

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, SEPTEMBER 2, 2003, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, September 2, 2003 at 7 33 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Donald R Hopper, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION: City Clerk Proctor led the Invocation

FLAG SALUTE: Mayor Rob Hammond led the Flag Salute

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

REPORT OF CLOSED SESSION(S): August 5, 2003

City Attorney Steele reported that the following agendized item was discussed, the City Council accepted a settlement proposal for the claimant in the amount of \$21,420 00 plus future medical costs by a 3-0, with Mayor Hammond and Mayor Pro Tem Garcia excused

1 Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), Lee Woods vs City of Monrovia, Workers' Compensation Claim No 01-23929

PRESENTATIONS.

1. Introduction of Newly Hired Community Services Personnel; Assistant Recreation Coordinators Frank Tullo, and Robin Ashby

April Soash, Director of Community Services, introduced newly hired Community Services personnel Assistant Recreation Coordinators Frank Tullo and Robin Ashby to the Mayor, City Council and community

2. Introduction of Newly Hired City Clerk Personnel, Passport Application Acceptance Facility Agent Kristine A. Ryan

Linda Proctor, City Clerk, introduced newly hired City Clerk Personnel, Kristine A Ryan to the Mayor, City Council and community Ms Ryan was hired as the Passport Agent for the Office of the City Clerk's new program for the acceptance of applications for passports which will begin September 8, 2003, by appointment

3. Recognition of Retiring Executive Director of Foothill Transit Julie Austin for Outstanding Representation, and a \$2.58 Million Grant for the Monrovia Transit Center

Community Development Director Alice Griselle introduced Ms Julie Austin who recently retired from Foothill Transit where she had been the Executive and Deputy Director of Foothill Transit since 1995 She noted that Ms Austin had done a remarkable job of implementing the Executive Board policies and providing leadership and vision for a nationally recognized transit provider with 299 buses and a staff of fifty-eight Ms Austin lives in Monrovia and has always looked out for the City's interests, with the latest being a \$2.58 million dollar grant for improvement of the Transit Center to compliment the soon to be restored Historic Depot Ms Austin announced that she will be on contract to Foothill Transit to continue to help the City with the Transit Center project and introduced her replacement, Doran Barnes Mayor Hammond presented a plaque to her which read, "In appreciation for the great service and dedication to our community from 1995 to 2003 "

PROCLAMATIONS:

1. Proclaiming the Month of September 2003 as National Prostate Cancer Awareness Month, and the Month of October 2003 as National Breast Cancer Awareness Month

Mayor Hammond proclaimed the months of September and October 2003 as National Prostate Cancer and National Breast Cancer Awareness Months, respectively Dr Michael A Friedman, MD, new President and Chief Executive Officer of the City of Hope, accepted the Proclamation for the Cancer Awareness months

2 Proclaiming September 11, 2003 as "A Day of Remembrance, A Celebration of Freedom"

Mayor Hammond proclaimed September 11, 2003 as "A Day of Remembrance, A Celebration of Freedom" Residents of the City of Monrovia were urged to join together on this special day of commemoration to remember, reflect, and rededicate themselves to the renewal of the greatest nation on the face of the earth and the continuing struggle to rid the world of terror

The Proclamation was received by Police Chief Roger Johnson and members of the Police Department, and Fire Chief Sam DiGiovanna and members of the Fire Department

3. Proclamation a Welcome Home from Iraq for Monrovia Resident David M. Linell, Private First Class, United States Army

PFC Linell, 4th generation of military in his family, returned home safely two weeks ago from Operation Iraqi Freedom, where he served directly behind the Special Forces Unit He was scheduled to return to duty on September 3, 2003 The City Council, Staff and community welcomed Private First Class David M Linell home from active service in Iraq Donna Jimenez, Congressman Dreier's office, presented a flag which had been flown over White House, and a Certificate of Appreciation The Mayor and City Council presented his banner to him which had been flown on Huntington Drive until his safe return home

STUDENT GOVERNMENT REPRESENTATIVE REPORT. To resume on September 16, 2003

A. CONSENT CALENDAR

It was moved by Councilmember Lutz, seconded by Councilmember Kirby, to approve the Consent Calendar consisting of Items * B, *F-1, *I-1, *I-2, *I-3, *J-2, *J-3, and *K.

ROLL CALL.

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

*with the exception of *F-1

**with the exception of *B

***B. MINUTES:** The Minutes of the Regular Meeting of August 5, 2003, were approved by order of the Consent Calendar

C. ORAL COMMUNICATIONS:

1 Gene DeWald, Monrovia, commended the Monrovia Police Department for the prompt recovery of his stolen vehicle

2 Bill Crawford, Glendora, Monrovia Police Department retiree, requested that the City Council amend the current MOU to allow him to use the \$200 00 medical allowance allotted to him from the City for private medical coverage He further stated that he believed that retirees should have had a vote in the matter He asked that the City Council consider full retirement for retirees who were injured serving the City

3 Alex Zucco, Monrovia, announced the KGEM Telethon, to be held on Saturday, October 18, 2003

4 Ray Pabon, Monrovia, presented pictures to the City Council regarding apparent rotting trees in his neighborhoods City Manager Hopper explained Mr Pabon's paid claim for damages and Public Works timeline for replacement of trees Mr Pabon also complained of a puddle of water that perpetually stood in the street, which Public Works was investigating

5 Stephen Grollnek, Monrovia, expressed concern with matters being brought before the Planning Commission relating to construction north of Foothill Boulevard with no City Councilmembers,

but one, in attendance, and requested cooperation by the City in allowing an unnamed newspaper to be placed with other newspapers

Mayor Hammond responded that the Planning Commission was made of residents of the City with a Council Liaison appointed to attend its meeting, and that more than likely these kinds of items will come to City Council in public hearing form by appeal. Therefore, members of the City Council do not attend Commission meetings, rather just the Liaison

6 Barbara Diffendeffe, Monrovia, read a letter from Sara Maloney, Estrella Avenue, Monrovia, regarding the trees that have dropped their limbs. She requested a list of trees planned to replace the dead trees as promised by Public Works, and expressed concern regarding the condition of streets and sidewalks in her neighborhoods. City Manager Hopper reported that Public Works was working on an announcement to all residents in the area. The City Council requested that Staff report back to the City Council on the disposition of each of the matters.

7 Rosemary Harrahill, Monrovia, commended Monrovia its support of the servicemen and women from Monrovia. She asked that consideration be given to a short 9/11 commemoration. Mayor Hammond stated that he would provide her with events from the various churches in town. City Manager Hopper will check with Fire and Police to determine if an event is planned.

Mayor Hammond called a recess from 8:43 to 8:55 P.M.

D. PUBLIC HEARINGS/MEETINGS:

1. **Historic Landmark HL-51/Mills Act Contract MA-49 for Property Located at 135 West Palm Avenue by Owners Gary Falasco and Frances Gay Mitchell; Resolution No. 2003-56**

Steve Sizemore, Planning Division Manager, reviewed the Staff Report

This house was built in 1915 and is a prime example of a California Craftsman bungalow, incorporating many of the features typical of this style. The Historic Preservation Commission reviewed the application and determined that the property met two of the required criteria and is recommending approval of Landmark designation. The Commission is also recommending approval of a Mills Act Contract, which will provide tax savings for the owners and will ensure the property's preservation and enhancement.

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 Adams, to approve Resolution No. 2003-56 designating the property at 135 West Palm Avenue Historic Landmark Number 51 and approve entering into a Mills Act Contract MA-49 with the conditions of approval. There were no objections.

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE: Chairman Rob Hammond convened the Regular Meeting of September 2, 2003 of the Monrovia Redevelopment Agency Board of Directors at 9:01 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 Joe Garcia, and Chairman Rob Hammond.

A. CONSENT CALENDAR:

It was moved by Boardmember Adams, seconded by Boardmember Kirby, to approve the Consent Calendar consisting of Item *B.

ROLL CALL.

Ayes: Boardmembers Adams, Kirby, Lutz
Abstain: Vice-Chairman Garcia and Chairman Hammond
Motion carried: 3-0

*B. **MINUTES:** The Minutes of the Regular Meeting of September 2, 2003 were approved by order of the Consent Calendar

MRA REPORTS:

1 **A Joint Public Hearing of the City of Monrovia and the Monrovia Redevelopment Agency to Consider a Seventh Amendment to the Amended Redevelopment Plan for Project Area No 1, the Central Redevelopment Project; Agency Resolutions Nos 12-2003 and 13-2003 Approving and Making Findings Regarding the Negative Declaration, and Approving the Seventh Amendment to the Amended Redevelopment Plan, Respectively, and City Resolution Nos. 2003-57 and 2003-58, Approving and Making Findings Regarding the Negative Declaration, and Ruling on Written and Oral Objections to the Proposed Seventh Amendment to the Amended Redevelopment Plan, Respectively, and Introduction and First Reading of City Ordinance No 2003-13 Relating to Approving and Adopting the Seventh Amendment to the Amended Redevelopment Plan**

Mayor Hammond stated that this was a joint session of the City Council of the City of Monrovia and the Redevelopment Agency of the City of Monrovia, that the members of the City Council also sit as members of the Redevelopment Agency, and that he was the Mayor of the City of Monrovia and the Chair of the Redevelopment Agency of the City of Monrovia. He further stated that the purpose of this joint session was to hold a Public Hearing to consider and act upon the proposed Seventh Amendment to the Amended Redevelopment Plan for Project Area No 1, the Central Redevelopment Project and related documents

For the record, Mayor Hammond requested that the City Clerk call the roll of the members of the City Council and the Redevelopment Agency

In attendance for the City Council were Councilmembers Tom Adams, Dan Kirby, Mary Ann Lutz, Mayor Pro Tem Joe Garcia, and Mayor Rob Hammond

In attendance for the Agency Board were Boardmembers Tom Adams, Dan Kirby, Mary Ann Lutz, Vice Chairman Joe Garcia, and Chairman Rob Hammond

Mayor Hammond declared the Public Hearing on the Proposed Seventh Amendment to the Amended Redevelopment Plan for Project Area No 1, the Central Redevelopment Project open for the City Council of the City of Monrovia and the Redevelopment Agency of the City of Monrovia. He stated that pursuant to the law, it was his responsibility as Mayor to preside over the joint Public Hearing for both the City Council and the Redevelopment Agency

Mayor Hammond stated that the State law under which they were acting was the Community Redevelopment Law of the State of California. This law required that certain procedures be followed, some of them formal in the conduct of the joint Public Hearing. He stated that the purpose of today's hearing was to consider the following

- 1 The proposed Seventh Amendment to the Amended Redevelopment Plan for Project Area No 1, the Central Redevelopment Project,
- 2 The Report of the Redevelopment Agency to the City Council on the proposed Seventh Amendment, and
- 3 All evidence for and against the adoption of the proposed Seventh Amendment

He emphasized that the Seventh Amendment discussed in this hearing did not propose to add territory to the boundary of Project Area No 1, the Central Redevelopment Project, and that notice of the public hearing had been mailed and published as required by law. He further stated that video tape was being made of the hearing, that persons making statements would be subject to questions through him, and that all persons desiring to speak would be given an opportunity to do so. He described the order of procedure as follows

- 1 First, Agency Staff and consultants would present
 - a) an overview of the Project and need for the Seventh Amendment,
 - b) the components of the Seventh Amendment,

- c) a staff report including the Agency's Report to the City Council on the Seventh Amendment, and
 - d) other evidence in support of the Seventh Amendment.
- 2 Next, any written comments would be received
- 3 Then, any oral questions and comments would be received He explained that if someone wished to address the Council and Agency, that they fill out a speaker card obtained from the City Clerk or on the counter in the lobby
- 4 After all presentations had been made and public questions and comments received, responses would be made to any questions and comments If necessary, the meeting may be continued to September 16, 2003, at which time responses to written objections would be made
- 5 After public questions and comments had been received and responded to, the Public Hearing would be closed and the Redevelopment Agency and City Council would consider action on the matters before them (either at this meeting or at a continued meeting to be held on September 16, 2003)

Mayor Hammond then called upon Scott Ochoa, Assistant Executive Director of the Monrovia Redevelopment Agency, to begin the Staff presentations on the Seventh Amendment If Agency Boardmembers or City Councilmembers had any questions, they can be addressed to each speaker at the completion of each presentation

Mr Ochoa introduced Steve Sizemore, Planning Division Manager, Larry Arceneaux, KatzHollis, Redevelopment Consultant, and Melanie Houk, Legal Counsel He then explained the purpose of and summarized the requirements of the Community Redevelopment Law pertaining to the hearing, including notice procedures, and summarized the components of the adoption ordinance Mr Ochoa provided a history of Project Area No 1, the Central Redevelopment Project, an overview of the Seventh Amendment, summarized the components of the Seventh Amendment and their purpose, summarized Report to City Council on the Seventh Amendment, and summarized the Negative Declaration He noted that eminent domain authority, as authorized by the Fourth Amendment to the Redevelopment Plan, expired on September 4, 2002 The proposed Seventh Amendment would reinstate eminent domain authority over non-residentially zoned property within the original Project Area, as adopted in 1973, and those areas added by the First and Second Amendments in 1977 and 1979.

Mayor Hammond stated that if there were any written comments received on the Seventh Amendment, they would be placed into the record at this time, and that after the written comments had been read into the record, he would begin hearing oral questions and comments-- all those who wished to speak, either in favor or in opposition to the Seventh Amendment, would then be given the opportunity to do so

In response to his request, City Clerk Proctor reported that no written comments had been received

Mayor Hammond explained the procedures for oral questions and comments during the Public Hearing as follows Any speaker may have an opportunity to question Staff or the consultants through him, after all oral questions and comments were received, and the Staff and consultants would respond if necessary He then asked to hear any questions or comments from those present in the audience, and reminded the audience that speakers should limit questions and comments to three minutes He asked that each speaker begin his/her statement by giving his/her name, address, and the organization, if any, represented, and whether he/she owned or rented property within the Project Area

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

Staff recommended adoption of the proposed Seventh Amendment to the Redevelopment Plan

It was moved by Boardmember Adams, seconded by Vice Chairman Garcia, to adopt Agency Resolution Nos. 12-2003 and 13-2003.

ROLL CALL:

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

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to adopt City Council Resolutions Nos. 2003-57 and 2003-58.

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

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to introduce and waive further reading of Ordinance No. 2003-13.

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

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to read by title only, Ordinance No. 2003-13. As there were no objections, City Attorney Steele read as follows

AN ORDINANCE OF THE CITY OF MONROVIA APPROVING AND DOPTING THE SEVENTH AMENDMENT TO THE AMENDED REDEVELOPMENT PLAN FOR PROJECT AREA NO. 1, THE CENTRAL REDEVELOPMENT PROJECT.

2. Authorization to Sell Agency-Owned Real Property Located at 139 East Olive Avenue to the Bates Company, and Enter into a Shared Parking Agreement; Resolution No. 14-2003

Gil Bates, owner, spoke in favor of the project

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

The successful revitalization of Old Town has attracted a growing number of pedestrian and vehicular traffic to this important section of the City. As expected, this increase in traffic has resulted in new demands on existing parking resources. The Agency has studied several options for the development of new parking opportunities.

