

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY AUGUST 13 2002 7 30 P M**

**CONVENE** Mayor Lara Larramendi Blakely convened the Regular Meeting of the Monrovia City Council of Tuesday August 13 2002 at 7 37 P M in City Council Chambers 415 South Ivy Avenue Monrovia California in memory of Craig Novell Edgar Stueve and William (Bill) E Van Buskirk

**INVOCATION** Dr John Mastrogiovanni Jesus is Lord Christian Center led the Invocation

**PLEDGE OF ALLEGIANCE** Councilmember Tom Adams led the Pledge of Allegiance

**ROLL CALL** In attendance were Councilmembers Adams Franco and Mayor Blakely Councilmember Garcia and Mayor Pro Tem Hammond were excused

**REPORT OF CLOSED SESSION(S)**

July 23 2002

1 Conference with Labor Negotiator pursuant to Government Code Section §54957 6 Agent Negotiator Theresa St Peter Group Employee Monrovia Police Association

Assistant City Attorney Carol Lynch stated no reportable action was taken and directions were given to Staff

2 Conference with Legal Counsel Pursuant to Government Code Sections §54956 9(b)(2) Settlement Authority for Martha Flores-Heaviside

Assistant City Attorney Carol Lynch stated no reportable action was taken and directions were given to Staff

3 Public Employee Performance Evaluation – City Manager Pursuant to Government Code §54957

Assistant City Attorney Carol Lynch stated no reportable action was taken and directions were given to Staff

August 1 2002

1 Conference with Labor Negotiator pursuant to Government Code Section §54957 6 Agency Negotiator Theresa St Peter Group Employee Monrovia Police Officers Association

Assistant City Attorney Carol Lynch stated no reportable action was taken and directions were given to Staff

Cyrus Kemp Monrovia stated his interpretation of the Attorney General Opinion that the Closed Sessions held for the interviews for Police Chief and Labor Negotiations were in violation of the Brown Act

In response to Mayor Blakely's request Assistant City Attorney Lynch stated that she had reviewed the Attorney General Opinion that Mr Kemp referred to which addressed the County



4 Claire Chesley Monrovia expressed her pleasure that the Trenton Florida kidnapped victim Jessica Alba was found alive and unharmed and she hoped that we would all take preventative measures to protect our children She encouraged residents to follow up with Congressman Dreier to ask for extradition of fugitives from Mexico

5 Rosemary Harrahill Monrovia expressed her opinion on goats used for hillside brush clearance and her concerns that the 1000 block of Norumbega and Alta Vista has no exit if the road is blocked

6 Bill Beebe Monrovia Monrovia Arts Festival Association reported on their meeting the prior night where a check was presented by Victor Franco on behalf of Miller Brewing Company He thanked Miller Brewing Company and the City Council for their support He reminded everyone of the upcoming Arts Festival on October 12 and 13 10 00 AM to 5 00 P M

7 Chuck Keen Monrovia expressed his opinion on the lights timing system in favor of the system without buzzers and asked the City Manager about the status of negotiations on the Shell Station

In response to Ms Chesley's comments Mayor Blakely stated that the City Council signed a letter to Congressman Dreier regarding Congressman Adam Schiff and his concerns that no legislation has been introduced

In response to Mr Keen's comments City Manager Don Hopper stated that the City was still in negotiations with Shell He stated that it had been a lengthier process than hoped for but he believed Shell was slowly coming around to the appraised value

In response to Mr Schasker's comments Councilmember Adams asked the City Manager to review the history of programs to eliminate wood roofs in City City Manager Hopper stated that Monrovia prohibits new wood roofs and did offer a program that assisted residents in replacing their existing wood roofs He reviewed the success of the brush clearance program this year and stated that during inspections the Fire Department addresses the issue of the remaining wood roofs and stresses to the owners the importance of replacing those roofs as soon as possible

City Manager Hopper clarified that the City does not have \$45 000 00 for a goat program but rather had been approved for a grant that required a comprehensive study and will be utilized if the program is approved

At the request of Mayor Blakely Chief Sam DiGiovanna gave an update on the brush fire in the Arcadia hillside Chief DiGiovanna presented a brief power point presentation and encouraged the public to talk to him and other fire personnel regarding any fire hazard concerns

## **D PUBLIC MEETINGS/HEARINGS**

**1 Historic Landmark HL-42/Mills Act Contract MA-40 for Property Located at 433 East Colorado Boulevard by Owners Lara McKinley and Gayle Lev Resolution No 2002-68**

