

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, OCTOBER 18, 2005, 7 30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, October 18, 2005 at 7 34P 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 Steve Summerell gave the Invocation

PLEDGE OF ALLEGIANCE Mayor Rob Hammond led the Flag Salute

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

PRESENTATIONS

1 Recognition of Winners of the 2005 Halloween Home Happenings Decorating Contest

Community Services Commission Chairman Becky Shevlin and Kerri Zessau, Recreation Supervisor, assisted Mayor Hammond and the City Council in recognizing the winners of the 2005 Halloween Home Happenings Decorating Contest On October 17, 2005, Community Services Commissioners, community members and Youth Commissions judged decorated homes to determine winners for the Creep Show Award, Tombstone Award, Casper Award, Most Spooky Award, Most Creative Award, Theme Award, Great Pumpkin Award and Best of Halloween

PROCLAMATIONS.

1 Proclaiming October 22, 2005 as "Make a Difference Day"

The Monrovia Volunteer Center, in recognition of "Make A Difference Day," requested that the City Council proclaim October 22, 2005 as "Make A Difference Day in Monrovia" Pattie Tellez, Executive Director of the Volunteer Center, and Neighborhood Preservation Manager Bill Skiles accepted the proclamation, and reported to the City Council and community the plans and needs for the day

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Roberta Smith reported on activities at Monrovia High School She announced that she would be leaving as Student Government Representative, but remaining as the Board of Education's Student Representative, and introduced Krystina Mastrogiovanni, who was taking her place Mayor Hammond thanked Ms Smith for her service to date and welcomed Ms Mastrogiovanni

A CONSENT CALENDAR.

Agenda Items *I-1 and *I-3 were removed from the Consent Calendar I-1 was rescheduled to a future meeting, and I-3 was removed at the request of a resident

It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Lutz, to approve the Consent Calendar consisting of Items *B, *F-1, *I-2, *I-4, and *J. There were no objections

B UNADOPTED MINUTES The Minutes of the Regular Meeting of October 4, 2005 were adopted by order of the Consent Calendar

C. ORAL COMMUNICATIONS

- 1 Walt Shelly, Monrovia
- 2 Cyrus Kemp, Monrovia
- 3 Joyce Dygert, Monrovia

At the request of Mayor Hammond, City Manager Ochoa commented on the accusations of a speaker, and City Attorney Steele explained the City Manager's contract and legalities of such

D PUBLIC HEARINGS/MEETINGS

- 1 **Agreement Between the City of Monrovia and Champion Broadband California, LLC, Granting Nonexclusive Rights to Construct and Operate an Open Video System in the City of Monrovia and Setting Forth Terms and Conditions Relating to the Exercise of Those Rights, Resolution No 2005-55**

Dick Singer, Public Information Officer, reviewed the Staff Report

In November 2001, the City Council approved an Open Video System franchise agreement with Altrio Communications, Inc., allowing construction and operation of a new cable television, broadband and telephone service in the community. More than 2,000 Monrovia households subsequently subscribed to Altrio services over the next two years. Altrio operated successfully here until late in 2003 when the firm failed to obtain a second round of financing and its operations were assumed by a group of its secured creditors. In March 2004, those creditors reached an agreement with Champion Broadband California, LLC, to take over the ownership and operation of the Altrio system. Champion immediately went to work restructuring operations and debts and settling outstanding financial issues, all the while maintaining service to Monrovia's Altrio subscribers without interruption.

At the time of its failure, Altrio was on the verge of shutting down its services to local residents and had defaulted on more than \$80,000.00 in franchise fees and Public, Education and Government (PEG) fees owed the City. Since that time, City Staff closely monitored the situation and worked with representatives of the creditors and the new Champion management team to maintain subscriber services and to structure a new franchise agreement that preserved the provisions and advantages of the original Altrio contract, provided new security and cleared up Altrio's outstanding franchise fee and PEG fee debts owed the City.

PUBLIC HEARING OPENED Mayor Hammond opened the Public Hearing

Those speaking

- 1 Cyrus Kemp, spoke against an agreement with Champion at this time
- 2 Dorothy Kely, Monrovia, spoke against signing a franchise at this time
- 3 Brenda Trainer, Monrovia Community Media of the Foothills Board, spoke in favor of the franchise
- 4 Walt Shelly, Monrovia Community Media of the Foothills Board, spoke in favor of the franchise
- 5 Mark Haverkate, CEO of Champion Broadband California, LLC, spoke in favor of the franchise agreement

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

City Manager Ochoa explained the recent history of Altrio's demise. Bill Rudell, Attorney, Richards, Watson & Gershon, explained the new telecommunications act of 1996 regarding the OV System and Champion's ability to go forth with the franchise. Discussion ensued.

