

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, JANUARY 6, 2009, 7:30 P M**

**CONVENE:** Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, January 6, 2009, at 7:36 P M in City Council Chambers. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele and City Clerk Linda B. Proctor.

**INVOCATION:** Dr. John Mastrogiovanni, Pastor, gave the Invocation.

**PLEDGE OF ALLEGIANCE:** Councilmember Joe Garcia led the Flag Salute.

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

**PRESENTATION/PROCLAMATION:**

**PR-1 Introduction of Newly Sworn Police Department Personnel, Police Officers Jonathan Rush and Kevin Brys, and Animal Control Officer David Andrew.** Captain Jim Hunt introduced newly sworn Police Officers Jonathan Rush and Kevin Brys, and Animal Control Officer David Andrew to the Mayor, City Council and the community.

**STUDENT GOVERNMENT REPRESENTATIVE REPORT.** Student Liaison David Zook was not in attendance.

**CONSENT CALENDAR:** It was moved by Councilmember Lutz, seconded by Councilmember Adam, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda items:

**CC-1 Unadopted Minutes of the December 16, 2008 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll No. 26 in the Amount of \$570,682.79 and Voucher Nos. 155514 through 155761 in the Amount of \$2,138,839.85**

**CC-3 Adoption of the City of Monrovia Retiree Healthcare Trust, Resolution No. 2009-03.** In response to concerns for the rise in health care premiums, a committee of representatives from each of the City's bargaining units was formed. An actuary provided information to these employees.

From these meetings a Retiree Healthcare Trust Plan was created. The Monrovia Municipal Employees' Association, the Monrovia Firefighters' Association, as well as employees who were governed by benefits provided for Managers and Mid-Managers, elected to participate in this Retiree Healthcare Trust Plan. This election was included as part of the Memorandum of Understanding for each of these employee groups and approved by the City Council.

Staff recommended that City Council authorize the agreement with International City Manager Association Retirement Corporation (ICMA-RC) to establish the City of Monrovia Retiree Healthcare Trust.

**CC-4 Set for Public Hearing on January 20, 2009, Proposed 35<sup>th</sup> Year (Fiscal Year 2009-10) Community Development Block Grant (CDBG) Programs Allocation:** The City of Monrovia was one of 47 participating cities contracting with the Los Angeles County Community Development Commission (CDC) for participation in the Urban Counties CDBG Program. The Community Development Commission requires participating cities to report a preliminary summary of the projected use of the annual CDBG allocation by February 1, 2009. Staff recommended setting January 20, 2009 as the date for the Public Hearing.

**PUBLIC INPUT**

1 Chuck Keene, Monrovia

**PUBLIC HEARINGS / MEETINGS**

**PH-1 Opened and Continued from December 16, 2008; Tentative Tract Map No. 070357; Conditional Use Permit CUP2008-27, CUP2008-28, CUP2008-29, CUP2008-30, CUP2008-31, to Subdivide 14.84 Acres into 8 Lots and Construct a Five-Store, 347-Unit Multiple-Family Residential Structure; a Five-Story Mixed-Use Structure with 337 Housing Units, and Three, Four-Story Commercial Buildings with a Total of 444,995 Square Feet of Office Space for Area Bounded by Evergreen, Myrtle and Magnolia Avenues and the Railroad Right-of-Way (Station Square), Applicant Samuelson & Fetter, LLC**

Mayor Hammond opened the Monrovia Redevelopment Agency Meeting concurrently with the City Council Meeting

Steve Sizemore, Planning Division Manager, reviewed the Staff Report for PH-1

The application for the Tentative Tract Map and Conditional Use Permits was the entitlement phase of a long planning process that would culminate with the initial phase of construction for the Station Square Transit Village. The planning process began in 1993 when plans were prepared for the construction of a light rail system that would run from Union Station in Los Angeles to Pasadena. A lengthy public review period culminated with the adoption of a Land Use Plan (1993 City of Monrovia Land Use Plan) identifying the area around the vacant Santa Fe Train Depot as an area for Transit Oriented Development. The Transit Village was seen as a chance to combine residential, commercial and retail uses adjacent to a light rail mass transit system.

