

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, OCTOBER 19, 2004, 7 30 P M**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, October 19, 2004 at 7 32 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, City Manager's Conference, 6 00 P M to 6 30 P M , to Conference with Legal Counsel - Anticipated Litigation/Initiation of Litigation pursuant to Government Code Section 54956 9(c), One (1) potential case, and, a Salute to Service Program, Council Chambers, 7 00 P M to 7 22 P M Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION Pastor Maurice Battle gave the Invocation

PLEDGE OF ALLEGIANCE Mayor Rob Hammond led the Flag Salute

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

REPORT OF CLOSED SESSION(S) October 19, 2004

1 Conference with Legal Counsel - Anticipated Litigation/Initiation of Litigation pursuant to Government Code Section 54956 9(c), One (1) potential case City Attorney Steele reported that directions were given to Staff and that no reportable action was taken

PRESENTATIONS

1 Recognition of the Winners of the 2004 Halloween Home Happenings Decorating Contest

Kerri Zessau, Recreation Supervisor, assisted Mayor Hammond in recognizing the winners of the 2004 Halloween Home Happenings Decorating Contest On October 18th Community Services Commissioners, community members and Youth Commissions judged decorated homes and awarded the following designations Creep Show Award, Tombstone Award, Casper Award, Most Spooky Award, Most Creative Award, Theme Award, Great Pumpkin Award and Best of Halloween Each winner was given a sign to place in his yard depicting the award Maps would be available at City Hall and the Community Center

2 Recognition of the Finance Department in Receiving the Certificate of Achievement for Excellence in Financial Reporting, for the 2002-03 Fiscal Year

This item was rescheduled to November 2, 2004

PROCLAMATIONS

1 Proclaiming October 24-30, 2004 as "End Domestic Violence Week" and the month of November as "Breast Cancer Awareness Month"

Mayor Hammond proclaimed October 24-30, 2004 "End Domestic Violence Week" and the month of November as "Breast Cancer Awareness Month" The Soroptimist Workplace Campaign to End Domestic Violence and Breast Cancer Awareness were ongoing Soroptimist efforts to promote awareness, advocacy and action Sami Bushnell from the Soroptimists in the Camino Real Region received the proclamation from the Mayor

2 Proclaiming October 23, 2004 as "Make a Difference Day"

Mayor Hammond proclaimed October 23, 2004 as "Make a Difference Day" Chris Shevlin, Chairman of the event and Boardmember of the Monrovia Volunteer Center received the

proclamation and reported to the City Council and community the plans and needs for the day. He introduced VISTA volunteer Alexis Newell and Neighborhood Preservation Manager Bill Skiles.

STUDENT GOVERNMENT REPRESENTATIVE REPORT. Student Liaison Pamela Cheng reported on activities at Monrovia High School.

A. CONSENT CALENDAR

It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Kirby, to approve the Consent Calendar consisting of Items *B, *F-1, *I-2, *I-3, *I-4, *I-5, and *J. There were no objections.

***B MINUTES** The Minutes of the Regular Meeting of October 5, 2004 were approved by order of the Consent Calendar.

C ORAL COMMUNICATIONS

Mayor Hammond stated that the City Council wanted to hear from this community, and asked that those making comments do so in a civil manner with no derogatory or profane language.

1 Pam Kramer, Blue Star Family Support Group, reported that the group had been meeting for the last year and a half and was the only such group in the San Gabriel. In honor of Mayor Hammond's events towards the support of the Blue Star Family Support Group and the servicemen and women who are serving in the Armed Forces, she presented Mayor Hammond with a Proclamation and a large replica of the Blue Star placard to hang in his office.

2 Solano Sarmo, Orange Avenue, Monrovia, asked for an answer to his recent questions regarding traffic on his street. City Manager Ochoa and Mayor Hammond responded that Public Works were in the process of looking at traffic calming on two city streets, including Orange. Mayor Hammond referred him to Public Works Director David Fike, in the audience.

3 Steve Miller, Monrovia, expressed his opinion of free speech issues.

D PUBLIC HEARINGS / MEETINGS

1 **Tentative Tract Map No TTM61873/Conditional Use Permit CUP2004-05 to Construct a Six-Unit, Two-Story, Detached Planned Unit Development at 1312 Los Robles Avenue and 727 Montana Avenue by E K G. Development, LLC**

Steve Sizemore, Planning Division Manager, reviewed the Staff Report.