It was moved by Mayor Pro Tem Lutz, seconded by Councilmember Garcia, to adopt Resolution No 2005-55 and authorize the Mayor and City Clerk to execute the Franchise Agreement between the City of Monrovia and Champion Broadband California, LLC

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

2 Historic Landmark HL-81/Mills Act Contract MA-76 for Property Located at 139 North Ivy Avenue by Property Owners Caprice Nguyen and Anita Guerrero, Resolution No 2005-46

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

This 1,974 square foot, two-story, duplex was built in the early 1900's. The house exhibited elements of both the Queen Anne and Colonial Revival styles. The home belonged to the Black family. George W. Black owned a grocery store at 517 South Myrtle Avenue for many years, and two of his sons served as City Clerks.

At its meeting of September 28, 2005, the Historic Preservation Commission determined that the house meets Criteria Number 1 (associated with persons important in local history) and Criteria Number 4 (architecture) for designation, and voted unanimously to recommend approval of Historic Landmark status and execution of a Mills Act Contract.

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 Resolution No 2005-46 designating the property at 139 North Ivy Avenue as the George W. Black House and Historic Landmark Number 81 and approve entering into a Mills Act Contract with the conditions of approval. There were no objections.

3 Historic Landmark HL-82/Mills Act Contract MA-77 for Property Located at 225 Monroe Place by Property Owners Shannon and Michael Craypo, Resolution No 2005-47

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

This 2,599 square foot, Queen Anne style residence was built in 1884 for William N. Monroe as a temporary home until his permanent home "The Oaks" was completed. The home later became the residence for William's brother, Campbell O. Monroe, and his family. C. O. Monroe served as a City Trustee (now called City Council members) from 1892-1897.

At its meeting of September 28, 2005, the Historic Preservation Commission determined that the house meets Criteria Number 1 (associated with persons important in local history) and Criteria Number 4 (architecture) for designation and voted unanimously to recommend approval of Historic Landmark status and execution of a Mills Act Contract.

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 Kirby, seconded by Councilmember Garcia, to approve Resolution No 2005-47 designating the property at 225 Monroe Place as the Campbell O. Monroe House and Historic Landmark Number 82 and approve entering into a Mills Act Contract with the conditions of approval. There were no objections.

4. Historic Landmark HL-84/Mills Act Contract MA-79 for Property Located at 635 West Hillcrest Boulevard by Property Owners Victor and Jean Andersen, Resolution No 2005-49

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

This 1,746 square foot residence was built in 1928. This Spanish architecture house exhibited arched doorways and coved ceilings. An archway spanned over the driveway leading to the

detached garage A family room was added in 1983 following the same interior architecture The front door and windows are original Windows were a combination of wood casement and double hung

At its meeting of September 28, 2005, the Historic Preservation Commission determined that the house meets Criteria Number 4 (architecture) for designation and voted unanimously to recommend approval of Historic Landmark status and execution of a Mills Act Contract

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 Mayor Pro Tem Lutz, to approve Resolution No 2005-49 designating the property at 635 West Hillcrest as Historic Landmark Number 84 and approve entering into a Mills Act Contract with the conditions of approval. There were no objections

5 Historic Landmark HL-85/Mills Act Contract MA-85 for Property Located at 351 North Magnolia Avenue by Property Owners Frank and Tamara Guarino, Resolution No. 2005-50

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

The owners of the property at 351 North Magnolia Avenue filed for Historic Landmark designation and approval of a Mills Act Contract The house was a single story, single-family residence built in 1926 and approximately 1,500 square feet in area with a California basement The original permit identified Charles S Cramlet as the owner and contractor who was a local architect and builder This house represented a very modest bungalow with English cottage influences The DPR form has been approved by the Historic Preservation Commission

The Commission determined that the property met two of the required criteria Criteria Number 1 (noted architect) and Criteria Number 4 (architecture)

At its meeting of September 28, 2005, the Historic Preservation Commission voted unanimously to recommend approval of landmark designation and a Mills Act Contract

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 Kirby, seconded by Mayor Pro Tem Lutz, to approve Resolution No 2005-50 designating the property at 351 North Magnolia Avenue, the Charles S Cramlet House, Historic Landmark Number 80 and approve entering into a Mills Act Contract with the conditions of approval There were no objections

6 Historic Landmark HL-86/Mills Act Contract MA-81 for Property Located at 171 El Nido Avenue by Property Owners Craig Proctor and Kim Josephson (Proctor), Resolution No. 2005-51

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

The owners of the property at 171 El Nido Avenue filed for Historic Landmark designation and approval of a Mills Act Contract The house was built in 1926 The house was designed by Pacific Ready-Cut Homes which sold "kit homes" through a catalog of pre-designed buildings The house reflected the southern California vernacular architecture of the 1920's, which was a regional interpretation of the aesthetic Eclectic movement in residential design The house could be described as a variation on the Tudor style with a French Revival influence

The Commission determined that the house met two of the required criteria Criteria Number 2 (prominent builder) and Criteria Number 4 (architecture) The applicant also requested approval of a Mills Act Contract, which would provide a reduction in the property tax lien for the homeowner

At its meeting of September 28, 2005, the Historic Preservation Commission voted unanimously to recommend approval of landmark designation and a Mills Act Contract

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 Mayor Pro Tem Lutz, to approve Resolution No 2005-51 designating the property at 171 El Nido Avenue Historic Landmark Number 86 and approve entering into a Mills Act Contract with the conditions of approval There were no objections

7 Tentative Tract MAP TTM062876/Conditional Use Permit CUP2005-20 to Construct a Six-Unit, Two-Story Attached Condominium Development at 825 West Duarte Road by Hank Jong, Albert Huang, Studio R, Applicants

Steve Sizemore, Planning Division Manager, reviewed the Staff Report

The applicant requested approval of a Tentative Tract Map for a 6-unit condominium development The development of more than two multi-family residences required approval of a Conditional Use Permit

The property was located on the north side of Duarte Road between Encino Avenue and Pilgrim Way The lot is 65 74' wide and 202 97' deep along the west property line and 192 6' deep along the east property line Total lot size was 12,838 square feet The property was zoned RH (Residential High Density) and was in an area that was predominantly improved with high density multiple residential developments On West Duarte Road, there were are both attached and detached multiple residential projects, many having semi-subterranean parking

The Planning Commission held a Public Hearing on September 14, 2005 to review the request At the close of the Public Hearing, the Commission voted unanimously to recommend approval to the City Council

PUBLIC HEARING OPENED Mayor Hammond opened the Public Hearing

Those speaking

Tamara Guarino, Monrovia, spoke against the project due to the fact that there were only 3 parking spaces per unit

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 discussion, it was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to approve Tentative Tract Map TTM 062876/Conditional Use Permit CUP2005-20 pursuant to the recommendations in the Staff Report There were no objections

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE: Chairman Rob Hammond convened the Regular Meeting of October 18, 2005 of the Monrovia Redevelopment Agency Board of Directors at 9 53 P M in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

ROLL CALL: Those in attendance were Boardmembers Joe Garcia, Dan Kirby, Vice-Chairman Mary Ann Lutz, and Chairman Rob Hammond Boardmember Tom Adams was excused

A. CONSENT CALENDAR:

It was moved by Boardmember Garcia, seconded by Boardmember Kirby, 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 October 4, 2005 were approved by order of the Consent Calendar

MRA REPORTS. None

MRA ADJOURNMENT Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9 53 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS None

F COMMUNICATIONS AND PETITIONS

***1 Application for ABC Beverage License (Type 41 - On-Sale Beer and Wine License) for Dogwoods Marketplace at 245 West Foothill Boulevard**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Dogwoods Marketplace at 245 West Foothill Boulevard submitted an application for a Type 41 – On-Sale Beer and Wine License Based on the background investigation on the applicants, Staff found no reason to recommend any other action on this application There was no fiscal impact

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES:

1. Mayor Hammond reported that

(a) The Disaster Preparedness Town Hall Meeting was scheduled for Thursday, October 27, 2005, in City Council Chambers He encouraged the public to attend He thanked Mayor Pro Tem Lutz for her part in the spearheading the event

2 Mayor Pro Tem Lutz reported that

(a) The School Board election was November 8, 2005 Voter registration ended October 24, 2005 A Candidates' Forum was scheduled for October 25, 2005, Monrovia High School, 7 00 P M and sponsored by PTSA and League of Women's Voters

3 Councilmember Adams was excused

4 Councilmember Garcia reported that

(a) He attended the League of California Cities Conference, October 6-8, 2005 The theme was "Stepping it Up" He reported on various items of interest Councilmember Kirby congratulated him on his upcoming appointment as Chairman of the Economic Development and Housing Committee

5 Councilmember Kirby reported that

(a) Foothill Transit had been active in Hurricane Katrina relief, and that many of the evacuees ended up in Southern California Foothill Transit arranged bus transportation free of charge to the evacuees to an event at the Irwindale Speedway which was provided free of charge for them He reported that ridership was up due to the increase in gas prices He encouraged residents to use Foothill Transit which provided a very safe and clean environment for the ridership He stated that he had encouraged Foothill Transit to install wireless data connections for those who wish to access their email on the way to and from work He further reported that the San Gabriel Valley Mosquito and Vector Control District also assisted Katrina Hurricane victims by appropriating \$10,000 00 to send inspectors to help with the mosquito problem in Louisiana, if requested Even though inspectors were not called to assist, the District was prepared to lend its expertise to the situation

