

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, MAY 18, 2010, 7:30 P.M.**

CONVENE: Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, May 18, 2010, at 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a closed session; Real Property Negotiations Pursuant to Government Code §54956.8; Negotiating parties: Redevelopment Division Manager, City Manager, and City Attorney; Under Negotiation: Price and Terms of Payment for the Following Properties: (1) Real property owned by Jose C. Medina & Bernarda Rivas, located at 206 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-020; (2) Real property owned by Juan D. Banuelos, located at 210 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-019; (3) Real property owned by Jose M. & Elvira Garcia, located at 212 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-018; (4) Real property owned by John B. Sargent, Trustee of the Sargent Family Trust, located at 216 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-017; (5) Real property owned by Juan J. & Leticia Higuera, located at 224 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-015; (6) Real property owned by Michael J. Ready as the Successor Trustee of the Ready Trust, located at 228 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-014; (7) Real property owned by Betty M. Shaver, located at 230 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-013; (8) Real property owned by Carmine D. & Marie Cerchio, Trustees of the Cerchio Family Trust, located at 234 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-012; (9) Real property owned by Alberto L. & Karelina Banos, located at 238 West Evergreen Avenue, and Identified as Assessor's Parcel Number 8507-002-011; (10) Real property owned by the Monrovia Redevelopment Agency, located at 1622 South Magnolia Avenue, and Identified as Assessor's Parcel Number 850-700-3917; (11) Real property owned by the Monrovia Redevelopment Agency, located at 204 West Pomona Avenue, and Identified as Assessor's Parcel Number 850-700-3919; (12) Real property owned by the Monrovia Redevelopment Agency, located at 200 West Pomona Avenue and 1625 South Primrose Avenue, and Identified as Assessor's Parcel Number 850-700-3920; and (13) Real property owned by the Monrovia Redevelopment Agency, located at 1675 South Primrose Avenue, and Identified as Assessor's Parcel Number 850-7003918; in honor of Buddy Martin Rice, born September 16, 2009, to Katie and John Rice. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

INVOCATION: Reverend Greg Douglass gave the Invocation.

PLEDGE OF ALLEGIANCE: Councilmember Becky A. Shevlin led the Pledge of Allegiance.

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

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Monrovia Fire Department Centennial Celebration

The Mayor and City Council recognized Battalion Chief Ron Pelham and the Fire Department Centennial committee for their outstanding efforts in planning and executing the Monrovia Fire Department Centennial Celebration on May 15, 2010.

PR-2 Recognition of Monrovia Day Celebration

The Mayor and City Council recognized Donna Baker, Monrovia Day Association President, and Pam Fitzpatrick, Merchant Events Chair, for their outstanding efforts in planning and executing a successful Monrovia Day Parade and related events in Old Town to celebrate the anniversary of Monrovia's founding. In turn, Donna Baker thanked the sponsors, committee, and City Staff. Pam Fitzpatrick presented plaques to the winners of the Pie Baking Contest and thanked the merchants who had sidewalk sales and participated in other special Activities. Mayor Lutz acknowledged the Monrovia Rotary Club as winner of the Fire Department Cook-off Contest. She also highlighted the success of the 2nd Annual Spelling Bee and thanked the sponsors of that event.

The following was taken out of order:

REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

RCC-5 Councilmember Shevlin reported that:

(a) Idol Gives Back 2010: On April 21, 2010, the Foothill Unity Center was featured on American Idol's annual special program. KGEM played the short clip from the episode, which highlighted the services offered from the Monrovia facility. Joan Whitenack, Executive Director of the Foothill Unity Center, reviewed statistics from the prior year and announced the Center would be celebrating 30 years of services with a special event scheduled for June 3, 2010, at the Santa Anita Race Track. David Arquette would be a special speaker and George Pennacchio of ABC7 News would be the host.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Savannah Spicer reported on past and current activities and events at Monrovia High School.

ORDER OF BUSINESS: City Attorney Craig Steele announced that Consent Calendar items CC-6 through CC-9 would be removed due to potential conflict of interest and the Public Hearings would be set by the City Clerk.

CONSENT CALENDAR: Councilmember Adams requested that item CC-12 be pulled for discussion. It was moved by Councilmember Shevlin, seconded by Councilmember Shaw, to approve the Consent Calendar, with the exception of items CC-6, CC-7, CC-8, CC-9, and CC-12. There were no objections. The Consent Calendar consisted of the following Agenda items:

CC-1 Unadopted Minutes of the May 4, 2010 Regular Meeting of the Monrovia City Council

CC-2 Payroll No. 10 in the Amount of \$514,031.86 and Voucher Nos. 164830 through 165090 in the Amount of \$1,031,610.26

CC-3 Final Tract Map No. 69456, Re-subdivision of Property Located at 706 West Duarte Road, by ANC Investments LLC, Amadeo Costantino: Tentative Tract Map No. 69456 was for the re-subdivision of property located at 706 West Duarte Road. The area was being re-subdivided for a nine-unit, two-story condominium development. The tentative subdivision map was approved by the Planning Commission on November 14, 2007, and was approved by the City Council on December 18, 2007. The Final Tract Map was in order and conformed to the approved tentative map, was technically correct and conformed to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance. The Conditions, Covenants & Restrictions (CC&R's) would be finalized as part of the air-space subdivision map. The Map was on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works. The project would improve property values and increase the tax base.

Staff recommended approval of Final Tract Map No. 69456.

CC-4 Award of Contract to Pyro Spectaculars in the Amount of \$20,000 for Production of the 2010 Fourth of July Fireworks Show: The City of Monrovia offered a fireworks show on the Fourth of July from 2002 to 2008. The 2008 show was contracted to Pyro Spectaculars, offering a high quality show well received by the public. Pyro Spectaculars produced many national and local fireworks displays including; Macy's Fourth of July Spectacular in New York City, City of San Francisco Waterfront Celebration, Lights on the Lake in South Lake Tahoe and Americafest in Pasadena. The 2010 fireworks show was scheduled for 9:00 p.m. Sunday, July 4, in Library Park. The cost for Pyro Spectaculars to produce an 18 minute show was \$20,000 with a \$10,000 non-refundable deposit required to secure the company. The entire cost for the fireworks show was offset by sponsorships from the City Council, MOTAB and MRA.

Staff recommended awarding a contract to Pyro Spectaculars for the production of the 2010 Fourth of July fireworks show.

CC-5 Denial of Liability claim; Norma Johnson vs. City of Monrovia

Ms. Johnson alleged that on January 8, 2009, she tripped and fell on an uneven pavement area on a sidewalk in Monrovia. She maintained that the City of Monrovia failed to maintain a safe sidewalk, causing a hazardous condition.

Ms. Johnson initially submitted a claim on January 27, 2009. Ms Johnson then retained an attorney and a second claim was submitted April 20, 2009.

The specific location of the trip and fall was just recently identified by Ms. Johnson and her attorney. The sidewalk offset at the location of her fall was no greater than ½ inch. This was a trivial defect for which the City was immune from liability as the height of the offset was not sufficient to give the City notice of a dangerous condition. Therefore, the City bore no responsibility for this matter and Staff recommended that the City Council deny this claim.

CC-6 Set for Public Hearing on June 1, 2010; General Plan Amendment GPA2010-02; Resolution No. 2010-18; Zone Change ZC2010-02; Ordinance No. 2010-06; Changing the General Plan and Zoning Designations on at 1116 to 1128 South Magnolia Avenue and 239 West Cypress Avenue from Retail Commercial Corridor (RCC) to Residential Medium Density (RM3500); Bowden Development, Applicant: This item was removed from the agenda with the Public Hearing to be set by the City Clerk.

CC-7 Set for Public Hearing on June 1, 2010; General Plan Amendment GPA2010-03; Resolution No. 2010-19; Zone Change ZC2010-03; Ordinance No. 2010-07; Changing the General Plan and Zoning Designations on City-owned Hillside Property Located Behind 45 Hidden Valley Road from Residential Foothill (RF) to Hillside Wilderness Preserve (HWP); City of Monrovia, Applicant: This item was removed from the agenda with the Public Hearing to be set by the City Clerk.

CC-8 Set for Public Hearing on June 1, 2010; General Plan Amendment GPA2010-04; Resolution No. 2010-20; Zone Change ZC2010-04; Ordinance No. 2010-08; Changing the General Plan and Zoning Designations on City-owned Hillside Property Located Behind 781 Norumbega Drive from Residential Foothill (RF) to Hillside Wilderness Preserve (HWP); City of Monrovia, Applicant: This item was removed from the agenda with the Public Hearing to be set by the City Clerk.

CC-9 Set for Public Hearing on June 1, 2010; Tentative Tract Map No. 71330; Conditional Use Permit CUP2010-09; Variance V2010-03; for Property Located at 1116 and 1122 South Magnolia Avenue and 239 West Cypress Avenue; Bowden Development, Applicant: This item was removed from the agenda with the Public Hearing to be set by the City Clerk.

CC-10 Denial of Liability Claim; Coulter Winn, v. City of Monrovia: Mr. Winn alleged that on March 24, 2010, City employees shut off the main water source from the street to make repairs. When they turned the water back on, water pressure had built up and caused the tank on his toilet to rupture. He, therefore, believed the City was responsible for the damage to the toilet.

It would not be possible for pressure to build up in a toilet tank such that it would crack as it was not an airtight system. At most, the water would overflow from the tank. Therefore, the City bore no responsibility for this matter and Staff recommended that the City Council deny this claim.

CC-11 Interim Moratorium on the Opening and Licensing of New Massage Establishments and the Issuance of New Massage Practitioner Permits During the Pendency of the City's Review and Adoption of Amendments to Relevant Licensing and Zoning Regulations; Adoption of Ordinance No. 2010-09: This was the final adoption of Ordinance No. 2010-09 regarding an Interim Moratorium on the opening and licensing of new massage establishments and the issuance of new massage practitioner permits during the pendency of the City's review and adoption of amendments to relevant licensing and zoning regulations. Staff continued to recommend adoption of this ordinance.

CC-12 Proposed Membership in the Emerald Necklace Coalition and Execution of the Emerald Necklace Accord: This item was pulled from the Consent Calendar and heard following Administrative Reports below.

PUBLIC INPUT:

1. Steve Baker, Monrovia
2. John Jogminas, Monrovia
3. Cyrus Kemp, Monrovia
4. Pam Fitzpatrick, Monrovia
5. Larry Spicer, Monrovia

PUBLIC HEARINGS/MEETINGS:

PH-1 Extending Interim Urgency Zoning Ordinance of the City of Monrovia Enacted Pursuant to California Government Code Sections 36934, 36937 and 65858 Establishing a Temporary Moratorium on the Approval of Specified Permits for the Installation of Commercial Wireless Facilities in Public Rights-of-way in the City; Introduction and Adoption of Urgency Ordinance No. 2010-05U

City Attorney Craig Steele reviewed the Staff Report.

The City had received inquiries regarding the installation of commercial wireless facilities in locations that are currently prohibited by City Code, specifically in residential parkways. At present, wireless communication facilities were only permitted on private property in industrial and commercial zones. To ensure high quality design, appropriate siting and screening, the current Code required a conditional use permit approval by the Planning Commission for wireless communication facilities on freestanding antenna structures (pole mounted) and a Development Review Committee approval for wireless communication facilities on existing structures (roof mounted).

In light of inquiries by wireless providers seeking to install wireless telecommunication facilities in the City's rights-of-way and the evolving case law in this area, on June 2, 2009, the City Council adopted a forty-five (45) day interim zoning ordinance, Ordinance 2009-02U, as an urgency measure establishing a temporary prohibition on the issuance of approvals for certain specified permits for the installation of commercial wireless facilities in public rights-of-way. On July 7, 2009, the City Council adopted Ordinance 2009-04U, extending the temporary moratorium for another ten (10) months and fifteen (15) days from the date Ordinance 2009-02U would have expired but for the extension.

Based on recent developments in federal case law and the increasing frequency of requests for placement of wireless facilities in the public rights-of-way, it was important that the City have additional time to consider regulation of commercial wireless communication facilities. Proliferation of wireless facilities in the rights-of-way without proper controls, posed a current and immediate threat to public health, safety and welfare. While Staff studied potential regulatory controls for installations in parkways, and to allow Staff time to prepare a comprehensive ordinance, the continuation of the existing moratorium was urgently needed to preserve the public health, safety and welfare.

This extension of this moratorium prevented the issuance of discretionary or ministerial permits for the installation, augmentation and relocation of wireless facilities in the City's rights-of-way for a period of one year. The current moratorium was set to expire at midnight on June 1, 2010. The City Council was required to hold a public hearing to determine whether to extend the moratorium or allow it to expire. Pursuant to California Government Code Section 65858(a), this second extension of the interim ordinance required adoption by not less than a four-fifths vote of this City Council and would be in effect for an additional one year.

