

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, APRIL 4, 2006, 7.30 P M**

CONVENE. Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, April 4, 2006 at 7 38 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Scott Ochoa, Acting City Attorney William B Rudell, and City Clerk Linda B Proctor

INVOCATION. City Clerk Proctor presented the Invocation

PLEDGE OF ALLEGIANCE. Councilmember Dan Kirby led the Flag Salute

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

PRESENTATIONS.

1 Presentation of Good Neighbor Award to Warren Welbourn

The Good Neighbor Award was instituted this year by the City Council to honor Monrovians who had gone out of their way to assist their neighbors and their neighborhoods The recipient was Warren Welbourn, a Monrovia resident of 45 years The presentation was made by Councilmember Adams

2. Introduction of Newly Hired Administrative Services Employees Accountant II Eva Contreras, and Accounts Specialist Shelley Keefer

Terrence Beaman, Finance Division Manager, introduced newly hired Administrative Services employees Accountant II Eva Contreras, and Accounts Specialist Shelley Keefer, to the Mayor, City Council and the Community

3 Introduction of Newly Hired Firefighter David Phillips

Battalion Chief David Cruz introduced newly hired Firefighter David Phillips to the Mayor, City Council and the community

PROCLAMATIONS

1 Proclaiming the Month of April 2006 as "Child Abuse Prevention Month"

Mayor Hammond proclaimed the month of April as "Child Abuse Prevention Month" which marked the observance of Child Abuse Prevention Month, a time to focus on the protection and care of the most vulnerable and trusting segment of our population Child abuse, a national tragedy, took the lives of three children every day and affected millions of children and families every year Each April, Child Abuse Prevention Month activities raised awareness about this problem and what each of us could do to help prevent the abuse and neglect of our nation's children

Dick Singer, President, Board of Directors, Santa Anita Family Service, accepted the Proclamation

2 Proclaiming the Week of April 17-23, 2006 as "National Community Development Week"

April 17-23, 2006, was designated National Community Development Week. Signed on August 22, 1974, the Community Development Block Grant (CDBG) program continued to strengthen America's communities by providing affordable and accessible housing, child care, health care, senior citizens' programs, and infrastructure improvements. The theme of this year's celebration was "CDBG Moving Communities Forward." CDBG funds had aided the city of Monrovia with a number of projects over the past 32 years.

Housing Coordinator Dan McConnell introduced Clint Whited, Program Management/Construction Compliance, Community Development Commission – CDBG, who accepted the Proclamation.

STUDENT GOVERNMENT REPRESENTATIVE REPORT. Student Liaison Krystina Mastrogiovanni reviewed activities at Monrovia High School.

A. CONSENT CALENDAR:

Mayor Hammond removed Agenda Items *1-4 and *1-5 from the Agenda for discussion and voting upon as they were both for introduction and first reading of ordinances.

It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to approve the Consent Calendar consisting of Items *B, *F-1, *I-2, *I-3, and *J.

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

***B UNADOPTED MINUTES.** The unadopted Minutes of the Regular Meeting of March 21, 2006 were adopted by order of the Consent Calendar.

C. ORAL COMMUNICATIONS:

Those speaking

- 1 Chris Lancaster, La Verne
- 2 Nick Pokrajac, Monrovia
- 3 Rich Elgin, Monrovia
- 4 Cyrus Kemp, Monrovia
- 5 Spencer Lyons, Monrovia
- 6 James White

In response to Mr. Lyons' invitation to the public to get involved with the Relay for Life, American Cancer Society, April 27, 2006 at Library Park, Mayor Hammond stated that he and other Councilmembers would be participating and were part of a team for the 24-hour event.

D PUBLIC HEARINGS/MEETINGS:

1. Tentative Tract Map No 065947/Conditional Use Permit CUP2006-09 to Construct a 4-Unit, Detached, Two-story Planned Unit Development at 526 Fano Street by Sunny Construction

Alice Griselle, Director of Community Development, reviewed the Staff Report. The property, located on the south side of Fano Street between Alamitas and Mayflower Avenues, was 55' wide and 249' deep for a total area of 13,695 square feet. The property was

zoned RM/RH and because the lot was under 15,000 square feet, the RM2500 density applied. The maximum density permitted was 5 units. The project conformed to all applicable development standards.

The Planning Commission held a Public Hearing on March 15, 2006 to review the application and forwarded a recommendation of approval of the project to the City Council.

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 Garcia, to approve Tentative Tract Map No 065947 and Conditional Use Permit CUP2006-09 pursuant to the recommendations in the Staff Report.

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

2. Tentative Tract Map No. 066036/Conditional Use Permit CUP2006-10 to Construct a 6-Unit, Detached, Two-story Planned Unit Development at 1232 South Mayflower Avenue by Ron Rossiter

At 8:31 P.M., Councilmember Adams exited Council Chambers due to a conflict of interest due to the proximity to a piece of property he represented.

Alice Griselle, Director of Community Development, reviewed the Staff Report.

The property was located on the east side of Mayflower Avenue between Huntington Drive and Montana Street and measures 80' wide by 292.25' deep (23,379 SF). The zoning was RH (Residential High) density as were the surrounding properties to the east, north and south.

At its meeting of March 15, 2006, the Planning Commission unanimously recommended approval of the project.

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 Mayor Pro Tem Lutz, seconded by Councilmember Kirby, to approve Tentative Tract Map No 066036 and Conditional Use Permit CUP2006-10 subject to the recommendations in the Staff Report.

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

At 8:38 P.M., Councilmember Adams returned to City Council Chambers.

3. Tentative Tract Map No. 066034/Conditional Use Permit CUP2006-08 to Construct a 5-Unit, Detached, Two-story Planned Unit Development at 1825 Tenth Avenue by Nimer Matta

Alice Griselle, Director of Community Development, reviewed the Staff Report.

The property was located on the west side of Tenth Avenue, between Duarte Road and El Norte Avenue and was 65' wide and 441' deep with a total area of 28,665 square feet. There was a

Flood Control easement across the rear 130' of the property A horse trail also ran over this easement The property was zoned RM4000 (Residential Medium Density) This zoning would allow up to seven units on this property It currently had three dwelling units on the property which would be demolished

The Planning Commission held a Public Hearing on March 15, 2006 to review the proposed 5-unit PUD The Commission discussed the possibility of retaining the large eucalyptus tree on the rear property line and referred that issue back to DRC based on the review of the tree by a certified arborist The removal or retention would not impact the development of the property

At the close of the Public Hearing, the Planning Commission unanimously voted to recommend approval of the proposal to the City Council

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 Garcia, seconded by Councilmember Kirby, to approve Tentative Tract Map No. 066034 and Conditional Use Permit CUP2006-08 pursuant to the recommendations in the Staff Report, with the additional condition that trail accessibility be maintained at all times.

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

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE Chairman Rob Hammond convened the Regular Meeting of April 4, 2006 of the Monrovia Redevelopment Agency Board of Directors at 8 46 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 and *MRA-1.

ROLL CALL Ayes. Boardmembers Adams, Garcia, Kirby, Vice-Chairman Lutz
Abstained. Chairman Hammond
Motion carried: 4-1-0

Chairman Hammond abstained due to the proximity of his business to the project

***B UNADOPTED MINUTES:** The unadopted Minutes of the Regular Meeting of the Monrovia Redevelopment Agency of March 21, 2006 were approved by order of the Consent Calendar

MRA REPORTS

***1 First Amendment of Lease Agreement with Paul and Sandra Kalemkarian Concerning Property Located at 138 East Olive Avenue**

This matter was approved by order of the Consent Calendar

To address Old Town parking needs during the construction of the Colorado Commons condominium project, the Agency Board approved a Lease Agreement with Paul and Sandra Kalemkarian on January 17, 2006, for the lease of a vacant 33,600 square foot lot at 138 East Olive Avenue. The lease was for an 18 month term, and could be extended by mutual agreement of the parties. Under the terms, it was contemplated that the Agency would be responsible for all required grading work, and paving required at the site. The cost to complete this work had been estimated at \$71,500.00

The Kalemkarian's indicated at the conclusion of the Agreement that they might wish to incorporate a portion of the improvements into their new development. Consequently, to ensure that the temporary improvements were constructed in a manner to satisfy their future potential needs, as well as those of the Agency, they requested that the Agreement be amended to assign them with the responsibility of completing the work. To compensate them for this new responsibility, it was proposed that the amount of lease be adjusted to reimburse them for value of the improvements. Under the proposed amendment, this cost would be incorporated in the rent, which would increase by \$3,972.00 per month. The construction would be their responsibility and would, at a minimum, meet the standard of the improvements that the Agency intended to construct.

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8:47 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING**E. BIDS****1. Award of Contract to Facilities Operations Plus for the Barney Glenn Ball Field Announcers Booth and Restroom Renovation in the Amount of \$92,500.00**

Tim Blackburn, Acting Facilities Division Manager, reviewed the Staff Report

Heavy rainfall in 2004-2005 virtually destroyed the interior wall and ceiling surfaces of the Barney Glenn Ball Field restroom. The wood framing supporting the second level showed extensive structural damage caused by water intrusion and termites. The restroom doors had been vandalized and were no longer anchored securely to the block structure and the exterior stairway treads were wooden, showed excessive ageing and were not to code. Removal and replacement of all the wood construction would be required. The base structure (foundation, slab and block walls) remained adequate and would be retained.

