

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, SEPTEMBER 19, 2006, 7:30 P.M.**

**CONVENE:** Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, September 19, 2006 at 7:30 P.M. in City Council Chambers, 415 South Ivy Avenue, Monrovia, California (preceded by a Salute to Service at 7:05 P.M., Council Chambers at which all City Councilmembers were in attendance). 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, Dan Kirby, Mayor Pro Tem Mary Ann Lutz, and Mayor Rob Hammond.

**INVOCATION:** Dr. John L. Mastrogiovanni, Pastor, presented the Invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember Dan Kirby led the Flag Salute.

**PRESENTATIONS**

1. **Introduction of Newly Hired Public Works Environmental Services Management Trainee, Sharon Zelinka:** Operations Division Manager Dan Iwata introduced newly hired Public Works Environmental Services Management Trainee, Sharon Zelinka to the Mayor, City Council and the community.

**ADDED TO THE AGENDA:**

2. Mayor Hammond re-presented a Certificate of Recognition to the Ladies Auxiliary 2070 celebrating 75<sup>th</sup> years in existence. The Certificate was accepted by Jeanine Coyne

**PROCLAMATIONS**

1. **Proclaiming the Month of October 2006 as "Breast Cancer Awareness Month" and the Month of November 2006 as "End Domestic Violence Month":** The Soroptimist-Camino Real Region requested that the City Council proclaim jointly the month of October 2006 as "Breast Cancer Awareness Month" and the month of November as "End Domestic Violence Month" in recognition of its "Color Me Pink and Purple" project. Soroptimist was a worldwide volunteer service organization for business and professional women. The mission was to improve the lives of women and girls in local communities and throughout the world. Cities nationwide were being asked to recognize this worthy project.

Councilmember Adams announced that the City of Hope Annual Walk to support Breast Cancer Awareness was scheduled for October 7, 2006.

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** Student Liaison Rachel Jamieson reported on activities at Monrovia High School.

A. **CONSENT CALENDAR:** It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to approve the Consent Calendar consisting of Items \*B, \*F-1, \*I-1, \*I-2, and \*J. Councilmember Adams abstained on Agenda Item \*I-1, stating that while he had inadvertently voted on this matter at the September 5, 2006 City Council Meeting, he was now abstaining due to a conflict of interest because of a business relationship with the developer, and also on Agenda Item \*I-2 due to a conflict. There were no other objections.

**\*B. UNADOPTED MINUTES:** The unadopted Minutes of the Regular Meeting of September 5, 2006 were adopted by order of the Consent Calendar as noted above.

**C. ORAL COMMUNICATIONS:**

Those speaking:

1. Bob Martin, Monrovia
2. Becky Shevlin, Monrovia
3. Cheryl Reynolds, YMCA
4. Tamala Kelly, Duarte
5. Dennis Franklin, Monrovia
5. Rodney Jefferson, Monrovia
7. Chuck Keen, Monrovia
8. Rose Weisner, Monrovia business owner
9. Irene Guzzman, Monrovia business owner

Following Oral Communications, Mayor Hammond encouraged citizens to shop downtown Monrovia as the merchants needed their help. With the assistance of a PowerPoint presentation, City Manager Ochoa presented an overview of the major constructions in the downtown area from the 1960's to present, noting that in the 1960's there was six months of street closure and disruption and only 4 to 6 weeks anticipated for current construction.

**D. PUBLIC HEARINGS/MEETINGS:**

**1. Extension of Moratorium Prohibiting the Establishment of Marijuana Dispensaries in Any Zoning District in the City, Adoption of Ordinance No. 2006-12**

Planning Division Manager Steve Sizemore reviewed the Staff Report.

On August 11, 2006, the City Council established a 45-day moratorium prohibiting the establishment of marijuana dispensaries in any zoning district in the City. The moratorium was put in place to allow Staff time to undertake an analysis of the issues regarding marijuana dispensaries.

In Monrovia, a dispensary opened briefly after providing false information to the City on a business license application regarding the nature of the use. Staff was informed that the business also falsely described the nature of the business to its landlord. This use was discontinued, but Staff anticipated that other applications for the use may follow before the City had time to adequately study whether the use should be permitted and, if so, where and under what conditions.

The City Attorney advised that there remained a significant conflict between state and federal law on the subject of medicinal marijuana. Litigation and legislative efforts aimed at resolving these issues were ongoing. Thus, Staff recommended the extension of the existing moratorium to allow Staff to monitor the legal issues and further study the planning issues associated with this use without the possible pressures and conflicts of pending applications to establish the use.

Staff recommended that the City Council adopt Ordinance No. 2006-12, extending the moratorium for an additional 22 months and 15 days, or until August 8, 2008. The moratorium could be relaxed or repealed at any time prior to that date, if the Council deemed advisable.

**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 read by title only and adopt Ordinance No. 2006-12, extending the moratorium prohibiting the establishment of marijuana dispensaries in any zoning district in the City.**

City Attorney Steele read as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, EXTENDING THE INTERIM ZONING ORDINANCE PROHIBITING THE ESTABLISHMENT OF MARIJUANA DISPENSARIES IN ANY ZONING DISTRICT WITHIN THE CITY.**

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

**2. Tentative Tract Map TTM067349/Conditional Use Permit CUP2006-15 to Construct a Detached Four-unit, Two-Story Planned Unit Development in the RM3500 (Residential Medium Density) Zone at 713 Montana Avenue by Bowden Development Inc., Developer**

At 8:46 P.m., Councilmember Adams exited Council Chambers, announcing that he had a conflict of interest due to his business relationship with the developer.

Director of Community Development Alice Griselle reviewed the Staff Report.

The applicant requested approval to develop a detached four-unit, two-story Planned Unit Development (PUD), which required a tentative map, and a Conditional Use Permit (CUP) for the construction of more than two multi-family units.

The property was located on the north side of Montana Street, between Los Robles Avenue and Monterey Avenue. The neighborhood was a mixture of single and multi-family residences. The development met all of the development standards of the City Zoning Ordinance, and there were no variances required for this development. Four detached units were proposed and were served by a common south-north driveway, taking access from Montana Street.

The site layout and design of this proposed development would provide an attractive aesthetic addition to the current neighborhood. This development would compliment the recent six-unit Craftsman style PUD that was located approximately 70 feet to the west of this proposed development.

At its meeting of August 9, 2006, the Planning Commission voted to recommend approval to the City Council

**PUBLIC HEARING OPENED: Mayor Hammond opened the Public Hearing.**

Those opposed:

1. Paul Greenwood, Monrovia, expressed concerns for privacy and drainage.

Those in favor:

None

**After discussion, including assurance that the City and developer would work with Mr. Greenwood as legally possible in an effort to resolve his issues, it was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to approve TTM067349/CUP2006-15 pursuant to recommendations in the Staff Report.**

**ROLL CALL: Ayes: Councilmembers Garcia, Kirby, Mayor Pro Tem Lutz, Mayor Hammond  
Excused: Council Adams  
Motion carried: 4-0**

At 9:14 P.M., Councilmember Adams returned to Council Chambers.

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

**CONVENE:** Chairman Rob Hammond convened the Regular Meeting of September 19, 2006 of the Monrovia Redevelopment Agency Board of Directors at 9:14 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, Joe Garcia, Dan Kirby, Vice-Chairman Mary Ann Lutz, and Chairman Rob Hammond.

**A. CONSENT CALENDAR:**

**It was moved by Boardmember Adams, seconded by Boardmember Garcia, to adopt the Consent Calendar consisting of Agenda Item \*B. There were no objections.**

**\*B. UNADOPTED MINUTES:** The unadopted Minutes of the Regular Meeting of the Monrovia Redevelopment Agency of September 5, 2006 were approved by order of the Consent Calendar as noted above.

At 9:15 P.M., Chairman Hammond and Vice-Chairman Lutz exited Council Chambers, announcing that they would refrain from discussing or voting on the matter due to the proximity of their respective businesses to the project.

**MRA REPORTS**

**1. Authorization to Acquire Real Property Located at 601 South Myrtle Avenue from 601 South Myrtle-Colorado Associates, LLC., for the Total Consideration of \$2,000,000.00; Resolution No. 10-2006**

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

One of the most visible and high profile areas in Old Town was the intersection at Myrtle Avenue and Colorado Boulevard. Since 1997, the property at the southwest corner had sat vacant, promoting a perception that negatively reflected on the entire Old Town region. With the commencement of construction for the Colorado Commons project, scheduled to begin September 22, the site's proximity to the high-profile mixed-use project had served to highlight the importance of making a statement regarding the vibrancy of Old Town. Questions had recently arisen regarding the direction that the present owners intended to take with the structure. With the possibility being that the development would move in a direction not in the best interest of Old Town, or that it would sit fallow for a longer period of time, it was determined that it would be in the best interest of Old Town for the Agency to acquire the property and manage its rehabilitation.

During the course of discussions, the owner indicated he would be willing to sell both the improvements and adjacent parking lot to the Agency for \$2,500,000.00. Agency Staff reviewed a number of sales in the area and spoke with three knowledgeable real estate agents familiar with Old Town. It was estimated that this price was in the range of current sales prices in the area; however, because the structure required significant rehabilitation, the consensus was that the price was on the high side of the market. It was determined that approximately \$400,000.00 would be required to complete a first class refurbishment. Following negotiations with the owner, the parties had settled on a purchase price of \$2,000,000.00 for both the building and adjacent



## **2. Purchase for Scheduled Replacement of Police Department Administrative Staff Vehicle in the Amount of \$29,522.75 from Wondries Fleet Group**

Police Captain Jim Hunt reviewed the Staff Report.

Most Police Departments across the country had selected Ford Crown Victoria sedans for many years as the vehicle of choice for patrol cars and administrative vehicles. The full perimeter frame of the Crown Victoria provided significant protection in a serious collision. The size of the Crown Victoria comfortably accommodated the driver and passengers as well as any added emergency and communications equipment. The Monrovia Police Department had used Crown Victoria sedans for several years.

The Police Vehicle Fleet Committee requested bids from four Ford dealerships for the Crown Victoria. Wondries Fleet Group in Alhambra was the only dealer that returned a bid for the Crown Victoria.

**It was moved by Councilmember Adams, seconded by Councilmember Garcia, to approve the capital outlay of \$29,522.75 from the Police Vehicle Fleet Replacement Fund to purchase one 2006 Ford Crown Victoria Sedan from Wondries Fleet Group. There were no objections.**

### **F. COMMUNICATIONS AND PETITIONS:**

#### **\*1. Denial of Liability Claim; Noel Villamater vs. City of Monrovia**

This matter was approved by order of the Consent Calendar.

Mr. Villamater alleged that on July 5, 2006, a City tree branch broke off causing damage to his van. The tree in question had been regularly inspected and maintained. There had been no visible sign of disease or decay. Therefore, the City bore no responsibility in this matter.

### **G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES:**

#### **1. Mayor Hammond** reported that:

- (a) He reiterated his plea for citizens to shop downtown Monrovia during these times of construction, noting the high level of financial support given for events from the local merchants.
- (b) He acknowledged the positive efforts of Canyon Oaks Government Teacher Rosenstein, and welcomed back all the schools into session. He explained the Adopt a School program and noted that he had adopted the High School and Monroe Elementary School.
- (c) He thanked Councilmember Garcia who had taken a large leadership role in League of California Cities, serving with distinction and honor as Chair of the League of California Cities' Housing, Community and Economic Development Committee.

#### **2. Mayor Pro Tem Lutz** reported that:

- (a) **Upgrading of School District's KGEM Feed:** She called upon Jasen Lewis, Executive Director of KGEM, who reported that there was now direct feeds to the Monrovia Unified School District offices and had been for the last two months. There was now a major quality difference.
- (b) A Latino Young Men's Conference for young men ages 12-17 would be held on November 11, 2006. More information could be obtained by calling 909 794-2306.
- (c) An E-Waste Round-Up was scheduled for September 28-30, 2006 by the City of Bradbury at their City Hall, 600 Winston Avenue, Bradbury.

#### **3. Councilmember Adams** had no report at this time.

**4. Councilmember Garcia reported that:**

(a) He attended the League of California Cities Conference in San Diego last week with Mayor Hammond, Mayor Pro Tem Lutz, City Clerk Proctor, and City Manager Ochoa. He congratulated Pinole Mayor Pro Tem Maria Alegria who was installed as the incoming President of the League. At the Conference, he served on the City Resolutions Committee. He congratulated the cities who had won the Helen Putnam Award and stated that he would like to submit an application from Monrovia next year.

**5. Councilmember Kirby reported that:**

(a) He had been invited to attend a conference at Azusa Pacific College and would bring a detailed report at the next Council Meeting.

**H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES:** There were none.

**I. ADMINISTRATIVE REPORTS****\*1. Final Tract Map No. 062936 for Re-subdivision of Property Located at 222-224 East Chestnut Avenue by K & J Construction**

This matter was approved by order of the Consent Calendar.

Tentative Tract Map No. 62936 was for the re-subdivision of property located in the Residential Medium/Residential High (RM/RH) Zone. The area was being re-subdivided into 4 single family two-story Planned Unit Development (PUD). The tentative subdivision map was approved by the Planning Commission at its meeting of June 15, 2005 and was approved by the City Council on July 5, 2005. The Final Tract Map was in order and on file with the City Clerk, Community Development Department Planning Division, and the Department of Public Works.

At its meeting of September 5, 2006, the City Council approved the Final Tract Map under the Consent Calendar. However, due to a procedural defect in the vote, the matter was being brought back to the City Council for a re-vote.

**\*2. Set for Public Hearing on October 3, 2006; Tentative Tract Map No. 67713/Conditional Use Permit CUP2006-18 to Construct a 13-Unit, 2-Story Detached Planned Unit Development in the RH (Residential High Density) Zone at 335 Genoa Street by Bowden Development, Inc.**

This matter was approved by order of the Consent Calendar.

At its meeting of September 13, 2006, the Planning Commission reviewed an application to construct a 13-unit, two-story, detached Planned Unit Development in the RH (Residential High Density) Zone at 335 Genoa Street. At the close of the Public Hearing, the Planning Commission voted to recommend approval of the project to the City Council.

**\*J. PAYROLL & VOUCHERS:** Payroll No. 18 in the net amount of \$490,174.55, and Voucher Numbers 139014 through 139253 in the amount of \$811,667.40 were approved by order of the Consent Calendar.

**K. SCHEDULED MEETINGS:** Mayor Hammond announced that the next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, October 3, 2006, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

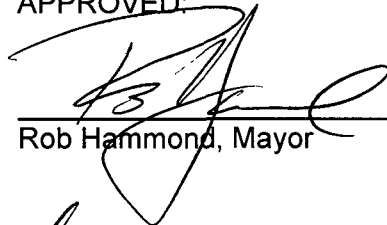
**L. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED:** There were none.

**M. ADJOURNMENT TO CLOSED SESSION:** At 9:37 P.M., Mayor Hammond announced that the City Council would adjourn to Closed Session to conference with Legal Counsel, Existing Litigation Pursuant to Government Code §54956.9(a), Name of Case: Otto Moses, Case No CV05 2225 DDP (VBKx), and would report back in Council Chambers at the conclusion of the Closed Session. Closed Session convened at 9:40 P.M.

**N. REPORT OF CLOSED SESSION:** At 9:55 P.M., City Attorney Steele announced that the City Council met to confer with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9(a), Name of Case: Otto Moses, Case No. CV05 2225 DDP (VBKx) and stated that non-disclosure of otherwise reportable action taken under Government Code §54957.1 as negotiations were not complete/ final agreement had not been approved

**O. ADJOURNMENT:** The Meeting was adjourned at 9:55 P.M.

APPROVED:



A handwritten signature in black ink, appearing to read 'Rob Hammond', is written over a horizontal line.

Rob Hammond, Mayor

ATTEST:



A handwritten signature in black ink, appearing to read 'Linda B. Proctor', is written over a horizontal line.

Linda B. Proctor, MMC, City Clerk