

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, JULY 6, 2004, 7 30 P M**

**CONVENE** Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, July 6, 2004 at 7 38 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

**INVOCATION** Pastor Gregory Douglass led the Invocation

**PLEDGE OF ALLEGIANCE** Councilmember Tom Adams led the Flag Salute

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

**REPORT OF CLOSED SESSION(S)** June 15, 2004

1 Conference with Labor Negotiator pursuant to Government Code Section §54957 6 Agency Negotiator Theresa St Peter, Group Employees Monrovia Police Officers' Association, and Managers, Mid-Managers and Elected and Appointed Employees Mayor Hammond reported that no reportable action was taken

**PRESENTATIONS**

**1 Recognition of Olympics 2004 Torchbearer Sarah Eckstrom**

Mayor Hammond recognized Olympics 2004 Torchbearer Sarah Eckstrom Sarah carried the torch through the Dodger Stadium parking lot for her leg of the relay A Certificate of Recognition from the Mayor and City Council was presented to Ms Eckstrom

**2 Recognition of Retiring Commissioners, Mimi Mency, Planning Commission, Anne McIntosh, Historic Preservation Commission, Amit Sen, Community Services Commission, and Sheila Thornton and Stephanie Sparks, Library Board**

Mayor Hammond recognized retiring Commissioners, Mimi Mency (not in attendance), Planning Commission, Anne McIntosh (not in attendance), Historic Preservation Commission, Amit Sen, Community Services Commission, and Sheila Thornton and Stephanie Sparks, Library Board Each was presented with a plaque recognizing their service to the community

**3 Recognition of John Watson and the 2004 Junior Leadership Academy Students**

Kerri Zessau, Recreation Supervisor, introduced John Watson and the students who participated in the 2004 Junior Leadership Academy that took place from April 19th, 2004 to May 24th, 2004 Mayor Hammond and the City Council presented a Certificate of Recognition to Mr Watson

**4 Introduction of Newly Hired Assistant to the City Manager Tito Haes, and Management Trainee Darlene Muro**

City Manager Scott Ochoa introduced Tito Haes, newly hired Assistant to the City Manager, and Darlene Muro, newly hired Management Trainee, to the Mayor, City Council and the community

**PROCLAMATIONS** None



there were projects that may need approvals sooner, Staff recommended that if a specific plan was approved for a development by the Planning Commission and City Council, then it could move forward

**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

**After discussion, it was moved by Councilmember Adams, seconded by Councilmember Lutz, to introduce, and adopt Ordinance No 2004-12, extending the moratorium by six months up to and including March 7, 2005**

**ROLL CALL** Ayes Councilmembers Adams, Kirby, Lutz, Mayor Pro Tem Garcia, Mayor Hammond

City Attorney Steele read as follows

**AN INTERIM ORDINANCE OF THE CITY OF MONROVIA, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 EXTENDING AND AMENDING THE INTERIM MORATORIUM PROHIBITING THE DEVELOPMENT OF NEW STRUCTURES AND SPECIFIED NEW USES ON SPECIFIED PROPERTIES ON SOUTH MYRTLE AVENUE**

**2 Text and Map Amendments to the Land Use Element, General Plan Amendment GPA2004-01, Resolution No 2004-28, Zone Change ZC2004-01, Ordinance No 2004-10, Amendment to Titles 2 and 17 of the Monrovia Municipal Code Regarding Residential Design Review and Development Standards, Introduction and First Reading of Ordinance No 2004-11, Adoption of Residential Design Guidelines, Resolution No 2004-29, and Amendment to Title 15 Relating to Regulations Pertaining to Moving Buildings, Introduction and First Reading of Ordinance No 2004-15**

The Staff Report was reviewed jointly by Alice Griselle, Community Development Director, Steve Sizemore, Planning Division Manager, Craig Jimenez, Senior Planner, and Barbara Lynch, Associate Planner

Beginning in October of 2003, with a joint City Council, Planning Commission/Historic Preservation Commission meeting, Staff spent the past nine months researching and preparing the options proposed to deal with the issue of neighborhood compatibility and preservation. The Staff Report outlined the three components that deal with the issue—development of residential design guidelines, focused review of specific neighborhoods (PD Areas), and a review of existing development standards in the Zoning Ordinance. The Staff Report was a culmination of five meetings—a joint City Council, Planning/Historic Preservation Commission meeting in October, 2003, a special meeting of the Planning and Historic Preservation Commissions in May 2004, a PD neighborhood meeting for affected PD zones in May 2004, a Town Hall meeting in June 2004, and a Special Planning Commission meeting in June 2004.