In 2002, the City's Redevelopment Agency amended its boundaries to include the proposed Transit Village area. The following year, the City Council invited the Urban Land Institute (ULI) to perform an independent assessment of the proposed Transit Village project and to make suggestions regarding its connectivity to the rest of Monrovia. In 2006, the City adopted a Neighborhood Compatibility Ordinance that restricted development in existing neighborhoods. In 2007, the City initiated an update of its Land Use and Circulation Elements to develop appropriate land use controls and examine the environmental impacts associated with build out of the Station Square Planning Area as well as concentrated development along the other transportation corridors (West Huntington Drive Corridor and the South Myrtle Avenue Corridor).

In January 2008, the City adopted a new Land Use Element that implemented the plans detailed in the Urban Land Institute study. The General Plan called for orderly development in the Station Square area and required the preparation of a Specific Plan. On this basis, The Station Square Specific Plan was prepared and adopted by the Planning Commission on October 15, 2008 to serve as a development guide for the first phase of the Transit Village. The Specific Plan was then reviewed by the City Council, who adopted the Specific Plan at its December 2, 2008 meeting. The adoption of the Station Square Specific Plan set the parameters for this application.

In order to develop the site, the applicant was required to submit a Tentative Tract Map and obtain a Conditional Use Permit for each building that was being proposed. The Tentative Tract Map would subdivide the 14.84 acre site into 8 new parcels of land that was being proposed as a combination of residential, mixed use, office and recreation space. Included in the Tentative Tract Map proposal was the creation of a new public street (Railroad Avenue) and 2.76 acres of open space that would be developed by the City of Monrovia as park and plaza space. In addition to the Tentative Tract Map application, the applicant requested approval of 5 Conditional Use Permits which would allow for the construction of 5 new buildings. They included a 5-story multiple family residential structure housing 347 dwelling units and 526 off-street parking spaces (CUP 2008-27), a 5-story, mixed use structure housing 337 dwelling units, 26,350 square feet of retail space and 611 off-street parking spaces (CUP 2008-28), a 4-story commercial building with 208,745 square feet of office space (CUP 2008-29), a 4-story commercial building with 133,101 square feet of office space (CUP 2008-30), and a 4 story commercial building with 103,149 square feet of office space (CUP 2008-31). To serve the office building complex, 1,772 off-street parking spaces would be constructed.

The first development that would occur in the Station Square Specific Plan planning area was the residential structure which would be located south of Pomona Avenue between Magnolia and Primrose Avenues (Lot 6 of the Tract Map). The proposal was to build a new five-story structure with one subterranean level for underground parking. The structure would house 347 dwelling units and 526 off-street parking spaces.

The second development that would occur was a mixed use structure which to be located on the westerly side of Myrtle Avenue south of Pomona Avenue, north of the new public street (Railroad Avenue) and east of Primrose Avenue. The proposal was to build a new five-story structure with one subterranean and one at grade level for underground parking. The structure would house 337 dwelling units and 611 off-street parking spaces. On the ground floor facing Myrtle and Pomona Avenues would be 23,400 square feet of retail space.

In addition, the applicant proposed to construct approximately 2,950 square feet of flex space that could be used for office and/or retail uses. This space was located along Railroad Avenue.

The third component of the development was an office complex located north of Pomona Avenue. Three new four-story structures would be constructed featuring Class A office space in three phases. Phase I would consist of a commercial building with 208,745 square feet of office space (CUP 2008-29) and located adjacent to Myrtle and Pomona Avenues, Phase II would consist of a commercial building with 133,101 square feet of office space (CUP 2008-30), and Phase III would consist of a commercial building with 103,149 square feet of office space (CUP 2008-31). To serve the office building complex, 1,772 off-street parking spaces would be provided. Consistent with the Specific Plan, this site could be developed with or without the gas station. The current development proposal was to develop the site without the gas station. However, if acquiring the station was cost prohibitive, a redesign may be necessary. Consequently, Staff was adding a condition that should the development not proceed as proposed, the design shall be resubmitted to the Development Review Committee for the consideration of the inclusion of the gas station into the design of the building.

Phase II would be located in the center of the complex, featuring the 133,101 square foot office building. Phase III consisted of the 103,149 square foot office building, located at the Pomona and Magnolia Avenues intersections. Parking for the development would consist of surface parking, one level of parking in a structure above ground and two levels of parking in subterranean parking structures. The Specific Plan required 1,704 parking spaces. The applicant was proposing 1,772 parking spaces which exceed the required parking by 68 spaces.

The proposed project was consistent with the 2008 Land Use Element which identified environmental impacts associated with implementation of the Land Use Element. An Environmental Impact Report (EIR) was certified by the City Council on January 15, 2008. Mitigation Measures identified in the EIR would be applied to the project. CEQA Guidelines allowed a Negative Declaration to be adopted when an EIR had previously been prepared for a program, policy, plan or ordinance, and a later project consistent with that program or other action would not result in any significant effects which were not examined in that previous EIR.

In order to tier upon an EIR, the later project had to be consistent with the general plan and zoning of the applicable city or county. The proposed project was being tiered upon this EIR as a result of its consistency with the 2008 General Plan Land Use Element. Based upon the previously approved EIR, an Initial Study had been prepared that analyzed the environmental effects associated with the approval and construction of the proposed project. On the basis of the Initial Study, the City of Monrovia, acting as Lead Agency, found that the project would not have a significant impact on the environment in that the Initial Study identified one or more potentially significant effects on the environment for which the project applicant, had made or agreed to make, project revisions that clearly mitigated the effects to a less than significant level.

The Planning Commission held a Public Hearing on November 25, 2008 to review the proposed amendments. Various aspects of the project were discussed including the design, parking component, construction phasing, street fixtures, and as stated above, public improvements. During the Public Hearing, one resident spoke with concerns about the design and location of the parking structure. The applicant spoke in favor of the proposal. At the close of the hearing, the Planning Commission voted unanimously to recommend approval to the City Council of the Mitigated Negative Declaration, Tentative Tract Map and Conditional Use Permits.

And

**MRA-PH-1: Joint Public Hearing, Disposition and Development Agreement with Samuelson and Fetter LLC, a California Limited Liability Company, The Parks at Monrovia Station Square I LLC, a California Limited Liability Company and The Parks at Monrovia Station Square II LLC, a California**

**Limited Liability Company, Regarding Property Generally Located North of Duarte Road, East of Magnolia Avenue, South of Evergreen Avenue, and West of Myrtle Avenue in the City of Monrovia, California, City Resolution No. 2009-02 and Agency Resolution No 1-2009**

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

To take full advantage of the many positive impacts that would result from the planned eastward expansion of the Gold Line, the Station Square Study Area was established. The evaluation process has been an extensive, land use study, involving a significant public outreach process as well as a comprehensive environmental impact review. In late 2004, after circulating a Request for Proposals, the Agency Board identified Samuelson and Fetter as the developer possessing the best qualifications to successfully complete the development of the project.

Since awarding the ENA, an Environmental Impact Report and Traffic Mitigation Study have been completed, the City's Land Use Plan and Circulation Elements were updated and a Station Square Specific Plan was adopted. The Tentative Tract Map and Conditional Use Permit for the site was also being proposed tonight as a separate Agenda item. The site plan design and phasing of the development were also issues that were extensively studied.

Following an extensive negotiation period, the parties have reached an agreement regarding the terms of the development of the initial phase of the Station Square project. The development would be a phased transit oriented development, with the first phase consisting primarily of multifamily residential units, the second phase consisting of a mixed use, residential and retail development and the third phase being a Class A commercial office development.

The site would be acquired by the developer from the Agency at its fair market value, without subsidy by the Agency. The City and Agency would commit to undertake certain desired public improvements which would be described in greater detail in subsequent development agreements.

Staff recommends approval of the proposed Disposition and Development Agreement between the City, the Agency and Samuelson and Fetter LLC, a California Limited Liability Company, The Parks at Monrovia Station Square I LLC, a California Limited Liability Company and The Parks at Monrovia Station Square II LLC a California Limited Liability Company.

**PUBLIC HEARING OPENED:** Mayor Hammond opened the Joint City/Agency Public Hearing

Those against

1 Sarah Maloney, Monrovia, expressed concerns about traffic and parking areas, over population of the area, and that the office building next to the 210 Freeway was too large.

Those In favor

1 Lynda Fetter, Samuelson and Fetter

2 Paul Greenwood, Monrovia

**PUBLIC HEARING CLOSED** Mayor Hammond closed the Joint City/Agency Public Hearing

Mayor Hammond addressed the concerns of Speaker No 1

Much discussion ensued including sufficient parking, working with outside agencies in maintaining public right-of-ways, and meetings with the school district and school principal of Santa Fe Middle School in rerouting parents dropping off students from the Peck Road side of the school.

**It was moved by Councilmember Lutz, seconded by Councilmember Adam, to find the Mitigated Negative Declaration was prepared in compliance with the California Environmental Quality Act (CEQA) and there was no substantial evidence that the approval of Tentative Tract Map No. 070357 and Conditional Use Permits CUP2008-27, CUP2008-28, CUP2008-29, CUP2008-30, CUP2008-31, would have a significant impact on the environment as a result of the mitigation measures outlined in the Mitigated Negative Declaration; approve the findings on Data Sheet No 3, and, adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, and approve Tentative Tract Map No. 070357 and Conditional Use Permit's CUP2008-27, CUP2008-28, CUP2008-**

**29, CUP2008-30, CUP2008-31 subject to the Planning Conditions on Data Sheet Nos 1A-1E, and Public Works Data Sheet No 2, and subject to approval of the CUPS contingent on receipt of the favorable opinion from the Department of Industrial Relations and execution of a DDA in form satisfactory to the City Manager and City Attorney. Friendly amendments accepted were parking intensive uses to be determined by the DRC to determine adequate parking was available, and that the public improvement plans shall include a mast bicycle plan that had been reviewed and approved by the DRC to be added to the Data Sheets.**

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

It was moved by Boardmember Lutz, seconded by Boardmember Adam, to adopt City Resolution No. 2009-02 and Agency Resolution No. 1-2009 and authorize the Executive Director to execute the necessary documents.

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

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

Mayor Hammond called for a recess from 9 55 P M to 10 06 P M

**MRA CONVENE:** Chairman Rob Hammond convened the Meeting of January 6, 2009, of the Monrovia Redevelopment Agency Board of Directors at 10 06 P M in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

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

**MRA CONSENT CALENDAR:** It was moved by Boardmember Adams, seconded by Vice Chairman Kirby, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda item

**MRA CC-1** Unadopted Minutes of the January 6, 2009 Meeting of the Monrovia Redevelopment Agency

**PUBLIC HEARINGS/MEETINGS:**

This matter was taken out of order with PH-1 above

**MRA PH-1. Joint Public Hearing, Disposition and Development Agreement with Samuelson and Fetter LLC, a California Limited Liability Company, The Parks at Monrovia Station Square I LLC, a California Limited Liability Company and The Parks at Monrovia Station Square II LLC, a California Limited Liability Company, Regarding Property Generally Located North of Duarte Road, East of Magnolia Avenue, South of Evergreen Avenue, and West of Myrtle Avenue in the City of Monrovia, California, City Resolution No. 2009-02 and Agency Resolution No. 1-2009**

**MRA ADJOURNMENT:** Chairman Hammond adjourned the Meeting at 10 06 P M

**RECONVENE MONROVIA CITY COUNCIL MEETING**

**REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:**

**RCC-1** Mayor Rob Hammond reported that

- (a) **Monrovia Library Technology Update:** City Manager Ochoa presented a brief update
- (b) **American City and County Magazine's "America's Crown Communities 2008" honoring the Monrovia Area Partnership (MAP) Program.** Neighborhood Services Specialist Alexis Newell presented a report with the aid of PowerPoint, noting that the program also gained Honorable Mention for the Audrey Nelson 2009 Award

**RCC-2 Mayor Pro Tem Dan Kirby** reported that

(a) Higher than normal Time Warner complaints had come to his attention. Public Information Officer Dick Singer explained that Time Warner was doing upgrading in town and had been using outside subcontractors. Connections were not being reconnected and calibrations were not being done. If residents were having difficulties, they should contact the City at 626 303-6603.

(b) He had a luncheon meeting with the Executive Director of Foothill Transit recently and found they were facing the same type of budget problems as the City was. The lack of revenue was to be discussed at a retreat next month, at which time he would report back the results.

**RCC-3 Councilmember Tom Adams** reported that

(a) Lifeline Program Overview. Administrative Services Director Mark Alvarado presented a brief review of the program. Senior citizens 62 years and older were eligible for a reduced utility rate on their utility bill if they met the Los Angeles County low income requirements. As of now, about 2% of residents were taking advantage of the lifeline rate. Advertising as well as advising people when they sign up would help seniors understand the program.

**RCC-4 Councilmember Joe Garcia** reported that

(a) This Thursday, January 8, 2009, the Legislative Meeting of the Los Angeles Division of the League of California Cities was hosting a program by the elected Treasurer for Santa Cruz entitled "Was California governable, not now but someday."

**RCC-5 Councilmember Mary Ann Lutz** reported that

(a) On the 10th of January a workshop about foreclosures for both owners and renters, would be held at the Community Center from 1 00 P M to 4 00 P M.

**ADMINISTRATIVE REPORTS****AR-1 Library Park and Off-site Improvements Funding**

Scott Ochoa, City Manager, reviewed the Staff Report.

The library building would be completed by the end of March 2009. The park and off-site improvements would begin in the next month, and thus Staff must finalize the park and adjacent street improvement budget. The park improvements include the repair and restoration of the park following the demolition of the former library and construction of the new library building.

The park improvements was estimated at \$1,903,395. The current park improvement funding sources was the remainder of the Measure L Bond monies that the City Attorney has opined can be used for the park restoration at \$1,099,934, the Water Fund monies at \$300,000, the Public Arts Fund at \$21,000 for the flag pole area, and, \$63,200 from the Barratt American donation. \$419,261 was the outstanding balance needed for the park improvements.

The off-site street improvements would include Lime, Primrose and Palm Avenues, and would be consistent with the Old Town improvements. The street improvements was estimated at \$750,000. Proposition A monies of \$400,000 was eligible to be used for these improvements. This leaves an outstanding balance of \$350,000 to be addressed.

In summary, the amounts to complete the park and street improvements as designed was \$419,261 and \$350,000, respectively. The total unfunded amount was \$769,261.

The following was a proposed "order of hierarchy" for the funding of the improvements. The options each reflect sound funding sources, but was subject to future events and/or external changes, thus, staff was requesting that the Council give the City Manager the flexibility to employ the best funding solution based on the factors as presented below.

Option 1 The use of the Monrovia Redevelopment Agency's (MRA) proceeds from the sale of 601 South Myrtle Avenue property. Staff hoped to bring the sale of this property before the City Council in the next 90 days. As you may recall, this was consistent with the original park/public improvements budget that featured MRA funds. However, these funds were taken by the State of California as part of their FY 2008/09 budget.

Option 2 The use of "force account labor" from the Public Works Department. However, the trade-off would be that this project would consume a large portion of Public Works personnel's time over a 60-90

day period This means that other functions such as repair of potholes or street repairs would be delayed by proportional amounts of time

Option 3 The use of General Fund reserves to backfill any budget shortfalls The funds was available, yet in light of the current economic environment, their use was a last option

Option 4 Some combination of Options 1-3 may prove most practical, based on the timing of the sale of the 601 S Myrtle Avenue building The Public Works Department was currently performing an assessment of their upcoming in-house projects and developing a contingency plan for the reprioritization of their workload, which would allow for all or a percentage of the park and off-site improvements to be completed with City forces Based on the most cost-effective allocation resources, the City may then use some combination of MRA and/or General Fund dollars to complete the project budget  
The park and off-site improvements was scheduled to begin in the next month, so Staff was recommending that the City Council adopt the order of options as presented and direct the City Manager to execute a course of action

**It was moved by Councilmember Adams, seconded by Mayor Pro Tem Kirby, to adopt the order of options as presented and to direct the City Manager to execute a course of action that was consistent with the priority of the funding sources** There were no objections

#### SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, January 20, 2009, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California Mayor Hammond announced that he would most likely miss the Meeting, and that Councilmember Garcia would be out of the country

**PUBLIC INPUT, CONTINUED, IF NEEDED** None

**ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED** None

**ADJOURNMENT:** Mayor Hammond adjourned the Meeting at 10 37 P M in memory of Betsy Bacon, Richard H Coombs, Virginia Mae Schamadon and Brandon Pevey

APPROVED



Rob Hammond, Mayor Dan Kirby, Mayor Pro Tem

ATTEST



Linda B Proctor, MMC, City Clerk