

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, May 27, 2003, 7:30 P.M.**

CONVENE: Following a Study Session to discuss the 2003-2005 Fiscal Year Budget, at which all City Councilmembers were in attendance, in City Council Chambers, 6 00 P M to 7 15 P M , Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, May 27, 2003 at 7 37 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance were 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: Mayor Pro Tem Joe Garcia led the Flag Salute

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

REPORT OF CLOSED SESSION(S)

May 13, 2003

1. **Conference with Labor Negotiator pursuant to Government Code Section §54957.6. Agency Negotiator: Theresa St. Peter; Group Employee: All Employees: City Attorney Steele reported that direction was given to Staff, and that no reportable action was taken**

May 19, 2003

1. **Public Employee Performance Evaluation, Government Code §54957, City Manager: City Attorney Steele reported that no reportable action was taken**

PRESENTATIONS

1. **Recognition of Betty Sandford, Recipient of the Monrovia Arts Festival Association's 2003 Renaissance Award**

Mayor Rob Hammond introduced Betty Sandford, recipient of the Monrovia Arts Festival Association's 2003 Renaissance Award, to the Mayor, City Council and community Ms Sandford thanked and accepted a plaque from the City Council She then announced that the "Monrovia Reads" Van was available for inspection in front of City Hall

2. **Introduction of Soapbox Classic and Car Show Winners, Recognition of Monrovia Day Celebration Chairpersons Roger Johnson, Soapbox Classic; Linda Proctor, Jamboree Chairman; Terry Dochnahl, Car Shows; Karin Crehan, Sponsors; First Presbyterian Church, Pancake Breakfast; Marjorie Irvin, VIP Reception; Donna Baker, Parade Chairman; Queen and Court, Cindy York, KGEM, Jasen Lewis; and Monrovia Day Association President Mary Ann Lutz and Board of Directors**

April Soash, Director of Community Services, introduced the Soapbox Classic and Car Show winners, who brought their trophies back with them for picture taking with the City Council She introduced the Monrovia Day Celebration Chairpersons as follows Roger Johnson, Soapbox Classic, Linda Proctor, Jamboree Chairman, Terry Dochnahl, Car Shows, Karin Crehan, sponsors, First Presbyterian Church, Pancake Breakfast, Marjorie Irvin, VIP Reception, Donna Baker, Parade Chairman, Queen and Court, Cindy York, KGEM, Jasen Lewis, Dayshia Boykins, Youth Commissioners, and Monrovia Day Association President Mary Ann Lutz and her Board of Directors to the Mayor, City Council and community Each Chairman asked his/her respective volunteer committee members to come to the podium to be recognized

Taylor Bovinette's father thanked the City for its involvement in the events of last weekend, stating that it was a model for other cities to follow

PROCLAMATIONS:

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Dayshia Boykins 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, *I-2, *I-3, *I-4, *I-5, *I-6, *J-2, and *K.

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

*B. **MINUTES:** The Minutes of the Regular Meeting of May 13, 2003, were approved by order of the Consent Calendar

C. ORAL COMMUNICATIONS:

1 Rosemary Harrahill, Monrovia, thanked the City Council for the Blue Star flags on Huntington Drive, requested that the City Council consider a resident to sit on the DRC, and thanked all for the Monrovia Day events

2 Stephen Grollnek, Monrovia, thanked Staff and members of the City Council for the Brown Act information running on KGEM, questioned information presented at the Study Session preceding the City Council, and urged City Councilmembers not to take salaries due to the state deficit and potential loss of funds to the City

3 Cyrus Kemp, Monrovia, asked that a citizen representative be seated on the DRC

4 Clint Arsenault, Monrovia, requested information regarding painting of house numbers on the curbs, and reported results of his investigation of yard sales over the past weekend. He noted that he had given information to the City Clerk for updating the City of Monrovia's Yard Sale information documents to be paid for by Councilmember Kirby, and suggested that the information be published in the local newspapers.

5 Randy Singer, Monrovia, expressed his concern regarding the City's chain link fence regulation, and asked that the City Council allow him to retain the remaining chain link fence on the property instead of having to install an alternative, to be approved, material. Mayor Hammond stated that the matter needed to be referred back to Community Development Director Alice Grnselle as it had not been agendaized. City Attorney Steele explained why the City Council could not unilaterally suspend the ordinance that put the regulation into place.

Mayor Hammond called for a recess from 8 19 P M to 8 26 P M

D. PUBLIC HEARINGS/MEETINGS

1. **Tentative Tract Map No. 54345/Conditional Use Permit CUP2003-07 for Property Located at 616-620 West Palm Avenue by WF Construction, Applicant, Martha Lopez, 616 West Palm Avenue, Owner, and Vivian Gomez, 620 West Palm Avenue, Owner, and Team Manchester, LLC, Inc., Contractor**

Steve Sizemore, Planning Division Manager, reviewed the Staff Report

The applicant requested approval of a five lot Tentative Tract Map for a four (4) unit Planned Unit Development (PUD). The fifth lot is the common lot.

The subject property is located on the south side of West Palm Avenue between Mayflower and Violet Avenues. The property is zoned RM3500 (Residential Medium Density) allowing one dwelling unit per 3500 feet of lot area.

The General Plan and zoning for this area has been multiple-family for at least several decades. In 1993, it was down zoned from RH (Residential High Density) to RM3500, generally reducing the density from approximately three units per 50' wide lot to two units per lot. Consolidation of the two lots does not provide the opportunity for additional units. It does allow for the construction of ownership units as the minimum Planned Unit Development is four units. It also allows for less paving as one central driveway can be provided. The consolidation allows for flexibility in lot placement of the units with larger side yard setbacks and wider units.

The surrounding land use consists of single-family homes to the north and east, a duplex to the west and a single-family house and duplex to the south. Zoning to the east, west, north and south is Residential Medium Density (RM3500).

The proposed site plan consists of a four (4) unit detached, two-story planned unit development. Access to the site will be via a 20-foot wide central driveway. The proposed project complies with all applicable development standards including setbacks, open space, unit size, parking, and location of air conditioning units, etc.

The development features modern Craftsman architecture. The front units facing Palm Avenue provide a front porch and front facing door. Architectural detailing includes battered real river rock columns, stucco columns and wood porch rails. Craftsman style mullion windows, craftsman entry door, wood siding (on first and second floor on all sides) and exposed wood beams complete the architectural detailing of the units. Colors of the units will vary to differentiate the units and to accentuate the architectural details. The maximum height proposed is 24' to top of ridge.

On May 14, 2003, the Planning Commission held a Public Hearing to review the proposed project. Several neighbors addressed the commission and expressed concern about density, on-street parking and loss of privacy from the second floor windows of the new development. The Commission noted that the project did provide 4 two-car garages and two off-street parking spaces (not required by the code). They also indicated to the audience that the area has been zoned for multiple family development for many years.

To address neighborhood concerns, the Planning Commission revised the conditions of approval to utilize window treatment and/or landscaping to ensure neighborhood privacy (condition 30) and to have the off-street parking spaces restricted to guest parking (condition 31). Planning Staff has since worked with the applicants to design windows that are decorative yet opaque to provide privacy for neighbors to the east, west, and south. At the close of the Public Hearing, the Planning Commission unanimously recommended approval of the project.

PUBLIC HEARING OPENED. Mayor Hammond opened the Public Hearing

In favor

- 1 Mark Along, builder
- 2 Carlos Delgado, owner of property

Against

- 1 David Proctor, property owner, 623 West Lime Avenue
- 2 Shirley Ferris, property owner, 600 block West Lime Avenue

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to approve Tentative Tract Map No. 54345/Conditional Use Permit CUP2003-07 at 616-620 West Palm Avenue subject to the neighbors' concerns and to the recommendations in the Staff Report.

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 Hammond convened the Regular Meeting of May 27, 2003 of the Monrovia Redevelopment Agency Board of Directors at 8 54 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 Garcia, and Chairman Hammond

A CONSENT CALENDAR:

It was moved by Vice Chairman Garcia, seconded by Boardmember Adams, to approve the Consent Calendar consisting of Items *B.

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

***B MINUTES:** The Minutes of the Regular Meeting of May 13, 2003 were approved by order of the Consent Calendar

MRA REPORTS: None

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8 54 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E. BIDS. None

F. COMMUNICATIONS AND PETITIONS

***1 Receive and File; Application for ABC Beverage License (Type 41 On-Sale Beer and Wine) for Tidal Wave Restaurant Located at 414 South Myrtle Avenue**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Rafael Fajardo, Maria Fajardo and Juan Mercado 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, and Staff recommended that the City Council receive and file the application

***2. Denial of Liability Claim; Cynthia Lambert vs. City of Monrovia**

This matter was approved by order of the Consent Calendar

Ms Lambert claimed that on November 5, 2002, she tripped and fell in an alley in La Crescenta Her claim named the City of Monrovia as having responsibility for designing, building, repairing and maintaining said public alley

The attorney who prepared this claim on behalf of Ms Lambert was contacted He indicated they were unsure as to what jurisdiction had control over the City of La Crescenta when they prepared the claim The City of Monrovia has no jurisdictional control within the City of La Crescenta, therefore, it 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:

1 Mayor Hammond reported that

- (a) In light of members of the Staff and the City Council talking with Julie Austin, Foothill Transit, he believed that Monrovia was in contention for funds for the Transit Village
- (b) He attended and gave a brief report of the Memorial Day observances held yesterday at Live Oak Cemetery
- (c) ICSC Conference Mayor Pro Tem Garcia, Assistant City Manager Scott Ochoa and he attended the conference He gave a brief report, noting that they had conversations with interested parties for development of properties in south Monrovia, and that mixed uses had been discussed
- (d) He attended a meeting in Arcadia with representatives of other cities at which David Dreier and George Vinson, California Homeland Security Chief, was in attendance Items discussed was the funneling of dollars to the local level, funding Homeland Security from the local to the national level, and presuming that if the hometown was secure, then the homeland was secure Consequently, they believed that first responders should get the first pay

2. Mayor Pro Tem Garcia reported that

- (a) Legislative Action Days, Sacramento He reported that a delegation from Monrovia attended the Sacramento meetings on May 14 and 15, 2003, noting that it looked better for cities but that they would still be hit because of the State budget deficit He reviewed matters discussed during the two-day event

3. Councilmember Adams had no report at this time

4. Councilmember Kirby reported that

- (a) He had attended the Gang Summit meeting on May 23, 2003, and thanked the Task Force for presenting it
- (b) He asked that the matter of a citizen serving on the DRC be agendaized for the next Agenda
- (c) He stated that he appreciated the Monrovia Day event last weekend as a Councilmember and particularly as a resident

5. Councilmember Lutz reported that

- (a) She thanked the many hundreds of volunteers who worked on the Monrovia Day Association's birthday celebration last weekend
- (b) In response to her request, Chief Johnson gave a report regarding the Gang Summit meeting held in Pamela Park May 23, 2003

H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES: None

I. ADMINISTRATIVE REPORTS

1. Cancellation of Second City Council Meeting in August, 2003

Linda B Proctor, City Clerk, reviewed the Staff Report

As August is normally a slow month, the City Council has cancelled the second meeting in August since 1995 The cancellation of the second Council meeting in August affords Councilmembers a time to plan extended family vacations It is not an uncommon practice in other cities to cancel one or more meetings a year with proper notice to the public

In the event the City Council wished to cancel the second meeting in August, i e , August 19, 2003, discussion and action at this time would give the public proper notice It would also give Staff the needed time to plan ahead in the advertising and scheduling public hearings

Staff recommended cancellation of the second regular City Council meeting in August

It was moved by Councilmember Adams, seconded by Mayor Pro Tem Garcia, to cancel the August 19, 2003 City Council Meeting.

Resolution No 2003-27 called for the City Council to hold a required Public Hearing on the Levy and Collection of the Citywide Lighting and Landscaping Assessment District for Fiscal Year 2003-2004. The Hearing was scheduled for July 1, 2003.

***5. Fiscal Year 2003-2004 Park Maintenance Assessment District, Approve Engineer's Report, Resolution No. 2003-28, and Intention of Public Hearing on July 1, 2003, Resolution No. 2003-29**

This matter was approved by order of the Consent Calendar.

In accordance with the Landscaping and Lighting Act of 1972 and the provisions of Proposition 218, the City Council approved the establishment of the Park Maintenance District. The Park Maintenance District provides a portion of the funding for the maintenance of all City Parks. As part of the procedures the City must follow in connection with assessment districts formed under the Landscaping and Lighting Act of 1972 and assessment conditions of Proposition 218, an annual budgetary review of the proposed assessments is required.

The Engineer's Report for the levy and collection of Fiscal Year 2003-2004 assessments for the City of Monrovia Park Maintenance District described the maintenance work, budget and proposed assessment. The Engineer's Report will be approved by adoption of Resolution No. 2003-28. Resolution No. 2003-29 calls for the City Council to hold a required Public Hearing for the proposed amendments. The Public Hearing is scheduled for July 1, 2003.

***6. Legislative Bulletin**

This matter was approved by order of the Consent Calendar.

This report highlighted and summarized pending State legislation that may be important to Monrovia and provided a brief analysis of the potential impacts to the City. The recommendation made by Staff to support AB1495 reflected the City's priorities and programs, as well as the direction taken by the League of California Cities.

J. RESOLUTIONS & ORDINANCES

1. Amendment to Title 15 of the Monrovia Municipal Code Relating to Expanding the Definition of Excavations; Introduction and First Reading, Ordinance No. 2003-07

Doug Benash, City Engineer, reviewed the Staff Report, noting that this was the amended version of the ordinance that was presented at the last City Council Meeting, as directed by the City Council.

With the increased development of hillside lots, geotechnical excavation and subsurface investigation reports are being required as part of the Planning Division approval process and completed by property owners prior to the approval and issuing of any grading plans from the Public Works Department.

The expansion to the definition of "Excavations" in the Municipal Code allows the City to have control of these activities, plus building demolitions and removal of underground storage tanks. Prior review of a grading permit application will allow Public Works staff to require "Conditions of Approval" for the grading permit of new development.

The expansion of the definition will not impact minor grading exceptions which do not require grading permits. Minor grading activities are typically less than 12 inches in depth and do not redirect or concentrate drainage flows, or are of negligible hazard. Examples of typical minor grading activities would include landscaping, plantings, or fence installation. These are reviewed by the Planning Division on a case by case, site specific field review by the engineers with an emphasis on what is "reasonable" for the property owner.

It was moved by Mayor Pro Tem Garcia, seconded by City Councilmember Lutz, to introduce and waive further reading of Ordinance No. 2003-07, and to read by title only Ordinance No 2003-07. As there were no objections, 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

***2 Zone Change ZC2003-01 Changing the Land Use and Zoning Designations from Residential to Hillside Wilderness Preserve for the Former Woodward Property, Second Reading and Adoption of Ordinance No 2003-04**

This matter was approved by order of the Consent Calendar

This was the second reading and final adoption of Ordinance No 2003-04 changing the land use and zoning designations from Residential to Hillside Wilderness Preserve for the former Woodward property Staff continued to recommend approval of this Ordinance

***K. PAYROLL & VOUCHERS.** Payroll No 11 in the net amount of \$428,540 00, and Voucher Numbers 110801 through 111139 non-sequentially in the amount of \$1,542,812 94 were approved by order of the Consent Calendar

L SCHEDULED MEETINGS.

A Study Session to discuss the 2003-2005 Fiscal Year Budget will be held in City Council Chambers, 6 00 P M to 7 15 P M , on June 3 and 4 (tentatively), 2003, City Council Chambers, 415 South Ivy Avenue, Monrovia, California

Councilmember Adams announced that he would not be in attendance at the Budget Study Sessions noted above

The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday, June 10, 2003, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

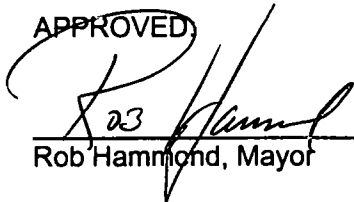
Note Beginning Tuesday, July 1, 2003 the Regular Meetings of the Monrovia City Council will be held on the first and third Tuesday of the month

M. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED: None

N CLOSED SESSION: Mayor Hammond announced that the City Council would adjourn to Closed Session to Conference with Labor Negotiator pursuant to Government Code Section §54957 6 Agency Negotiator Theresa St Peter, Group Employee Police Officers Association and that it would not be returning to Council Chambers A report of Closed Session will be given at the next Meeting of the City Council

O. ADJOURNMENT. The Meeting was adjourned at 9 19 P M Closed Session convened at 9 20 P M and concluded at 10 15 P M

APPROVED


Rob Hammond, Mayor

ATTEST


Rachael A. Hughes, Deputy City Clerk