One program that the Agency is pursuing is the expansion of existing City Lot 6. The Agency acquired the subject residential property, historically known as the Thomas Wardall residence, along with the adjacent commercial structure immediately to the east to serve as possible relocation facilities for an unrelated development. When they were not needed for the anticipated use, the commercial site was sold to The Bates Company, who subsequently rehabilitated the building for use as its main office. The subject property was retained to allow for the relocation of the tenant. The tenant has been relocated and the Agency is now interested in selling the structure, and retaining the right to use the rear portion of the site for public parking.

The Bates Company purchased the adjacent property located at 143-147 East Olive Avenue, from the Agency last year. They did an excellent job in the rehabilitation of this site, and have markedly improved one of the key gateways to Old Town. The Agency expects that the same type of high quality rehabilitation will be made to the Thomas Wardall house. In exchange for the Agency selling fee title to the Buyer, the Agency will retain a Parking Easement to the property, which will permit the Lot to be incorporated into City Lot 6. Approximately 22 new spaces will be added to Lot 6 from this site.

In addition, as part of the consideration to the Agency, The Bates Company will commit to acquiring the adjoining parcel to the west, for up to its fair market value, as established by an independent appraisal. They will also commit to granting a Parking Easement to the Agency in the same form as granted in this Agreement.

Staff recommends that the Agency Board adopt Resolution No 14-2003, authorizing the Agency to enter into the Purchase Agreement and the Shared Parking Agreement with the Buyer.

It was moved by Boardmember Lutz, seconded by Boardmember Adams, to adopt Resolution No. 14-2003 and authorize the execution of any documentation required as part of the transaction.

ROLL CALL: Ayes: Boardmembers Adams, Franco, Garcia, Vice-Chairman Hammond, and Chairman Blakely
Motion carried: 5-0

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9 42 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E. BIDS: None

F. COMMUNICATIONS AND PETITIONS

***1. Receive and File; Application for ABC Beverage (Person to Person Transfer of Type 47 On Sale General) License for Rigo's Mexican Food, 457 West Foothill Boulevard, Owners Rigoberto Serrano and Primitiva Serrano**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Rigoberto and Primitiva Serrano have submitted an application for a Type 47 On Sale General 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 Staff recommended that the City Council receive and file the application

G. CITY COUNCILMEMBERS & SUB-COMMITTEES:

Mayor Hammond reported that:

(a) **Appointment of Governing Board Representative and Alternate Governing Board Representative to Gold Line Phase II JPA (Joint Powers Authority):** Mayor Hammond motioned to appoint himself as Representative and Mayor Pro Tem Joe Garcia as Alternate to represent the City of Monrovia Motion seconded by Councilmember Kirby There were no objections

(b) **Impacts on City of Monrovia of Newly Adopted State Budget:** The State had finally adopted a budget The impact to Monrovia will be \$225,000 00 instead of the predicted \$400,000 00 as feared He reported that the City will be making adjustments to its adopted budget for this year, but that the State's budget did not solve budget crisis and it will be there next year He said that the City Council would watch the process very closely

(c) **Announcement of Retirement of City Manager Donald R. Hopper:** Mayor Hammond read a letter from City Manager Hopper announcing his retirement from the City of Monrovia after a tenure of 37 years, seven of that as City Manager Mayor Hammond asked that City Attorney Steele and Human Resources/Risk Management Director Theresa St Peter start process in replacing him and report back at the next meeting City Manager Hopper stated that the good news was that the City Council had set the stage for anyone to come in and follow the stay, and that as a resident, he also wanted it to go well, too

2. Mayor Pro Tem Garcia reported that

(a) He invited all to attend the second Annual Food, Wine and Jazz Festival on Sunday, September 7, 2003 sponsored by MOTAB Presale tickets are \$45 00, and, at the event, \$50 00 each Proceeds will go to the Monrovia Schools Foundation Music (Don't Stop the Music Campaign) Program

(b) He announced that the Friends of the Library are again selling Entertainment books for \$21 00, proceeds which will support Library services

3. Councilmember Adams had no report at this time

4. Councilmember Kirby reported that

(a) As school started today, he cautioned residents to slow down and drive carefully and asked that all drivers heed the school bus signs by stopping when its red lights are flashing (b) The new Teen Center will hold its ribbon cutting ceremony at Recreation Park on September 20, 2003

5. Councilmember Lutz reported that

(a) **Second Annual Housing Fair on September 13, 2003:** She invited all to attend this very worthwhile event at the Community Center

H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES: None

I ADMINISTRATIVE REPORTS

***1. City Hall Basement Renovation Project; Approval of Six (6) Change Orders in the Amount of \$11,056.07, Acceptance of Work, Notice of Completion, and Final Payment to Richard M. Lane Company, in the Amount of \$29,186 60 (10% of \$291,860.00 Total Project Cost)**

This matter was approved by order of the Consent Calendar

On February 25, 2003, the City Council awarded a contract to Richard M Lane Company in the amount of \$291,860 00 for the completion of the City Hall Basement Renovation Project Staff reviewed the contractor's work throughout the construction progress and found it to be completed in accordance with the specifications and in a satisfactory manner

As the project progressed needs arose that required the request for six change orders totaling \$11,056 07, bringing the total project expenditures to \$302,916 07 as follows

	Amount
1 Install a trench drain for the basement stair well	\$572 74
2 Correct the height of the wall cabinets	\$876 65
3 Replace the T bar ceiling in the credit union office	\$1,500 00
4 Revisions for the lunchroom and vault storage area	\$8,931 00
	Sub-Total \$11 880 39
5 Credit for roll up door	(\$438 32)
6 Credit for damaged counter top	(\$386 00)
	Total \$11,056 07

Staff recommended that the City Council approve the six change orders in the amount of \$11,056 07, accept the contract work as completed by Richard M Lane Company in the total amount of \$302,916 07, direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder, and authorize the Director of Public Works to approve payment of retention in the amount of \$29,186 60, thirty-five (35) days after filing the Notice of Completion

***2. Street Resurfacing Project, No. C-2890, Federal No. STPL-5069(004), Acceptance of Work, Notice of Completion and Final Payment to Silvia Construction in the Amount of \$14,037.11 (10% of \$140,371.10 Total Project Cost)**

This matter was approved by order of the Consent Calendar

On May 13, 2003, the City Council awarded a contract to Sylvia Construction of Rancho Cucamonga, California, in the amount of \$137,866 00 The Contractor started work on June 9, 2003 and completed all work on July 7, 2003 As part of the City's on-going Street Maintenance Program, three street sections were restored by resurfacing as follows

Orange Avenue, from Bradbury Road to East City Limit, Chestnut Avenue, from Monterey Avenue to Fifth Avenue, Hillcrest Boulevard from Canyon Boulevard to Grand Avenue

The total project cost was \$140,371 10 Funds for this project were available through federal funds, \$104,465 00 and City of Monrovia Street Maintenance Fund, \$35,906 10

Staff recommended that the City Council accept the contract work as completed by Sylvia Construction in the amount of \$140,371 10, direct the City Clerk to file a Notice of Completion with the County of Los Angeles Recorder, and, authorize the Director of Public Works to approve payment of retention in the amount of \$14,037 11 thirty-five (35) days after filing of Notice of Completion

***3 Set for Public Hearing on September 16, 2003; Amendment to Title 2 (Administration and Personnel) and Title 17 (Zoning) of the Monrovia Municipal Code Pertaining to Regulations Regarding Second Unit Development Pursuant to Assembly Bill 1866, Introduction and First Reading of Ordinance No. 2003-09**

This matter was approved by order of the Consent Calendar

Last year, Assembly Bill 1866 was signed into law, which further limits the ability of local jurisdictions to regulate second units, sometimes referred to as "granny flats." Under this law, second units in Monrovia will still need to comply with basic development controls such as setbacks, parking, etc. However, the approval of all second units must now be approved through a *ministerial* (by right) process as opposed to a *discretionary* entitlement process (i.e., Conditional Use Permit).

Staff has worked closely with the City Attorney's Office in drafting an ordinance that complies with state law by allowing second dwelling units to be built throughout the City while minimizing potential negative impacts to the neighborhood. The Planning Commission held a Public Hearing on August 13, 2003 to review the proposed ordinance and at the close of the Public Hearing, adopted Planning Commission Resolution No. 2003-06 recommending approval to the City Council.

Staff recommended setting September 16, 2003 as the date of the Public Hearing.

J. RESOLUTIONS & ORDINANCES

1. Amendment to Title 9, Chapter 9.44 of the Monrovia Municipal Code Relating to Regulation of Noise; Introduction and First Reading of Ordinance No. 2003-12

Alice Gnselle, Director of Community Development, and Sergeant Zeke Cerecerez, reviewed the Staff Report.

Introduction of ordinance amending the City's noise regulations, amends MMC Section 9.44.030, the general prohibition against loud or offensive noise, adopts a new section to address noise from radios, musical instruments and other similar devices during the late night hours in residential zones, and provides the city Prosecutor with discretion of charging violations of the noise ordinance as either an infraction or a misdemeanor.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to introduce, waive further reading, and read by title only of Ordinance No. 2003-12. As there were no objections, City Attorney Steele Craig read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 9, CHAPTER 9.44 OF THE MONROVIA MUNICIPAL CODE RELATING TO THE REGULATION OF NOISE.

*2. Proposed Waste Management Plan for Construction, Demolition, and Renovation Projects; Second Reading and Adoption of Ordinance No. 2003-08

This matter was approved by order of the Consent Calendar.

This was the second reading and final adoption of Ordinance No. 2003-08 relating to the proposed waste management plan for construction, demolition and renovation projects. Staff continued to recommend approval of this ordinance.

*3. Establishment of No-Parking Zone on Peck Road, South of Longden Avenue and its Southern Terminus, from Monday to Sunday between 10:00 P.M. and 5:00 A.M.; Second Reading and Adoption of Ordinance No. 2003-10

This matter was approved by order of the Consent Calendar.

This was the second reading and final adoption of Ordinance No. 2003-10 establishing a no-parking zone on Peck Road, south of Longden Avenue and its southern terminus from Monday to Sunday between 10:00 P.M. and 5:00 A.M. Staff continued to recommend approval of this ordinance.

K. PAYROLL & VOUCHERS: Payroll Nos. 17 and 18 in the net amount of \$446,538.59 and \$512,997.68 respectively, and Voucher Numbers 112690 through 113016, non-sequentially, in the amount of \$1,033,998.90, Voucher Numbers 47001 through 47006, and 113017 through 113299 non-sequentially in the amount of \$1,366,600.97 was approved by order of the Consent Calendar.

L SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for September 16, 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 , City Council Chambers

M. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED: None

N CLOSED SESSION:

Mayor Hammond announced that the City Council would adjourn to Closed Session to discuss Government Code §54957, Public Employment, Public Employee Evaluation City Manager, and that the report of Closed Session would be on the next Agenda of the Regular City Council Meeting Closed Session was convened at 10 25 P M and adjourned at 11 20 P M

O ADJOURNMENT: The City Council Meeting was adjourned at 10 20 P M in memory of Janet Lacher and Ray Arvizu

APPROVED.

Rob Hammond, Mayor

ATTEST

Linda B Proctor, CMC, City Clerk