

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY APRIL 8 2003 7 30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday April 8 2003 at 7 33 P M in City Council Chambers 415 South Ivy Avenue Monrovia California

INVOCATION Pastor Maurice Battle Jr All Nations Seventh Day Adventist led the Invocation

FLAG SALUTE Councilmember Tom Adams led the Flag Salute

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

REPORT OF CLOSED SESSION S) None

PRESENTATIONS None

PROCLAMATIONS

1 Proclaiming the Week of April 21-27 2003 as National Community Development Week

Mayor Pro Tem Hammond proclaimed the week of April 21-27 2003 as National Community Development Week " noting that the Community Development Block Grant (CDBG) program was signed into effect on August 22 1974 Linda Jenkins Community Development Commission County of Los Angeles accepted the proclamation

2 Proclaiming Support of Our Troops and Their Loved Ones Serving Both at Home and Abroad

At the March 25 2003 City Council meeting Mayor Rob Hammond requested that Staff prepare a document in support of our servicemen and women who are serving both at home and abroad including their families and loved ones

Consequently this Proclamation was presented by Mayor Hammond and the City Council to Marilyn Vernon Veterans of Foreign Wars Ladies Auxiliary Post 2070 with another copy presented to Price Watkins and Pete Spiroff American Legion Post 44

STUDENT GOVERNMENT REPRESENTATIVE REPORT Student Liaison Dayshia Boykins reported on activities at Monrovia High School

A. CONSENT CALENDAR

It was moved by Councilmember Adams seconded by Mayor Pro Tem Garcia to approve the Consent Calendar consisting of Items *B *F-1 *I-3 *I-4 *I-5 and *K

ROLL CALL

**Ayes Councilmembers *Adams Garcia Kirby **Lutz
Mayor Hammond
Motion carried 5-0**

*with the exception of *I-4

**with the exception of *K

***B MINUTES** The Minutes of the Regular Meeting of March 25 2003 were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS

1 Clinton Arsenault Monrovia commented on various aspects of the City and asked that Staff look at a "No turn on Red" sign on Primrose Avenue south side of Foothill Boulevard at the newly approved stop light scheduled for Primrose Avenue and Foothill Boulevard

2 Walt Shelly Monrovia spoke regarding the Community Services quarterly brochures suggesting a cost savings idea to enclose it in the Thursday newspaper instead of mailing them individually He presented a copy that had been adapted to an enclosure to be presented to various media for copying

3 Cindy York Monrovia introduced Anna Ocampo Tabitha Cordell and Queen Ashley Frew Queen Frew reminded all to put May 17 18 2003 on their calendars for activities during Monrovia Days including the Parade and Soapbox Classic She explained the Teddy Bear Fundraiser and challenged the City Council to collect as many teddies as they could

4 Beth Costanza Monrovia commented favorably on the Art in Public Places dedication She expressed concern about a new fence at Mountain and Wildrose Avenues which she believed needed to be adjusted for pedestrians passing by She presented pictures to the City Council which will be forwarded on to the Community Development Department

5 Karen Suarez Monrovia urged viewers to request Congressman David Dreier to remove from a bill recently sent to the House Arctic drilling for oil

6 Cyrus Kemp Monrovia commented on Ms Costanza's complaint He took exception of a statement he believed City Manager Hopper had made at the Wilderness Preserve Steering Committee meeting that a new gate would be built for Thomas and Pam Sues with City funds

7 Chuck Keen thanked the City Council for presenting a Proclamation to both the VFW Ladies Auxiliary and the American Legion He explained a program Sierra Madre has in place honoring its war heroes

8 Bill Beebe Monrovia representing the Monrovia Arts Festival Association (MAFA) invited all to attend its Black Tie Event honoring Betty Sandford on Saturday May 3 4 00-7 00 PM

In response to Mr Kemp's comments City Manager Donald R Hopper stated that the gate referred to by Mr Kemp was obviously a vehicle gate and not one for the residents although he expected that there would be a pedestrian gate there sometime in the future Mayor Hammond noted that there would be much community input before any decisions are made regarding use of the hillside

D PUBLIC HEARINGS / MEETINGS

1 Tentative Tract Map No 54307/Conditional Use Permit CUP2003-04/Variance V2003-01 for a Four (4) Unit Planned Unit Development on Property Located at 217-223 South Shamrock Avenue by Richard and Helen Lam Applicants Edgar Bourne Developer

After Councilmember Adams determined from the City Attorney that he had no conflict of interest in this matter Steve Sizemore Planning Division Manager reviewed the Staff Report The applicant requested approval of a Tentative Tract Map for a four (4) unit Planned Unit

Development (PUD) There were several variance requests associated with this proposal due to a courtyard design around two existing oak trees

The property is on the west side of South Shamrock Avenue between Wildrose and Lime Avenues and consists of two lots 50 x 176 23 feet deep with a total area of 17 623 square feet The property is zoned RM3500 (Residential Medium Density) allowing one dwelling unit per 3500 feet of lot area which would allow for a maximum of five units on the combined lot The existing three units will be cleared and will be replaced with the proposed four unit PUD

