

**MINUTES OF THE SPECIAL AND REGULAR MEETINGS OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, SEPTEMBER 16, 2014, 7:30 P.M.**

CLOSED SESSION: Mayor Mary Ann Lutz convened the Closed Session Meeting of the Monrovia City Council at 7:00 p.m. on Tuesday, September 16, 2014, in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, at which all Councilmembers were present to discuss the following Closed Session item: CS-1 Conference with Legal Counsel, Existing Litigation Pursuant to Government Code §54956.9(a); Ralph Etruss vs. City of Monrovia, Superior Court of the State of California for the County of Los Angeles, Case: BC 514 119. Mayor Lutz adjourned the meeting at 7:20 p.m.

CONVENE: Mayor Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, September 16, 2014, at 7:30 p.m. in City Council Chambers, in honor of Wesley Andre Lundgren, born August 29, 2014, to Daniel and Megan Lundgren. In attendance were Interim City Manager Francis M. Delach, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

INVOCATION: Pastor Karen Mastrogiovani led the invocation.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Becky A. Shevlin led the Pledge of Allegiance.

ROLL CALL: In attendance were Councilmembers Tom Adams, Alexander C. Blackburn, Larry J. Spicer, Mayor Pro Tem Becky A. Shevlin, and Mayor Mary Ann Lutz.

REPORT OF CLOSED SESSION: City Attorney Craig Steele stated that the City Council met in closed session to discuss the item on the posted agenda and there was no reportable action.

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Anna Chavez as the 2014 Youth Commission Volunteer of the Year and Brian Alvarado as the Teen Advisory Board (TAB) Volunteer of the Year: Assistant Recreation Coordinator Memo Chavez, Community Services Chair Genia Mills, Librarian II Elizabeth Schneider, and Library Board President Barbara Radford assisted the Mayor and City Council in recognizing Anna Chavez and Brian Alvarado for their service to the community.

PR-2 Recognition of Monrovia Police Explorer Post Participation in the 9th Annual X-Games: Police Captain Alan Sanvictores introduced the Police Explorers to the Mayor and City Council, who recognized them for their participation in the X-Games and their contributions to the community.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Nick Miranda reported on current and past activities at the high school.

ORDER OF BUSINESS: Interim City Manager Francis M. Delach announced that due to information received late in the day, Administrative Reports AR-2, AR-3, AR-4, and AR-5 would be pulled and rescheduled for consideration at the next City Council Meeting.

CONSENT CALENDAR: It was moved by Councilmember Adams, seconded by Councilmember Spicer, to approve the consent calendar. The motion carried unanimously. The Consent Calendar consisted of the following items:

CC-1 Unadopted Minutes of the September 2, 2014, Regular Meeting of the Monrovia City Council: The City Council adopted the Minutes of the September 2, 2014, Regular Meeting.

CC-2 Payroll No. 19 in the Net Amount of \$517,878.93, and Warrant Register dated August 28, 2014 in the Total Amount of \$1,864,007.59: The City Council approved Payroll No. 19 in the net amount of \$517,878.93, and Warrant Register dated August 28, 2014, in the total amount of \$1,864,007.59.

CC-3 Amendment No. 1 to the Food Services Agreement with the County of Los Angeles to Provide Meals to Prisoners of the Monrovia Police Department, Approving an Increase in the Cost Per Meal for Fiscal Year 2014-2015: The City Council approved an amendment to the Food Services Agreement with the County of Los Angeles and authorized the City Manager or his designee to execute the necessary documents.

CC-4 Associate Membership Agreement with the California Enterprise Development Authority to and Indemnification Agreement with Figtree Company, Inc., to Facilitate Operation of the Figtree Property Assessed Clean Energy Financing (PACE) Program within the City of Monrovia; Resolution No. 2014-55: The City Council adopted Resolution No. 2014-55 and authorized the City Manager to execute the necessary documents.

CC-5 Authorization to Solicit Requests for Proposals (RFP) for Hazardous Waste Management Services: The City Council authorized Staff to proceed with an RFP for Hazardous Waste Management Services.

CC-6 Emergency Repair of Water Main at Sawpit Wash by Robert BRKICH Construction Corporation in the Amount of \$6,090.28: The City Council ratified the emergency repair of the water main at Sawpit Wash and authorized payment to BRKICH Construction Group in the amount of \$6,090.28.

