

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY FEBRUARY 12 7 30 P M**

CONVENE Following a Study Session at the Police Department Community Room 140 East Lime Avenue from 6 00 P M to 7 15 P M at which all City Councilmembers were in attendance to discuss the 2001-2002 Mid-Year Budget Mayor Lara Larramendi Blakely convened the Regular Meeting of the Monrovia City Council of Tuesday February 12 2002 at 7 36 P M in City Council Chambers 415 South Ivy Avenue Monrovia California

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

PLEDGE OF ALLEGIANCE Mayor Pro Tem Rob Hammond led the Pledge of Allegiance

ROLL CALL In attendance were Councilmembers Tom Adams Victor M Franco Joe Garcia Mayor Pro Tem Rob Hammond and Mayor Lara Larramendi Blakely

REPORT OF CLOSED SESSION (S)

January 22 2002

1 Conference with Legal Counsel Existing Litigation Government Code §54956 9(a) Stephen Bench vs City of Monrovia Case No G0027680
Assistant City Attorney Ruben Duran stated that no reportable action was taken

2 Conference with Legal Counsel Existing Litigation Government Code §54956 9(a) Patricia Blum vs City of Monrovia Case NO G0027620
Assistant City Attorney Ruben Duran stated that no reportable action was taken

3 Conference with Legal Counsel Existing Litigation Government Code §54956 9(a) Yan Chu vs City of Monrovia Case No 00C00969
Assistant City Attorney Ruben Duran stated that no reportable action was taken

January 29 2002

1 Personnel Public Employment Pursuant to Government Code §54957 Interviews for Position of City Attorney
Assistant City Attorney Ruben Duran stated that no reportable action was taken

2 Conference with Legal Counsel Existing Litigation Government Code §54956 9(a) Patricia Blum vs City of Monrovia Case No G0027620
Assistant City Attorney Ruben Duran stated that no reportable action was taken

PRESENTATIONS

1 Introduction of 2001 and 2002 Monrovia Day Royal Courts

Mary Ann Lutz President of the Monrovia Day Association and Bill Beebe past President of the Monrovia Day Association introduced the incoming and the outgoing Monrovia Day Royal Courts to the Mayor City Council and the community

The 2001 Court were Karen Randel Queen Abbey Gibb Princess Katie Cornwall Princess and Heidi Cheng Princess Mr Beebe presented each with a scholarship check The incoming 2002 Court were introduced-- Jennifer Kenz Dianna Moraga Denise Moraga (twins for the first time ever) and Tiffany Parker All are students at Monrovia High School The Queen will be announced on Sunday March 10 2002 Holiday Inn 5 30 P M The public is invited

2 Recognition of Second Baptist Church s 100th Anniversary

Mayor Blakely introduced representatives of the Second Baptist Church-- Ms Moore Becky Hooks and Elder Henry Marshall-- to the Mayor City Council and the community Mayor Blakely gave a brief history

of the church and presented the representatives with a plaque commemorating the church's 100th Anniversary. Elder Marshall announced that a celebration banquet will be held on March 23, 2002 and invited all to attend. He thanked the City Council for the recognition.

3 Commendation to Chris Pellman and Sarah Hueftle for Rescue of Baby Andrew

Police Chief Joseph Santoro introduced Chris Pellman and Sarah Hueftle who found Baby Andrew abandoned in a garbage dumpster behind their apartment building. Chief Santoro recited the story of Baby Andrew's founding and subsequent actions by Mr. Pellman and the further rescue of Baby Andrew by the paramedics and Huntington Memorial Hospital. Mayor Blakely presented a commendation plaque to both Chris Pellman and Sarah Hueftle for their quick action which resulted in saving the life of Baby Andrew. Local television station cameras and reporters were in the audience covering the event. Chief Santoro announced that State legislation enacted as January 1, 2001 allowed parent(s) to turn their infant over to the police, fire, or local hospital within 72 hours of the infant's life. The parent(s) have 14 days to change their mind and acquire custody of the infant.

Mayor Blakely moved the following item out of order

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

- 1 Mayor Blakely reported that**
 (b) Letter to Governor regarding Safe Arms for Newborns

Chief Santoro reported that the original legislation SB101 included funding in the amount of \$1 million dollars but was subsequently vetoed by the Governor.