The four detached homes are a Spanish style with low pitched red tile roofs smooth stucco arches and multi-paned windows that blend with several of the existing Spanish style homes in the neighborhood While there is variation between the 1st and 2nd stories in keeping true to the style building wall modulation requirements were not met

Typically applicants are encouraged to submit projects that conform to all applicable development standards In this case Staff felt and the Planning Commission concurred that the project accommodates the preservation of the oak trees along with providing an attractive project that will blend with the neighborhood The Oak Tree Preservation Ordinance provides for the approval of variances to preserve oak trees

At its meeting of March 12 2003 the Planning Commission unanimously recommended approval of the project

After much discussion regarding more complete visuals of all four sides of projects and possibly more yard area for some of the units City Manager Hoper suggested sending the project back expressing those concerns to the Development and Review Committee (DRC) to see if anything could be improved upon with regard to outdoor space

PUBLIC HEARING OPENED Mayor Hammond opened the Public Hearing

In favor

- 1 Cleve Crudginton Monrovia suggested using attractive tile over the concrete
- 2 Gail Littlejohn Tri Tech Engineering

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 Adams seconded by Councilmember Garcia, to approve Tentative Tract Map No 54307/Conditional Use Permit CUP2003-04/Variance V2003-01 pursuant to the recommendations in the Staff Report, along with the request of the City Council that the Development and Review Committee look at the patio/private open space concrete and that it be of a decorative fashion that would be in keeping with the architecture and also look at the City Council's concern for private recreation space to see if some reasonable alternative can be met yet still in keeping with the flavor of the courtyard

ROLL CALL

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

2 Tentative Tract Map No 54259/Conditional Use Permit CUP2003-06 for a Seven (7) Unit Planned Unit Development on Property Located at 331 West Central Avenue by Team Central LLC Applicants (A.k a WF Construction)

Alice Griselle Director of Community Development reviewed the Staff Report

The applicant requested approval of 7-unit 2-story detached Planned Unit Development in the RH (Residential High Density) Zone. The parcel is 80 wide and approximately 290 deep totaling 23 200 square feet in size. It is currently improved with 4 older residential units that will be demolished.

The proposed site plan consists of seven detached units each having an attached 2-car garage. The front unit faces Central Avenue and the remaining units are evenly spaced along the interior driveway (3 units on each side). The proposal meets all the development standards of the Zoning Ordinance (e.g. setbacks, lot coverage, building bulk, yard area). The proposed architectural style of the units is modern Craftsman.

The Foothill Freeway is located across the street directly south of the site. The Noise Element of the General Plan specifies that mitigation measures should be implemented to help reduce the noise levels on new residential development adjacent to the freeway. An acoustical design analysis will be required to be submitted at the time of plan check submittal with the Building Division.

The Planning Commission recommended approval of the project to the City Council.

PUBLIC HEARING OPENED Mayor Hammond opened the Public Hearing.

In favor

1 Jide Allade with WF Construction

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

It was moved by Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to approve Tentative Tract Map No. 54259 and Conditional Use Permit CUP2003-06 pursuant to the recommendations in the Staff Report.

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

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE Chairman Hammond convened the Regular Meeting of April 8, 2003 of the Monrovia Redevelopment Agency Board of Directors at 8:56 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

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

A CONSENT CALENDAR

It was moved by Boardmember Adams, seconded by Vice Chairman Garcia, to approve the Consent Calendar consisting of Items *B.

ROLL CALL Ayes: Boardmembers Adams, Kirby, Lutz, Vice Chairman Garcia, and Chairman Hammond.
Motion carried 5-0.

***B MINUTES** The Minutes of the Regular Meeting of March 25 2003 were approved by order of the Consent Calendar

MRA REPORTS None

MRA ADJOURNMENT Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8 57 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS None

F COMMUNICATIONS AND PETITIONS

***1 Denial of Claim Christopher Flores vs City of Monrovia**

This matter was approved by order of the Consent Calendar

Mr Flores claimed that on or about September 21 2002 Monrovia Police Officers took him into custody based on a felony arrest warrant He informed the officers that he was not the person they sought Mr Flores alleged that he was subsequently jailed for eight days at the end of which it was determined that he was not the person described in the arrest warrant Mr Flores indicated he lost eight days of work and suffered great emotional harm He sought an unspecified amount in damages

When making the arrest Monrovia Police Officers found that the claimant's name date of birth and California Drivers License number matched the information on the warrant According to our defense counsel an arrest made pursuant to a facially valid arrest warrant was proper and did not give rise to any lawsuit Therefore Monrovia Police personnel acted properly in their arrest of Mr Flores and the City bore no responsibility in this matter

Staff recommended that the City Council deny this claim

G CITY COUNCILMEMBERS & SUB-COMMITTEES

1 Mayor Hammond reported that

(a) In response to email inquiries the American flags at City facilities were being flown at half staff for the servicemen and women who were mortally wounded in the war in Iraq including a Duarte Manne who gave his life for his country He was awarded citizenship posthumously and will be buried Friday at Live Oak Commentary The flags will remain at half staff until further notice

