



**REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
City Council Chambers
March 27, 2001
7:30 P.M.**

AGENDA SUMMARY

CONVENE

INVOCATION

Pastor Robert Spurgeon
First Christian Church

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Rob Hammond

ROLL CALL

Councilmembers Adams, Franco, Garcia, Mayor Pro Tem Hammond, and Mayor Blakely

REPORT OF CLOSED SESSION

1. **Contract Employee Performance Evaluation – City Attorney, Pursuant to Government Code § 54957**

PRESENTATIONS

1. **Presentation by Alan Morse of DynaMetric, Inc., of a Donation of \$7,000.00 for Library Park Equipment Renovation**

Daniel Iwata, Parks Division Manager, will be on hand tonight to introduce Alan Morse, of DynaMetric, who will present a \$7,000.00 check from his firm to the City of Monrovia, to the Mayor, City Council and community.

PROCLAMATIONS

None

Student Government Representative Report

Student Liaison Chris Burau

A. CONSENT CALENDAR *B, *F-1, *F-2, *F-3 *I-4, *I-5 and *K

***B. MINUTES** Regular meeting of February 13, 2001 and February 27, 2001

C. ORAL COMMUNICATIONS

D. PUBLIC HEARINGS

None

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

ROLL CALL Board Members Adams, Franco, Garcia, Vice-Chairman Hammond, and Chairman Blakely

A. CONSENT CALENDAR *B

***B. MINUTES** Regular meeting of February 13, 2001 and February 27, 2001

MRA REPORTS

- 1. Housing Rehabilitation Agreement with Monrovia Heritage Park, L.P. to Convert the Blackstone Apartments, Located at 630 West Duarte Road to Affordable Senior Housing, Resolution No. 1-2001**

Jeff Kugel, Management Analyst II, will give the staff report.

American Senior Living, a developer of senior housing and partner with Monrovia Heritage Park, has requested Agency participation in a project to rehabilitate the Blackstone Apartments, located at the corner of Duarte Road and Tenth Avenue. The

project consists of converting the apartments to 100% affordable income senior housing. The apartments are currently in fair to poor condition and the rehabilitation will dramatically improve the quality of the building. Monrovia Heritage Park is requesting an Agency loan of \$150,000.00 as a condition for securing \$962,218.00 from the federal HOME program.

If the Agency Board concurs, the appropriate action would be a motion to:

Approve Resolution No. 1-2001.

MRA ADJOURN

RECONVENE MONROVIA CITY COUNCIL MEETING

E. BIDS

None

F. COMMUNICATIONS AND PETITIONS

***1. Receive and File; Application for ABC (Type 20, Off-Sale Beer and Wine) License for Monrovia Chevron Located at 854 East Huntington Drive**

Notice was received from ABC that Robert Nejathaim has submitted an application for a Type 20 Off-Sale Beer and Wine License. Based on the background investigation, Staff finds no reason to recommend any other action on this application. There is no fiscal impact and Staff recommends that the City Council receive and file this application.

If the City Council concurs, the appropriate action would be a motion to:

Receive and file this application.

***2 Denial of Claim; Luz Ortiz-James vs. City of Monrovia**

On October 28, 2000, the claimant was stopped by a Monrovia Police Officer for unsafe driving and arrested for being under the influence. As a result, her vehicle was towed. The District Attorney later decided not to file the DUI case and a Commissioner found her not guilty of the traffic violation charged. Ms. Ortiz-James alleges that she was subject to harassment by the arresting Officer.

Monrovia Police personnel responded in an appropriate manner based on the claimant's driving, objective symptoms and performance on the Standard Field Sobriety Tests. Therefore, the City bears no responsibility in this matter. Claimant is seeking approximately \$400 in damages. Staff is recommending rejection of claim.

If the City Council concurs, the appropriate action would be a motion to:

Reject the claim filed by Luz Ortiz-James.

***3. Denial of Liability Claim – Christopher Near vs. City of Monrovia**

Mr. Near claims that while driving near Huntington Drive and Primrose Avenue on February 27, 2001, his front tire was damaged due to road resurfacing work being performed at that location.

The City contracted with Pima Corporation to construct median islands on Huntington Drive. This work was underway on the date of the alleged windshield damage. The City bears no responsibility in this matter as it is covered as an additional insured on Pima's insurance with respect to the Huntington Drive Project.

Mr. Near has been notified to contact Pima Corporation for further resolution of this matter. Claimant is seeking \$163.30 in damages. Staff is recommending rejection of claim.

If the City Council concurs, the appropriate action would be a motion to:

Reject the claim filed by Christopher Near.

G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1. Mayor Blakely
2. Mayor Pro Tem Hammond
3. Councilmember Adams
4. Councilmember Franco
5. Councilmember Garcia

H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES

1. Contract Services with Mountains Restoration Trust for Hillside Open Space Land Acquisition

The Wilderness Preserve Steering Committee, established by the City Council, has been meeting on a regular basis since its beginning on August 8, 2000.

In order to assist the Committee in its role and responsibilities regarding property real estate analysis and property negotiations, the Committee interviewed Mr. Steve Harris of the Mountains Restoration Trust.

Mr. Harris is the President of the Mountains Restoration Trust, which is a non-profit corporation that has worked for the past 20 years with both government agencies and private property owners in acquiring open space. The Mountains Restoration Trust proposes to offer their expertise, experience and counsel to the Wilderness Preserve Steering Committee on real estate analysis and property negotiations.

The initial agreement with Mr. Harris and the Mountains Restoration Trust would be for services that range from \$2,500 to a maximum of \$5,000. The services would be performed on a time and material basis. These services will include evaluation of existing information, making recommendations regarding negotiation strategy and an initial meeting with property owner(s).

The Wilderness Preserve Steering Committee met with Mr. Harris and unanimously recommended approval of the consultant services proposal.

If the City Council concurs, the appropriate action would be a motion to:

Authorize the City Manager to execute the services agreement with Steve Harris, of the Mountains Restoration Trust.

I. ADMINISTRATIVE REPORTS

1. City Tree Trimming Services; Three (3) Year Extension of Contract Services to TruGreen Landcare in the Amount of \$169,000.00 Annually

Daniel Iwata, Parks Division Manager, will give the staff report.

The Tree Trimming Maintenance Program provides tree trimming services for parkway trees, special trimmings, emergency parkway service, weed abatement, and park tree maintenance for approximately 2,500 trees and tree wells annually. The program is funded through the Citywide Lighting and Landscape Maintenance Assessment District.

On March 24, 1998, the City Council awarded Golden Bear Arborists with a three (3) year contract extension in the amount of \$159,632. They were also awarded extensions during 1994, 1995, and 1997. The City Council also waived performance bond requirements back in 1995. Golden Bear Arborists was acquired by TruGreen Landcare in 1999. The current contract will expire on June 30, 2001. TruGreen Landcare has submitted a proposal requesting a three (3) year contract extension. The contract will reduce the City's average cost of tree trimming for \$57.48 per tree to \$41.50 per tree, a savings of 27% per tree. The savings will be applied towards trimming more trees and changing the current four-year trimming cycle to a three-year cycle, or about 400 more trees annually.

The three-year contract extension will extend the current contract with TruGreen Landcare through June 30, 2004. Services will not exceed \$169,000 for each fiscal year.

Staff feels that TruGreen Landcare has provided quality services and the increase in tree trimming will decrease the City's liability. Staff recommends that the City Council award a three (3) year contract extension to TruGreen Landcare.

If the City Council concurs, the appropriate action would be a motion to:

1. **Approve a three (3) year contract extension to TruGreen Landcare in the amount of \$169,000 for each fiscal year; and**
 2. **Authorize the Mayor to execute the contract extension.**
2. **Landscape Maintenance; Three (3) Year Extension of Contract Services to TruGreen Landcare in the Amount of \$52,600.00 Annually for the First Two Years, with Third Year Based on the CPI**

Daniel Iwata, Parks Division Manager, will give the staff report.

Since 1979 the parkway median landscape maintenance for downtown Myrtle Avenue, Huntington Drive, south side of Maple Avenue between Shamrock and California, and the north side of Cypress Avenue between California and Myrtle Avenue have Lighting and Landscape Maintenance Assessment District.

Golden Bear Arborists, now known as TruGreen Landcare, has provided these and City Council waived the performance bond requirements. TruGreen Landcare has requested a three (3) year contract extension for the period of July 1, 2001 through June 30, 2004, the current contract expires on June 30, 2001.

The contract extension will keep the City within the budget established for the 2001-2002 fiscal year in the amount of \$52,600. During years two and three, there will be an increase based on the Consumer Price Index.

Staff feels that TruGreen Landcare has provided quality service over the past years and recommends that the City Council award a three (3) year contract extension to TruGreen Landcare.

If the City Council concurs, the appropriate action would be a motion to:

1. **Award a three (3) year contract extension to TruGreen Landcare in the amount of \$52,600 for fiscal year 2001-02; and**
 2. **Approve an increase for year two and the third year based upon the Consumer Price Index.**
3. **Oral Report by City Attorney Michael G. Colantuono; Joining the Filing of an Amicus Curiae Brief in the Matter of Robinson vs. Solano County, 218 F. 3d 1030 (9th Cir. 2000)**

City Attorney Michael G. Colantuono will give an oral report regarding the filing of an Amicus Curiae Brief in the case of Robinson vs. Solano County.

A three-judge panel of the Ninth Circuit, in the case of Robinson vs. Solano County, 218 F.3D 1030 (9th Cir. 2000), ruled that the mere act of a police officer pointing a gun at someone, even someone who has been reported as being armed, can constitute excessive force for which the officer can be sued, and further held that the "reasonableness" of the officer's decision is a question of fact which must go to the jury. The Ninth Circuit has agreed to rehear the case *en banc* and the League of California Cities has asked us to author an *amicus* brief in support of Solano County.

If the original *Robinson* decision is adopted by the *en banc* panel, our city will be placed in the impossible position of either ordering its police officers to not use the one technique most likely to protect them from random violence, or to accept a flood of new lawsuits, possibly every time a police officers feels obliged to un-holster his or her gun, all of which will have to go to trial.

If the City Council concurs, the appropriate action would be a motion to:

Authorize the City Attorney to list the City's name on the Amicus Curiae Brief.

***4. Final Tract Map No. 52933 for Re-subdivision of Property Formerly Located at 108 South Mountain by Developer Bowden Development, Inc.**

The original Tentative Map approval for this tract was requested by Henry Nunez. Since then, however, the development changed hands and is now being developed by Bowden Development, Inc.

Tentative Tract Map No. 52933 is for re-subdivision of properties located in a Residential High Density (RH) Zone. The area is being re-subdivided into nine lots with each lot having a single family detached two-story dwelling. The tenth lot is a common lot for ingress, egress, drainage and utilities. The Tentative Subdivision Map was approved by the Planning Commission at its meeting on April 12, 2000 and by the City Council at their meeting on May 9, 2000.

The Final Tract Map has been checked by the Public Works and Community Development Departments and by the City's consultant. It was found to substantially conform to the approved Tentative Map and is technically correct and conforms with the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance.

This project will improve property values and increase the tax base. Staff recommends that the City Council approve the Final Map for Tract Map No. 52933.

If the City Council concurs, the appropriate action would be a motion to:

1. **Approve the Final Map for Tract Map No. 52933; and**
 2. **Authorize the Mayor and the City Clerk to execute the Subdivision Agreement.**
5. **Final Tract Map No. 52351 for Re-subdivision of Property Formerly Located at 1619-1627 Alamitas Street by Developer Roy Gar Enterprises**

This tract is being developed by Roy Gar Enterprises. Tentative Tract Map No. 52351 is for the re-subdivision of properties located in Planned Development Area 11 (PD11). The area is being re-subdivided into nine lots with single family detached two-story dwelling on each lot. The tenth lot is for ingress, egress, drainage and utilities. The Tentative Subdivision Map was approved by the Planning Commission at its meeting on August 13, 1997 and by the City Council at its meeting on September 16, 1997.

The Final Tract Map was checked by the Public Works and Community Development Departments and by the City's consultant. It was found to substantially conform to the approved Tentative Map. The Final Map was also checked for accuracy and was found to be technically correct and conforms to the requirements of the State Subdivision Map Act and the City's Subdivision Ordinance.

This project will improve property values and increase the tax base. Staff recommends that the City Council approve the Final Map for Tract Map No. 52351.

If the City Council concurs, the appropriate action would be a motion to:

1. **Approve the Final Map for Tract Map No. 5235; and**
2. **Authorize the Mayor and the City Clerk to execute the Subdivision Agreement.**

J. RESOLUTIONS & ORDINANCES

1. **Amendment to Title 17 of the Monrovia Municipal Code Relating to Regulations Pertaining to Drive-Thru Business Operations, Second Reading and Adoption of Ordinance No. 2001-05**

This is the second reading and final adoption of Ordinance No. 2001-05 amending Title 17 of the Monrovia Municipal Code, relating to drive-thru business operations. Staff continues to recommend approval of this ordinance.

If the City Council concurs, the appropriate action would be a motion to:

1. **Read by title only Ordinance No. 2001-05; and**
 2. **Adopt Ordinance No. 2001-05.**
2. **Amendment to Title 17 of the Monrovia Municipal Code Relating to Adding Regulations Pertaining to Late Night Business Operations, Second Reading and Adoption of Ordinance No. 2001-06**

This is the second reading and final adoption of Ordinance No. 2001-06 amending Title 17 of the Monrovia Municipal Code, relating to late night business operations. Staff continues to recommend approval of this ordinance.

If the City Council concurs, the appropriate action would be a motion to:

1. **Read by title only Ordinance No. 2001-06; and**
 2. **Adopt Ordinance No. 2001-06.**
3. **Amendment to Title 17 of the Monrovia Municipal Code Relating to Zone Designation Changes from RM3000/PUD to PD-23, Second Reading and Adoption of Ordinance No. 2001-04**

This is the second reading and final adoption of Ordinance No. 2001-04 amending Title 17 of the Monrovia Municipal Code, relating to zone designation changes from RM3000/PUD to PD-23. Staff continues to recommend approval of this ordinance.

If the City Council concurs, the appropriate action would be a motion to:

1. **Read by title only Ordinance No. 2001-04; and**
2. **Adopt Ordinance No. 2001-04.**

***K. PAYROLL & VOUCHERS**

Approve Payroll No. 6 in the net amount of \$368,538.81; and Voucher Numbers 93012 through 93627 non-sequentially in the amount of \$1,077,074.29.

L. SCHEDULED MEETINGS

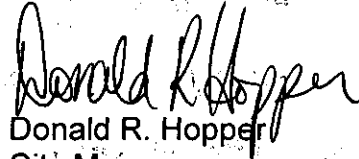
The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, April 10, 2001, 7:30 p.m., Council Chambers, 415 South Ivy Avenue, Monrovia, California.

M. CLOSED SESSION

- 1. Contract Employee Contract Negotiations – City Attorney, Pursuant to Government Code §54957.54957**

N. ADJOURN

Respectfully submitted,



Donald R. Hopper
City Manager

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