CC-7 Amendment to Title 10 (Vehicles and Traffic), Repealing Chapter 10.12 of the Monrovia Municipal Code relating to Stop Intersections; Adoption of Ordinance No. 2014-09: The City Council adopted Ordinance No. 2014-09. On September 2, 2014, the City Council voted unanimously to introduce, waive further reading and read by title only Ordinance No. 2014-09.

CC-8 Amendment to Title 13 (Public Services), Chapter 13.20 of the Monrovia Municipal Code Relating to Water Conservation; Adoption of Ordinance No. 2014-10: The City Council adopted Ordinance No. 2014-10. On September 2, 2014, the City Council voted 4-1 to introduce, waive further reading, and read by title only Ordinance No. 2014-10, with Councilmember Adams voting in opposition.

CC-9 Amendment to Section 17.04.040 of the Monrovia Municipal Code, Changing the SP (Specific Plan) Zone Designation to PD-12 (Planned Development Area 12) and Removing Station Square Specific Plan from Section 17.04.035 for Specified Properties in the Station Square Transit Village, Zone Change AC104-01; Adoption of Ordinance No. 2014-03: The City Council adopted Ordinance No. 2014-03. On September 2, 2014, the City Council voted unanimously to introduce, waive further reading and read by title only Ordinance No. 2014-03.

CC-10 Amendment to Title 17 (Zoning) Section 17.04.035 of the Monrovia Municipal Code Adding The Parks at Station Square Specific Plan for Property Located at the Southeast Corner of Pomona and Magnolia Avenues, Vacant Property Previously Addressed as 1622 South Magnolia Avenue, and 204 West Pomona Avenue; Ordinance No. 2014-04: The City Council adopted Ordinance No. 2014-04. On September 2, 2014, the City Council voted unanimously to introduce, waive further reading and read by title only Ordinance No. 2014-04.

CC-11 Acceptance of Irrevocable Offer of Dedication of a Strip of Property at 945 East Huntington Drive and Finding the Project is Exempt from the California Environmental Quality Act (CEQA); Resolution No. 2014-43: The City Council adopted Resolution No. 2014-43.

CC-12 Amendment to Personnel Rules & Regulations to Provide for Compensation and Supplemental Benefits for Elected and Appointed Employees, Appendix "D," Related to the Position of Executive Assistant to the City Manager; Resolution No. 2014-60: The City Council adopted Resolution No. 2014-60.

PUBLIC INPUT:

1. Ralph Walker, Friends of Allen Allensworth
2. Edward Allen, Monrovia
3. Ray Moreford, Monrovia
4. Dan Bacani, NAI Capital Commercial Real Estate

5. Sherman Jaffe, Kiwanis
6. Hector Elizalde, representing Congresswoman Grace Napolitano
7. Mrs. Dowling, Monrovia
8. Stephen Grollnek, Monrovia
9. Chuck Keen, American Legion Post 44

PUBLIC HEARINGS / MEETINGS:

PH-1 Historic Landmark HL-131/Mills Act MA-124 for the Property Located at 624 East Foothill Boulevard by Property Owners Tommy and Diane Radu, and Determination that the Project is Categorically Exempt (Class 1) Pursuant to the California Environmental Quality Act (CEQA); Resolution No. 2014-58

Craig Jimenez, Planning Division Manager, reviewed the Agenda Report.

Mayor Lutz opened and closed the Public Hearing as there was no one present who wished to speak for or against the matter.

It was moved by Councilmember Adams, seconded by Councilmember Spicer, to adopt Resolution No. 2014-58. The motion carried unanimously.

PH-2 Historic Landmark HL-132 for the Property Located at 240 West Hillcrest Boulevard by Property Owners Doug and Karen Poindexter; Resolution No. 2014-59

Mayor Pro Tem Shevlin announced she would be abstaining due to the proximity of the subject property to her residence and exited Council Chambers at 8:29 p.m.

Craig Jimenez, Planning Division Manager, reviewed the Agenda Report.

Mayor Lutz opened and closed the public hearing as there was no one present who wished to speak for or against the matter.

It was moved by Councilmember Spicer, seconded by Councilmember Adams, to adopt Resolution No. 2014-59. The motion carried with the following vote: **Ayes:** Councilmembers Adams, Blackburn, Spicer, Mayor Lutz; **Abstain:** Mayor Pro Tem Shevlin, due to a conflict of interest.

Mayor Pro Tem Shevlin returned to Council Chambers at 8:32 p.m.

PH-3 Amendment of Standards and Conditions of Mills Act Contract MA-96 for the Property Located at 619 West Hillcrest Boulevard by Property Owners Christopher and Lisa Tsirgiotis

Craig Jimenez, Planning Division Manager, reviewed the Agenda Report.

Staff responded to questions regarding original intended use for the structure, street views, varied conditions related to accessory structures and other elements not in public view, whether the new property owner was aware of conditions prior to purchase, and architectural compatibility of the new structure.

Mayor Lutz opened the Public Hearing.

In Favor:

1. Chris Tsirgiotis, Applicant

Opposed – None

Mayor Lutz closed the Public Hearing.

It was moved by Mayor Pro Tem Shevlin, seconded by Councilmember Adams, to approve the amendment of Standards and Conditions of Mills Act Contract MA-96 for the property located at 619 West Hillcrest Boulevard by property owners Christopher and Lis Tsirgiotis. The motion

carried unanimously.

PH-4 Appeal of Historic Preservation Commission Decision Regarding Property Located at 438 West Duarte Road; Barry Edwards, appellant

Mayor Lutz announced she would be abstaining due to the proximity of the subject property to real property she owned and exited Council Chambers at 8:41 p.m.

Craig Jimenez, Planning Division Manager, reviewed the Agenda Report.

Staff responded to questions regarding status of the pool and trees as related to historic preservation, zoning, and capacity for additional housing on the lot with preservation of the existing structure.

Mayor Po Tem Shevlin opened the Public Hearing.

Speaking in Favor:

1. Barry Edwards, Appellant

Opposed – none

Mayor Po Tem Shevlin closed the Public Hearing.

Discussion ensued regarding the City's history of finding alternatives for preserving structures while adding additional homes on a property, and potential density on the lot. Staff reminded City Council that the decision before them was focused on whether the existing house met criteria for 5S3 designation; future development and zoning was not in question at this time.

Mayor Po Tem Shevlin reopened the Public Hearing to allow the appellant to respond to questions regarding number of potential homes to be built on the subject property.

It was moved by Councilmember Adams, seconded by Councilmember Spicer, to deny the appeal and ask Staff to work closely with the applicant in an effort to accomplish the historic preservation goals as well as the applicant's. Mayor Pro Tem asked to amend the motion to include working toward making the process as expedient as possible; Councilmember Adams accepted the amendment. The motion carried on the following vote: **Ayes:** Councilmembers Adams, Blackburn, Spicer, Mayor Pro Tem Shevlin; **Abstain:** Mayor Lutz, due to conflict of interest.

City Attorney Steele stated for the record that the City Council action on this item was final.

Mayor Lutz returned to Council Chambers at 9:07 p.m.

PH-5 Amendment to Title 2 (Administration and Personnel) and Title 17 (Zoning) of the Monrovia Municipal Code to Establish Powers and a Procedure for Reasonable Accommodations; Introduction and First Reading of Ordinance No. 2014-08

Brian O'Connor, Planning Division Assistant, reviewed the Agenda Report.

Mayor Lutz opened and closed the public hearing as there was no one present who wished to speak for or against the matter.

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Shevlin, to introduce, waive further reading, and read by title only Ordinance No. 2014-08. The motion carried unanimously.

City Attorney Steel read the title of Ordinance No. 2014-08 as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) ESTABLISHING POWERS AND TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE ESTABLISHING A PROCEDURE FOR REASONABLE ACCOMMODATIONS

REPORTS OF CITY MANAGER AND STAFF

RCM-1 Cal Humanities CA Reads 2014 at Monrovia Public Library – *What it is Like to Go to War*: Librarian Rebecca Elder and Novel T's book club representative Carol Burrill reported on the grant funded activities planned at the library, and Library Board President Barbara Radford distributed copies of the book to the Mayor, City Council, City Clerk, and City Treasurer.

RCM-2 Update on Proposed National Monument Designation: Interim City Manager Delach provided an update, stating there were studies under way by Los Angeles County Board of Supervisors and Los Angeles County Fire Department. Staff hoped to get a copy of any reports resulting from those studies.

RCM-3 Update on City Water Conservation Efforts: Carl Hassel, Director of Public Works, provided an update, including statistics, outreach efforts, and contact information for reporting concerns.

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES

RCC-1 Mayor Mary Ann Lutz:

- (a) Gift presented from new owners of the Doubletree Hotel visiting from Szechwan province in China; framed art would be hung in the office of the Mayor and City Council
- (b) Recent meeting with the Mayors of Los Angeles County
- (c) League of California Cities, Western City Magazine; recent article regarding Helen Putnam Award winning YES! Program
- (d) Upcoming leadership meeting of U.S. Conference of Mayors

RCC-2 Mayor Pro Tem Becky A. Shevlin

- (a) Volunteer Center E-Waste Collection and Tool Drive
- (b) Monrovia Reads Chili Cook-Off and Monrovia Reads Across Monrovia
- (c) Update on SB 270; with State law sitting on the Governor's desk waiting for signature, and with the Governor citing confusion related to state versus local regulations, Mayor Pro Tem Shevlin requested the councilmembers who voted in favor of local regulations to consider bringing the matter back to consider repeal, or at least delay enforcement to align with state regulations.

Public Input:

1. Pam Fitzpatrick, Old Town Merchant, spoke in support of repealing the local ordinance

Mayor Lutz opined that further discussion was premature since the Governor had not yet signed the legislation, with the City Attorney confirming that until the state law was signed, there wasn't much to compare to.

RCC-3 Councilmember Tom Adams

- (a) Recognition of Lt. Allen Allensworth at Depot; would like to look at high profile people who visited Monrovia by train in consideration of recognizing them in some way at the Station Square Depot, and requested to work with Historian and City Treasurer Steve Baker and Historical Museum Curator Mark Still to come up with names. There were no objections.

RCC-4 Councilmember Alexander C. Blackburn had no report.

RCC-5 Councilmember Larry J. Spicer had no report.

ADMINISTRATIVE REPORTS:

AR-1 City Manager Employment Agreement

Interim City Manager Fran Delach and City Attorney Craig Steele reviewed the Agenda Report.

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Shevlin, to approve an Employment Agreement with City Manager Appointee Oliver Chi. The motion carried by unanimous roll call vote.

Mayor Lutz introduced Mr. Chi to the community and provided a brief review of his 15 years of experience in different levels of government. Mr. Chi expressed his appreciation for the opportunity and the Mayor and City Council each welcomed him.

AR-2 Amended and Restated Exclusive Residential Solid Waste Franchise Agreement with Arakelian Enterprises, Inc., dba Athens Services

This item was pulled and rescheduled to a future meeting.

AR-3 First Amendment to the Exclusive Franchise Agreement between the City of Monrovia and Arakelian Enterprises, Inc., dba Athens Services, for the Collection of Commercial and Industrial Solid Waste in Old Town Monrovia; and Old Town Performance Evaluation and Rate Adjustment, Resolution No. 2014-38

This item was pulled and rescheduled to a future meeting.

AR-4 First Amendment to the Agreement for Non-Exclusive Commercial Waste Collection, Recycling and Disposal Services with Arakelian Enterprises, Inc., dba Athens Services

This item was pulled and rescheduled to a future meeting.

AR-5 Amendment to Title 8 (Health and Safety), Chapter 8.08 of the Monrovia Municipal Code Relating to Residential, Solid Waste, Green Waste and Recyclable Material Collection; Introduction and First Reading of Ordinance No. 2014-07

This item was pulled and rescheduled to a future meeting.

AR-6 Award of Contract to M.S. Construction Management Group in the Amount of \$5,713,714.00 for the Monrovia Station Square Public Improvements, Project No. G-866

Carl Hassel, Director of Public Works, reviewed the Agenda Report, stating there would be a Study Session on October 21, 2014, to discuss the remaining funds available for the Station Square Transit Village project, and thanking everyone who helped make the Station Square ground breaking event a success.

It was moved by Mayor Pro Tem Shevlin, seconded by Councilmember Spicer, to award a contract to M.S. Construction Management Group for the Monrovia Station Square Public Improvements Project No. G-866 with a reserve for contingencies in the amount of \$857,057.00 for a total project budget of \$6,570,771.00, reject all other bids, and authorize the City Manager to execute the necessary documents. The motion carried unanimously.


PUBLIC INPUT, CONTINUED, IF NEEDED: None

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: None

SCHEDULED MEETINGS: The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, October 7, 2014, 7:30 p.m., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

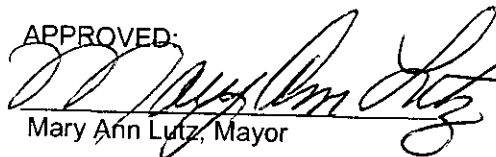
ADJOURNMENT: At 10:16 p.m., Mayor Lutz adjourned the meeting.

ATTEST:



Alice D. Atkins, CMC, City Clerk

APPROVED:



Mary Ann Lutz, Mayor