Electrical power was shared by the restroom, announcer's booth and snack bar. Increased electrical demand over the years caused repeated tripping of the sole circuit breaker. Improvements to the electrical system would correct deficiencies and allow for future expansion.

Four bid proposals were received with results as follows:

Facility Operations Plus, \$92,500.00, H.C. Olsen Construction, Inc., \$119,792.00, BBS Construction, Inc., \$132,500.00, and, D & J Foothill Electrical, \$165,348.00. Funds were available in the Facilities Capital Improvement Fund.

It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to approve the award of contract to Facility Operations Plus in the amount of \$92,500.00 for the Barney

Glenn Ball Field Restroom and Announcers Booth Renovation Project per Bid No 04-17, and reject all other bids There were no objections

2 Purchase of One Ford Utility Body Truck from Raceway Ford (Bid No. 05-10) in the Amount of \$39,519.17

Tim Blackburn, Acting Facility Division Manager, reviewed the Staff Report

The existing truck was purchased in July 1991 This vehicle was used for a variety of construction and maintenance activities from installing and repairing water services, water mains and fire hydrants The request to upgrade from a 1-ton to a 1½-ton was due to the fact that over the years the amount of equipment that was required on the job site had increased considerably Purchasing the new truck would also initiate the disposal process for the existing truck Bid specifications were sent out, but only one dealer, Raceway Ford, submitted a timely bid proposal in the amount of \$39,519 17 Funds were available in the Equipment and Vehicle Replacement Fund

It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Lutz, to approve the purchase of one Ford Utility Body Truck from Raceway Ford per Bid No 05-10 in the amount of \$39,519.17 There were no objections

F COMMUNICATIONS AND PETITIONS

***1 Denial of Liability Claim; Steve and Sue Buckner vs City of Monrovia**

This matter was approved by order of the Consent Calendar

A City contractor performing work in the area of the claimants' property did not comply with the City's instructions The contractor trimmed the trees and shrubs on the claimants' property without being told to do so by the City The City was an additional insured on the contractor's policy in insurance for any work done by the contractor for the City Their work was not authorized or approved, therefore, the contractor was responsible for any alleged damages

Claimants sought \$1,076,500 00 in damages Staff recommended that Council deny this claim

G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1. Mayor Hammond had no report at this time

2 Mayor Pro Tem Lutz had no report at this time

3. Councilmember Adams reported that

(a) The Unity Center would hold its annual Hoop Challenge Basketball game against ABC Channel 7 Team again at Azusa Pacific University this Saturday Admission was free with a can of food

4 Councilmember Garcia had no report at this time

5 Councilmember Kirby reported that

(a) The Passport Program's March income was over \$10,000 00, a first since its inception He complimented that program, stating that it was a great service to the community

(b) The Foothill Transit's Silver Streak from Montclair to Los Angeles had begun As suggested by him, the buses were outfitted with seamless Internet access for the convenience of the riders He further announced that any uniformed police officer would be able to ride free at any time

I ADMINISTRATIVE REPORTS

1 Update of Sidewalk Replacement Program; Receive and File

Niles Boyer, Streets Division Supervisor, reviewed the Staff Report

The Public Works Department Street Division provided maintenance to the City's 72 miles of streets, 100 miles (2,640,000 square feet) of sidewalks, and 140 miles (739,200 lineal feet) of curbs and gutters

With the quantity of sidewalks and curbs in need of repair due to tree roots, damaged curb and gutters, installation of handicap access ramps, and replacement of driveways under the 50/50 program, the Street Division divided the City into 21 sections in order to provide an economical approach to complete repairs

The Sidewalk Replacement Program helped eliminate trip hazards saving thousands of dollars in liability claims. The following quantities were completed by the Street Division: FY 04/05, 51,820 square feet of sidewalk repairs, 6,200 lineal feet of curb and gutter repairs; FY 05/06, 9 months, 48,160 square feet of sidewalk repairs, 5,500 lineal feet of curb and gutter repairs, and installation of 22 "French drains" to eliminate standing water in the gutter, and installation of over 20 handicap access ramps constructed from resident requests within the past year, and, for the first nine months of FY 05/06, 54 50/50 driveways were completed or scheduled for completion.