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

***1 Rescheduled; Memorandum of Understanding, Amendment of Personnel Rules and Regulations, Appendices "B," "G," and "H," to provide for the Establishment and Amendment of Classifications and Corresponding Changes to Salary Schedules "B," "G," and "H," Resolution No 2005-57**

This matter was rescheduled to a future meeting

***2 Destruction of Certain Police and Administration Department Records Pursuant to Government Code §34090 and the Citywide Records Retention/Destruction Schedule, Resolution No 2005-56**

This matter was approved by order of the Consent Calendar

Government Code §34090 provided a procedure whereby any city record which served its purpose and was no longer required could be destroyed, as long as the destruction of said records would not interfere with the services and functions of the City. On August 5, 2003, the City Council approved the Citywide Records Retention/Destruction Schedule, setting into place the regulations covering the retention and destruction of citywide records.

There was no fiscal impact associated with this action and Staff recommended that the City Council adopt Resolution No 2005-56 relating to the destruction of certain Police and Administration Department records listed on the attached Exhibit "A."

3 Formal Termination of an Open Video System Franchise Agreement Between the City of Monrovia and Altrio Communications, Inc., Resolution No 2005-54

This matter was pulled from the Consent Calendar. Resident Cyrus Kemp had requested to speak to the matter, but did not respond.

Public Information Officer Dick Singer reviewed the Staff Report. He reported that an Open Video System franchise agreement was still in place between the City of Monrovia and Altrio Communications, even though Altrio stopped operating the franchised system in March, 2004, and subsequently went out of business. With an application before the Council for a new OVS franchisee agreement with Champion Broadband, California, LLC, current operators of the system, it was time to terminate the original agreement with Altrio.

It was moved by Councilmember Kirby, seconded by Mayor Pro Tem Lutz, to adopt Resolution No 2005-54, formally terminating the Open Video System Franchise Agreement between the City of Monrovia and Altrio Communications, Inc. There were no objections.

***4 Set For Public Hearing on November 1, 2005, Tentative Tract Map TTM064327 to Allow the Conversion of Four Existing Duplex Structures into Eight Condominium Units in the RH (Residential High Density) Zone at 435 Genoa Avenue by Lien Diep, Applicant**

This matter was approved by order of the Consent Calendar.

The applicant requested approval of a Tentative Tract Map for the conversion of a 2-story, 8-unit apartment complex into a condominium project in the RH Zone located at 435 Genoa Avenue.

The Planning Commission held a Public Hearing on October 12, 2005 to review the request. At the close of the Public Hearing, the Commission voted to recommend approval to the City Council.

***J PAYROLL & VOUCHERS.** Payroll No 20 in the net amount of \$502,639.59, and Voucher Numbers 128570 through 128854 non-sequentially in the amount of \$911,813.41 were approved by order of the Consent Calendar.

K SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, November 1, 2005, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

L ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

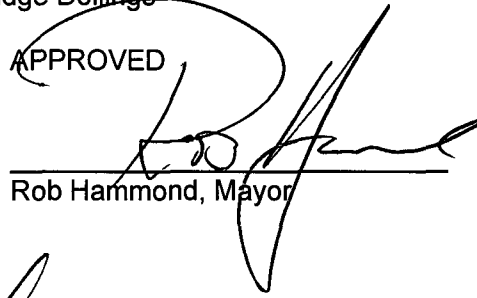
M ADJOURNMENT TO CLOSED SESSION: At 10 10 P M , Mayor Hammond reported that the City Council would adjourn to Closed Session to discuss Conference with Legal Counsel, Government Code §54956 9(a), Workers Compensation Claim, Terry Dochnahl vs City of Monrovia, Case Nos 03-32275, 04-35053, 04-34230, and 87-00045

Closed Session convened at 10 16 P M

N RECONVENE AND REPORT OF CLOSED SESSION At 10 30 P M , the City Council Meeting was reconvened by Mayor Hammond City Attorney Steele reported that the above matter was discussed, and that Councilmember Adams had been excused Disclosure of any actions was non-reportable as negotiations were not complete and final agreement had not been approved


O ADJOURNMENT Mayor Hammond adjourned the Meeting at 10 30 P M in memory of Bruce T Brady, Pearl Elmgren and Midge Dollings

APPROVED



Rob Hammond, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk