

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, SEPTEMBER 20, 2005, 7 30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, September 20, 2005 at 7 36 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California (preceded by a Study Session at 6 30 P M , City Council Chambers, to receive a Monrovia Telecommunication overview, at which all City Councilmembers were in attendance, with the exception of Mayor Hammond who arrived at 7 03 P M) Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION Police Chaplain Frederick Schoeler, gave the Invocation

PLEDGE OF ALLEGIANCE Councilmember Joe Garcia led the Flag Salute

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

REPORT OF CLOSED SESSION(S) None

Mayor Hammond took the following report out of order

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1 Mayor Hammond

(a) Assemblymember Carol Liu Assemblymember Liu presented an overview of last year in Sacramento

2 Mayor Pro Tem Lutz

(a) Update on Monrovia Unified School District's Test Scores Superintendent of Schools Louise Taylor presented an overview of the latest test scores for the District's schools

PRESENTATIONS

1 Introduction of Newly Hired Children's Services Library Employees Shawn Thrasher, Senior Librarian, and Denise Neujahr, Librarian II

Library Division Manager Monica Greening introduced to the City Council and the community two new employees in the Library Division The employees were Shawn Thrasher, the new Senior Librarian of Youth Services, and Denise Neujahr, the new Librarian II of Youth Services

2 Introduction of Newly Hired Management Trainee Deena Wonders

Public Information Officer Dick Singer introduced Deena Wonders, newly hired Management Trainee in the City Manager's Office, to the Mayor, City Council and the community

PROCLAMATIONS None

STUDENT GOVERNMENT REPRESENTATIVE REPORT Student Liaison Roberta Smith reported on activities at Monrovia High School

A CONSENT CALENDAR

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to approve the Consent Calendar consisting of Items *B, *F-1, *F-2, and *J There were no objections

SPECIAL ANNOUNCEMENT

Mayor Hammond announced that a concert to benefit the locally displaced victims of Hurricane Katrina would be held on Friday, September 30, 2005, 7 00 P M , in the 400 block of South Myrtle Avenue, in conjunction with Family Festival, the City, and Old Town merchants, with all proceeds to the American Red Cross He invited all to attend and enjoy the food, music and comradery of fellow citizens The street would be closed, and representatives of the services clubs—Rotary, Kiwanis, Quota and newly formed Lions Clubs— and the Red Cross would be on hand

B UNADOPTED MINUTES The Minutes of the Regular Meeting of September 6, 2005 were adopted by order of the Consent Calendar

C ORAL COMMUNICATIONS

- 1 Michael Blumenthal, Monrovia
- 2 Becky Shevlin, Monrovia
- 3 Chris Ziegler, Monrovia
- 4 Stephen Grollnek, Monrovia
- 5 Cyrus Kemp, Monrovia

D PUBLIC HEARINGS/MEETINGS

1 Open and Continue to October 4, 2005, Amendment to Title 17 of the Monrovia Municipal Code Pertaining to the Regulations for the Storage of Recreational Vehicles

On July 12, 2005, the Planning Commission conducted a Public Hearing to review a draft ordinance regulating the parking of recreation vehicles on private property During the discussion, the issue of RV parking on public streets was brought up While the two issues were somewhat related, the draft ordinance only dealt with parking on private property State law was very clear in that it placed a limit upon restricting parking on public streets At this point in time, Staff requested to continue the item to the next scheduled meeting, October 4, 2005, at which time a list of options could be presented for consideration by the City Council

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to open and continue the Public Hearing to Tuesday, October 4, 2005 There were no objections

2 General Plan Amendment GPA2005-02, Resolution No 2005-40, and Zone Change ZC2005-02, Amending the Text of Planned Development-Area 5 and Changing the Land Use and Zoning Designations From Residential High Density and Public/Quasi-Public to Planned Development-Area 5A for the Property Located at Colorado Boulevard and Primrose Avenue, Introduction and First Reading of Ordinance No 2005-07, and

4 Amendment to Title 17 of the Monrovia Municipal Code Pertaining to Regulations for Live/Work Studios, Introduction and First Reading of Ordinance No 2005-08

Steve Sizemore, Planning Division Manager, reviewed the Staff Report for both D-2 and D-4

Over 10 years ago, the Monrovia Redevelopment Agency (MRA) purchased property at the corner of Colorado Boulevard and Primrose Avenue for a housing development Earlier this year the MRA approved a Disposition and Development Agreement (DDA) for the development of 67-75 dwelling units The site included Public Parking Lots 9 and 10, as well as the temporary parking lot property

There were two components to this request The first was a text amendment to clean up the existing development guidelines for Planned Development—Area 5 (PD-5) PD-5 was originally created to address the specific circumstances of Downtown adjacent property and was a mixture of commercial retail, retail support, private parking, office, restaurants, and some high density residential uses The proposed change to the text for the PD-5 guidelines clarified the vision for Downtown (strikeout version was provided on Attachment A of the Staff Report) The primary changes would eliminate the reference to the Live/Work Ordinance, and clarify that residential development would only be permitted in mixed-use developments and only on larger sites

The second was a text and map amendment and a zone change. The proposed General Plan Amendment and Zone Change were in conjunction with the entitlement request for the Colorado Commons project. The designation changes would expand PD-5 by changing the land use designations of the proposed Colorado Commons site from the existing Residential High Density (RH) and Public/Quasi-Public (P/QP) to the new PD-5a adopting development standards for this new area. The proposed regulations were consistent with the regulations for PD-5 and with the density allowed under the RH zone.

At its meeting of September 14, 2005, the Planning Commission adopted Resolution Nos. 2005-06 and 2005-07 and recommended adoption of General Plan Amendment GPA2005-02 and Zone Change ZC2005-02, respectively.

In 2000, the City Council adopted Ordinance No. 2000-11, which provided specific development standards for Live/Work Studios. Since it was adopted, Staff reviewed several "good" conceptual proposals that did not comply with the current Live/Work Ordinance. The Ordinance proved to be limiting in its application. One of the major difficulties in establishing specific criteria for live/work was that there were as many types of projects as there were ordinances. This made it challenging to create specific regulations. There did not appear to be a "one-size-fits-all" approach.

After considering varying levels of regulation and criteria, Staff was of the opinion that the regulations adopted in the Live/Work Ordinance were not serving its intended purpose and that the future development of Live/work projects could be regulated adequately using the existing development standards for the appropriate zoning, in conjunction with the Conditional Use Permit (CUP) process. Therefore, Staff believed that the provisions of the Live/Work Ordinance should be removed from the Zoning Ordinance.

The proposed ordinance would amend the Monrovia Municipal Code by removing the specific live/work regulations, but would still allow the development of live/work projects subject to the development standards in the Zoning Ordinance and approval of a Conditional Use Permit.

At its meeting of September 14, 2005, the Planning Commission adopted Resolution No. 2005-08 recommending approval of Ordinance 2005-08 to the City Council.

PUBLIC HEARING OPENED Mayor Hammond opened the Public Hearing for both Agenda Items D-2 and D-4.

Those speaking

1. Cyrus Kemp, Monrovia, spoke against eminent domain.

After discussion, it was moved by Councilmember Kirby, seconded by Councilmember Garcia, to adopt Resolution No. 2005-40 approving General Plan Amendment GPA2005-02, amending the text of the Land Use Element of the Monrovia General Plan by amending the development guidelines of Planned Development—Area 5, adding development guidelines for Planned Development—Area 5a, and amending the Land Use Map by changing the Land Use designations on the subject property on the northeast corner of Colorado Boulevard and Primrose Avenue to Planned Development—Area 5a, introduce, waive further reading and read by title only Ordinance No. 2005-07 approving Zone Change ZC2005-02, changing the zoning designation on the subject properties at the corner of Colorado Boulevard and Primrose Avenue from RH (Residential High Density) and P/QP (Public/Quasi-Public) to PD-5a (Planned Development-Area 5a).

City Attorney Steele read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING), SECTION 17.04.040, THE OFFICIAL ZONING MAP, OF THE MONROVIA MUNICIPAL CODE

ROLL CALL

Ayes: Councilmembers Adams, Garcia, Kirby
Excused: Mayor Pro Tem Lutz, Mayor Hammond

Motion carried 3-0

It was moved by Councilmember Garcia, seconded by Councilmember Kirby, to introduce, waive further reading, and read by title only Ordinance 2005-08 amending Title 17 pertaining to regulations for Live/Work Studios