The applicant requested approval of a Tentative Tract Map and Conditional Use permit to construct a 6-unit, 2-story detached Planned Unit Development in the RM (Residential Medium) Density Zone. A Conditional Use Permit is required for multi-family developments of over two units.

The subject property consisted of two lots located on the northeast corner of Los Robles Avenue and Montana Street. The 26,138 square foot lot was currently developed with two housing units and has numerous oak trees on the site. One of the houses is a pre-1940's house (727 Montana Street) that was subject to the new ordinance regarding demolition of pre-1940 homes. At its October 13, 2004 meeting, the Planning Commission made the determination, based on the findings of the Historic Preservation Commission's review, that the house at 727 Montana Street was not eligible for landmark status nor did it have architecture or known historic value and could be demolished. The Historic Preservation Commission required the full 120-day demolition delay period to allow time for the house to be relocated. The neighboring properties were mostly multi-family units with the exception of the four parcels to the south, three with single-family residences, and one with a two-unit residence. The proposed development was consistent with the density of the area.

The Planning Commission reviewed the development at its October 13, 2004 meeting and recommended to the City Council approval of the Tentative Tract Map and Conditional Use Permit subject to the Conditions outlined in the Staff Report

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 Garcia, seconded by Councilmember Kirby, to approve Tentative Tract Map No 61873 and Conditional Use Permit CUP2004-05 subject to the recommendations in the Staff Report

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

2 Tentative Tract Map No TTM61821/Conditional Use Permit CUP2004-10, Variance V2004-08, to Construct a 48-Unit, Two-Story, Detached Planned Unit Development at 950 Royal Oaks Drive by G-APEX, LLC

Craig Jimenez, Senior Planner, reviewed the Staff Report

The applicant requested approval of a Tentative Tract Map, Conditional Use Permit, and a Variance to construct a two-story, detached, 48-unit Planned Unit Development (PUD) A Conditional Use Permit was required for multi-family development of over two units The variance request was to exceed the maximum wall height along portions of the perimeter wall due to existing grade differences between the subject site and surrounding properties The request would allow a few portions of the wall to exceed the maximum 6' height going up to a maximum of 9'

The property was located on the south side of Royal Oaks Drive, east of Mountain Avenue The site was four acres in area and zoned PD-7, which allowed for multi-family development along Royal Oaks Drive with a maximum density of one dwelling unit per 2500 of lot area The site was currently occupied by Eubanks, a light manufacturing business The RM2500 density on this property would permit up to 69 units

The variance was requested to exceed the maximum wall height permitted

A traffic and parking analysis was prepared for the proposed project The standard utilized by the City to mitigate traffic concerns was the analysis during the peak hours Typically, if the peak hour traffic impacted the level of service of the street, intersection network mitigation measures were required to be implemented for the project Although the project yielded a net reduction in vehicle trips during the morning and evening peak hours, the developer agreed to provide funding, not to exceed \$100,000.00 for traffic improvements within the project area of Royal Oaks Staff was determining the most effective means to deal with neighborhood and commuter traffic The improvements would be reviewed by the Traffic Safety Committee and installed prior to a Certificate of Occupancy for any of the units

At its meeting of October 13, 2004, the Planning Commission held a Public Hearing to review the proposed project and recommended approval

Discussion ensued, including decorative wall caps, existing trees, increased traffic, parking issues and the fact that any restrictions on Royal Oaks would have a negative impact on existing residents Planning Department Manager Griselle stated that all of the traffic concerns would be taken to the Traffic Engineer who will then present it to the Traffic Safety Committee after the Traffic Mitigation Study was completed At City Councilmember Lutz's request, Mr Jimenez will again contact the management of the mobile home park to get their input regarding the proposed fence installation issue Mayor Hammond requested that sound deflections be placed on the project to protect the existing residents from dust and sound from the construction

PUBLIC HEARING OPENED Mayor Hammond opened the Public Hearing

Those in favor

1 Teri Weeks, Monrovia, expressed concerns regarding traffic and safety-- specifically the walkers in the area--students and senior citizens She suggested removing another unit on the east side to save a California Live Oak tree

2 Jasen Gross, G-Apex, Applicant

Ms Griselle stated that an arborist would look at the Live Oak trees root structure, as stated in Date Sheet 1, No 35

Those opposed

None

Mayor Hammond asked that a climbing fig be planted on that wall at the mobile home park

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 further discussion, it was moved by Councilmember Kirby, seconded by Councilmember Lutz, to approve Tentative Tract Map No 61821, Conditional Use Permit CUP2004-10, and Variance V2004-08 subject to the recommendations in the Staff Report and by the City Council

ROLL CALL:

Ayes: Councilmembers Kirby, Lutz, Mayor Pro Tem Garcia,
Mayor Hammond

Excused. Councilmember Adams

Motion carried 4-0

3 Formation of Underground Utility District No 2004-01, Royal Oaks Drive (Mountain Avenue to Shamrock Avenue) and Mountain Avenue (Royal Oaks Drive to Huntington Drive), Resolution No 2004-67

David Fike, Director of Public Works, reviewed the Staff Report

On October 5, 2004, the City Council adopted Resolution 2004-64, calling for a Public Hearing on October 19, 2004 for the formation of Underground Utility District No 2004-01 on Royal Oaks Drive (Mountain Avenue to Shamrock Avenue) and Mountain Avenue (Royal Oaks Drive to Huntington Drive)

Under the Public Utilities Commission's 1968 decision, SCE must allocate a set amount of funds each year to all 192 local governments To date, the City had over \$3 million available

The formation of Underground Utility Districts (UUD) would call for the overhead facilities to be removed within the district boundaries and be placed underground Edison's estimated construction costs were \$2.3 million Per Monrovia Municipal Code (MMC) Section 13.16.020, UUD 2004-01 could proceed if the "City or a public utility had voluntarily agreed to pay over 50% of all costs of conversion, excluding costs of users' connection to underground facilities" Utilizing Edison Rule 20A funds for the entire project exceeds the 50% minimum funding requirement of the MMC The formation of the districts was in targeted areas only at this point

There was no fiscal impact to the City or property owners Funding for the Underground Utility District would utilize Edison Rule 20A funds

PUBLIC HEARING OPENED Mayor Hammond opened the Public Hearing

Those in favor

1 Gil Bates, Monrovia, stated that this was a great program, especially in that he owned three buildings in the area, and that if a like project needing funding were to happen in other areas of the

MRA REPORTS

1 Amendment to the Purchase and Sale Agreement By and Between the Monrovia Redevelopment Agency and The Bates Company for 139 East Olive Avenue, Resolution No 6-2004

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

On September 2, 2003, the Agency Board approved the Purchase and Sale Agreement ("Agreement") for the sale of 139 E Olive Avenue to The Bates Company ("Bates"), whereby Bates granted the Agency an easement over the rear, unimproved portion of the property for incorporation into the City's parking expansion program currently underway for City Parking Lot 6. The site was improved with a single-family house and as part of the original Purchase Agreement, Bates was obligated to complete a historically accurate rehabilitation of the house at its present location.

Following the close of escrow, numerous studies of the structure were undertaken and it was determined that the interior and exterior structure of the house were in much poorer condition than what was originally anticipated. A number of alternatives were examined, ranging from terminating the Agreement with the Agency and taking back the property, to considering the demolition of the structure and replacing it with a facsimile of its present appearance. Bates expressed a willingness to complete the terms of the original Agreement, however, staff determined that the most beneficial long-term land use would be to amend the Agreement, calling for Bates to relocate the historic structure to another location and permit him to construct a new office building at the old location. The parking easement that was previously granted would remain, but be slightly modified to accommodate the footprint of the new structure. As part of the amended Agreement, the Agency would sell a surplus lot it owns at 1218 Sherman Avenue for the relocation of the historic structure for its fair market value. Once relocated, the rehabilitation of the house will be performed with close direction from the City's Historic Preservation Committee to ensure a historic renovation that will be completed in an accurate fashion.

Staff recommended that the Agency Board adopt Resolution No 6-2004, authorizing the Agency to amend the Purchase Agreement with The Bates Company.

It was moved by Vice Chairman Garcia, seconded by Boardmember Lutz, to adopt Resolution No 6-2004 and authorize the execution of the necessary documentation. There were no objections.

2 Affordable Housing Agreement By and Between The Monrovia Redevelopment Agency and Rosetta Mix for 825-827 South Shamrock Avenue

Darlene Muro, Management Trainee, reviewed the Staff Report

California Redevelopment Law required that the Agency set aside 20% of its funds for improving the quality and quantity of low and moderate income housing in the City. One approach in this effort to create additional affordable housing opportunities was through agreements with property owners to restrict characteristically market rate units to a rate that was affordable to low and moderate-income residents.

In 2002, the Agency began discussions with the owner of the property to establish an affordable housing opportunity. Under the proposed Agreement, the Agency would contribute up to \$60,000.00 in Affordable Housing Set-Aside funds towards the exterior improvements of the Property. For this investment, the Agency would receive an affordable housing unit, which would be affordable to low and moderate-income residents. To ensure that superior quality work was accomplished with the funding, Staff would work directly with the owner throughout the bid process and during the implementation of the improvements. By providing an affordable housing unit, this project was an economic way to contribute to the City's and Agency's affordable housing goals while providing significant upgrades to the Property.

Staff recommended that the Agency Board authorize the Executive Director to execute the Affordable Housing Agreement with Rosetta Mix

It was moved by Boardmember Lutz, seconded by Boardmember Kirby, to authorize the Executive Director to execute the Affordable Housing Agreement with Rosetta Mix. There were no objections

MRA ADJOURNMENT Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9 43 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) for Mediterranean Garden Grill Restaurant, 335 West Foothill Boulevard**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Joe Kouchakian and Loussine Sarafian had 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 and Staff recommended that the City Council receive and file the application

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1. Mayor Hammond reported that

- (a) Mayor Pro Tem Garcia had been appointed Vice Chair of the California Cities Housing and Economic Development Committee last week He congratulated him
- (b) Veteran's Day will be celebrated in Library Park on November 11, 2004, and will welcome home a member of our community from Iraq
- (c) He thanked Rob Collins and Brad Scott for the Boys and Girls Club Golf Tournament
- (d) He thanked Joanne Spring for Read Across Monrovia Day and all those who read to the children
- (e) He thanked Officer Nick Manfredi for taking over injured Officer Couch's job in the D A R E program
- (f) He had spent much time talking to Adam Schiff's office regarding the Gold Line Phase II and the governance issue Cities want to have say in how the \$5 million dollars per City was to be spent He also met with many other legislators regarding this issue

2 Mayor Pro Tem Garcia reported that

- (a) The week of October 23-30, 2004 was Red Ribbon Week He gave a brief history of the event and explained that this was a campaign for drug and alcohol awareness, first organized in 1986

3 Councilmember Adams was excused

4. Councilmember Kirby reported that

- (a) He explained the benefits of working with regional agencies and the benefits to Monrovia He explained the latest Foothill Transit funded project for Monrovia and asked Community Development Director Alice Griselle to explain the 205 space Parking Lot for the Transit Center
- (b) He encouraged everyone to vote on November 2, 2004 for the Presidential election

5. Councilmember Lutz reported that

(a) Monrovia Unified School District had invited her to the State Superintendent's Summit in Sacramento next week, and that a report would be forthcoming

(b) Mayor Hammond was being honored by the Boy Scouts of America, Lucky Baldwin District, as its 2004 Distinguished Citizen Award recipient on Saturday, October 30, 2004, Holiday Inn She invited citizens to attend

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

I ADMINISTRATIVE REPORTS

1 Receive and File, Overview of Wilderness Preservation and Trails Committee Process

April Soash, Director of Community Services, reviewed the Staff Report

This report summarized the hillside planning process -- from the Planning Commission and City Council public hearings, to the voters approving Measures A and B to acquire open space, to the role of the Wilderness Preserve Steering Committee in developing an open space acquisition plan, to the Community Services Commission and Trails Committee roles in researching and advising on public access opportunities in the Hillside Wilderness Preserve

As the City assembled hillside properties for open space, the Council began to plan for the long-term management of the Wilderness Preserve The City Council designated the Community Services Commission with the responsibility to manage the Hillside Wilderness Preserve, based on that body's purview over the City's existing open space resources The Council also sought to enhance the Commission's expertise in this area by appointing a new member to the Commission who had considerable experience with the Hillside Wilderness Preserve and involvement in the Wilderness Preserve Steering Committee

The next step was the establishment of the Trails Committee in March 2004 The Committee members are individuals who have been involved in the Wilderness Preserve Steering Committee and/or have knowledge that would be beneficial during the Trails Committee and Community Services Commission's research of potential opportunities for public access Over the next few meetings, Staff would provide the Committee with a great deal of background and historical information

Beginning in November 2004, the Commission would review a draft Management Plan that encompasses Canyon Park, as well as the Hillside Wilderness Preserve This plan would identify key elements for the management of the wilderness area, including but not limited to Public Access and Access Management, Environmental Preservation, Outdoor and Nature Education and Fire Safety

