

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, DECEMBER 18, 2007, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, December 18, 2007, at 7:37 P.M. in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of newborns Heaven Margaret, Parents Gari and Harvey Hewitt, and Zephyr Kai Enriquez, Parents Phillip Enriquez and Kelli Adams, Grandmother Diane Delmatoff. Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A. Steele and City Clerk Linda B. Proctor

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

INVOCATION: Dr. John Mastrogiovanni, Pastor, led the Invocation

PLEDGE OF ALLEGIANCE Councilmember Mary Ann Lutz led the Flag Salute.

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Certified Municipal Clerk (CMC) Alice Atkins

City Clerk Linda B. Proctor, MMC, assisted the Mayor and City Council in recognizing Deputy City Clerk Alice Atkins for completing the requirements set by the International Institute of Municipal Clerks and receiving the designation of Certified Municipal Clerk.

PR-2 Recognition of Winners of the 2007 Holiday Home Decorating Contest

Gloria Crudgington, Community Services Commission Chair, assisted the Mayor and City Council in recognizing the winners of the 2007 Holiday Home Decorating Contest

The Annual Holiday Home Decorating Contest was held on December 17, 2007. Community Services Commissioners, community members and Youth Commissioners judged the decorated homes and selected the following award winners: Best Still Display, Best Outdoor Display, Most Traditional Award, Best Decorated Indoor Tree, Best Decorated Outdoor Tree, Most Effective Use of Lighting a House, Children's Choice Award, Best Window Display, Snowman Award, Toyland Award, Best Neighborhood Effort, and the Tim McKeehan "Best of the Season Award." Yard signs were presented to the winners

PR-3 Proclaiming January 2008 as National Volunteer Blood Donor Month

In 1970, January was declared National Volunteer Blood Donor Month to help ensure an adequate blood supply and to stress the importance of giving the "Gift of Life" through the donation of blood. A representative from the American Red Cross was presented the proclamation by the Mayor and City Council

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Rachel Jamieson reported on events at Monrovia High School

CONSENT CALENDAR It was moved by Mayor Pro Tem Kirby, seconded by Councilmember Adams, to approve the Consent Calendar. Mayor Hammond and Councilmember Lutz abstained from CC-4. The Minutes were pulled from the Agenda, to be adopted at the next Regular Meeting. There were no objections

The Consent Calendar consisted of the following Agenda items

CC-1 Pulled

CC-2 Payroll No. 25 in the Amount of \$601,033.52 and Voucher Nos. 147302 through 147556 in the Amount of \$1,584,444.93

CC-3 2007 Athens Mid-year Performance Review; Receive and File: At the July 3, 2007 City Council Meeting, Council directed Staff to return in December for a mid-year update on Athens' performance. Although the January through June complaints were higher than average at 51 complaints, City Staff had received 15 customer complaints from July through November 2007, totaling 66 complaints for the past 11 months. This was an overall decrease of approximately 24% from 2006. The decrease was attributed to the new Field Operations Supervisor who was assigned to the City as well as a recent reorganization of management staff allowing City Staff to work more efficiently with Athens Staff to address and prevent issues in a timely manner.

According to Athens' 2007 Monthly Residential Franchise Agreement Reports, the diversion rate was 35.7% for all residential units and City facilities. The overall average for January through October was 36.8%. In 2006, the diversion rate was 38.13% for all residential units and City facilities. Additionally, Athens was required to divert 50% of the multi-family waste to the Commerce Refuse-to-Energy facility. From January through June 2007, the average diversion rate was approximately 37%. January through October figures reported an average diversion rate of 51%.

Overall, Athens has done a satisfactory job resolving customer service issues quickly and effectively. Staff will continue to work closely with Athens over the next year on plans to increase customer service, decrease customer complaints, and increase diversion rates for all areas of the Residential Contract.

CC-4 Authorize Execution of the Colorado Commons Parking Easement Agreement; Receive and File Conditions, Covenants and Restrictions (CC&R's): The parking structure was a shared facility between the City and residents of Colorado Commons. The City would take possession of the Parking Structure as part of the Colorado Commons Development Project, which was scheduled to be completed in late January 2008. The parking easement agreement formalized the use, easements, maintenance responsibilities, shared costs and method of shared cost payment by the Colorado Commons development to the City for the parking structure.