It was moved by Mayor Blakely seconded by Mayor Pro Tem Hammond to send a letter to the Governor requesting that he fund the budget for the publication of the Safe Arms for Newborns legislation. There were no objections.

Councilmember Franco asked Chief Santoro for a report on what the Police Department had done on its own initiative regarding the Safe Arms Act. Chief Santoro reported that upon investigation they had found that the Garden of Angels organization based in the Yucaipa, California addressed this issue. The Garden of Angels has buried 40 abandoned babies in a little cemetery to date. The organization has a video, two posters, and bumper stickers in Spanish and English. The Yucaipa School District was also contacted and they reported that they had added a curriculum to the school program for middle and high school students regarding this legislation. They will be asked for their lesson plan so that it may be incorporated in our schools. The matter was discussed at a meeting with Monrovia's Safe City Safe Schools Committee made up of school and city officials who were in support of the publication of this legislation. If the School District agrees, the curriculum will be added to the 7th and 9th grade DARE classes. An informational video will be prepared for KGEM discussing the information. An article has been written and published regarding the law. Monrovia, Duarte, and Arcadia School Districts will be contacted to see if this information could be published in their respective school newspapers. Hospitals have been contacted to make sure they know what to do in the event an abandoned baby was turned in to them. He commented that the letter to the Governor asking for reconsideration of his veto for funding was also in the plan and thanked the City Council for taking that action. He was commended for his efforts in getting out the word on this important and life-saving issue.

PROCLAMATIONS None

STUDENT GOVERNMENT REPRESENTATIVE REPORT Student Government Liaison Matt Binford reported on activities at Monrovia High School.

A CONSENT CALENDAR

It was moved by Councilmember Garcia seconded by Councilmember Adams to approve the Consent Calendar consisting of items *B, *F-2, and *K.

ROLL CALL
Ayes: Councilmembers Adams, Franco, Garcia, Mayor Pro Tem Hammond, and Mayor Blakely
Motion carried 5-0

*B **MINUTES** The Minutes of the Regular Meetings of January 8 and January 22 2002 and Special Meeting of January 29 2002 were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS

1 Ross Heckman Arcadia attorney representing attorney Greg Wiler in the matter of Pasillas et al vs City of Monrovia stated that he wanted to set the public record straight regarding a statement in the newspaper by the City Manager relating to monetary claims He stated that the plaintiffs would have dropped the request if the City would but the City Council in his opinion did not agree and instead moved forward to a hearing on February 1 2002 He stated other offers had subsequently been made but had not gotten a response

City Attorney Colantuono responded to Mr Heckman's statements that this was the first time he had heard that Mr Wiler's clients would dismiss its Section 1983 claim in its claim for damages as the City had persistently asked Mr Wiler to do that had offered to dismiss the City's slap motion and the City's claims against the client on several occasions He stated that he would be most happy to have it in writing as he was quite sure that his client would like to sit down with him and discuss it He stated that he was also not clear that the City had an offer from Mr Wiler to do a stand still as he had suggested in the hallway of the Court that a stand still be filed after Mr Wiley's new complaint had been filed but Mr Wiley was not agreeable to that Mr Colantuono after further statements from Mr Heckman stated that the refusal by the City to drop its slap motion resulted in Mr Wiler's offer to drop the claim for damages if the City did so and if the City took a position on Planned Parenthood's land use rights which the City did not feel that it had the power to do

2 Rosemary Harrahill Monrovia spoke regarding the welfare of the mother of Baby Andrew against Planned Parenthood for free speech and asked why the Shell Station was still standing

3 Chuck Keen Monrovia spoke regarding the sale of the Shell Station and thanked the City for flying the MIA flags

4 John O'Neill Monrovia spoke regarding the slap suit filed by the City and the offers made by the plaintiffs in the Pasillas et al vs City of Monrovia case

In response to Mayor Blakely's request City Attorney Colantuono stated that ethics rules require that any settlement offered to an attorney be reported to the client There has been a number of Closed Sessions regarding the Pasillas et al lawsuit with a couple of written settlement offers discussed although none like Mr Heckman mentioned which if it is still good he would like to pursue In response to Mr O'Neill's question he stated that he was unaware whether or not this was the first time the City had used a slap suit but that the statute authorizing a slap suit was only a couple of years old He stated that as long as the suit was about money the City Attorney was to defend it vigorously but as soon as it was about principal the City would sit on the sidelines and as far as he knew that it was still the City Council's direction to him So as soon as the Section 1983 claim goes away which the Judge suggested that it should then the City would become a passive participant and Planned Parenthood could defend its own land use rights In response to requests to explain Section 1983 City Attorney Colantuono stated that a Section 1983 claim is a claim that your federal rights have been violated The Judge stated that she did not feel that it was likely that the plaintiffs could prove that there was any policy here that harmed them and therefore dismissed the Section 1983 claim with leave to amend He explained the CUP requirement noting that Planned Parenthood was a remodel

City Manager Hopper stated regarding the acquisition issues that all properties had been appraised and that Planned Parenthood and the Shell Corporation had received an offer The other appraisals were still being reviewed and all other property owners would receive a letter explaining the status Debate on the functional value of the Shell Station was now being discussed but the City was still negotiating with the owner In regard to assistance to the mother of Baby Andrew and how the City stands legally City Attorney Colantuono explained that the minor and ward of the court is caught up in the justice system and is being assisted by the County City Manager Hopper stated that this was a double tragedy and that the City the size of Monrovia does not have special areas within its organization that are equipped to do the social service functions that the County is equipped to do and that there is a combination of circumstances here about a young woman under age charged with a very serious crime that is going to need the expertise of an agency equipped to assist where the City could not as the City is not geared to do so

Mayor Blakely moved the following item out of order

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

5 Councilmember Garcia reported that

(a) Review of Monrovia Old House Preservation Group s Historic Research Project

Mr Garcia introduced Pam Barkas a member of the Monrovia Old House Preservation Group She presented an overview of the project and introduced those students from Cal Poly who completed the project The purpose of the project was to educate Monrovians on the importance of architectural preservation by providing an online resource of examples from their own city of architecturally and historically significant structures in the Town of Monrovia subdivision which have been torn down or altered past the point of recognition to provide architectural students with online historic architectural information from an early southern California citrus-based community which dates back to the 1880 s and to provide people with the opportunity to search for information on family who resided in and/or around Monrovia Seeks can search on a data base through architectural style legal description family name street address subsequent to 1908 occupations and/or tax information Attached to her report was a sample tax information page Committee members were introduced—Kim Anderson Steve Baker Jim Constantia Cindy Turner Linda Lee Richardson and Howard Jue Ms Barkas stated that the project would have cost \$25 000 00 had not Cal Poly taken on the project The information will be live on the Internet in a database as soon as funding has been approved by the OHPG Board Contributions may be made to the organization both in monetary donations and with the purchase of the organization s calendars Mr Garcia commended the team leaders and students who donated their time on this project noting that it could not have been done without them He thanked Ms Barkas on behalf of the Council for spearheading the project and stated that it was a wonderful contribution to the community which could not have done it without them He thanked Ms Barkas on behalf of the City Council for spearheading the project

D PUBLIC MEETINGS/HEARINGS

1 Opened and Continued from January 22 2002 Historic Landmark Designation HL-37/Mills Act Contract MA-35 at 270 North Canyon Boulevard by Gary Nielson and Amy Dossa Owners Resolution No 2002-08

Craig Jimenez Associate Planner reviewed the Staff Report

On December 18 2001 the Historic Preservation Commission recommended approval of Historic Landmark designation and execution of a Mills Act Contract for the house at 270 North Canyon Boulevard George Spence a nephew of one of Monrovia s founders Edward F Spence built the Colonial Revival style house in 1906 In the rear yard there is a magnificent oak tree which was planted over a century ago by the Spence s and its preservation is a condition of granting the Mills Act Contract

The applicants are also requesting approval of a Mills Act Contract which will provide tax savings for the homeowners The City will lose a small portion of the property tax collected on the property to assure its preservation and enhancement The house is well restored from public view so the set standards and conditions will be applied to the Contract

The Historic Preservation Commission is forwarding a Nomination Statement to the City Council recommending that the house at 270 North Canyon Boulevard be designated as a Historic Landmark Execution of a Mills Act Contract with the property owners subject to the attached conditions is also recommended

PUBLIC HEARING OPENED Mayor Blakely opened the Public Hearing

Those in favor

1 Gary Nielson and Amy Dossa Owners

Those opposed

None

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

It was moved by Mayor Pro Tem Hammond seconded by Councilmember Adams to approve Resolution No 2002-08 designating the property at 270 North Canyon Boulevard the George Spence House Historic Landmark Number 37 and approve entering into a Mills Act Contract with the conditions of approval

ROLL CALL

Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond and Mayor Blakely
Motion carried 5-0

2 Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Adding Regulations Pertaining to Notification Requirements for New Residential Development Introduction and First Reading of Ordinance No 2002-01

Alice Griselle Planning Division Manager reviewed the Staff Report

Based on direction from the City Council and Planning Commission Staff reviewed the City's current notification requirements. The Commission felt that the existing notification for public hearing items is sufficient for notifying property owners that may be impacted by proposed development. The discussion of additional noticing focused on single-family development. This has been the primary issue of the residents that have voiced their concerns about the City's current notification requirements. Neighbors feel that they should be notified when there is potential development that may occur near their property. Based on the feedback of the Commission the proposed amendment to the Zoning Ordinance will require the posting of properties where new single-family dwellings and new second units on lots in multiple family zones are proposed and that do not require any public hearing. Before the design review by the DRC the applicant will be required to post a sign in front of the property a minimum of 10 days prior notifying surrounding neighbors of the proposal and the time and place of the design review. This will give neighbors a chance to contact Staff or attend the DRC meeting.

At its meeting of January 9 2002 the Planning Commission adopted Resolution No 2002-01 recommending approval of Ordinance 2002-01

PUBLIC HEARING OPENED Mayor Blakely opened the Public Hearing

Those in favor

1 Residents Mr and Mrs Mike Salcido 437 Cloverleaf Drive thanked the City Council for its action in this matter and for responding to their pleas several months ago

Those opposed

None

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

It was moved by Councilmember Franco seconded by Councilmember Adams to approve Ordinance No 2002-01 providing notification requirements for new residential construction. As there were no objections City Attorney Colantuono read by title only Ordinance No 2002-01

3 Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Regarding Adding Regulations Pertaining to Wrought Iron Fencing on Residential Properties in Hillside Areas Introduction and First Reading of Ordinance No 2002-04

Craig Jimenez Associate Planner reviewed the Staff Report

The Planning Commission has been studying the issue of spikes on fences over the past several months. Based on its review an Ordinance was drafted that would

- 1 Regulate spiked fencing located in the Hazardous Fire Zone that is primarily above Hillcrest Boulevard
- 2 Eliminate spikes on fences

3 Require wrought iron spacing between vertical bars to be no more than 6 inches apart Most pre-manufactured wrought iron fence panels are spaced at 4 inches apart to comply with pool enclosure requirements

4 Permit 8 high wrought iron fencing (with no spikes) to enclose back yards only that interface with unimproved wilderness areas

Although there have been no reported incidences in Monrovia regarding animal injuries or deaths related to wrought iron fencing the proposed regulations are a proactive measure that will provide a layer of protection that may prevent this from ever occurring Wildlife will continue to cohabitate with the Monrovia hillside community and regulations that provide protection to both are reasonable and justifiable In addition to incorporating these regulations into the Municipal Code to help increase public awareness an information pamphlet will be prepared and staff will investigate providing information through KGEM and the local newspaper

After discussion at the January 9 2002 meeting the Planning Commission approved Resolution No 2002-04 recommending approval of Ordinance No 2002-04 and the Negative Declaration

In response to Councilmember Adams inquiry Mr Jimenez stated that the Planning Commission limited the area to the Hillcrest boundaries as they did not want to be over-regulate Lengthy discussion ensued regarding imposing the regulation for the whole city

PUBLIC HEARING OPENED Mayor Blakely opened the Public Hearing

Those in favor

1 Nancy Zack Monrovia a member of the Committee who studied the matter stated that she had done extensive research on the matter and the impalements of deer happened in areas with a hillside slope

2 Elizabeth Fickas Monrovia

3 Gloria Crudgington Monrovia

Those opposed

None

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

After discussion it was moved by Councilmember Adams seconded by Mayor Pro Tem Hammond to introduce and read by title only Ordinance No 2002-04 relating to restricting spikes on wrought iron fencing for properties in the City of Monrovia

City Attorney Colantuono noted that the change in the proposed Ordinance necessitated three changes and that the second reading should be held in an advertised Public Hearing

ROLL CALL
Ayes Councilmembers Adams Garcia and Mayor Pro Tem Hammond
Noes Councilmember Franco Mayor Blakely
Motion carried 3-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO REGULATIONS FOR WROUGHT IRON FENCING

4 Tentative Tract Map No 53732/Conditional Use Permit CUP2002-01 for Construction of a Six (6) Unit Two-Story Detached Planned Unit Development (PUD) in the RM (Residential Medium Density) Zone for Property Located at 1862-1872 South Alta Vista Avenue by Bowden Development Inc Developer

Councilmember Adams exited City Council Chambers at 9 40 P M noting that he would be abstaining from discussion and voting on the matter

Alice Griselle Planning Division Manager reviewed the Staff Report

On January 9 2002 the Planning Commission recommended approval of a Tentative Tract Map for a six (6) unit Planned Unit Development (PUD) The applicant along with four neighbors spoke in favor of the project at the hearing Several conditions were placed on the approval as a result of the applicants working with the neighbors

The subject property is located on the southeast corner of Bella Vista Street and Alta Vista Avenue and combines the two existing parcels located at 1862 & 1872 Alta Vista The new parcel will measure 140 feet wide and 170 feet deep for a total of 24 141 SF of lot area Each of the two parcels is currently occupied with duplexes for a total of four existing units

The six-unit detached two-story planned unit development proposes two rows of three units which are accessed from a central driveway from Alta Vista Avenue The front two units face Alta Vista and the remaining four rear units are accessed from the driveway

The exterior elevations are well designed and provide Craftsman architecture including wood siding natural rock foundations stone veneer chimney and mullion windows with wood trim The two front units facing Alta Vista Avenue provide a large front porch and front facing door All garages will face the central driveway Additionally all second story elevations will incorporate wood siding

A 6 high redwood fence with decorative rock pilasters will run along the length of Bella Vista Street to enclose the rear yards of the three northern units

The overall site layout provides adequate building separation and open space The dwellings are well designed with Craftsman architecture with good roof and facade modulation architectural detailing and architectural attention to all sides of the homes The Planning Commission is recommending approval of the project

PUBLIC HEARING OPENED Mayor Blakely opened the Public Hearing

Those in favor

- 1 Richard Tipping Bowden Development
- 2 Barbara 1867 Estrella Avenue

Mr Tipping was thanked for meeting with neighbors and putting their suggestions into the plans

Those opposed

None

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

It was moved by Mayor Pro Tem Hammond seconded by Councilmember Garcia to approve Tentative Tract Map No 53732 and Conditional Use Permit CUP2002-01 subject to the recommendations in the Staff Report

ROLL CALL

Ayes Councilmembers Franco Garcia Mayor Pro Tem Hammond
Mayor Blakely
Abstain Councilmember Adams
Motion carried 4-0

Councilmember Adams returned to City Council Chambers at 9 54 P M Mayor Blakely called for a break from 9 54 P M to 10 06 P M

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE Chairman Lara Larramendi Blakely convened the Regular Meeting of February 12 2002 of the Monrovia Redevelopment Agency Board of Directors at 10 06 P M in City Council Chambers without adjourning the City Council Meeting

ROLL CALL Those in attendance were Boardmembers Tom Adams Victor M Franco Joe Garcia Vice-Chairman Rob Hammond and Chairman Lara Larramendi Blakely

A CONSENT CALENDAR

It was moved by Boardmember Adams seconded by Vice-Chairman Hammond to adopt the Consent Calendar consisting of item *B

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

***B MINUTES** The Minutes of the Regular Meeting of January 8 and January 22 2002 were approved by order of the Consent Calendar

1 Huntington Oaks Shopping Center Parking Facilities Sublease Refinance Agreement Agency Resolution No 1-2002 and City Resolution No 2002-12

Glenn Cox Assistant Executive Director MRA reviewed the Staff Report

Because the Redevelopment Agency retains an ownership interest in the Huntington Oaks Shopping Parking Lot it is required to review all the financial transactions associated with the center The Center's owner wants to refinance so he can improve his current interest rate and pay for the new Bed Bath and Beyond building

Bank of America Capital Markets Servicing Group is willing to provide the \$28 million financing However they have requested certain changes to the sublease Staff and Agency Counsel are comfortable with some of the suggestions but have rejected others

Staff views the following requests as acceptable In the event of a default the lender wants the option to require a new sublease with their name on it Since all the terms and conditions of the existing lease would stay the same there is no problem with this request The Lender needs to assign its interest to a Trustee so bonds can be sold to finance the loan This structure is basic to the current commercial financial markets for large loans The Bank of America wants the developer to form a new single-asset entity with only the Huntington Oaks Shopping Center as collateral This requirement enhances the Agency position because the current General Partnership has some potential liabilities that are eliminated by the new entity

Staff and Agency Counsel have rejected the request to extend the time to cure any covenant defaults and to alter the Agency's standard of consent below the current "*consent shall not be unreasonably withheld*" These provisions would weaken the Agency and City position and there is not adequate justification for them

The Agency's Special Counsel Stradling Yocca Carlson and Rauth have thoroughly reviewed the final agreements and recommend approval

It was moved by Boardmember Garcia seconded by Boardmember Adams to adopt Resolution No 1-2002 approving Agency agreement concerning sublease

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

It was moved by Councilmember Adams seconded by Councilmember Garcia to adopt Resolution No 2002-12 approving City agreement concerning sublease

ROLL CALL Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond Mayor Blakely
Motion carried 5-0

ADJOURN Chairman Blakely adjourned the Monrovia Redevelopment Agency Meeting at 10 17 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS None

F COMMUNICATIONS AND PETITIONS

1 Review of 2001 Work Plan of the Child Health Partnership Program Rescheduled to February 26 2002 City Council Meeting

The Child Health Partnership Program (CHPP) was created to respond to the unmet health needs of children in the community The CHPP is a coalition of community agencies organizations volunteers and health providers in cooperation with local school districts

*2 Application for ABC Beverage License for Rudy s Mexican Food 602-604 South Myrtle Avenue Monrovia CA 91016

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Rutilio Castrellon and Rosa Castrellon have submitted an application for a type 47 On-Sale General License Premise to Premise Transfer Based on the background investigation on the applicants Staff finds no reason to recommend any other action on this application There was no fiscal impact and Staff recommended that the City Council receive and file the application

H REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1 Mayor Blakely reported that

(a) She had not received her sample ballot for the March 5 2002 Primary Election City Clerk Proctor reported that she had received complaints that other residents had not received their ballots either She stated that with the redistricting there were different ballots for different areas and that had caused a backlog on the County s part If a resident needs an application for an Absentee Ballot and does not want to wait for the Sample Ballot it can be obtained from the City Clerk s office City Hall Lobby or over the Internet or she will fax or email it to anyone who requests it She also explained the new legislation regarding who can vote in this Primary as it relates to non-declared or declined to state registered voters

(b) Senator Boxer sent her an email March 5 2002 regarding a \$1000 00 scholarship for a high school senior with Latino heritage to Harvard Law School

(c) During her recent trip to Washington D C on behalf of the City she was able to meet with staff for Congressman Dreier Senator Boxer and Senator Feinstein regarding appropriations and found that the deadline for such was the beginning of March Other cities were there meeting their representatives to do the same thing She stated that there was always something at the federal level that would come down to the city She had nine official meetings She discussed homeland security and its funding through Secretary Ridge which was proposed to come through block grants to the states Cities were not happy about this and have talked to him to ask for distribution to come directly to the city or county in the form of community block grants

(d) **Approval of the San Gabriel and Los Angeles Rivers Watershed and Open Space Plan Resolution No 2002-07** Before this conservancy can expend funds it must have an open space plan Any city in the plan can vote no on the proposal if it affects its city negatively Anna Armstrong read a letter from herself and Richard Walker both California Registered Landscape Architects supporting the adoption of planning policies

It was moved by Mayor Blakely seconded by Councilmember Adams to adopt Resolution No 2002-07 relating to and open space plan

ROLL CALL

Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem
Hammond Mayor Blakely
Motion carried 5-0

(d) **Letter to Governor regarding Safe Arms for Newborns** This matter was acted upon under Presentations above

2 **Mayor Pro Tem Hammond** reported that

(a) The following matter had come up after the posting of the Agenda and needed immediate action

Join with Other Transit Agencies and Cities to File an Amicus Curiae Brief with the United States Supreme Court in Support of the Metropolitan Transportation Authority's Petition for a Writ of Certiorari in the Matter of Los Angeles County Metropolitan Transportation Authority vs Labor/Community Strategy Center Bus Riders Union et al

It was moved by Mayor Pro Tem Hammond seconded by Councilmember Adams to find that there was a need for immediate action on this matter which could not reasonably wait for the next regularly scheduled Meeting and that the need for such action came to the attention of Staff after the Agenda was posted

ROLL CALL

Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond Mayor Blakely
Motion carried 5-0

City Attorney Colantuono explained the matter and stated that Darold Pieper of Richards Watson & Gershon was handling the amicus brief

It was moved by Mayor Pro Tem Hammond seconded by Councilmember Franco to enter into the amicus brief at no cost to the City

ROLL CALL

Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond Mayor Blakely
Motion carried 5-0

(a) **Salute to Service Program Update** Fifteen individuals so far have been identified as in the armed forces serving our country He read a proposed letter inviting parents of the individuals to a special meeting at 7 00 P M Tuesday February 26 2002 prior to the Regular City Council Meeting to be so recognized He thanked Dick Singer and April Soash for getting the program off the ground and stated that he believed it was beneficial to families to let them know that the City cared

It was moved by Mayor Pro Tem Hammond seconded by Councilmember Garcia to send the letter of invitation

ROLL CALL

Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond Mayor Blakely
Motion carried 5-0

3 **Councilmember Adams** reported that

(a) **Fire Safe Council 2001 Community Based Wildfire Prevention Grant Program**

He introduced Mary Ann Lutz and Fire Chief Sam DiGiovanna who gave a report regarding the Chipping Program A grant in the amount of \$91 800 00 was awarded to the City which was the result of a grant written by Battalion Chief Derek Young for a Chipping Program Residents will cut and stack their own brush They will then call to have it picked up and taken away to be chipped A tri-fold brochure has been created and will be distributed The City will be divided in four zones to coordinate service to the homes Door hangers will be used to notify residents when Staff sees a need Four public service announcements have been prepared for release on KGEM He thanked Derek Young for writing grant Residents may call 256-8109 for service The grant also allows for the hiring of a staff person making it possible to have someone available to answer telephone and schedule pick ups

4 **Councilmember Franco** reported that

(a) He and most of his colleagues would be attending the Independent Cities Association conference in Santa Barbara next week

5 **Councilmember Garcia** reported that

(a) **Review of Monrovia Old House Preservation Group's Historic Research Project** This matter was taken under Presentations above

(b) Styx and the City of Monrovia were hosting a Skate Clinic on Saturday February 23 2002 9 00 A M to 1 00 P M The cost was \$25 00 per participant and limited to 50 participants Those interested could sign up at the Community Center All funds will go towards the future Skate Park

H REPORTS OF COMMISSIONS BOARDS AND COMMITTEES

1 Third extension Hillside Land Acquisition Gary Miller Property (8501-009-008 8503-003-006 8503-015-005) Negotiations Extension

Gloria Crudginton Co-Chair of the Wilderness Preserve Steering Committee reviewed the Staff Report

She reported that the State grant applied for was received by the City of Monrovia in February in the amount of \$125 000 00 that will pay for the remainder of the Wright property She congratulated and thanked Robert Kastenbaum for his tremendous job in shepherding this project A half a million dollars have been received to date

At its meeting of October 23 2001 the City Council agreed to make the Gary Miller property a top priority in the hillside land acquisition program This is consistent with the recommendation of the City's Wilderness Preserve Steering Committee

On December 11 2001 the City Council approved a 30-day option agreement with Mr Miller giving the City the exclusive right to purchase the subject property The option agreement was designed to show "good faith" regarding the City's desire to pursue the Miller property The original option agreement included a payment of \$40 000 00 (\$20 000 00 per parcel) to extend the current negotiations until January 9 2002 On January 9 2002 a second option agreement was approved extending the agreement to February 13 2002 The second option agreement included a payment of \$50 000 00 (\$25 000 00 per parcel) The payments are to be applied to the purchase price of the property

The final determination from the State Wildlife Conservation Board regarding the approval of matching funds to acquire the Miller property will not be made until May 23 2002 As a result it is necessary to extend the option agreement Associated with each extension of the agreement is a payment to be applied to the purchase price of the property A payment of \$50 000 00 (\$25 000 00 per parcel) is required to extend the agreement thru March 13 2002 Any additional extension will also require City Council approval

She stated that it is important to note that the City continues to pursue the State Wildlife Conservation Board matching funds of which the City's share will come from voter approved Measure B funds This process is proceeding and is also contingent upon the State approval of the Miller property appraisal The Wildlife Conservation Board decision on the City's matching funds application is scheduled for May 23 2002

The Wilderness Preserve Steering Committee recommended approval of the Option Agreement

After discussion it was moved by Councilmember Adams seconded by Mayor Pro Tem Hammond to approve the Option Agreement and authorize the Mayor to execute with monthly extensions through June 13 2002 if necessary and authorize Staff to put the matter on Consent Calendar monthly if necessary

ROLL CALL

Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond Mayor Blakely
Motion carried 5-0

I ADMINISTRATIVE REPORTS

City Attorney Colantuono reviewed both I-1 and I-2 together

1 Oral Report by the City Attorney Michael G Colantuono Amicus Brief to the U S Court of Appeals for the Ninth Circuit in 99 Cents Only Stores vs Lancaster Redevelopment Agency (U S Dist Ct Central District of California Case No 00-07572 SVW)

City Attorney Michael G Colantuono presented an oral report on the Amicus Brief to the U S Court of Appeals for the Ninth Circuit in 99 Cents Only Stores vs Lancaster Redevelopment Agency (U S Dist Ct Central District of California Case No 00-07572 SVW)

and (Motion and Roll Call below)

2 Oral Report by City Attorney Michael G Colantuono Amicus Brief in Eastburn vs Regional Fire Protection Authority 4th District Division 2 No 2 Civil E029463

City Attorney Michael G Colantuono presented an oral report on the Amicus Brief in Eastburn vs Regional Fire Protection Authority 4th District Division 2 No 2 Civil E029463

It was moved by Councilmember Adams seconded by Councilmember Franco to authorize the City Attorney to list the City's name on both Amicus Briefs at no cost to the City

ROLL CALL Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond Mayor Blakely
Motion carried 5-0

J RESOLUTIONS & ORDINANCES

1 Amendment of Title 10 Section 10 16 051 and Section 10 16 055 of the Monrovia Municipal Code Relating to Parking Introduction and First Reading of Ordinance No 2002-05

David Fike Director of Public Works reviewed the Staff Report

Section 10 16 051 of the current code does not allow for residents to park overnight within City-owned parking lots

A need exists for residents of the Wilson Hotel 105 East Olive Avenue for off-street parking The amendment would provide for residents to park in City-owned parking lots by permit

The amendment of Section 10 16 055 to change the overnight time limit will provide early business arrivals the opportunity to park within all of the City-owned or City-operated parking lots Several businesses start operations prior to the current time of 7 30 A M Changing the No-Parking prohibition to 3 00 a m to 5 00 a m would accommodate the business operations

After discussion regarding a clause on the application releasing the City from any liability Staff was directed to revise the application form if necessary

It was moved by Mayor Pro Tem Hammond seconded by Councilmember Adams to introduce and read by title only Ordinance No 2002-05 amending Title 10 Section 10 16 051 and Section 10 16 055 of the Monrovia Municipal Code relating to parking As there were no objections City Attorney Colantuono read as follows

AN ORDINANCE OF THE CITY OF MONROVIA CALIFORNIA AMENDING TITLE 10 SECTION 10 16 051 AND SECTION 10 16 055 OF THE MONROVIA MUNICIPAL CODE RELATING TO PARKING BY REVISING THE HOURS OF OPERATIONS

K PAYROLL & VOUCHERS Payroll No 3 in the net amount of \$422 780 98 and Voucher Numbers 100339 through 100813 non-sequentially in the amount of \$1 273 040 19 were approved by order of the Consent Calendar

L SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday February 26 2002 7 30 P M City Council Chambers 415 South Ivy Avenue Monrovia California

M **ORAL COMMUNICATIONS IF NEEDED** None

N **CLOSED SESSION** Mayor Blakely announced that the City Council would hold a Closed Session to discuss Personnel Public Employment Pursuant to Government Code §54957 Interviews for Position of City Attorney

O **ADJOURN** Mayor Blakely adjourned the Meeting at 11 20 P M in memory of Peter J Couchman Closed Session was convened at 11 25 P M and adjourned at 12 35 A M All City Councilmembers were in attendance

APPROVED


Lara Larramendi Blakely Mayor

ATTEST


Linda B Proctor CMC City Clerk