On June 16, 2004, the Planning Commission held a Public Hearing on the proposed regulations, with the exception of the Ordinance 2004-15, which amended Title 15. At the close of the Public Hearing, the Commission took the following actions:

- Adopted PC Resolution No 2004-01 recommending approval of GPA2004-01 amending the regulations for PD-1, PD-2, PD-4, and establishing the new PD-24 (Vote 6-0)
- Adopted PC Resolution No 2004-02 recommending approval of ZC2004-02 changing the zoning on the Poppy/Shamrock neighborhood to PD-24 (Vote 6-0)
- Adopted PC Resolution No 2004-03 recommending approval of Ordinance 2004-11 amending Titles 2 and 17 (Vote 6-0)

- Adopted PC Resolution No 2004-04 recommending adoption of the *Residential Design Guidelines* (City Council Resolution No 2004-29) (Vote 5-1, Faith voted against)

The Planning Commission concurred that the change in the entitlement for moving buildings to a minor conditional use permit should be approved Staff recommended approval of those provisions as proposed in Ordinance No 2004-15

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

Those in support and/or opposition

Clint Arsenault, Monrovia  
Pat Dunlap, Monrovia  
Gloria Crudgington, Monrovia  
Jimi Hendrix, Monrovia  
Cyrus Kemp, Monrovia  
Nick Peters, Monrovia  
Richard Tipping, Monrovia  
Paul Totten, Monrovia  
Leon San Blas, Monrovia  
Allen Holmquist, Monrovia  
Fred Bowden, Monrovia  
John Zuk, Monrovia, did not respond  
Dan Baker, Monrovia, did not respond

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

**After considerable discussion, it was moved by Mayor Hammond, seconded by Councilmember Kirby, to continue the Public Hearing to the first City Council Meeting in August to give Staff time to work with community members regarding concerns expressed**

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

**PUBLIC HEARING OPENED AND CONTINUED TO AUGUST 3, 2004**

**3 Amending and Continuing the Interim Moratorium Prohibiting the Demolition of Residential Structures in the City Constructed Prior to January 1, 1940 During the Pendency of the City's Review and Adoption of Relevant Permanent Building and Zoning Regulations, Introduction and Second Reading of Ordinance No 2004-18**

Steve Sizemore, Planning Division Manager, reviewed the Staff Report

At the City Council Meeting of November 18, 2003, the City Council adopted Ordinance No 2003-17, which established a moratorium on the demolition of pre-1940 homes and façade remodels involving the demolition of the facade The Ordinance established an interim moratorium on demolition or alteration of the façade of residential dwellings that were constructed prior to January 1, 1940 Staff was directed to prepare options available to the City Council to preserve the character of residential neighborhoods

On June 16, 2004 the Planning Commission reviewed the proposed regulations At the close of the Public Hearing, the Planning Commission adopted resolutions and ordinances recommending approval of the design guidelines, zone change, general plan amendment and

amendments to the Zoning Ordinance that implemented the options presented by Staff to preserve neighborhoods. During the moratorium, several homeowners sought permission to do additions to their pre-1940 homes, which entailed the remodeling of the front facade. Because of the moratorium, they have been put on hold. The homeowners expressed financial concerns (loan payments and rising interest rates) and the desire to complete construction before the rainy season starts. In reviewing the plans, Staff was of the opinion that the designs met the criteria established in the new provisions that were before the City Council for its review.

The current Moratorium was set to expire on September 16, 2004. Staff believed that the moratorium could exclude remodels for the moratorium after the July 6, 2004 Council Meeting to assist these homeowners.

After much discussion, Staff recommended that the City Council amend and continue the interim moratorium prohibiting the demolition of residential structures in the city constructed prior to January 1, 1940, with the exception of allowing any project for which a complete application for consideration by the Development Review Committee (DRC) and/or building permit was filed before the close of business on July 6, 2004.