The Conditions, Covenants and Restrictions (CC&R's) were checked by the City Attorney and Staff and were found to conform to the approved tentative map, conditions of approval and the Parking Easement Agreement. The CC&R's would be filed for recordation as part of the air-space subdivision maps as project construction nears completion.

CC-5 Increase Rate Offset for the Discount Bus Pass Program: The City's Discount Bus Pass Program was one of the current programs supported with Air Quality Funds (AB2766). Currently, the City provided discounted monthly Metro EZ transit passes and Foothill Transit monthly passes, which were available to Monrovia residents at the Community Center. Beginning January 1, 2008, Foothill Transit would be increasing the price of most of their monthly bus passes. Based on this increase, Staff proposed raising the subsidy of Foothill Transit passes to help offset the increase in the cost of bus passes. The proposed subsidy would increase the total expenditure of the Discount Bus Pass Program approximately \$250,000 bringing the total cost of the Program to \$13,500,000.

CC-6 Update on City of Monrovia Five Year Strategic Plan, Receive and File: At the November 20, 2007 City Council meeting, Staff presented the Council with the proposed Five-Year Strategic Plan. The purpose of the plan was to examine current trends in a wide variety of areas (economic, demographic, service delivery, etc.) and anticipate potential demands that may arise in the coming years. At the same time departments provided analyses that studied these potential demands and crafted responses in terms of additional resources, opportunities for collaboration with other agencies, and other relevant factors.

Following the presentation of the Strategic Plan, the Council inquired about Staff analyses regarding either no change in service levels or even – based on the financial condition of the State – reductions in service levels. As a matter of practice, Staff periodically models such cuts in the organization. Contained in this report was an overview of how the organization, in its current configuration, would address serious and sustained reductions in revenue. Ultimately, significant and long-term revenue reductions would require an assortment of budget adjustments. Pending the manner in which the State would take funding,

the transformation of the City's budget would revolve around a combination of expenditure freezes, reserve revenue reallocations, and staff downsizing

This report was for the City Council's information only, and no action was required at this time. Until the Governor's proposed budget was published in January and, more importantly, the May Revise was published next spring, there was little concrete work that could be done by the City other than to study and analyze various options

CC-7 Set for Public Hearing on January 15, 2008; Proposed 34th Year (Fiscal Year 2008-09) Community Development Block Grant (CDBG) Programs Allocation: As per legal requirements, the CDBG Programs allocation had to be publicly noticed and a Public Hearing held annually. Staff recommended setting January 15, 2008 as the date for the Public Hearing.

CC-8 Set for Public Hearing on January 15, 2008; General Plan Amendment 2008-01, Revising the Land Use and Safety Elements of the General Plan, Zone Change Z2008-01; Changing the Zoning Designation of Certain Properties in the City to be Consistent with the New Land Use Element; Introduction and First Reading of Ordinance No. 2008-02 Amending Title 17 (Zoning) of the Monrovia Municipal Code for the Purpose of Implementing the New Land Use Element, Certifying the Final Environmental Impact Report, Adopting the Mitigation Monitoring Plan, and Making Certain Findings and Facts as Required by the California Environmental Quality Act ("CEQA"), and Adopting a Statement of Overriding Considerations in Connection with the General Plan Amendment, Zone Change and Zoning Code Amendment: The City of Monrovia initiated a General Plan Amendment to revise its Land Use and Circulation Elements of the General Plan. The update consisted of revisions to the Land Use and Circulation Elements, rezoning of properties to achieve consistency with the new Land Use Element, amendments to Title 17 (Zoning) of the Monrovia Municipal Code to achieve consistency with the new Land Use Element and the preparation of an Environmental Impact Report to look at the environmental impacts of the proposed project.

The Planning Commission conducted a Public Hearing to review the General Plan Amendment at its meeting of December 12, 2007. At the conclusion of the Public Hearing, the Commission adopted Planning Commission Resolution 2008-16 recommending to the City Council approval of the General Plan Amendments and accompanying zone changes and code amendments. The resolution also recommended that the City Council certify the Environmental Impact Report with Alternative 3 (Station Square Transit Village Grid Pattern) chosen to be superior to the project in that it reduced overall impacts while achieving all of the objectives of the proposed project.

CC-9 Certificate of Authorized Officials for Signing Official Documents, Resolution No. 2007-65: Resolution No. 2007-65 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 had provided direction.

PUBLIC INPUT

1 Paul Greenwood, Monrovia

At Mayor Hammond's request and in answer to Mr. Greenwood's concern, City Manager Ochoa gave an overview of the extensive process to date of the Environmental Impact Report which had come before the Planning Commission recently. City Attorney Steele noted that the notice had been mailed to more surrounding neighbors than required, which was above and beyond what the legal process called for, and that notification included mailings, notices, website coverage, and an article in the January/February 2008 Monrovia Today issue which had been mailed prior to January 1, 2008.

PUBLIC HEARINGS/MEETINGS:

PH-1 Amendment of Title 15 of the Monrovia Municipal Code, Adopting by Reference the 2007 Edition of the California Building Standards Code, Known as the California Code of Regulations (Part 2 of Title 24), Based on the 2006 International Building Code Volumes I and II, the 2007 California Plumbing Code (Part 5 of Title 24), Based on the 2006 Uniform Plumbing Code, the 2007 California Mechanical Code (Part 4 of Title 24), Based on the 2006 Uniform Mechanical Code, the

2007 California Electrical Code (Part 3 of Title 24), Based on the 2005 National Electrical Code, and Certain Amendments, Additions and Deletions, and Readopting the 2001 California Building Conservation Code, the 1997 Edition of the Uniform Housing Code, the 1997 Edition of the Administrative Code, the 2000 Edition of the Solar Energy Code, the 1997 Edition of the Building Security Code, and Certain Amendments, Additions and Deletions; Adoption of Ordinance No. 2007-21

Chon Cervantes, Building Division Manager, reviewed the Staff Report

For the past 80 years, California used the Uniform Building Code (UBC) published by the International Conference of Building Officials (ICBO). Most recently, ICBO became the International Code Council (ICC). On January 1, 2008, the International Building Code (IBC) replaced the UBC. This was a big step towards nationwide standardization of building codes. The IBC consolidated the Uniform Building Code, the National Building Code and the Standard Building Code which were published and used in different parts of the country prior to 2000. California was one of the last three States in the nation to adopt the International Building Code.

There were significant changes to the new code that would present a challenge to the construction industry and to local building departments, as personnel would require additional training to learn all the changes. The most significant changes were in the automatic fire-sprinkler systems. A new building having an automatic fire-sprinkler system was given much more credit in the new code in trading off other fire-resistive requirements. The new code gave the designer more flexibility to allow more sophisticated requirements and more complicated calculations.

PUBLIC HEARING OPENED: Mayor Hammond opened the Public Hearing.

Those in favor: Paul Greenwood, Monrovia

Those against: None

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

It was moved by Councilmember Garcia, seconded by Councilmember Lutz, to adopt Ordinance No. 2007-21. There are no objections.

PH-2 Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Consolidating the HCD/O (Historic Commercial Downtown/Office) Zone and Rezoning all Affected Properties to HCD (Historic Commercial Downtown); Zone Change ZC2007-04, and Introduction and First Reading of Ordinance No. 2007-16

At 8:16 P.M., Mayor Hammond and Councilmember Lutz exited City Council Chambers, stating that they would not discuss or vote on the matter due to their respective businesses in the district.

Craig Jimenez, Principal Planner, reviewed the Staff Report

Several months ago, the Planning Commission and City Council reviewed and approved changes to permitted uses in the HCD (Historic Commercial Downtown) Zone. This prompted further review of other existing regulations that apply to Old Town, specifically, the HCD/O Zone which was applied to the rear portions of five properties that had storefronts on both Myrtle and a side street in order to allow a wider range of uses to the rear portions of the buildings. In each case, the zone line between HCD and HCD/O ran through the lot. This caused these five lots to be double zoned, meaning that the front half was in the HCD zone and the rear portion in the HCD/O. The idea behind the HCD/O Zone still had merit and the same outcome could be gained by amending the text of the HCD regulations and reabsorbing HCD/O into HCD, thus completely eliminating the zone and the incidence of properties that had two zoning designations.

The proposed text of the ordinance would allow the use of the portions of buildings to be used as they were currently and would not create any new non-conforming situations. It simplified the provisions of the Zoning Ordinance and would return the affected properties to a single zoning classification without creating any new non-conforming uses.

The Consent Calendar consisted of the following Agenda items

MRA CC-1 Unadopted Minutes of the December 4, 2007 Regular Meeting of the Monrovia Redevelopment Agency

MRA CC-2 Fiscal Year 2006-2007 Annual Report of Financial Transactions to the State Controller

Kevin O'Brien, Redevelopment Division Manager, reviewed the Staff Report

The California State Controller's Office required Redevelopment Agencies to submit an annual report of financial transactions and audit report each year. The Annual Report included information regarding agency activities and financial transactions during the previous fiscal year. This report had to be completed and forwarded to the State Controller by December 31, 2007. Failure to file a report might result in a fine of \$10,000.

Staff recommended that the Agency Board approve the submission of the Annual Report of Financial Transactions for the Monrovia Redevelopment Agency 2006-07 Fiscal Year.

MRA PUBLIC HEARINGS:

MRA PH-1 Joint Public Hearing, Request to Enter into a Disposition and Development Agreement with Jack Robinson Concerning Real Property Located at 601 South Myrtle Avenue, Resolution Nos. 2007-67 and 14-2007

This matter was opened and continued to January 15, 2008.

MRA ADMINISTRATIVE REPORTS: There were none.

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8:42 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:

RCC1 Mayor Hammond reported that:

- (a) He wished all a happy holiday season.
- (b) The Library site had been fenced off for the demolition.
- (c) On January 8, 2008, the State of the City Address by the Mayor and City Council was scheduled at the Krikorian Theatre, and would be carried on KGEM. He stated that the Monrovia of tomorrow would not be at the expense of Monrovia today.

RCC2 Mayor Pro Tem Kirby reported that:

- (a) He wished all happy holidays and thanked the City Staff for working with the City Council in keeping them advised of all facets of the City.

RCC3 Councilmember Adams reported that:

- (a) **San Gabriel Energy Wide Partnership, Naming the City of Monrovia as a Model City; Resolution No. 2007-66** Monrovia had been selected as Model City. He called upon Deputy Public Works Director Dan Iwata to give an overview of this honor, stating that the adoption of this resolution would authorize a partnership between thirty cities. This would also provide opportunities to obtain financial rebates by implementing energy saving measures recommended within the Energy Action Plan once the physical inventory and energy audit was completed.

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to adopt Resolution No. 2007-66. There were no objections.

- (b) He wished all a Merry Christmas, happy Hanukkah and happy holidays.

RCC4 Councilmember Garcia reported that.

(a) He wished everyone happy holidays.

RCC5 Councilmember Lutz reported that.

(a) She echoed her colleagues' holiday sentiments and completely agreed with comments about Staff. She stated that she agreed with her fellow Councilmembers that this had been a great year or two and that next year would be even better.

REPORTS OF STAFF MEMBERS: There were none

ADMINISTRATIVE REPORTS:**AR-1 Establish a Schedule of Penalties for Violations in Conjunction with the Administrative Fine Program; Resolution No. 2007-58**

Bill Skiles, Neighborhood and Business Services Division Manager, reviewed the Staff Report

On November 20, 2007, the City Council introduced the Administrative Fine Ordinance which established civil penalties for violations of the Monrovia Municipal Code. The Ordinance was adopted on December 4, 2007 and would go into effect on January 3, 2008. The Administrative Fine Ordinance gave the City the ability to assess penalties on properties that were in violation of provisions of the Monrovia Municipal Code. In order to develop the fine schedule to accompany the Ordinance, Staff conducted a survey of neighboring agencies that currently used administrative fines to examine the methodology used to develop their fine schedules.

The proposed fine schedule was based on Staff research, input from the City Prosecutor, and seriousness of the violation and was split into four categories with the following penalty schedule

<u>Violation Type</u>	<u>Fine Amount</u> (1 st , 2 nd , 3 rd offense within a year)		
Minor	\$100	\$200	\$500
Public Welfare	\$250	\$500	\$1,000
Public Health and Safety	\$500	\$1,000	\$2,500
Serious/Imminent Hazards	\$1,000	\$2,500	\$5,000

It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Kirby, to adopt Resolution No. 2007-58 with the appropriate correction of \$500.00 for the third offense within a year. There were no objections

AR-2 Mid-Year 2007-08 Budget Review

Mark Alvarado, Director of Finance, reviewed the Staff Report with the aid of PowerPoint

Every year the Administrative Services Department completed a comprehensive review of the City's financial condition. This was based upon actual revenues and expenditures accounted for through the first half of the fiscal year.

Overall, revenues were down from the adopted budget of 2007-08 which was due to the slowdown of the economy Statewide. Adding to this was the housing slump that had affected not only homeowners potentially losing their home, but also overall consumer confidence had weakened. Adjustments were made to a number of the revenue accounts. The total adjustment to the General Fund revenues was a reduction of \$137,684.00. The remaining General Fund revenues, mainly consisting of charges for specific departmental services, were tracking on budget for the year.

Regarding expenditures, through the first five months of the fiscal year, all operating departments within the General Fund were tracking at or around 42%. Departments constantly monitored their budgets to ensure personnel and maintenance and operations expenditures were in line with original budgets. To balance the budget for 2007-08, now that revenues had been adjusted downward, two adjustments were recommended. The first was a 2% cut to each General Fund operating department's Maintenance and

Operations budget, amounting to \$125,964 00 The second was a \$50,000.00 reduction in the contribution from the General Fund to the Retirement Fund

Overall, all City funds were tracking on course through the first five months of the year, except for one-time projects that had been completed in the first half of the year

After much discussion, it was moved by Councilmember Lutz, seconded by Mayor Pro Tem Kirby, to adopt the Mid-Year 2007-2008 Budget Review.

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

SCHEDULED MEETINGS: Mayor Hammond announced that the next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, January 15, 2008, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Salute to Service Program, 7:00 P.M., Council Chambers. He noted that the Regular City Council Meeting of January 1, 2008 had been cancelled.

PUBLIC INPUT, CONTINUED, IF NEEDED: There was no additional public input

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: There were no items pulled from the Consent Calendar.

ADJOURNMENT TO CLOSED SESSION: At 9:32 P.M., Mayor Hammond announced that the City Council would adjourn the Meeting in memory of Myra A Carr-Redmon, Sister of Community Development Director Alice Griselle, and Helen Colon, Grandmother of Community Services Recreation Coordinator Penny Arroyo, and proceed to Closed Session to discuss the following items, returning to Council Chambers for a report of Closed Session:

ACS-1 Conference with Legal Counsel; Potential Litigation (Two potential cases); Government Code §549.56.9(C)

RECONVENE AND REPORT OF CLOSED SESSION: At 9:57 P.M., Mayor Hammond reconvened the City Council Meeting City Attorney Steele announced that no reportable action was taken on the following matter

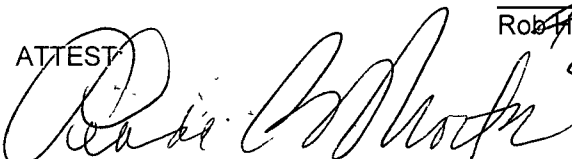
RCS-1 Conference with Legal Counsel; Potential Litigation (Two potential cases); Government Code §549.56.9(C).

ADJOURNMENT: The Meeting was adjourned by Mayor Hammond at 9:57 P.M.

APPROVED.

Rob Hammond, Mayor

ATTEST


Linda B. Proctor, MMC, City Clerk