

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JULY 5, 2005, 7:30 P.M.**

CONVENE: Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, July 5, 2005 at 7:35 P.M. in City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Study Session, from 6:14 P.M. to 6:59 P.M., to discuss 2005-07 Fees and Charges (at which all City Councilmembers, with the exception of Mayor Hammond, were in attendance). Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Linda B. Proctor.

INVOCATION: Dr. John Mastrogiovanni, Pastor, 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.

PRESENTATIONS:

1. Recognition of Charlotte and Lee Schamadan, Recipients of the Monrovia Arts Festival Association's 2005 Renaissance Award

Mayor Hammond and the City Council presented Charlotte and Lee Schamadan, recipients of the Monrovia Arts Festival Association's 2005 Renaissance Award, with a Certificate of Recognition for their award recognizing individuals in the community who have contributed to Monrovia's cultural betterment and enrichment.

2. Recognition of the Krikorian Premier Theater for its "Dust to Glory" Donation

Director of Community Services April Soash assisted the Mayor and City Council in recognizing Krikorian Theatres and Mr. Ted Goldbeck with a Certificate of Recognition for the generous donation of \$1,284.00 to the Monrovia Public Library. This donation came from the "*Dust to Glory*" movie premiere proceeds to be used to support library services and programs.

3. Recognition of Monrovia Day Association for the 2005 Monrovia Birthday Celebration, and the Soap Box Classic Sponsors

The Mayor and City Council recognized the Monrovia Day Association for its presentation of the 2005 Monrovia Day Parade and the sponsors of the 2005 Monrovia Birthday Celebration and the Soap Box Classic. President Donna Baker thanked the many volunteers who worked on the event. Community Services Director April Soash presented plaques on behalf of the Chamber of Commerce to the four gold and bronze sponsors, and read the list of the many sponsors of a \$1,000.00 and less.

4. Recognition of 2005 Leadership Academy Graduates

Charlotte Schamadan introduced the 2005 Monrovia Leadership Academy graduates and assisted Mayor Rob Hammond in congratulating them upon completion of the program. The Leadership Academy was a program to prepare Monrovians to assume leadership roles throughout the community by educating them about the cooperative partnership between the City, the School District, private businesses and community organizations in Monrovia.

5. Recognition of Girl Scout Gold Awardee Juliana Capra, Senior Girl Scout, Troop 770

Juliana Capra was recognized by the Mayor and City Council for receiving the Senior Girl Scout Gold Award, highest award available to Girl Scouts. The Gold Award project required at least 50 hours of community service and had to meet an expressed need in the community, serve people beyond Girl Scouting, and result in a discernible outcome that would continue beyond completion of the project.

PROCLAMATIONS: None

STUDENT GOVERNMENT REPRESENTATIVE REPORT: To resume in September

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-1, *I-2, *I-3, *I-4, and *J. There were no objections. Mayor Pro Tem Lutz abstained from voting on *B, Minutes, as she was not in attendance at the June 21, 2005 Meeting.

***B. MINUTES:** The Minutes of the Regular Meeting of June 21, 2005 were approved by order of the Consent Calendar.

C. ORAL COMMUNICATIONS:

Those speaking were:

1. Dr. John Mastrogiovanni, Monrovia
2. Ryan Nevins, Duarte
3. Rodney Jefferson, Monrovia
4. Ellen Zunino, Monrovia
5. Cyrus Kemp, Monrovia

D. PUBLIC HEARINGS/MEETINGS:

1. Tentative Tract Map No. 063023/Conditional Use Permit CUP2005-13 to Construct a Four-Unit, Two-Story, Detached Planned Unit Development at 143 West Cherry Avenue by Meiloon Cherry, LLC, Developer

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

The property was located on the north side of West Cherry Avenue, just east of Primrose Avenue. The property was 75' wide and 179' deep with a total area of 13,425 square feet. The property was zoned RH (Residential High Density). The neighborhood was a mixture of multi- and single family residential uses.

The existing structures would be demolished and replaced with the proposed four-unit PUD. The proposal met or exceeded all of the development standards of the Zoning Ordinance; no variances were requested.

On June 15, 2005, the Planning Commission held a Public Hearing to review the proposed development. The Commission voted (5-2) to recommend approval to the City Council of the application without the prohibition of front yard fencing.

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 Garcia, seconded by Mayor Pro Tem Lutz, to approve Tentative Tract Map No. 063023 and Conditional Use Permit CUP2005-13 pursuant to the recommendations in the Staff Report. There were no objections.

2. Tentative Tract Map No. 062936/Conditional Use Permit CUP2005-15/Variance V2005-04 to Construct a Four-Unit, Two-Story, Detached Planned Unit Development at 222-224 East Chestnut Avenue by K & J Construction, Developer

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

The subject site was comprised of two lots on the south side of Chestnut Avenue, between Ivy Avenue and Canyon Boulevard. Together the lots were 75 feet wide and 160 feet deep for a total area of 12,000 square feet. The property was zoned RM/RH (Residential Medium/Residential High Density) permitting up to four units on this site.

The proposal met or exceeded all of the development standards of the Zoning Ordinance with the exception of the Variance request.

Pursuant to the demolition ordinance, the Historic Preservation Commission (HPC) determined that the structures did not meet the criteria for historic landmark designation and could be demolished.

The Planning Commission voted to recommend approval to the City Council at its duly noticed meeting of June 15, 2005.

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 Kirby, seconded by Councilmember Adams, to approve Tentative Tract Map TTM 062936/Conditional Use Permit CUP2005-15/Variance V2005-04 pursuant to the recommendations in the Staff Report. There were no objections.

Mayor Hammond called for a recess from 8:21 P.M. to 8:32 P.M.

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

CONVENE: Chairman Rob Hammond convened the Regular Meeting of July 5, 2005 of the Monrovia Redevelopment Agency Board of Directors at 8:32 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 Councilmember Kirby, seconded by Councilmember Adams, to approve the Consent Calendar consisting of Item *B. There were no objections with the exception of Vice-Chairman Lutz who abstained as she was not in attendance at the June 21, 2005 Meeting.

***B. MINUTES:** The Minutes of the Regular Meeting of June 21, 2005 were approved by order of the Consent Calendar.

MRA REPORTS:**1. Public Hearing; Opened and Continued from June 21, 2005; Request to Approve Resolution of Necessity No. 8-2005 Concerning Real Property Located at 410 East Duarte Road, Owned by Bernard Buller**

Kevin O'Brien, Redevelopment Division Manager, reviewed the Staff Report.

Over the last twenty years, the Agency had worked to acquire several troubled properties in the Monrovista neighborhood. The properties were acquired with housing set-aside funds, and the Agency's ultimate goal had been to develop much needed, safe and sanitary housing that would be affordable to moderate income buyers. In addition to providing much needed housing, the project also contributed to the elimination of blight in the neighborhood. A site that was essential to the overall success of the Agency's redevelopment effort, was the property located at 410 East Duarte Road. The Agency first began discussions with the property owner in 1999. At that time, he indicated that he was not interested in selling. Because plans for the redevelopment of the site were not finalized, the Agency agreed to delay proceeding with the acquisition until the project was ready to move forward.

The site, which had progressively deteriorated for a number of years, was a former gasoline filling station, now used for an automotive repair yard. Last year, the decision to proceed with a housing project was made, and the property owner was again contacted regarding the Agency's interest in the property. The property was appraised by an independent appraiser, and an offer to purchase was made, based on this appraisal. The owner continued to say that he did not want to sell the property, and indicated that he believed the appraisal was deficient. He provided a number of comparable sales which were then analyzed in an updated appraisal. A second offer was presented based on this new appraisal. As was the case in the first offer, the owner again indicated that he did not wish to sell the property, and did not provide a reply to the offer. A follow-up letter was sent to the property owner which increased the Agency's offer by \$50,000.00 and provided a number of additional incentives. Once again, the owner did not respond to this amended offer, and also declined telephone requests to meet with Agency Staff. Because of the lack of meaningful dialog, Staff had concluded that the exercise of its eminent domain authority was required to permit this important project to move forward.

The first step required to acquire the site pursuant to eminent domain was for the Agency to adopt a Resolution of Necessity. After adopting the resolution, an eminent domain action could then be filed with the Superior Court. At the trial, both the Agency and the property owner could offer evidence to the court for the value of the property. The property owner also had the opportunity to challenge the Agency's right to take the property. In the event the Court affirmed the Agency's right to take, the Court would determine the amount of compensation the owner would receive for the property. Agency Staff intended to continue to attempt to negotiate with the property owner throughout the process.

As part of the Resolution of Necessity, the Agency notified the owner of the opportunity to appear at this Public Hearing. The Board would be asked to make the following statutory findings as part of the Resolution of Necessity:

- (1) The public interest and necessity required the proposed project.
- (2) The proposed project was planned or located in the manner that would be most compatible with the greatest public good and the least private injury.
- (3) The subject property was necessary for the proposed project.
- (4) The offer required by Section 7267.2 of the Government Code had been made to the owners of record.

Staff recommended that the Agency make the necessary findings, and adopt the Resolution of Necessity for the property at 410 East Duarte Road.

PUBLIC HEARING OPENED: Chairman Hammond opened the Public Hearing:

Those opposed:

1. Peter Wallin, attorney for Bernard Buller
2. Ben Timmerman, Monrovia
3. Ellen Zunino, Monrovia
4. Cyrus Kemp, Monrovia
5. Bernard Buller, Property Owner

Those in favor:

None

After much discussion, it was moved by Boardmember Adams, seconded by Boardmember Garcia, to find that the public interest and necessity required the proposed project; that the proposed project was planned or located in the manner that would be most compatible with the greatest public good and the least private injury; that the subject property was necessary for the proposed project; and that the offer required by Section 7267.2 of the Government Code had been made to the owners of record; and to adopt Resolution No. 8-2005, approving the Resolution of Necessity to acquire the property at 410 East Duarte Road for public purposes, but not for a 7-11 Store.

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

MRA ADJOURNMENT: Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 9:39 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

CONVENE MONROVIA FINANCING AUTHORITY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

CONVENE: President Rob Hammond convened the Regular Meeting of July 5, 2005 of the Monrovia Financing Authority Board of Directors Meeting at 9:39 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

ROLL CALL: In attendance were Authority Commissioners Tom Adams, Joe Garcia, Dan Kirby, Vice-President Mary Ann Lutz, and President Rob Hammond.

A. CONSENT CALENDAR: It was moved by Authority Commissioner Adams, seconded by Authority Commissioner Garcia, to approve the Consent Calendar consisting of *B. There were no objections, with the exception of Vice-Chairman Lutz who abstained as she was not in attendance at the June 21, 2005 City Council Meeting.

***B. MINUTES:** The Minutes of the Regular Meeting of June 21, 2005 were approved by order of the Consent Calendar.

MFA REPORTS: None

MFA ADJOURNMENT: President Hammond adjourned the Monrovia Financing Authority Meeting at 9:40 P.M. and the City Council Meeting continued.

RECONVENE MONROVIA CITY COUNCIL MEETING

F. COMMUNICATIONS AND PETITIONS

*1. Denial of Liability Claim; Ricardo Gomez vs. City of Monrovia

This matter was approved by order of the Consent Calendar.

Mr. Gomez alleged that on May 28, 2005, he was wrongly cited and jailed by Monrovia Police personnel. Additionally, his car was impounded. As a result, he suffered mental anguish.

Mr. Gomez was initially stopped for not wearing a seatbelt. It was subsequently determined that his driver's license was suspended and he had no proof of liability insurance. Accordingly, his vehicle was towed and stored. Monrovia Police personnel handled this incident in an appropriate manner. Therefore, the City bore no responsibility in this matter.

Claimant sought approximately \$3,000 in damages. Staff recommended that Council deny this claim.

F. COMMUNICATIONS AND PETITIONS: None

G. REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES:

1. Mayor Hammond reported that:

(a) He thanked Assistant to the City Manager Tito Haes and Management Trainee Diane Delmatoff, in particular, as well as members of MOTAB who were the financial arm of the event, and the downtown merchants who allowed the 4th of July celebration to be held on Myrtle Avenue.

(b) Appointment of Commissioners and Boardmembers: It was moved by Mayor Hammond, seconded by Councilmember Adams, to appoint the following to Commissions and Boards: Planning Commission, three year term, Maria Guerra, Eric Faith, Don Theall, and two year term, Glen Owens; Historic Preservation, three year term, Jimi Hendrix, Coulter Winn, and two year term, Hany Malak, and one year term, Marianna Lee; Monrovia Old Town Advisory Board, two year term, Paul Kalemkarian, Brian Whelan, and one year term, Jerry Brascia; Community Services, three year term, Becky Shevlin, Paul Larsen, and one year term Deborah Showers-Kelly; Library Board, three year term, Gail LaBau and Louise Wright Robertson. There were no objections.

Mayor Hammond thanked all who applied, and for those not chosen, stated that there was a place for each of them to volunteer in the City of Monrovia, and that he hoped they would pursue those opportunities.

2. Mayor Pro Tem Lutz reported that:

(a) She attended the June 13, 2005 Entretec Entrepreneurship Award Dinner where Guidance Software won the award for business achievements of high-tech companies in the 134/210 corridor that achieved significant product and market milestones shown by either customer commitments or early revenues.

(b) She echoed comments from other City Councilmembers in thanking the entire Staff who worked so hard on the 4th of July event, the merchants who allowed the street closed once again, and the citizens for coming to the celebration.

3. Councilmember Adams had no report at this time.

4. Councilmember Garcia reported that:

(a) He thanked everyone who assisted in putting the 4th of July event together.

5. Councilmember Kirby reported that:

(a) He thanked all of those who had a part in providing the 4th of July celebration and fireworks downtown as well as those who were in attendance.

H. REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES: None**I. ADMINISTRATIVE REPORTS*****1. Well Field Site Security Gate Installation Project, Acceptance of Work, Notice of Completion, and Final Payment to Facility Operations Plus, in the Amount of \$4,895.00**

This matter was approved by order of the Consent Calendar.

On March 1, 2005, the City Council awarded a contract to Facility Operations Plus, Monrovia, in the amount of \$48,950.00 for the installation of an electronically controlled security gate at the Well Field site.

Staff reviewed the contractor's work throughout the construction progress and found it to be completed in accordance with the specifications and in a satisfactory manner. Funds were available in the Water Fund.

***2. Space Saver Shelving Purchase for the Property and Evidence Room from McMurray Stern – The Storage Solutions Group, in the Amount of \$38,773.82**

This matter was approved by order of the Consent Calendar.

Police Department Staff requested that Space Saver shelving for the Property and Evidence room be purchased. The new shelving would provide the additional space required for existing evidence, and provided for future growth and organization of stored evidence. The sole distributor of Space Saver shelves in Southern California was McMurray Stern – The Storage Solutions Group. This was the organization the department used to purchase Space Saver shelves 1994, as well as service when repair or maintenance was needed. Funds were available in the department's Expenditure Control Budget savings.

***3. Set for Public Hearing on July 19, 2005; Protest Hearing, Annual Weed Abatement Charge List, County of Los Angeles, Department of Agricultural Commissioner/Weights and Measures**

This matter was approved by order of the Consent Calendar.

The Los Angeles County Department of Agricultural Commissioner/Director of Weights and Measures annually identified properties which were been found by inspections to contain weeds or brush and/or rubbish, constituting an existing or potential hazard to the health and safety of adjacent property owners. Owners of these properties were then notified that a Protest Hearing would be held before the City Council.

All affected property owners were notified that the County would request confirmation of its report confirming charges for the clearance of the properties at the July 19, 2005 City Council Meeting. Approval of the abatement costs would allow the County Auditor to enter the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

***4. Ratification of Action to Close Monrovia Canyon Park from July 1-4, 2005**

This matter was approved by order of the Consent Calendar.

Historically, the Fire Department closed Monrovia Canyon Park on the 4th of July holiday. Due to the extreme fire conditions, the closure was extended from July 1, 2005 through July 4, 2005. The 4th of July historically attracted large numbers of people who wanted to have cookouts in parks and recreation areas. Fireworks were dangerous and illegal in Monrovia, and unsupervised barbecuing by numerous people could be dangerous in Canyon Park during fire season when the City typically experienced hazardous fire conditions.

Closure of Canyon Park was a standard fire prevention tool that had been successfully utilized for years. It was the Fire Department's desire to continue that practice in order to protect the public health, safety and welfare.

5. Memorandum of Understanding; Amend Personnel Rules and Regulations to Provide for Compensation and Supplemental Benefits Effective Fiscal Year 2004-2005 for Certain Police Employees, Appendix "G", Resolution No. 2005-37

Theresa St. Peter, Director of Human Resources, reviewed the Staff Report.

It was the City's practice since the late 1970's to endeavor to compensate its employees at a competitive rate. Therefore, Staff surveyed approximately fourteen of the neighboring cities to determine salary and benefit levels provided to their employees. This assisted Staff in ensuring that it was able to recruit and retain quality employees. The proposed adjustments provided salary and benefit adjustments that were in parity with the total compensation of the survey cities, as well as appropriate internal alignment.

A re-opener for the current Agreement with Police employees provided for salary adjustments based on total compensation survey information obtained to be effective the first pay period for fiscal year 2005-06.

The proposed adjustments provided for an average salary increase of 3.9% for Monrovia Police Officer Association employees. The total cost to the General Fund to provide for the recommended salary increase was \$181,563.00. This amount was incorporated in the City's budget for fiscal year 2005-06. Staff recommended that City Council adopt Resolution No. 2005-37.

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to adopt Resolution No. 2005-37. There were no objections.

***J. PAYROLL & VOUCHERS:** Payroll No. 13 in the net amount of \$469,029.39, and Voucher Numbers 126376 through 126688 non-sequentially in the amount of \$1,308,918.52 were approved by order of the Consent Calendar.

K. SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, July 19, 2005, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Salute to Service, 7:00 P.M., City Council Chambers. The August 16, 2005 City Council Meeting had been cancelled.

L. ORAL COMMUNICATIONS, CONTINUED, IF NEEDED: None

M. ADJOURNMENT TO CLOSED SESSION: At 9:49 P.M., Mayor Hammond announced that the City Council would adjourn to Closed Session to discuss the following matters:

1. Conference with Labor Negotiator pursuant to Government Code §54957.6. Agency Negotiator: Theresa St. Peter; Group Employees: Monrovia Municipal Employees Association
2. Conference with Legal Counsel; Existing Litigation pursuant to Government Code §54956.9(a), Name of Case: Mary Albaidy, Case No. 32412
3. Conference with Legal Counsel, Government Code §54956.9(a); Workers Compensation Claim, Sam DiGiovanna vs. City of Monrovia, Case Nos. 03-33421 and 05-38675

N. RECONVENE AND REPORT OF CLOSED SESSION: Mayor Hammond reconvened the City Council Meeting at 10:30 P.M. City Attorney Steele reported as follows:

1. Conference with Labor Negotiator pursuant to Government Code §54957.6. Agency Negotiator: Theresa St. Peter; Group Employees: Monrovia Municipal Employees Association: Non-disclosure of otherwise reportable action taken was authorized under §54957 as negotiations were not completed.
2. Conference with Legal Counsel; Existing Litigation pursuant to Government Code §54956.9(a), Name of Case: Mary Albaidy, Case No. 32412: The City Council reviewed the case and authorized a settlement.
3. Conference with Legal Counsel, Government Code §54956.9(a); Workers Compensation Claim, Sam DiGiovanna vs. City of Monrovia, Case Nos. 03-33421 and 05-38675: The City Council reviewed the case; however, negotiations were not completed.

ADJOURNMENT: Mayor Hammond adjourned the Meeting at 10:30 P.M. in memory of John Crehan.

APPROVED:

Rob Hammond, Mayor

ATTEST:

Linda B. Proctor, MMC, City Clerk