4th of July Celebration on Myrtle Avenue sponsored by the Monrovia Old Town merchants.

5 Councilmember Lutz reported that

(a) She attended the Southern California Association of Governments Fourth Annual Summit recently, and explained its goal.

(b) She attended Monrovia School District's graduation exercises for Monrovia Adult School last week and will attend Santa Fe Middle School this week. She congratulated all graduates.

(c) Richard III, a joint gift of Lynda and Blaine Fetter's, the National Endowment for the Arts, and the Shakespeare Festival, Los Angeles, would be presented at Clifton Middle School Auditorium on June 26, 2004 by a professional Broadway cast.

(d) She expanded on the events for the 4th of July Celebration on Myrtle Avenue, reporting that the events would begin with the Concert in the Park at 6:30 P.M., live entertainment at 8:00 P.M. on Myrtle Avenue, and fireworks at 9:00 P.M., sponsored by MOTAB.

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

1 Adoption of Fiscal Year 2004-2005 Budget, Resolution No 2004-33, and Fiscal Year 2004-2005 Fees and Charges, Resolution No 2004-14

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

Motor vehicle license fees would decrease dramatically, due to the State budget proposal under consideration by the legislature at this time. As part of the proposed State budget, the motor vehicle license fee revenue was budgeted at \$2,335,000.00, but would be reduced to \$294,000.00. This amounted to a \$2,041,000.00 revenue loss for the 2004-05 year. The State would backfill this loss with an "In Lieu Property Tax" revenue. This revenue would be in addition to the regular property tax received. The in lieu property tax was projected to be \$1,535,000.00.

The State's backfill was not equal to the motor vehicle license fee taken away. The shortfall \$506,000.00 represented the City of Monrovia's "contribution" to the State to help balance its budget. This contribution was proposed to be in place for the 2004-05 and 2005-06 fiscal years. The \$506,000.00 shortfall was factored into the 2004-05 budget presented. To compensate for the revenue shortfall, all operating departments within the General Fund (Police, Fire, Recreation, Parks, Library Business License City Clerk, Human Resources, Finance, and City Manager), reduced their total operating budgets almost 3%. These savings amount to over \$500,000.00 for the 2004-05 fiscal year.

The Combined Funds Statement showed the budgeted total resources and appropriations for all city funds for fiscal year 2004-05. All funds were projected to end the fiscal year with a positive fund balance. The total budgeted appropriations for the 2004-05 fiscal year were projected to be \$43,170,744.00.

All local budget impacts recommended by the Governor during his *May Revise* were incorporated into this budget. If any budgeted revenues were cut during the State's budget adoption process, Staff would come back to the City Council with options to balance the 2004-05 fiscal year budget.

In 1999, City Council retained Turch & Associates as the City's federal lobbyist. Since then, Turch & Associates procured nearly \$3 million for important local programs, including the Old Town Revitalization Project and the Monrovia Multi-modal Transit Center. In 2003-04, Turch & Associates assisted the City in getting an earmark for a significant amount of funding for the acquisition of additional property around the City's proposed Gold Line station. While this earmark still had to be approved as part of the federal government's Transportation Equity Act (TEA21), early indications were that Monrovia would get funded.

At this point, David Turch & Associates requested that the City extend the existing professional services contract for one year, with no fee increase. Again, the annual cost was \$48,000.00. Based on a survey of surrounding cities, Turch & Associates' retainer was still among the lowest in the San Gabriel Valley. The amount of the proposed contract extension was incorporated into the Fiscal Year 2004-05 Budget.

It was moved by Councilmember Kirby, seconded by Councilmember Adams, to approve a one-year extension of legislative advocacy agreement ending June 30, 2005, with David Turch & Associates in the amount of \$48,000.00.

ROLL CALL

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

7 Third Amendment of the Agreement with Southland Transit, Inc in the Amount of \$717,149.00 for the Operation of Monrovia Transit Dial-a-Ride and the Old Town Trolley

Craig Jimenez, Senior Planner, reviewed the Staff Report.

The City of Monrovia had provided Dial-a-Ride service on Monrovia Transit since 1983. In 2000, the City issued a Request for Proposals (RFP) putting the contract for the operation of Monrovia Transit out to bid. Southland Transit, Inc (formerly R&D Transportation) operated the service since then. Amendment No 1 added the operation of the Old Town Trolley in 2002.