(b) He reported that Staff had researched the feasibility of the individual banners for the Blue Star Program and will instead of Myrtle Avenue as first announced install them on Huntington Drive and on Foothill Boulevard as other banners are going up for the Myrtle Avenue area due to planned events The flags will be made and delivered in three to four weeks

(c) He received a lifetime membership from the VFW National Home for Children last week through the Ladies Auxiliary Post 2070 He gave information about the program and his framed certificate of life membership to the City Clerk

(d) He Councilmembers Kirby Adams and Garcia would be part of the Baker to Vegas annual 120 mile annual run beginning on Blue Mountain on I-15 to Vegas on Friday through Sunday He gave special recognition to Officer Nick Manfredi whose dream it was last year for the Monrovia Police Department to have its own 20 person relay team He noted it took a 60 person team to have a 20 person relay team

there are corresponding incentives for candidates who agree to voluntarily limit their spending. Some cities have told candidates that if they sign the pledge of spending limits they would get a free ballot statement or designation on the sample ballot as a candidate who voluntarily agreed to limit their spending-- as long as there was some incentive but as a matter of practical experience sometimes they tend to create expectations and more controversy in the end as they frequently get violated.

In response to Councilmember Adams question asking if it were legal for candidates who were willing to restrict donations only to Monrovia stakeholders rather than outside entities with no vested interest in Monrovia City Attorney Steele responded that campaign contributions must be separated out from spending limits. The Supreme Court said that cities can't discriminate between residents and non-residents regarding accepting donations. Some cities have imposed a limit from businesses contributions and contributions from outside of the jurisdiction. Designation on the ballot for voluntary contributions/spending limits would have to be done approximately sixty days prior to the election and a candidate may inadvertently or purposely break his/her pledge to the voluntary restrictions. After further discussion Councilmember Adams requested that the City Attorney bring back at the next meeting a voluntary not mandatory system. City Attorney Steele stated that he would contact cities that have such limits in place and report at the next meeting. Councilmember Adams stated that this would give time for City Councilmember to talk to members of the community.

(e) He requested that the issue of using the blue Speaker Information Forms be added to the next Agenda.

4 Councilmember Kirby reported that

(a) He reported that there had been a 50% increase from last year of the number of the high school seniors who have been accepted into colleges.

(b) He thanked Mrs. Chesley for bringing to the City Council the suggestion of the Resolution for the support of our servicemen and women.

(c) He invited all to attend the annual Mayor's Prayer Breakfast on April 23, 2003, 7:00 AM, Holiday Inn.

(d) He announced that there was a 16-month old child in Monrovia who was diagnosed with a brain tumor. He asked that the child be kept in Monrovia this week as a neurosurgeon was being sought.

5 Councilmember Lutz reported that

(a) She echoed Commissioner Costanza's positive comments regarding the Art in Public Places ceremony for the placement of the park bench with Mark Twain at Library Park and thanked all of the donors who purchased the art object and the departments for their work on the project.

(b) She thanked the Monrovia Day Queen and Court for their report but added that there would also be a Monrovia Jamboree during the event which will include a Chili Cook-Off on Saturday for restaurants and on Sunday for groups or individuals. She announced that for those interested in participating, Linda Proctor should be contacted.

(c) She announced that a "Cinco de Mayo" celebration will be held at the Family Festival on "Dos de Mayo."

(d) For all of the military service families, Diron Business Center has offered a free email service for all who qualify to send messages anywhere their servicemen and/or women are located.

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

***4 Set for Public Hearing on April 22 2003 Historic Landmark HL-48/Mills Act Contract MA-46 for Property Located at 124 May Avenue by Denise Delaney Owner Resolution No 2003-21**

This matter was approved by order of the Consent Calendar

On March 26 2003 the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act Contract for the property at 124 May Avenue

***5 Set for Public Hearing on April 22 2003 Historic Landmark HL-49/Mills Act Contract MA-47 for Property Located at 314 East Foothill Boulevard by Andrea Reed Owner Resolution No 2003-22**

This matter was approved by order of the Consent Calendar

On March 26 2003 the Historic Preservation Commission voted to forward a nomination statement recommending approval of Historic Landmark status and execution of a Mills Act Contract for the property at 314 East Foothill Boulevard

J RESOLUTIONS & ORDINANCES None

***K PAYROLL & VOUCHERS** Payroll No 7 in the net amount of \$426 785 37 and Voucher Numbers 109777 through 110105 non-sequentially in the amount of \$820 162 34 were approved by order of the Consent Calendar

L SCHEDULED MEETINGS The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday April 22 2003 7 30 P M City Council Chambers 415 South Ivy Avenue Monrovia California preceded by a Salute to Service Program 7 00 P M Council Chambers

M ORAL COMMUNICATIONS CONTINUED IF NEEDED None

N CLOSED SESSION None

O ADJOURNMENT The Meeting was adjourned at 10 03 P M

APPROVED


Rob Hammond Mayor

ATTEST


Linda B Proctor CMC City Clerk