After discussion, including Mayor Hammond's request to have a link on the City's website to Public Works for a schedule for upcoming work, and the reiteration of the 50/50 program with the City and resident, it was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to receive and file this report. There were no objections.

***2 Application for Fortune Telling Permit for Psychic Angel Products and Work Shop at 336 W. Foothill Boulevard for the Period Ending April 4, 2007; Receive and File**

This matter was approved by order of the Consent Calendar.

Notice was received that Gina Maria Steven had submitted an application for a Fortune Telling permit. Based on the background investigation on the applicant, Staff found no reason to recommend any other action on this application. There was no fiscal impact and Staff recommended that the City Council receive and file the application.

***3 Set for Public Hearing on April 18, 2006; Historic Landmark HL-95/Mills Act Contract MA-90 for the Property at 728 East Greystone Avenue by Property Owners Misty and Brannigan Scott**

This matter was approved by order of the Consent Calendar.

At its meeting of March 29, 2006, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act for the property at 728 East Greystone Avenue to the City Council. It was determined by the Historic Preservation Commission that this house met Criteria #4 (Architecture) making it eligible for historic status.

4. Extension of Monrovia Redevelopment Agency Time Limitations, Introduction and First Reading of Ordinance No. 2006-06

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

Section 33333 6(e)(2)(D) of the California Health and Safety Code provided that when a redevelopment agency was required to make a payment to the Educational Revenue Augmentation Fund in Fiscal Years 2004-05 and 2005-06 pursuant to Section 33681 12 of the California Health and Safety Code, the legislative body could enact an ordinance extending the time limits on the effectiveness of the Redevelopment Plan, the period of payment of indebtedness, and receipt of property taxes by three one-year extensions. During the additional three year period, this extension would allow the Agency to receive additional revenue from property tax increment and to obtain larger tax allocation bond proceeds, resulting in net positive funds for the Agency.

Staff recommended that the City Council adopt Ordinance No 2006-06, extending the effectiveness of the Agency's Redevelopment Plan and the period for payment of indebtedness and receipt of property taxes by one year.

It was moved by Mayor Pro Tem Lutz, seconded by Councilmember Garcia to introduce, waive further reading and read by title only Ordinance No. 2006-06.

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

Acting City Attorney Rudell read as follows

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA EXTENDING THE TIME LIMITS WITH RESPECT TO THE MONROVIA REDEVELOPEMENT PROJECT AREA NO. 1.

5 Elimination of Time Limit on Establishment of Loans, Advancement, and Indebtedness, Introduction and First Reading of Ordinance No 2006-07

Redevelopment Division Manager Kevin O'Brien reviewed the Staff Report

On December 6, 1994, the City Council adopted Ordinance No 94-73 which established certain time limits with respect to the Redevelopment Project Area for incurring indebtedness. Recently, the State Legislature amended Section 33333 6(e)(2) of the California Health and Safety Code to allow the legislative body of the redevelopment agency (the City Council), to enact an ordinance eliminating the deadline for incurring indebtedness formerly required by Section 33333 6 on any redevelopment plans originally adopted before January 1, 1994.

The adoption of Ordinance No 2006-07 would eliminate the time limitations on establishment of loans, advancements, and indebtedness formerly required by Section 33333 6 of the California Health and Safety Code and allowed for the Ordinance to be adopted without compliance with the normal procedures for redevelopment plan amendments.

Staff recommended that the City Council adopt Ordinance No 2006-07

It was moved by Councilmember Kirby, seconded by Councilmember Adams, to introduce, waive further reading and read by title only Ordinance No 2006-07. There were no objections

Acting City Attorney Rudell read as follows

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA ELIMINATING THE TIME LIMIT ON ESTABLISHMENT OF LOANS, ADVANCES AND INDEBTEDNESS WITH RESPECT TO REDEVELOPMENT PROJECT AREA NO 1

J PAYROLL: Payroll No 6 in the net amount of \$501,666 61, and Voucher Numbers 135932 through 136174 in the amount of \$917,996 91 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, April 18, 2006, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Study Session to review 2005-07 Fees, 6 00 P M , City Council Chambers He noted that Mayor Pro Tem would open the Meeting and that he would be late in attending

L. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED. None

M ADJOURNMENT TO CLOSED SESSION· None

N RECONVENE AND REPORT OF CLOSED SESSION. None

O ADJOURNMENT· Mayor Hammond adjourned the Meeting at 9 15 P M in memory of Thomas (Senior Tom) O'Connell, and Andrea Parker, wife of recently retired Public Works employee Skip Parker

APPROVED


Rob Hammond, Mayor

ATTEST


Linda B Proctor, MMC, City Clerk