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

Following discussion, **it was moved by Mayor Pro Tem Adams, Seconded by Councilmember Shevlin, to read by title only and adopt urgency Ordinance No. 2010-05U.** There were no objections.

City Attorney Steele read as follows:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, EXTENDING THE INTERIM ZONING ORDINANCE THAT ESTABLISHED A TEMPORARY MORATORIUM ON THE APPROVAL OF SPECIFIED PERMITS FOR THE INSTALLATION OF COMMERCIAL WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY

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

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of May 18, 2010, of the Monrovia Redevelopment Agency Board of Directors at 8:27 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

MRA ROLL CALL: Those in attendance were Boardmembers Joe Garcia, Clarence R. Shaw, Becky A. Shevlin, Vice-Chairman Tom Adams and Chairman Mary Ann Lutz.

MRA CONSENT CALENDAR: It was moved by Boardmember Garcia, seconded by Boardmember Shaw, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following item:

MRA CC-1 Unadopted Minutes of the May 4, 2010, Regular Meeting of the Monrovia Redevelopment Agency

MRA PUBLIC HEARINGS/MEETINGS: None.

MRA ADMINISTRATIVE REPORTS: None.

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 8:28 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

RCC1 Mayor Lutz reported that:

- (a) **Monrovia Fire Department Centennial Celebration:** She had no additional report on this item.
- (b) **Update on 2010 Census:** Census Representative Jennifer Flewellen reported that no-response follow up began on May 1 and explained how to identify an official U.S. Census worker. She confirmed that the mail-back response rate of 75% did not include late mail responses; figures would be updated in the fall.
- (c) On Saturday, May 15, she attended the Monrovia Arts Festival Association (MAFA) awards, where City Manager Scott Ochoa and Community Services Recreation Coordinator Penny Arroyo were honored with the Renaissance Award and the Heart in the Arts award, respectively.
- (d) The annual Girl Power conference would be held at the Community Center on May 22, 2010; she reviewed the various programs offered at a cost of just \$10 per participant.
- (e) Beginning Sunday, May 23, 2010, she would be attending, with City Manager Ochoa and Councilmember Garcia, the International Conference of Shopping Centers to meet with businesses in hopes of bringing some of them into the community.

RCC2 Mayor Pro Tem Adams reported that:

- (a) **Review of the City Purchasing Policy:** He wanted to restate the policy and recalled that 18 months prior it was changed to include Chamber members first, Monrovia businesses second, and those outside of Monrovia last. He requested that City Manager Ochoa return within the next 60 days with an implementation plan to encourage Staff to do their best to keep the money in Monrovia whenever possible.

RCC3 Councilmember Garcia had no report at this time.

RCC4 Councilmember Shaw had no report at this time.

RCC5 Councilmember Shevlin reported that:

- (a) She asked Foothill Unity Center Executive Director Joan Whitenack to give more information on the upcoming Golden Plate Awards dinner on June 3, 2010.
- (b) She reporting on upcoming events in the community, including a Relay for Life parking lot sale, Friends of the Library Book Sale, and the first neighborhood sponsored MAP block party.
- (f) She asked that everyone remember the Veterans and reminded the community that there would be several Memorial Day events at Live Oak Park and the Arcadia County Park.

ADMINISTRATIVE REPORTS

AR-1 Agreement between the City of Monrovia and Rio Hondo Community College for Structure Assessments, Brush Inspections, and Other Mitigation Efforts within the Very High Fire Hazard Zone

Fire Chief Chris Donovan reviewed the Staff Report.

Each year the Monrovia Fire Department performed over 1200 individual private-parcel inspections for compliance with the Monrovia Municipal Code as it related to brush abatement requirements. These inspections had traditionally been performed by on-duty fire department personnel, between emergency calls for service, training, and other critical functions that occur each day. The inspections were time consuming, but were not overly technical in nature, focusing on assuring weeds and brush are removed and trees were properly trimmed. Typically, the initial brush inspection of the parcel and a re-inspection for those parcels found to be out of compliance with the code were the only service provided by department personnel.

The agreement with Rio Hondo College allowed for completion of the annual brush inspections through the use of specially trained staff members who would be supervised by Fire Department Staff. In addition to the annual brush inspection and re-inspection process, the college brush specialists would perform home assessments, which would provide the foundation of data collection and analysis for the next phase of community sustainability.

The agreement, which was set to expire in 2015, would have a budget not to exceed \$50,000 annually for all brush inspections, home assessments and other related mitigation efforts paid to the college. Funds would be paid from the Federal Fire Safe Council grant administered by the State of California and allowed for the use of "contractual services." This agreement would have no fiscal impact on the City's general fund or any other local funding source related to the Hillside Wilderness Preserve. Furthermore, if grants became unavailable and other funding could not be secured, the program as outlined could be dissolved and the baseline engine company inspection program could resume. Finally, given the specialized service demand of the home assessments and uniqueness of brush inspections, sole source procedures were appropriate.

Staff recommended that the City Council approve the agreement with Rio Hondo College for structure assessments, brush inspections, and other mitigation efforts within the very high fire hazard zone.

It was moved by Councilmember Garcia, Seconded by Mayor Pro Tem Adams, to approve an agreement with Rio Hondo College and allocate up to \$50,000.00 annually from the Fire Safe Grant for brush inspections, home assessments and other mitigation efforts following the terms of the agreement. There were no objections.

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED

CC-12 Proposed Membership in the Emerald Necklace Coalition and Execution of the Emerald Necklace Accord: This item was pulled from the Consent Calendar for discussion.

Heather Maloney, Senior Project Analyst, reviewed the Staff Report.

Over the past five years, Amigos de los Rios worked as a liaison between community and public agencies to facilitate the collaborative effort known as the Emerald Necklace. The Emerald Necklace Vision Plan (2005) provided a detailed strategy to achieve a 68 mile loop of parks and greenways along the Rio Hondo and San Gabriel Rivers with the goal of providing additional recreational space and access to nature in the San Gabriel Valley.

The Emerald Necklace Vision Plan included new trails, rest points, and interpretive signage at Peck Park. Peck Park was a redeveloped gravel quarry that provides 210 acres for fishing, bird watching, jogging, picnic areas and natural habitat. The City of Monrovia, along with other jurisdictions whose stormwater discharged to Peck Park Lake, would be responsible for reducing the pollutants discharged to this lake. By 2012, several Total maximum Daily Load (TMDLs) for Peck Park Lake would be developed by the United States Environmental Protection Agency (US EPA) to enforce.

To join the Emerald Necklace Coalition, the City was required to support the Emerald Necklace Accord. Signing the Accord would not obligate the City to any actions or financial support, however, it was requested that Staff be available for Coalition meetings to discuss projects and to send support letters for grant applications. There was no fiscal impact.

Ms. Maloney clarified that the Peck Park project was specifically called out and did not involve the Hillside Wilderness Preserve.

Public Input:

1. Cyrus Kemp, Monrovia

It was moved by Mayor Pro Tem Adams, Seconded by Councilmember Shevlin, to approve membership in the Emerald Necklace Coalition and authorize the Mayor to execute the Emerald Necklace Accord. There were no objections.

SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, June 1, 2010, 7:30 P.M., preceded by a Study Session to discuss the Fiscal Year 2010-2011 Budget, 5:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ADJOURNMENT TO CLOSED SESSION: At 8:54 P.M., Mayor Lutz adjourned the Meeting to Closed Session in memory of Stan Scott, longtime Monrovia and son of Monrovia's first Chief of Police, Frank Scott; and Maggie Clark, longtime Mayflower Elementary School kindergarten teacher, noting that the City Council would reconvene the City Council Meeting to report on Closed Session. The Closed Sessions item was:

ACS-1 Conference with Legal Counsel, Existing Litigation, Pursuant to Government Code §54956.9; Sengupta v. City of Monrovia, et. al., Case No. CV09-0795 ABC

RECONVENE AND REPORT OF CLOSED SESSION: At 9:50 P.M., Mayor Lutz reconvened the City Council Meeting. City Attorney Steele reported that no reportable action was taken in Closed Session on the following item:

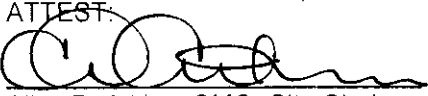
ACS-1 Conference with Legal Counsel, Existing Litigation, Pursuant to Government Code §54956.9; Sengupta v. City of Monrovia, et. al., Case No. CV09-0795 ABC

ADJOURNMENT: At 9:50 P.M. Mayor Lutz adjourned the Meeting.

APPROVED:


Mary Ann Lutz, Mayor

ATTEST:


Alice D. Atkins, CMC, City Clerk