The original agreement provided for a three-year term with additional one-year options. The terms of the agreement limited the increases for each one-year extension to an amount not to exceed the Consumer Price Index (CPI). Last year, Amendment No 2 approved the first one-year extension. The proposed agreement applied a 3% increase (based on CPI) to the service rates as follows:

- The fixed cost rate would increase from \$17.89 to \$18.43 per revenue hour and would be charged up to a maximum of 16,334 annual hours.
- The proposed variable cost rate would increase from \$14.35 to \$14.78 per revenue hour and would be charged up to a maximum 20,074 annual hours.

The proposed total cost of the service was equal to the total of the fixed cost charge and the variable cost charge, which totaled \$597,729.34.

All other terms of the original agreement and Amendment No 1, which added provisions for the operation of the Old Town Trolley and Amendment No 2, remained in place. The maximum cost for the operation of the Trolley was \$119,420.00.

The proposed agreement covered the operation of Monrovia Transit and the Old Town Trolley with a maximum cost of \$717,149.00. Proposition A Local Return Funds would be used to pay for the operation of the Dial-a-Ride and a combination of AB2766 (AQMD) and Prop A Funds would pay for the operation of the Old Town Trolley. In accordance with the agreement with Los Angeles County for the provision of service on Monrovia Transit, the County would reimburse the City up to \$300,000.00.

Staff recommended approval of the amendment to the agreement with Southland Transit, Inc, for the operation of Monrovia Transit Dial-a-Ride and the Old Town Trolley.

It was moved by Councilmember Kirby, seconded by Councilmember Lutz, to approve Amendment No 3 with Southland Transit, Inc, for the operation of Monrovia Transit Dial-a-Ride and the Old Town Trolley in the amount of \$717,149.00.

ROLL CALL

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

***8 Extension of Contract with Foothill Transit for the Administration of Monrovia Transit in the Amount of \$9,822 00 for Fiscal Year 2004-2005**

This matter was approved by order of the Consent Calendar

Last year, the City paid Foothill Transit \$9,536 to provide administrative services. This year, a 3.0% increase was requested raising the annual administrative cost to \$9,536.00. As was customary with the City's transit related contracts, this increase was based on the previous year's Consumer Price Index (CPI), which was 3.0% for 2003.

The proposed increase was equal to \$286.00 over last year's Administrative Services Agreement. The total agreement for services would be \$9,822.00 paid for with Proposition A Local Return Funds. Staff recommended approval of the 2004-05 Foothill Transit Dial-a-Ride Administrative Services Agreement in the amount of \$9,822.00.

***9 Receive and File, Conflict of Interest Code 2004 Local Agency Biennial Notice**

This matter was approved by order of the Consent Calendar

Pursuant to the requirements of the Political Reform Act, Staff and the City Attorney completed the City's biennial review of the local Conflict of Interest Code for the City and the Agency. As a result of changes in the law and the reclassification of some City positions, a revised Conflict of Interest Code would be prepared and presented for the City Council's review and action prior to the December 31, 2004 deadline. Staff recommended that Council receive and file this notice.

***10 2004-2005 Gann Limit Appropriations, Resolution No 2004-35**

This matter was approved by order of the Consent Calendar

In November of 1979, California voters adopted Proposition 4, which was more commonly referred to as the "Gann Initiative." The Initiative established constitutional spending limits allowable for California governmental agencies based on the Consumer Price Index and population growth. According to the Revenue and Taxation Code, Section 7910, each local government must establish its appropriations limit by resolution each year at a regularly scheduled meeting or a noticed special meeting.

Staff calculated the Gann Limit using the growth factor provided to the City by the State Department of Finance, the growth in California Per Capita Personal Income (CPCPI) and the County's population growth rate. The 2004-05 Appropriation limit is \$30,431,533. The actual budget subject to limitation is \$24,957,143. This meant that the City could appropriate an additional \$5,474,390.00 before the legal limit would be reached.

The specific calculations and backup materials were made available to the public at the City Clerk's office and in the Finance Department. Any challenge of the adopted spending limit had to be made within 45 days of the effective date of the resolution. Adoption of the resolution on June 15, 2004 would give the public until August 1, 2004 to challenge the calculations. Staff recommended the adoption of the 2004-05 Gann Limit Appropriations, and Resolution No 2004-35.

11 Set for Public Hearing on July 6, 2004, to Consider Extension of Moratorium Temporarily Prohibiting Development of New Structures and Specified New Uses on Specified Properties on South Myrtle Avenue During the City's Review, Adoption of Relevant Permanent Zoning Regulations, and Introduction and Adoption of Ordinance No 2004-12

City Manager Scott Ochoa reviewed the Staff Report

Given the importance of Myrtle Avenue as a major connector between the future Multi Modal Transit Center and Old Town, the City hired the Urban Land Institute (ULI) to conduct a land use analysis for the land adjacent to the Old Train Depot and the South Myrtle Avenue Corridor. Because of the importance

of this land use study the City Council adopted Ordinance No 2004-02 on February 3, 2004, placing a 45-day moratorium on the approval of new structures and certain new uses in the South Myrtle Avenue Corridor stretching from Olive Avenue at the north to Duarte Road on the south. The moratorium was then extended an additional six months through September 19, 2004.

Cyrus Kemp, Monrovia, spoke regarding moratoriums.

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to set this matter for Public Hearing on July 6, 2004. There were no objections.

***12 Set for Public Hearing on July 6, 2004 to Consider Text and Map Amendments to the Land Use Element, General Plan Amendment GPA2004-01, Resolution No 2004-28, Zone Change ZC2004-01, Ordinance No 2004-10, Amendment to Titles 2 and 17 of the Monrovia Municipal Code Regarding Residential Design Review and Development Standards, Introduction and First Reading of Ordinance No 2004-11, and Adoption of Residential Design Guidelines, Resolution No 2004-29**

This matter was approved by order of the Consent Calendar.

Based on development pressure to demolish older homes in the central part of town, the City Council adopted a 45-day, citywide moratorium on November 4, 2003 on the demolition and alteration of homes built prior to 1940. The moratorium was then extended nine months until September 19, 2004.

Over the past six months, Staff worked steadily on proposed incentives, regulations and design guidelines to address the issue of neighborhood compatibility. A joint meeting with the Planning Commission and Historic Preservation Commission was held on May 19, 2004 to review draft regulations. A neighborhood meeting was held on May 26 for property owners in the Planned Development Areas and a Town Hall meeting was scheduled for June 9 for citywide input on the proposed changes. Recommendations from those meetings had been incorporated and would be presented to the Planning Commission at a special meeting on June 16, 2004.

Staff recommended setting July 6, 2004 as the date of the Public Hearing.

***13 Amendment to Title 9 of the Monrovia Municipal Code Regulating Targeted Picketing at Residences in the City, Second Reading and Adoption of Ordinance No 2004-13**

This matter was approved by order of the Consent Calendar.

This was the second reading and final adoption of Ordinance No 2004-13 amending Title 9 of the Monrovia Municipal Code, regulating targeted picketing at residences in the city. Staff continued to recommend approval of this ordinance.

14 Amendment to Title 9 of the Monrovia Municipal Code Regulating Targeting Picketing at Residences in the City, First Reading and Adoption of Urgency Ordinance No 2004-13U

City Attorney Craig Steele reviewed the Staff Report.

As requested at the last City Council meeting, the City Attorney prepared an urgency ordinance prohibiting targeted residential picketing in the City. The urgency ordinance was identical to the ordinance introduced at the Adjourned Meeting of June 1, 2004, and scheduled to adopt this week, with the exception of the additional findings regarding urgency.

An urgency ordinance would take effect immediately upon adoption if the City Council, by 4/5 vote, adopted findings establishing that there was an urgent need to protect public health and safety. In this case, if the City Council determined that an urgency ordinance was appropriate, Staff believed the urgency findings in the ordinance were legally supportable. An urgency ordinance was still subject to the right of referendum, despite the fact that it took effect immediately.

The City Attorney had recommended that the City Council proceed with second reading and adoption of the "normal" version of the ordinance whether it adopted the urgency version or not. If the urgency version was adopted, the "normal" version provides a back-up ordinance in place if the urgency findings were ever challenged in court.