**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.

Paul Totten, Monrovia, who had had a complete application filed with the City prior to the moratorium, shared his architectural plans with the City Council.

**After discussion, it was moved by Mayor Pro Tem Garcia, seconded by Councilmember Lutz, to introduce and read by title only Ordinance No 2004-18 amending and continuing the interim moratorium prohibiting the demolition of residential structures in the city constructed prior to January 1, 1940 with the exception of adding to the list of exceptions on the original moratorium ordinance projects for which complete applications were in house at the close of business on July 6, 2004.**

**ROLL CALL** Ayes Councilmembers Kirby, Lutz, Mayor Pro Tem Garcia, Mayor Hammond  
Noes Councilmember Adams  
Motion carried 4-1

City Attorney Steele read as follows

**AN INTERIM ORDINANCE OF THE CITY OF MONROVIA, CALIFORNIA ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 AMENDING AND CONTINUING THE INTERIM MORATORIUM PROHIBITING THE DEMOLITION OF RESIDENTIAL STRUCTURES IN THE CITY CONSTRUCTED PRIOR TO JANUARY 1, 1940 DURING THE PENDENCY OF THE CITY'S REVIEW AND ADOPTIN OF RELEVANT PERMANENT BUILDING AND ZONING REGULATIONS**

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

**CONVENE** Chairman Rob Hammond convened the Regular Meeting of July 6, 2004 of the Monrovia Redevelopment Agency Board of Directors at 12 18 A M , Wednesday, July 7, 2004 in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

**ROLL CALL** Those in attendance were Boardmembers Tom Adams, Dan Kirby, Mary Ann Lutz, Vice-Chairman Joe Garcia, and Chairman Rob Hammond.

**A CONSENT CALENDAR** It was moved by Boardmember Kirby, seconded by Vice-Chairman Garcia, to approved the Consent Calendar consisting of Agenda Item \*B There were no objections

**\*B MINUTES** The Minutes of the Regular Meetings of June 1 and 15, 2004 were approved by order of the Consent Calendar

**MRA REPORTS** None

**MRA ADJOURNMENT** Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 12 19 A M , July 7, 2004, and the City Council Meeting continued

### **CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING**

**CONVENE** President Rob Hammond convened the Regular Meeting of June 15, 2004 of the Monrovia Financing Authority Board of Directors at 12 19 A M , July 7, 2004, in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

**ROLL CALL** In attendance were Authority Commissioners Tom Adams, Dan Kirby, Lutz, Vice-President Joe Garcia, and President Rob Hammond

**A CONSENT CALENDAR** It was moved by Authority Commissioner Adams, seconded by Vice President Garcia, to adopt the Minutes of the Regular Meeting of June 15, 2004 There were no objections

**\*B MINUTES** The Minutes of the Regular Meeting of June 15, 2004 were approved by order of the Consent Calendar

**MFA REPORTS** None

**ADJOURNMENT** President Hammond adjourned the Monrovia Financing Authority Meeting at 12 19 A M , July 7, 2004 and the City Council Meeting continued

### **RECONVENE MONROVIA CITY COUNCIL MEETING**

**E BIDS**

**1 Award of Contract to Computer Service Company for Traffic Signal Response Maintenance in the Amount of \$55,000 00**

Dennis Shiflett, Facilities Division Manager, reviewed the Staff Report

The City has 34 signalized intersections that require maintenance on a 24-hour a day, 365 days a year schedule

Four bid proposals were received from contractors providing several costing factors, i e , hourly rates, trip charge, minimum hourly charge for service call, equipment costs and material mark up The technician's hourly rate, minimum trip charge and material mark up were the majority of the costs associated with the response maintenance

Staff contacted the cities of Covina, Monterey Park and San Dimas regarding Computer Service Company's performance, and found all responses were very good

Funding for these services was available through the Streetlight Assessment District Fund

**It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Adams, to award a contract to Computer Service Company for response maintenance of the City's traffic signal systems in the amount of \$55,000 00, and reject all other bids** There were no objections

## **F COMMUNICATIONS AND PETITIONS**

**\*1 Receive and File, Application for ABC Beverage License (Type 41 On-Sale Beer and Wine) for El Zarape Restaurant, 1601 South Mountain Avenue, Suite "B" Monrovia**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Donato Acevedo submitted an application for a Type 41 On-Sale Beer and Wine License 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 Staff recommended that the City Council receive and file the application

**\*2 Receive and File, Application for ABC Beverage License (Type 41 On-Sale Beer and Wine) for Restaurant Amori Inc , 110 East Lemon Avenue, Monrovia**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Fernando Banuelos, Maryann Chen and Albert Huang submitted an application for a Type 41 On-Sale Beer and Wine License 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 Staff recommended that the City Council receive and file the application

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

**1 Mayor Hammond** reported that

**(a) City Council Budget Allocations**

**It was moved by Mayor Hammond, seconded by Councilmember Adams, to expend \$1000 00 from each City Councilmember's account for Skate Park Lighting** There were no objections

Councilmember Adams reported that he had been advised that Mayor Hammond had traveled to Sacramento many times at his own expense for City business As this was a great service to the community, he requested of City Manager Ochoa that the expenses be reimbursed to Mayor Hammond from his own (Councilmember Adams') budget Further discussions regarding allocations from the budgets of the City Council would be discussed at a subsequent meeting

**(a) Appointments to Commissions/Boards for Two-Year Terms, Ted Goldbeck, Michael Colasuonno, and Jonathan Klein-Fried to Monrovia Old Town Advisory Board**

**It was moved by Mayor Hammond, seconded by Councilmember Adams, to appoint Ted Goldbeck, Michael Colasuonno, and Jonathan Klein-Fried to two-year terms each beginning July 1, 2004 to the Monrovia Old Town Advisory Board** There were no objections

**2 Mayor Pro Tem Garcia** had no report at this time

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

**4 Councilmember Kirby** had no report at this time

**5 Councilmember Lutz** reported that

(a) She thanked all who attended the Second Annual 4<sup>th</sup> of July Celebration on Myrtle Avenue

**H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES** None

**I ADMINISTRATIVE REPORTS**

**1 Notice of Intention to Amend the Contract Between the City Council of the City of Monrovia and the Board of Administration of the California Public Employees' Retirement System, Resolution No 2004-40, and Introduction and First Reading of Ordinance No 2004-17 Relating to the Amendment of Such Contract**

Theresa St Peter, Director of Human Resources, reviewed the Staff Report

The contract amendment would allow eligible employees to purchase up to three (3) years service credit with PERS for any volunteer service in the Peace Corps or AmeriCorps Volunteers in Service to America. It would also provide a benefit for employees who have volunteered their time to aid others by serving with the above organizations. This benefit will also help keep Monrovia compatible with other public agencies in its ability to recruit and retain quality City employees consistent with City Council's adopted priorities.

There was no fiscal impact to the City.

Staff recommended that the City Council begin implementation of the contract amendment with PERS to provide Section 31023.5 (Public Service Credit for Peace Corps or AmeriCorps VISTA Service) for miscellaneous and safety members.

**It was moved by Councilmember Adams, seconded by Councilmember Lutz, to adopt Resolution No 2004-40, and to introduce, waive further reading, and read by title only Ordinance No 2004-17.** There were no objections.

City Attorney Steele read as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MONROVIA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

**2 First Amendment to the Exclusive Residential Solid Waste Franchise Agreement with Athens Services, Resolution 2004-42, and Annual Service Rate Adjustments for the Collection of Residential Solid Waste, Pursuant to the Exclusive Residential Solid Waste Franchise Agreement, Resolution No 2004-34**

Tammy Evans, Management Analyst I, reviewed the Staff Report.

The Exclusive Residential Solid Waste Franchise Agreement (Residential Agreement) was transferred from USA Waste of California, Inc. to Athens Services on January 14, 2003. On December 2, 2003, the City Council approved a revision of the Residential Agreement to eliminate conflicting language and incorporate the First, Second, and Third Amendments into a unified document.

Ms. Evans stated that, pursuant to the Residential Agreement, Athens Service was eligible for an annual rate adjustment conditioned on Athens' satisfactory performance of the Residential Agreement contracted services in the previous year.

She reported Athens had done an exceptional job rectifying data transfer errors inherited from USA Waste during the transfer of the franchise in 2003. They have been very responsive to issues as they were identified, worked closely with City staff to assure exceptional customer service, and they received a positive performance evaluation by the City Council on May 18, 2004.

Of the the annual Service Rate Adjustments requested, Staff determined that the increases were commensurate with the Rate Adjustment formula reflected in the Residential Agreement. The requested rate adjustments would take effect October 1, 2004.

Standard Collection Service included weekly collection of 90 or 60 gallon containers, "unlimited" green waste collection, and automated curbside recycling collection. Athens was not currently eligible for an increase in 90-gal service since the City of Rosemead's rates were only one cent higher than Monrovia's current rate. The 60-gal service was eligible for a rate increase. Non-Standard Collection Service Rate Adjustments is eligible for a 1.6% rate increase. Standard Collection Service is currently \$1.08 per single-family dwelling unit. Due to the "survey" rate ceiling applied to Athens Services rate adjustment request for Standard Collection Service, the City will forgo a Franchise Fee adjustment for this level of service. A 1.6% increase in the current Franchise Fees from \$1.42 to \$1.44 for non-standard collection service was also proposed.

The First Amendment would add a new service fee called "Scout Service". Through this service, Athens would provide an extra truck (scout) to pull-out residential bins for customers who request this optional service for an additional \$18.58 per month.

**It was moved by Councilmember Lutz, seconded by Councilmember Kirby, to adopt Resolution No 2004-42 adopting the First Amendment to the Exclusive Residential Solid Waste Franchise Agreement with Athens Services, and Resolution No 2004-34 granting annual service rate adjustments for the collection of residential solid waste, pursuant to the Exclusive Residential Solid Waste Franchise Agreement. There were no objections.**

**\*3 Set for Hearing on July 20, 2004, Los Angeles County Congestion Management Program (CMP), Local Implementation Report**

This matter was approved by order of the Consent Calendar.

Staff recommended that the City Council set for Public Hearing on July 20, 2004 the Local Implementation Report required by the Los Angeles County Congestion Management Program.

**\*4 Ratification of Action to Close Monrovia Canyon Park from July 2-6, 2004**

This matter was approved by order of the Consent Calendar.

Historically, the Fire Department had closed Monrovia Canyon Park on the Fourth of July Holiday. Due to the extreme fire conditions the closure was extended from July 2 through July 6, 2004.

**\*J PAYROLL & VOUCHERS**

Payroll Nos 13 and 14 in the net amount of \$526,235.64 and \$466,487.68 respectively, and Voucher Numbers 118937 through 119252, and 119253 through 119558, non-sequentially, in the amounts of \$311,641.67 and \$758,694.73 respectively were approved by order of the Consent Calendar.

**K SCHEDULED MEETINGS**

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, July 20, 2004, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California The August 17, 2004 Regular City Council Meeting was cancelled

**L ORAL COMMUNICATIONS, CONTINUED, IF NEEDED** None

**M CLOSED SESSION** Mayor Hammond reported that the City Council would hold a Closed Session to discuss the following matter, would adjourn from Closed Session, and report at the next regularly scheduled City Council Meeting

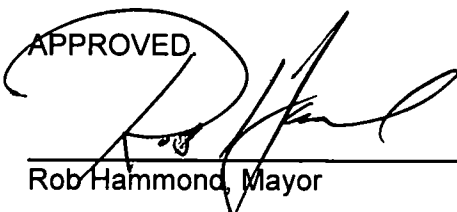
1 Conference with Labor Negotiator pursuant to Government Code Section §54957 6 Agency Negotiator Theresa St Peter, Group Employees Monrovia Firefighters' Association, Managers, Mid-Managers, Elected and Appointed Employees

2 Conference with Legal Counsel, Anticipated Litigation, Significant Exposure to Litigation pursuant to Government Code Section §54956 9(b) 1 potential case

3 Conference with Legal Counsel, Anticipated Litigation, Initiation of Litigation pursuant to Government Code Section §54956 9(c) 1 potential case

**N ADJOURNMENT** Mayor Hammond adjourned the City Council Meeting at 12 35 A M , July 7, 2004 Closed Session convened at 12 45 A M and adjourned at 1 10 A M , July 7, 2004

APPROVED

  
\_\_\_\_\_  
Rob Hammond, Mayor

ATTEST

  
\_\_\_\_\_  
Linda B Proctor, CMC, City Clerk