Alice Griselle Director of Community Development reviewed the Staff Report

This house is an excellent example of an aeroplane Craftsman Bungalow The house was built in 1914 and features a large double gable porch unique arched mullion windows and extensive use of river rock One of the first occupants of the house was Dr H E Kirshner Dr Kirshner first worked at the Pottenger Sanatorium and then organized the Monrovia Clinic as well as being one of the organizers of the Monrovia Mutual Building and Loan Association

He was nationally known as a strong proponent of nutrition and wrote the book "Live Food Juices for Vim Vigor Vitality and Long Life"

The Historic Preservation Ordinance specifies that a property must meet one or more of the applicable designation criteria This house meets two of the criteria

Concurrent with requesting Historic Landmark status the applicants are requesting approval of a Mills Act Contract The Mills Act Contract will provide tax savings for the homeowners Although the City will lose a small portion of the property tax collected on the property conditions are attached to the Contract that ensures its preservation and restoration

At its meeting of June 26 2002 the Historic Preservation Commission unanimously approved recommendation of Historic Landmark designation and execution of a Mills Act Contract

**PUBLIC HEARING OPENED AND CLOSED** Mayor Blakely 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 Franco seconded by Councilmember Adams to approve Resolution No 2002-68 designating the property at 433 East Colorado Boulevard the Dr H E Kirshner House Historic Landmark HL-42 and approve entering into a Mills Act Contract MA-40 with the conditions of approval

**ROLL CALL** Ayes Councilmembers Adams Franco Mayor Blakely  
Excused Councilmember Garcia Mayor Pro Tem Hammond  
Motion carried 3-0

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

**CONVENE** Chairman Lara Larramendi Blakely convened the Regular Meeting of August 13 2002 of the Monrovia Redevelopment Agency Board of Directors at 8 20 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 Victor M Franco and Chairman Lara Larramendi Blakely Boardmember Garcia and Vice-Chairman Hammond were excused

### **A CONSENT CALENDAR**

It was moved by Boardmember Adams seconded by Boardmember Franco to approve the Consent Calendar consisting of MRA Item \*B

**ROLL CALL** Ayes Boardmembers Adams Franco Chairman Blakely  
Excused Boardmember Garcia Vice-Chairman Hammond  
Motion carried 3-0

**\*B MINUTES** The Minutes of the Regular Meetings of July 23 2002 were approved by order of the Consent Calendar

### **MRA REPORTS**

1 Authorization to Acquire Real Property Located at 1218 Sherman Avenue from Owners Loyd Gibbons Robert Lloyd Burdette Hubert Joiner and Donald Joiner in the Amount of \$115 000 00

Jeff Kugel Project Manager reviewed the Staff Report

The Monrovia Redevelopment Agency is required by state law to allocate 20% of its funds toward improving the quality and quantity of affordable housing. One of the programs developed to achieve this objective is the Housing 101 Program. The Program is a partnership between the Agency and the Monrovia Unified School District with the Agency acting as the developer and the School District providing student labor. Through this joint effort the Agency has completed two homes and a third is under construction. Once completed the homes are sold to low and moderate-income homebuyers.

The primary obligation of the Agency under the Housing 101 Program is to provide a site for the construction of a single-family home. Staff has identified a suitable property for a fourth Housing 101 development and is requesting the Agency Board's authorization for its acquisition.

The subject property is currently improved with one 935 square foot single-family dwelling. Upon reviewing the physical condition of the property it has been determined that the dwelling does not warrant rehabilitation and that the site should be cleared and used for an infill housing development. Laurain and Associates, an independent appraisal firm, has valued the property at \$105,000.00. The appraisal indicates that the property has limited marketability in that FHA, VA, or conventional financing would not be available due to the extremely poor condition of the dwelling.

The property owner has agreed to sell the property to the Agency for \$115,000.00. In addition to the purchase price the Agency is required by state law to provide relocation assistance to any tenants residing at the property. Tenants have been identified and should the Agency Board grant authorization to acquire the property efforts to locate suitable replacement housing will begin immediately.

The Agency would pay \$115,000.00 plus customary closing costs to acquire 1218 Sherman Avenue. The total cost to acquire and prepare the property for construction including relocation and demolition would not exceed \$150,000.00. The majority of development costs associated with the Housing 101 Program is recovered upon the sale of the property. The last Housing 101 development sold for \$200,000.00. All costs incurred by this acquisition would be paid from the Agency's Housing Set-Aside Fund. No General Fund revenue is requested for this acquisition.

Staff recommended that the Agency Board authorize the Executive Director to acquire 1218 Sherman Avenue.

**It was moved by Boardmember Adams, seconded by Boardmember Franco, to approve the purchase of 1218 Sherman Avenue and authorize the Executive Director to execute the required documentation.**

**ROLL CALL**

**Ayes: Boardmembers Adams, Franco, Chairman Blakely  
Excused: Boardmember Garcia, Vice-Chairman Hammond  
Motion carried 3-0**

**\*2 Letter from the City Clerk Transmitting Ordinance No. 2002-09, Adopting the Sixth Amendment to the Agency Redevelopment Plan**

This matter was approved by order of the Consent Calendar.

The second reading of the ordinance adopting the Sixth Amendment was approved by the City Council and Redevelopment Agency Board on July 9, 2002. By law, it becomes effective.

thirty days after approval Under Community Redevelopment Law the City Clerk is required to transmit the ordinance and adopted Sixth Amendment to the Agency after the thirty day period has expired The action required of the Agency is to receive the documents and refer them for filing in the Agency s files

**MRA ADJOURNMENT** Chairman Blakely adjourned the Monrovia Redevelopment Agency Meeting at 8 25 P M and the City Council Meeting continued

### RECONVENE MONROVIA CITY COUNCIL MEETING

**E BIDS** None

### **F COMMUNICATIONS AND PETITIONS**

#### **\*1 Denial of Claim Adrian Adriana George Gudino and Sandra Rodas vs City of Monrovia (Presented as Four (4) Separate Claims)**

This matter was approved by order of the Consent Calendar

Mr Gudino claimed that on June 11 2002 he and his family were treated unfairly by the Monrovia Police Department On this date he went to the Police Department to inquire about retrieving personal articles from an impounded vehicle An altercation ultimately ensued and Mr Gudino was arrested and charged with battery on a police officer and child endangerment Mr Gudino and his family are now demanding medical compensation emotional distress damages and recovery for dignitary harms attorney s fees and punitive damages

Monrovia Police Department personnel acted appropriately and followed proper procedures in their dealings with Mr Gudino and his family Therefore the City bears no responsibility in this matter

Claimants sought in excess of \$40 000 00 in damages Staff recommended the City Council deny this claim

### **G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES**

**1 Councilmember Garcia** was excused

**2 Councilmember Franco** reported that

(a) He recognized and applauded Brian Whelan of Foothill Gym who added services to the Blue Star program by offering a lifetime membership to the gym

(b) He reminded residents of the Neighborhood Clean-Up Program scheduled for August 16<sup>th</sup> and 17<sup>th</sup> located at 100-200 blocks of Central and East Fig Avenues

(c) He reiterated that October 12<sup>th</sup> and 13<sup>th</sup> was Monrovia Arts Festival He attended the MAFA meeting last night and was impressed with commitment of volunteers and planning of the Festival which will include entertainment food silent auction and children s art activities

(d) He asked Captain Dochnal to address problems associated with wildlife venturing down from hillsides and to give an update on what the Police Department was doing Captain Dochnal explained Monrovia Police Department protocol for handling bears in residential areas and presented a Channel 4 news clip highlighting methods of deterring and removing bears He urged residents to do what they can to remove temptations for wildlife such as fruit on the ground and reported that water troughs have been placed in the hillside areas

(e) He attended the past two concerts at Library Park and applauded Penny Arroyo for the excellent work she s done in organizing entertainment Next week is the all woman mariachi group

**3 Councilmember Adams reported that**

**(a) Update on Police Department Protocol for Handling Missing and Abducted Children**

Captain Terry Dochnal gave an update on programs in place and Monrovia Police Department protocol for handling missing and abducted children Captain Dochnal reviewed technology available and statistical data from National Center for Missing and Exploited Children Captain Dochnal explained the Stranger Danger Program and presented a recent Channel 9 news clip from a Stranger Danger session in a classroom in Monrovia

**4 Mayor Pro Tem Hammond was excused**

**5 Mayor Blakely reported that**

**(a) Appointments to Monrovia Wilderness Foundation Inc Eric Abe and Cleve Crudginton Second Three-Year Terms**

She stated that the Foundation was set up to have the same members as the Wilderness Preserve Steering Committee The third member entering into a second three-year term is Paul Larsen who has complied with the necessary paperwork of the Monrovia Mountains Conservancy

**It was moved by Councilmember Adams seconded by Councilmember Franco to approve the appointments of Eric Abe and Cleve Crudginton to the Monrovia Wilderness Foundation Inc for a second three-year term**

**ROLL CALL**

**Ayes Councilmembers Adams Franco Mayor Blakely  
Excused Councilmember Garcia Mayor Pro Tem Hammond  
Motion carried 3-0**

**(b) Update of the Gold Line Light Rail Project**

She reminded everyone that the next phase of the Gold Line is from Madre to Claremont and reported that in the next few months all of the cities will be adopting Joint Powers Agreement to form the second phase of the construction authority She stated that each city will have representation including an elected and Director of Public Works

**(c) Support of House Bill 3784 and Senate Bill 2611 relating to the Museum and Library Services Act of 2002**

She stated that this is a reauthorizing of the Museum and Library Services Act of 1996 which benefits the Los Angeles County Library system Monrovia is a part of the Los Angeles Library system and Staff recommended writing a letter of support to Congressman Dreier

**It was moved by Councilmember Franco seconded by Councilmember Adams to support House Bill 3784 and Senate Bill 2611 relating to the Museum and Library Services Act of 2002 with letter to Congressman Dreier**

**ROLL CALL**

**Ayes Councilmembers Adams Franco Mayor Blakely  
Excused Councilmember Garcia Mayor Pro Tem Hammond  
Motion carried 3-0**

**(d) She thanked Captain Terry Dochnal for giving the report on National Night Out**

**H REPORTS OF COMMISSIONS BOARDS AND COMMITTEES None**

**I ADMINISTRATIVE REPORTS**

**1 Acceptance of Forty (40) Acre Land Donation for Monrovia Wilderness Preserve from Fred and Diane Bowden Assessor Parcel Nos 8523-001-004 8523-001-005 8523-001-006 and 8523-001-017 Resolution No 2002-72**

Alice Griselle Director of Community Development reviewed the Staff Report

On May 28 2002 the Monrovia City Council passed Resolution No 2002-48 authorizing the acquisition of Fred and Diane Bowden s hillside property located at 777 Norumbega Drive The property was to be purchased using local bond funds raised from the Measure B special tax and matching funds from the Wildlife Conservation Board (WCB)

The property at 777 Norumbega was seen as an important piece of the overall Wilderness Preserve project The property accesses Spanish Canyon thus linking it to the Angeles National Forest However the approximately forty acres held by the Bowdens that is situated to the north of 777 Norumbega is perhaps even more desirable from an environmental standpoint Preservation of this valuable property will ensure that wildlife corridors through the northeastern portion of Monrovia will remain undeveloped and unimpeded in perpetuity At the May 28 2002 City Council Meeting Mr Fred Bowden addressed the Council and offered to donate the forty acres above 777 Norumbega to the Monrovia Wilderness Preserve

On or about August 9 2002 the City of Monrovia will close escrow on three foothill properties to be included in the Monrovia Wilderness Preserve including 777 Norumbega At this time the City Council must formally accept the land donation for the forty acres being donated by the Bowden s in order to close escrow in a timely manner

This property is an important acquisition from both an environmental and financial standpoint Staff recommended approval of Resolution No 2002-72 accepting the 40 acre land donation

**It was moved by Councilmember Adams seconded by Councilmember Franco to accept the donation of 40 acres consisting of Assessor Parcel Numbers 8523-001-004 8523-001-005 8523-001-006 and 8523-001-017 to the Monrovia Wilderness Preserve from Fred and Diane Bowden**

**ROLL CALL**

**Ayes Councilmembers Adams Franco Mayor Blakely  
Excused Councilmember Garcia Mayor Pro Tem Hammond  
Motion carried 3-0**

Mayor Blakely reported that she received a letter from Supervisor Antonovich saying that Monrovia had been awarded a Grant from Proposition A funds of \$160 000 00 towards the Teen Center project triggered by a Bowden donation to the project

**2 Oral Report Wilderness Preserve Watering Project**

Interim Fire Chief Sam DiGiovanna presented the Oral Report and gave a brief power point presentation featuring photos of the water troughs that have been placed in the foothills

The City is currently in its 4th consecutive drought year This has resulted in wildlife from the foothills venturing closer to urban areas Recent sightings of bears and television news footage of a black bear on West Hillcrest Avenue have brought an extraordinary amount of phone calls from people concerned about the health of local wildlife

Our local conservation groups have worked with City Staff for the strategic placement of temporary water troughs in the foothills The Fire Department has taken the lead by placing four (4) troughs in areas where creek beds and springs have dried out due to the drought

These areas were selected by Canyon Park Staff from the Parks Division Two additional troughs will be placed once approval is received by the property owner

The Fire Department will continue to service the troughs and Canyon Park Staff will monitor the wildlife usage by observing footprints scat and other types of evidence

Kim Bosell reported that troughs have been placed where in non-drought conditions there would normally be a water source and answered questions asked by Council

1 Nancy Zack Monrovia expressed her opinion on the drought/wildlife crisis in Monrovia and that it is not only about the larger animals but the smaller animals that contribute to the food chain Ms Zack thanked Chief DiGiovanna and his crew and Chief Santoro for helping make this happen She asked Council to support Canyon Park as the heart of Wilderness Preserve Watering Project and asked conservancies and other community services groups to relieve the Fire Department of maintenance of the water troughs

This report was for information only therefore no action was necessary

**\*3 Request from the League of California Cities that the City of Monrovia Participate in an Amicus Brief Before the California Supreme Court on Behalf of the Shasta Community Services District in Richmond v Shasta Community Services District**

This matter was approved by order of the Consent Calendar

The Legal Advocacy Committee of the League of California Cities has authorized filing an *amicus curiae* brief in the appeal of *Richmond v Shasta Community Services District* City Attorney Craig A Steele recommends that the City of Monrovia join numerous other cities on the brief that will be filed with the California Supreme Court in this important Proposition 218 case

The cities *amicus curiae* brief will support the District's brief by (1) emphasizing that a wide spectrum of California local governments (including cities counties water districts community services districts and fire districts) impose connection charges to defray the cost of expanding capital infrastructure to serve new development (2) reviewing the law relating to the imposition of development fees and the basis for the development fee exemption in Proposition 218 and (3) reminding the Court that Proposition 218 only applies to a specific subset of fees charges and assessments fees that are property-related and assessments on real property based upon special benefit This third section of the brief will set forth the differences and distinctions between the variety of types of fees and assessments imposed by local governments

There will be no cost to the City for its participation in this effort However an adverse decision in the Supreme Court could ultimately result in the reduction or elimination of certain development fees

**\*4 Cell Site Lease Agreement with Cingular Wireless**

This matter was approved by order of the Consent Calendar

The Monrovia Police Department requested that the City enter into a lease agreement with Cingular Wireless for a co-location of their equipment onto the existing Police Department tower Doing this would greatly enhance cellular telephone coverage for the citizens of Monrovia as well as improve the appearance of the front and rear of the police facility's roofline In addition the City would receive additional revenue from the lease payments which



§54957 6 Agency Negotiator Theresa St Peter Group Employee Police Association and would not reconvene the City Council Meeting She stated that the report of Closed Session would be given at the next Regular City Council Meeting

1 Cyrus Kemp Monrovia again expressed his opinion as to the legality of the Closed Sessions being held for the interviews for Police Chief and Labor Negotiations and that they were in violation of the Brown Act

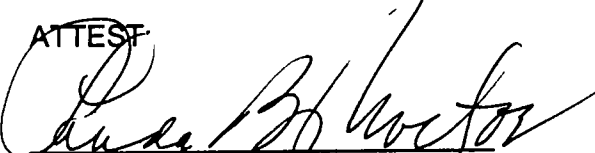
At the request of Mayor Blakely Assistant City Attorney Lynch stated again that the Attorney General Opinion Mr Kemp referred to focused on a very narrow issue and was in direct contrast with what the City Council does in the City of Monrovia and with all due respect she completely disagreed with the conclusions being drawn by Mr Kemp about what that Opinion stated

O **ADJOURN** Mayor Blakely adjourned the Meeting at 9 45 P M in memory of Craig Novell Edgar Stueve and William (Bill) E Van Buskirk Closed Session convened at 9 46 P M and adjourned at 10 50 P M All City Councilmembers with the exception of Councilmember Garcia and Mayor Pro Tem Hammond were in attendance

APPROVED

  
Lara Larramendi Blakely Mayor

ATTEST

  
Linda B Proctor CMC City Clerk