City Attorney Steele read as follows

AN ORDINANCE OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO REGULATIONS ON LIVE/WORK STUDIOS

ROLL CALL

**Ayes Councilmembers Adams, Garcia, Kirby
Excused Mayor Pro Tem Lutz, Mayor Hammond
Motion carried 3-0**

3 Vesting Tentative Tract Map TTM 063269/Conditional Use Permit CUP 2005-16 to Construct a Mixed-Use Development of 68 Condominium Units, 5,200 Square Feet of Commercial Space and a 326 Space Parking Structure on A 2 11 Acre Site at the Northeast Corner of Colorado Boulevard and Primrose Avenue by Colorado Commons, LLC, Developer

Alice Griselle, Director of Community Development, reviewed the Staff Report

The Colorado Commons project had evolved over the last several years. Many neighborhood meetings involving the residents of Park Victoria and downtown merchants were held as the design and architecture evolved. Additionally, the Historic Preservation Commission reviewed the architecture. Comments were incorporated into the final product. An interim parking and circulation plan was also presented at the neighborhood meetings.

The Monrovia Redevelopment Agency approved a Disposition and Development Agreement (DDA) with Colorado Commons, LLC which set out the parameters for the sale and redevelopment of the subject property. The DDA allowed the site to be developed with 67-75 dwelling units, of which 7 would be sold to households of moderate income. As part of the DDA, the developer was obligated to replace the public parking spaces that were located in Lots 9 and 10.

In order to accommodate the proposed project's construction and financing, the site would be subdivided into 6 new parcels of land for condominium purposes. The new development was proposed as a mixed-use project that would consist of 62 residential condominium units, 6 live/work spaces and 4 commercial spaces in five buildings with a public parking structure and subterranean parking garage for the residential units. The six live/work units would face the north-south alley west of Myrtle Avenue. The four commercial spaces would anchor the two buildings-- one on Lemon, one on Colorado and two facing the pedestrian plaza between those two buildings. The plaza would serve as the focal point of the development, accessed by both alleys and the pedestrian breezeway off of Myrtle. It would be enhanced with decorative paving, landscaping and a water feature.

Westerly, the project transitioned into the residential component built around a courtyard and urban streetscape along the vacated east/west alley and Colorado Boulevard and residential units facing Primrose Avenue. The south and west portion of the development would wrap around the parking structure to blend it into the surrounding neighborhood.

The public parking structure would be accessed from the Colorado Boulevard driveway. The structure would house 173 public parking spaces and 17 guest parking spaces for the residential units and would serve as access to the 136 off-street parking spaces that serve the residential development. To protect the privacy of the residential development to the north, Park Victoria, the structure would be setback 35' and the existing alley would be improved. The parking structure would be setback approximately 12' from the northerly property line.

The interface with Park Victoria had been an area where considerable detail was paid to mitigate impacts to the existing residential development. In particular, the parking structure had been the

focus of most of the discussion. The direct access to units along the paseo portion of the walkway and the screening of the parking structure was achieved using designs consistent with the Colorado and Primrose elevations. Utilizing green wall (landscaped structures) and solid panels, the architects presented an attractive design that screened the parking structure from the residential units.

The applicant created an attractive urban infill development that blended with the historic charm of Old Town Monrovia and surrounding residential neighborhoods. The design capitalized on the themes of the downtown and surrounding area by using different design concepts.

The Planning Commission held a Public Hearing on September 14, 2005 and unanimously recommended approval to the City Council. At the Public Hearing, two residents spoke in favor of the project and no one spoke in opposition. At the close of the Public Hearing, the Planning Commission voted unanimously to recommend approval of the development to the City Council.

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.

After discussion, it was moved by Councilmember Kirby, seconded by Councilmember Garcia, to approve Vesting Tentative Tract Map No 063269, and Conditional Use Permit CUP2005-16 subject to the recommendations in the Staff Report.

Councilmember Adams expressed great concern regarding tandem underground parking spaces for the residences.

ROLL CALL
Ayes Councilmembers Garcia, Kirby
Noes Councilmember Adams
Excused Mayor Pro Tem Lutz, Mayor Hammond
Motion carried 2-1

Mayor Pro Tem Lutz and Mayor Hammond returned to City Council Chambers at 9 37 P M

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

CONVENE Chairman Rob Hammond convened the Regular Meeting of September 20, 2005 of the Monrovia Redevelopment Agency Board of Directors at 9 37 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, Joe Garcia, Dan Kirby, Vice-Chairman Mary Ann Lutz, and Chairman Rob Hammond.

A CONSENT CALENDAR

It was moved by Boardmember Kirby, seconded by Boardmember Garcia, to adopt the Consent Calendar consisting of Agenda Item *B. There were no objections.

***B UNADOPTED MINUTES** The unadopted Minutes of the Regular Meeting of the Monrovia Redevelopment Agency of September 6, 2005 were approved by order of the Consent Calendar.

MRA REPORTS None

MRA ADJOURNMENT Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9 38 P M and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS

1 Award of Contract to Perry C Thomas Construction Inc , for the Water and Sewer Main Replacement Project, No C-2969, in the Amount of \$146,719 00

Utilities Division Manager Ron Bow reviewed the Staff Report

The Water and Sewer Main Replacement Project included the construction of approximately 406 feet of 8-inch diameter Class 52 ductile iron pipe, installation of 8 water services, 394 feet of 8-inch VCP sewer main, and 17 sewer lateral reconnections The replacement of the water and sewer mains was due to age and under capacity

On September 6, 2005, three bids were received and opened by the City Clerk Bids ranged from \$146,719 00 to \$198,005 40

The apparent low bidder is Perry C Thomas Construction, Inc in the amount of \$146,719 000 All documents were in order and references were contacted with satisfactory recommendations Funds for the project were available in the Water & Sewer Fund

It was moved by Councilmember Lutz, seconded by Councilmember Adams, to award a contract to Perry C Thomas Construction, Inc , in the amount of \$146,719 00 for the Water Main Replacement Project, and reject all other bids There were no objections

F COMMUNICATIONS AND PETITIONS

***1 Application for ABC Beverage License (Type 41 - On-Sale Beer and Wine License) for Empanadas Gourmet & Pizza, 113 East Lemon Avenue**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Francisco Galeazzi, Lilia Galeazzi, Jose Zago and Susana Zago had submitted an application for a Type 41 – On-Sale Beer and Wine 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

***2 Denial of Liability Claim, Miguel Rivas, Jr vs City of Monrovia**

This matter was approved by order of the Consent Calendar

Mr Rivas asserted that on February 27, 2005, he was injured as the result of an altercation with Monrovia Police personnel Monrovia Police personnel acted in an appropriate manner and followed proper procedures when Mr Rivas was stopped, restrained and ultimately arrested Therefore, the City bore no responsibility for this matter

Claimant sought approximately \$10,000 00 in damages Staff recommended that City Council deny this claim

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1 Mayor Hammond reported that

(a) Bradoaks Elementary School was holding its first annual International Walk to School Day, a worldwide event that was to raise awareness about the benefits of walking as part of a healthy lifestyle Those who wished to participate could call the MUSD Nutrition Network at 471-3082 or 83, or sign up on the forms at the Lobby of City Hall

(b) He attended the 100th anniversary of Immaculate Conception Church last Saturday night and thanked them for inviting him Cardinal Mahoney officiated He congratulated the parishioners of today and yesterday

(c) **Assemblymember Carol Liu** This item was taken out of order following the Roll Call above

(d) Concert for Hurricane Katrina Victims This item was taken out of order under "Special Announcements" above, following the Consent Calendar. He added that there were approximately 100 displaced persons living in our area who would benefit from the fundraiser.

(e) Monrovia Sister City Program He explained that a Sister Cities Program had commercial, educational and civic benefits and that he would like to explore the idea of having one with Monrovia with local government support of the City Council by a 501(c)3. He would like to pose the program to the business community at the next CEO breakfast. He requested that each City Councilmember come back at a City Council Meeting in mid-October with a person's name for a panel to investigate the Sister City Program.

2 Mayor Pro Tem Lutz reported that

(a) Update on Monrovia Unified School District's Test Scores This item was taken out of order following the Roll Call above. She thanked Dr. Taylor for the presentation of the recent test scores.

(b) She had spent the last two days in Sacramento for the Los Angeles Regional Water Quality Board meetings. She explained AB889, which required the Water Board to set regulations for septic tank monitoring. They also spent a great deal of time on how to deal with storm water and what its effect was on communities that had to fund remedies.

(c) The San Gabriel Valley Council of Governments would start a new program to take old lawn mowers and leaf blowers and replace them with more efficient and safer models, similar to past programs.

(d) There were now two helicopters available 24/7 to transport patients to the Trauma Center at Huntington Memorial, due to the efforts of Supervisors Molina and Antonovich, as efforts to have Pomona Valley Hospital set up a Trauma Centers failed due to the high costs.

3 Councilmember Adams had no report at this time.

4 Councilmember Garcia reported that

(a) He attended the Installation Dinner for the Boys & Girls Club Board of Directors last week. He congratulated outgoing president Rob Collins for a successful year, and wished incoming president Brad Scott a great year.

(b) His Clamshell Truck Trail clearance concerns which he expressed at the last City Council Meeting were alleviated with the progress to date. He requested that Acting Fire Chief Derek Young give a report of the work being conducted by Los Angeles County. Fire Chief Young gave a power point presentation showing views of the trail where there were areas of erosion due to the rains last season, noting that there were six major slides across the road with foot and a half deep ruts. He also reported that the Los Angeles County Fire Department Heavy Equipment operators were working there as per the agreement with the City and County, and that the work should be completed by September 23, 2005.

5 Councilmember Kirby reported that

(a) On Saturday, September 24, 2005 at Library Park, the San Gabriel Valley Humane Society would present its second annual Wiggle Waggle Walk. He called on Police Captain Rick Miglia who gave an overview of the program, noting that the proceeds would go towards capital improvements at the shelter. The event would start with registration at 8:00 A.M., and the blessing of the animals at 8:45 A.M. There would then be two walks for the animals.

(b) He requested that Tom Reale, President of the Board of Directors, give an annual report regarding Community of the Foothills, KGEM. Mr. Reale gave an overview of the successes with students over the year and an account of the number of lives they had touched over the last 10 years.

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

1 City of Monrovia and Monrovia Unified School District Shared Facility Use Agreement

Director of Community Services April Soash reviewed the Staff Report

The City of Monrovia and the Monrovia Unified School District staff worked together to establish an agreement to benefit the School District and the City by sharing facilities to better serve the recreational and educational needs for the Monrovia community. The Education Code of the State of California (Chapter 10, Part 7 of Division 1) authorized and empowered public school districts and municipalities to cooperate with each other and to enter into agreements with each other for the purpose of improving facilities, organizing, promoting, and conducting programs of recreation and education for children and adults.

The agreement was also reviewed by the City's attorney as well as the District's attorney. The City and the District would meet at least annually for the purpose of scheduling and program planning. Both parties agreed to not use each others facilities during such times that would interfere with the normal use of District or City facilities. There were two facilities that would be defined under separate agreements, which was the Monrovia Swim Center and the Monrovia Public Library.

The term of the agreement would be for a period of twenty-five years from and after the date of execution. The agreement could be terminated in whole or in part, by giving the other party one hundred and eighty days written notice on the intent to terminate.

It was moved by Councilmember Garcia, seconded by Mayor Pro Tem Lutz, to approve a Shared Facility Use Agreement between the City of Monrovia and the Monrovia Unified School District for a term of twenty-five years.

ROLL CALL

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

2 Receive and File, Green Building Technology

Chon Cervantes, Building Division Manager, reviewed the Staff Report

In the last several years, there had been a ground swell of public sector interest in building and operating green. Throughout the United States, county and municipal governments had begun to incorporate energy and resource-efficient principles into public works programs.

The cost was about 3% higher due to specific products and materials use for the construction. Also, some of the proposed innovative materials and equipment, in most cases, were not recognized to use as an alternates per code, and, therefore, had to be tested by a recognized testing agency, which could potentially have a high cost to test.

There was also a return of investment for large projects as high users consumed high energy levels. However, a large green building using the LEEDS Standards would have a high savings in the long run primarily due to recycled materials, low cost energy lighting, use of the building site to provide natural lighting, use of high efficiency air conditioning system, and other types energy savers.

It was moved by Councilmember Adams, seconded by Councilmember Kirby, to receive and file the Green Building Technology Report. There were no objections.

***J PAYROLL & VOUCHERS** Payroll No 18 in the net amount of \$445,641.84, and Voucher Numbers 127993 through 128256 non-sequentially in the amount of \$1,040,428.10 were approved by order of the Consent Calendar.

K SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, October 4, 2005, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a

Study Session to discuss a new Open Video System Franchise Agreement between the City of Monrovia and Champion Broadband California LLC, 6 30 P M , City Council Chambers

L ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

M ADJOURNMENT TO CLOSED SESSION None

N RECONVENE AND REPORT OF CLOSED SESSION None


ADJOURNMENT Mayor Hammond adjourned the Meeting at 10 41 P M in memory of Helen Haugh, Kay Ferrari, and Gerhard Roth

APPROVED



Rob Hammond, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk