

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, OCTOBER 21, 2003, 7 30 P M**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, October 21, 2003 at 7 40 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 Linda B Proctor led the Invocation

FLAG SALUTE. Councilmember Mary Ann Lutz 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)

City Attorney Steele reported that the following agendized items were discussed No reportable action was taken and direction was given to Staff

October 7, 2003

1 Conference with Legal Counsel, Existing Litigation Government Code §54956 9(a), William Crawford vs City of Monrovia, Workers' Compensation Claim Nos 00-22015 and 01-24191

October 14, 2003

1 Government Code §54957, Public Employment, Public Employee Evaluation City Manager

PRESENTATIONS

1 Introduction of Newly Hired Finance Department Employee, Accountant II, Susan Paragas

Administrative Services Director Mark Alvarado introduced newly hired Accountant II, Susan Paragas, to the Mayor, City Council and the community

2. Recognition of Winners of the 2003 Halloween Home Happenings Decorating Contest

Recreation Supervisor Kerri Zessau assisted the Mayor and City Council in recognizing the winners of the 2003 Halloween Home Happenings decorating contest as follows Creep Show Award, Elizabeth and Earl Conkling, 337 Linwood Avenue, Casper Award, John and Penny Zuk, 205 East Hillcrest Boulevard, Most Spooky, Daniel and Sylvia Castellanos, 523 S Alta Vista Avenue, Most Creative, Juan Guerrero and Roger Bustillos, 515 E Colorado Boulevard, Theme Award, David and Krys Cohen, 161 N Myrtle Avenue, Great Pumpkin Award, Don and Aileen Theall, 619 Ranchito Road, and Best of Halloween, Scott and Aaron Wand, 180 Melrose Avenue Each winner was presented a basket of treats and a lawn sign designating the theme

3 Introduction of Newly Hired Police Dispatcher Elefteria (Terry) Zaharioudakis

Police Chief Roger Johnson introduced newly hired police dispatcher Terry Zaharioudakis to the Mayor, City Council and the community

PROCLAMATIONS

1 Proclaiming October 25, 2003 as "Make A Difference Day"

The Monrovia Volunteer Center, in recognition of "Make A Difference Day" has requested that the City Council proclaim October 25, 2003 as "Make A Difference Day in Monrovia" Volunteer Center

Boardmember and Chairman of "Make a Difference Day" Chris Shevlin, Boardmember, accepted the proclamation, and reported to the City Council and community the plans and needs for the day

STUDENT GOVERNMENT REPRESENTATIVE REPORT City Council Liaison Sable Smith was not in attendance In her absence, Mayor Hammond reported that the Homecoming Dance was this Saturday evening in Anaheim, and the Homecoming Football Game was this Friday at Monrovia High School

A CONSENT CALENDAR

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

ROLL CALL

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

***B MINUTES** The Minutes of the Regular Meeting of October 7, 2003, were approved by order of the Consent Calendar

C ORAL COMMUNICATIONS

1 Dr Bruce Carter, Monrovia Unified School District Board of Education member, reported that the District had been awarded two Bell Awards from the California School Boards Association for its AVID, AP Vertical Action and Planning Team, offered at Santa Fe, Clifton and the High School, and Pro-Active Tutoring (P A T), offered at Clifton and now Santa Fe Middle School, for at-risk and struggling students He explained the basis for each program and reported that the program was teacher-developed by Gail LaBau He announced that all of the 21 students in the AVID program had been accepted to a college or university For the P A T program, out of eighty-three 8th graders, 57 had worked themselves off the failure list and were now at no risk of failing to go on to high school The last Bell Award received by the District was for the joint project of the School District and the City of Monrovia for their Truancy Program

2 Karen Suarez, Monrovia Liaison, San Gabriel Valley Mosquito & Vector District, reported on the recent outbreaks of West Nile Virus She cautioned residents to report any standing water to the District in an effort to eliminate mosquitoes carrying the virus to birds Questions should be directed to the District

3 Cyrus Kemp, Monrovia, expressed concerns regarding the maintenance of school facilities

4 Stephen Grollnek, Monrovia, requested that Councilmember Kirby form a committee to investigate school district hiring practice He vowed not to support a new library on taxpayers' money He announced that he would have a political analyst in the area to give free advice to candidates running in the March 2005 election He berated the City Council for holding a Closed Session for a tract map for a Bowden Development project which was on the Consent Calendar

Mayor Hammond responded that the Bowden Development project was actually an item on the Consent Calendar to set a public hearing on November 4, 2003 for public input

5 Rosemary Harrahill, Monrovia, announced that a forum for all school board candidates would be held at Clifton Auditorium at 7 00 P M on October 23, 2003

D PUBLIC HEARINGS/MEETINGS

1 **Historic Landmark HL-52 for Property Located at 312 Wildrose Avenue by Owner Robert Martin, Resolution No 2003-62**

Planning Division Manager Steve Sizemore reviewed the Staff Report

He reported that this house was a good example of a California Bungalow and featured lap siding and split granite on the exterior The single story structure was built in 1911 and is identified as the

Hattie Ross House The house was especially significant in context with the other houses on the 300 block of Wildrose Avenue and Foothill Boulevard The area was one of the most highly concentrated areas of California Bungalows in Monrovia

The Historic Preservation Ordinance specifies that a property meet at least one of the designation criteria The Commission determined that the house met two of the required criteria and recommended approval of landmark designation The applicant did not request approval of a Mills Act Contract at this time

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 Kirby, to approve Resolution No. 2003-62 designating the property at 312 Wildrose Avenue, the Hattie Ross House, Historic Landmark Number 52. There were no objections

2 Historic Landmark HL-53/Mills Act Contract MA-50 for Property Located at 363 North Myrtle Avenue by Owners John and Judith Foltz, Resolution No. 2003-63

Planning Division Manager Steve Sizemore reviewed the Staff Report

Built in 1922, the house at 363 North Myrtle Avenue was a good example of a Colonial variant, referred to as "Adam" which is described in the book titled, A Field Guide to American Houses This two-story, single-family residence has approximately 2,586 square feet with a hipped roof and two rectangular dormer windows There was an original attachment in the form of a screened porch to the south gable The first owner of the home was Milton S Pottenger whose brother established the Pottenger Sanatorium

The Historic Preservation Ordinance specifies that a property meet at least one of the designation criteria The Commission determined that the house met two of the required criteria and recommended approval of landmark designation

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 Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to approve Resolution No 2003-63 designating the property at 363 North Myrtle as the Milton S. Pottenger House, Historic Landmark Number 53, and approve entering into a Mills Act Contract with the conditions of approval There were no objections

3 Historic Landmark HL-54 for Property Located at 310 Wildrose Avenue by Owners Patrick and Sharon Lundy, Resolution No. 2003-64

Planning Division Manager Steve Sizemore reviewed the Staff Report

The house was built by the Tifal Brothers in 1911 The house was a classic example of a California Bungalow with the large "L" front porch, exposed rafters, attic venting, and cut granite pilasters One of the most significant aspects of this property was its context within the Wildrose Tract one of the most highly concentrated areas of California Bungalows in Monrovia

The Historic Preservation Ordinance specifies that a property meet at least one of the designation criteria The Commission determined that the house met four of the required criteria and recommended approval of landmark designation The applicants have owned the house since 1965 and were not requesting approval of a Mills Act Contract at this time

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 Kirby, to approve Resolution No 2003-64 designating the property at 310 Wildrose Avenue Historic Landmark Number 54 There were no objections

4 Historic Landmark HL-55/Mills Act Contract MA-51 for Property Located at 256 North Myrtle Avenue by Owners Paul Hubler and Patty Rhee, Resolution No. 2003-65

Planning Division Manager Steve Sizemore reviewed the Staff Report

The house at 256 North Myrtle Avenue was built in 1923 The house was an excellent example of a Spanish Colonial Revival architecture house and was designed by Frank O Eager This one-story, single-family residence has approximately 1,420 square feet with a half-basement The front patio featured a tiled fountain designed and executed by the original owner There are original tile floors throughout the home Distinguishing interior characteristics include a fireplace that was designed using Batchelder tiles

The Historic Preservation Ordinance specifies that a property meet at least one of the designation criteria The Commission determined that the house met three of the required criteria and recommended approval of landmark designation

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 Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to approve Resolution No 2003-65 designating the property at 256 North Myrtle Avenue as the Harry J De Turck house, Historic Landmark Number 55 and approve entering into a Mills Act Contract with the conditions of approval

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

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

CONVENE Chairman Rob Hammond convened the Regular Meeting of October 21, 2003 of the Monrovia Redevelopment Agency Board of Directors at 8 26 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 Mayor Pro Tem Garcia, seconded by Councilmember Adams, to approve the Consent Calendar consisting of Item *B, *MRA-1. There were no objections

***B MINUTES.** The Minutes of the Regular Meeting of October 7, 2003 were approved by order of the Consent Calendar

MRA REPORTS

***1. Letter from the City Clerk Transmitting Ordinance No 2003-13, Adopting the Seventh Amendment to the Agency Redevelopment Plan**

This matter was approved by order of the Consent Calendar

On September 2, 2003, the City Council adopted Ordinance 2003-13, approving and adopting the Seventh Amendment to the Amended Redevelopment Plan. The second reading occurred on September 16, 2003, and the Ordinance became effective 30 days following this action.

Pursuant to Section 33372 of the Community Redevelopment Law, the City Clerk is required to transmit the ordinance and adopted Seventh Amendment to the Redevelopment Agency 30 days after the ordinance has become effective.

Staff recommended that the Agency receive and file the City Clerk's transmittal letter, with copies of Ordinance No. 2003-13 and the adopted Seventh Amendment.

MRA ADJOURNMENT. Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8:27 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS None

F. COMMUNICATIONS AND PETITIONS

*1 Denial of Liability Claim; Veronique Crenshaw vs City of Monrovia

This matter was approved by order of the Consent Calendar.

Monrovia Police personnel arrested Ms. Crenshaw on December 2, 2002. Her vehicle was towed and taken to a storage yard. Ms. Crenshaw was informed regarding procedures for release of her vehicle. The storage facility mailed a notice that the vehicle would be sold. The vehicle was eventually sold. Ms. Crenshaw maintained that the charges against her were dropped and her vehicle was illegally impounded.

Monrovia Police personnel followed proper procedures during the arrest of Ms. Crenshaw and the impound of her vehicle. Therefore, the City of Monrovia bore no responsibility in this matter. Claimant sought an unspecified amount in damages. Staff recommended that Council deny this claim.

G CITY COUNCILMEMBERS & SUB-COMMITTEES

Mayor Hammond reported that.

(a) Last Thursday, a Joint Powers Authority was formed for the Gold Line Phase II. He explained that this began the governance authority and that cities east of Pasadena have signed a joint powers agreement for the Construction Authority for laying of the track and the preparation of the train. Much more information will be forthcoming. City Manager Hopper reported that as Monrovia needs to take a leadership role, Mayor Hammond was elected Vice Chairman of the Governance Committee, and was also elected Chair of the Negotiating Committee to begin the Memorandum of Understanding that would move Monrovia forward. He further stated that Monrovia was taking a leadership role in getting the train to Claremont.

(b) He urged all to attend the Veterans Day Observance on Tuesday, November 11, 2003, 11:00 A.M. in Library Park, in support of our veterans and those serving in the conflict.

2 Mayor Pro Tem Garcia reported that

(a) **Consideration of a Study of the Preservation of Historic Homes** He stated that the flurry of historic landmark requests in Monrovia showed how important the preservation of historic homes was in the City of Monrovia. To this end, he asked for consideration of a study of the preservation of historic pre-1940 homes which were most prevalent in the central part of the city. He stated that there had been many close calls in the demolition of old homes for new construction and that the historic fabric of the residential area is critical for the City to retain its character. He stated that a joint meeting with the City Council, Planning Commission and Historic Preservation Committee was scheduled for October 22, 2003, at the Community Center to discuss this

Staff found that the State has issued a Multiple Award Schedule (CMAS contract) to Coastline Equipment for a skid steer loader that meets the needs of the City. Staff recommends that the City Council approve the cooperative purchase in conjunction with the State of California contract number 4-01-38-0012A, without further bidding pursuant to Monrovia Municipal Code Section 3 24 120(A), and approve the purchase of a skid steer loader from Coastline Equipment in the Amount of \$38,734 29. Funding for this purchase is available and will be equally split between the Streets and Utilities Funds.

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to approve the purchase of a skid steer loader from Coastline Equipment in the amount of \$38,734 29. There were no objections.

2 Review of Development Review Committee (DRC) Membership

Community Development Director Alice Griselle reviewed the Staff Report.

The City Council requested that Staff research the membership of the Development Review Committee (DRC) and present a range of options in response to a public request to add a citizen to the Committee. The Development Review Committee is currently composed of the Community Development Director (chair), the Public Works Director, the Chief of Police, the Fire Chief and a Monrovia Old Town Advisory Board (MOTAB) representative.

The duties of DRC include determining applications involving minor conditional use permits, minor exceptions, minor lot splits, design review, signs, grading permit approval, large family day care homes, basement construction, game courts, radio satellite and television dishes and antennae, solar energy collectors, oak tree preservation permits, outdoor dining and display permits, and valet parking permits. A few agendas are attached to the report showing the majority of applications that are reviewed by the DRC.

The DRC is a highly technical committee that reviews a large agenda weekly dealing with zoning, building, fire, grading, housing, and other government codes. It requires the ability to read site and floor plans, to understand construction drawings, to understand how signs are constructed, to understand architecture, to be able to read a grading plan, and to understand zoning codes. The zoning codes involve building bulk angles, floor area ratios, and other relatively complicated standards. The composition of the DRC with four department heads and a MOTAB member (who was a Planning Commissioner and is familiar with the process, codes, and duties) provides a solid technical base to deal with items without the benefit of any written reports or back up materials. If a member needed to be educated on each issue or provided background information, the DRC process will slow dramatically and the efficiency of DRC will be severely compromised. Depending on the amount of public testimony and applicant discussion with an eight item agenda it takes approximately one to two hours. Increasing the amount of time that the department heads spend at DRC slows productivity and more importantly the people in the audience have to wait longer and longer for their agenda item.

Another valuable aspect of the DRC is that it is quick and efficient and cuts the red tape associated with the review of applications. For example, for the period of October 2002-2003, the DRC reviewed 373 applications with a weekly average of almost 8 applications. Of these applications, only one was appealed and three referred to the Planning Commission by the Development Review Committee. In summary, most applications are not controversial and DRC provides a government friendly process for getting the best possible signs, additions, and developments. Most issues are resolved at the DRC level through facilitation of discussion between the applicants and neighbors. In the rare instance when a solution is not achieved and for applications that do need additional public input the seven-member citizen Planning Commission decides these matters. The appeal process then provides for a City Council hearing if anyone is still unhappy with the decision of the Planning Commission. The DRC to Planning Commission to City Council referral and appeal process allows all applicants and neighbors to exhaust their legal remedies and have a fair hearing on the issues dealing with a specific application. It involves a technical committee, an appointed commission, and

an elected council which provides for a very democratic and fair process for the applicant and citizens alike

Ms Griselle further reported that if the City Council determines that it would be in the best interest to modify the membership of the DRC, there were several options as follows

- 1 Add a Citizen Representative This option will add a citizen representative to the committee Staff recommends that since this is a highly technical committee that membership qualification similar to that used for the Historic Preservation Commission be used Members shall be appointed from among professionals in the disciplines of architecture, design, landscape architecture, construction, planning, real estate, engineering, the environmental sciences, or related fields
- 2 Add a Citizen Representative from Existing Commissions A member of the Planning Commission or Historic Preservation Commission can be a liaison to the Development Review Committee
- 3 Add the Director of Community Services to the Commission April Soash is a resident of the Community and also has the technical expertise to be a member of the committee The requirement would be that at least one member of the Development Review Committee be a resident of Monrovia
- 4 No Change in the Membership Keep the technical focus of the membership of the Committee

Staff reports were not written for the DRC members at present as it is a technical committee made up of professionals If in the future reports are required, there could be a significant fiscal impact as an additional employee would have to be hired to staff the DRC For this year alone, 373 reports would need to have been written, copied, and distributed to members

Ms Griselle summarized that the Development Review Committee had made thousands of decisions over the last 24 years, and Monrovia looked good with well designed residential, commercial, and industrial development The DRC process worked well by allowing public input into the process It was an informal meeting where homeowners, concerned citizens, developers, business people, and others could have a positive discussion with department heads on their issues Most applications moved forward with little controversy and those that did are referred to the Planning Commission for a full public hearing Staff's recommendation was to retain the existing membership of the Committee as it was the most cost effective, citizen responsive committee currently in existence Further, it was difficult to recommend a change to a committee that was so successful in dealing with issues for fear that the efficiency or service to the public might be jeopardized

Cyrus Kemp, Monrovia, expressed his desire to have member of community serve on this committee-- one who was not a staff member He stated that he believed the appeal process was not cheap

Discussion ensued Councilmember Adams stated that he believed that the DRC was not broken and provided a tremendous service to community, however, there are some people in the community that had a perception that this is "City Hall" and that they were not be listened to He suggested a time period of six months to try to change this perception, and appointing a resident on a temporary basis only Councilmember Lutz stated that she had attended all but four DRC meetings since June, that she had watched a number of diverse items, from simple to technical, be resolved, that she believed that a member of the staff could make a more objective decision as they would not be emotionally involved, and that no other citizen other than herself had attended for the last five months She believed that a six member committee would not be advantageous in case of a tie, and questioned how the City Council would know if the addition of a resident was successful She stated that if a resident were appointed, she would like to see a current commissioner or someone who had been a commissioner be appointed so that he/she was already up to speed

Mayor Hammond stated that the person appointed would have to come back to the City Council in six months to articulate to the Council on whether it was beneficial or not. City Manager Hopper explained that the right to appeal was stated on the Agenda and that it was announced after each decision was made, that a typical example of a minor exception was a request that could not be approved at the counter, therefore the planner would refer the person to the DRC and the neighbors were notified. It wasn't that the process didn't work, but rather that the right answer wasn't given. Mayor Pro Tem Garcia stated that the addition of a resident was doomed if someone with no background were appointed, and that he did not want to diminish the fast track that the DRC provided. Mayor Hammond stated he saw no reason to add a person. Councilmember Lutz stated that if this were done, the City Council would need to have very clear guidelines on how to determine if it were successful.

It was moved by Councilmember Kirby, seconded by Mayor Hammond to entertain a pilot program for a six-month period to add a citizen to the DRC

Discussion ensued. City Attorney Steele advised that a current Planning Commissioner would have to abstain from voting as the item might later be appealed. Councilmember Adams made the following friendly amendment, which was agreed upon by the Councilmember Kirby and Mayor Hammond.

Direct Staff to amend the appropriate Municipal Code section to add a citizen representative to the DRC for a six-month trial period and bring the appropriate Ordinance back to the City Council for adoption.

ROLL CALL

**Ayes Councilmembers Adams, Kirby, Lutz, Mayor Hammond
Noes Mayor Pro Tem Garcia
Motion carried 4-1**

***3. Set for Public Hearing on November 4, 2003, Tentative Tract Map 060201/Conditional Use Permit CUP2003-16 to Construct a 12-Unit Detached Planned Unit Development in the RH (Residential High Density) Zone at 1209 South Magnolia Avenue by Bowden Development, Inc, Developer**

This matter was approved by order of the Consent Calendar

The applicant requested approval of a 12-unit detached Planned Unit Development (PUD) at 1209 South Magnolia Avenue. The site is located at the southwest corner of Magnolia and Cypress Avenues and is currently a vacant lot. At its meeting of October 15, 2003, the Planning Commission held a Public Hearing to review the project. At the close of the hearing, the Commission voted to recommend approval of Tentative Tract Map 060201/Conditional Use Permit CUP2003-16 to the City Council.

Staff recommended that the City Council set November 4, 2003 as the date of the Public Hearing.

J. RESOLUTIONS & ORDINANCES

***1. Amendment to Title 2 and Title 5 of the Monrovia Municipal Code Relating to Terms of City Boards and Commissions, Second Reading and Adoption of Ordinance No 2003-14**

This matter was approved by order of the Consent Calendar

This was the second reading and final adoption of Ordinance No 2003-14 amending Title 2 and Title 5 of the Monrovia Municipal Code, relating to terms of City Boards and Commissions. Staff continued to recommend approval of this ordinance.

***K PAYROLL & VOUCHERS** Payroll No 21 in the net amount of \$423,028.75, and Voucher Numbers 113994 through 114355 non-sequentially in the amount of \$934,836.03 was approved by order of the Consent Calendar.

L. SCHEDULED MEETINGS

A Special Joint Meeting of the Monrovia City Council, Planning Commission and the Historic Preservation Commission is scheduled for Wednesday, October 22, 2003, Dinner, 5 30 P M , Meeting, 6 30 P M , Monroe Room, Community Center, 119 W Palm Avenue

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, November 4, 2003, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

M ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

N CLOSED SESSION None

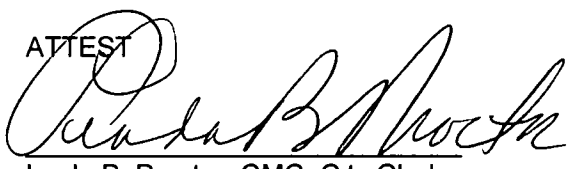
O ADJOURNMENT The City Council Meeting was adjourned at 10 15 P M

APPROVED



Rob Hammond, Mayor

ATTEST



Linda B Proctor, CMC, City Clerk