This would no doubt prove a comprehensive and long-term process Staff was confident, however, that a final Hillside Wilderness Management Plan could be delivered to the City Council for its consideration by fall, 2005

The On-Point Show regarding the process would be shown on KGEM and program guides were available at City Hall, Library and Community Center and on the KGEM's website Mayor Hammond asked that times and meetings be included in the next issued of Monrovia Today He reiterated that a thorough management plan would take sometime to create and that the community's input was needed The plan would dictate the use for decades to come

It was moved by Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to receive and file the Overview of the Wilderness Preserve and Trails Committee Process There were no objections

***2 Continue Public Hearings on November 2, 2004· Historic Landmark HL-72 and Mills Act Contract MA-69 for Property Located at 224 North Encinitas Avenue by Owner Laura Martorana, Historic Landmark HL-73 and Mills Act Contract MA-70 for Property Located at 149 Highland Place by owners Kirk and Amy McGinnis, Historic Landmark HL-74 for Property Located at 138 Highland Place by Owner Kathleen Fresquez, and Historic Landmark HL-75 and Mills Act Contract MA-71 for Property Located at 263 North Encinitas Avenue by Owner Kelsie Dore**

This matter was approved by order of the Consent Calendar

At its meeting of September 22, 2004, the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark and execution of Mills Act Contract for the properties located at 224 North Encinitas, 149 Highland Place, and 263 North Encinitas to the City Council and Historic Landmark status for the property located at 138 Highland Place

Staff recommended continuing the Public Hearings to November 2, 2004

***3. Zone Change ZC2004-02 to Change the General Plan and Zoning Designations from Residential to Hillside Wilderness Preserve (HWP) for Recently Acquired Hillside Property, Second Reading and Adoption of Ordinance No 2004-19**

This matter was approved by order of the Consent Calendar

This was the second reading and final adoption of Ordinance No 2004-19 amending the General Plan and zoning designations from Residential to Hillside Wilderness Preserve for recently acquired hillside property Staff continued to recommend approval of this ordinance

***4. Set for Public Hearing on November 2, 2004 Tentative Tract Map TTM61477/Conditional Use Permit CUP2004-06/Variance V2004-10, Five Unit Condominium Conversion Located at 818 Alta Street by Applicants Lan-Yu and Susana Chan**

This matter was approved by order of the Consent Calendar

The applicant is applying for approval of a Tentative Tract Map to convert an existing 5-unit apartment building into a condominium project at 818 Alta Street The property was in the RM3500 zone

On October 13, 2004, the Planning Commission reviewed the application and forwarded a recommendation to the City Council for its consideration

***5 Set for Public Hearing on November 2, 2004 Tentative Tract Map TTM060103/Conditional Use Permit CUP2004-12, Two and Three Story, 14 Unit Condominium Development Located at 1735 South Magnolia Avenue by Bowden Development**

This matter was approved by order of the Consent Calendar

At its meeting of October 13, 2004, the Planning Commission held a Public Hearing to review a proposed two and three story, fourteen unit condominium development located at 1735 South Magnolia Avenue (northwest corner of Duarte Road and Magnolia Avenue) Staff recommended setting November 2, 2004 as the date of the Public Hearing

***J. PAYROLL & VOUCHERS** Payroll No 21 in the net amount of \$467,285 30, and Voucher Numbers 121494 through 121785 non-sequentially in the amount of \$577,815 72 approved by order of the Consent Calendar

K SCHEDULED MEETINGS:

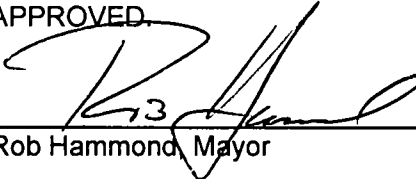
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, November 16, 2004, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

L. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

M CLOSED SESSION None

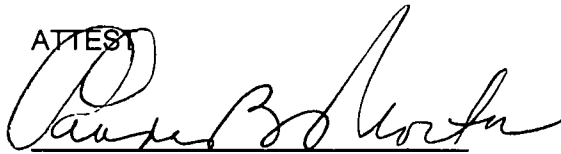
N ADJOURNMENT· Mayor Hammond adjourned the Meeting at 10 11 P M in memory of Elmer Gahagan, father of Receptionist Nancy Boyle

APPROVED.



Rob Hammond, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk