

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, SEPTEMBER 7, 2004, 7 30 P M**

CONVENE Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, September 7, 2004 at 7 38 P M in City Council Chambers, 415 South Ivy Avenue, Monrovia, California Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A Steele, and City Clerk Linda B Proctor

INVOCATION City Clerk Proctor gave the Invocation

PLEDGE OF ALLEGIANCE Mayor Pro Tem Joe Garcia led the Flag Salute

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

REPORT OF CLOSED SESSION(S)

August 3, 2004

1 Conference with Labor Negotiator Pursuant to Government Code Section §54957 6 Agency Negotiator Theresa St Peter, Group Employees Monrovia Firefighters' Association, Managers, Mid-Managers, and Elected and Appointed Employees Mayor Hammond reported that direction was given to Staff and no reportable action was taken

PRESENTATIONS

1 **Neighborhood Pride Program Award Winners, Single Family/Owner Occupied Category for Property Located at 324 West Palm Avenue, Owner Peggy Mollenkopf, and Multi-Family Rental Category for Property Located at 220 West Palm Avenue, Owners Eduardo and Isabel de Vera**

Neighborhood Preservation Supervisor Bill Skiles and Sr Neighborhood Preservation Officer Alice Campos introduced the Neighborhood Pride Program award winners to the Mayor, City Council and the community

The Neighborhood Pride Award recognized property owners for maintaining outstanding properties The program recognized two categories of properties - single family, owner-occupied and multi-family rental This quarter's recipient in the single-family owner-occupied property was Peggy Mollenkopf, and multi-family rental property owners, Eduardo and Isabel de Vera, who were unable to attend

PROCLAMATIONS None

STUDENT GOVERNMENT REPRESENTATIVE REPORT Student Liaison Pamela Cheng reported on activities at Monrovia High School

A CONSENT CALENDAR

D PUBLIC HEARINGS / MEETINGS**1 Historic Landmark HL-71/Mills Act Contract MA-67 for Property Located at 239 North Canyon Boulevard by Owners Paul and Susan Luhring, Resolution No 2004-52**

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

This two-story Craftsman style home was built in 1910 and had approximately 2,080 square feet. It had a low-pitched gabled roof, broad eaves, full width front porch and bracketed gable ends and sat on a 9,375 square foot lot. A new two-car garage was built in 1984 and was constructed to blend in with the architecture of the home.

The applicant also requested approval of a Mills Act Contract, which would provide tax savings for the homeowner. The City would lose a small portion of the property tax collected on the property. This gave the City the ability to attach conditions to assure its preservation and enhancement. Based on the applicant's Rehabilitation Plan, the Commission placed conditions on the Mills Act that will fully restore the property within 10 years.

At its meeting of July 28, 2004, the Historic Preservation Commission determined that the house met the required criteria for designation and voted unanimously to recommend approval of Historic Landmark status and execution of a Mills Act Contract.

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 Adams, seconded by Mayor Pro Tem Garcia, to approve Resolution No 2004-52 designating the property at 239 North Canyon Boulevard, Landmark Number 71 and approve entering into a Mills Act Contract with the conditions of approval.

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

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

CONVENE Chairman Rob Hammond convened the Regular Meeting of September 7, 2004 of the Monrovia Redevelopment Agency Board of Directors at 8:45 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

ROLL CALL Those in attendance were Boardmembers Tom Adams, Dan Kirby, Mary Ann Lutz, Vice-Chairman Joe Garcia, and Chairman Rob Hammond.

A CONSENT CALENDAR

It was moved by Vice-Chairman Garcia, seconded by Boardmember Kirby, to approve the Consent Calendar consisting of Item *B. There were no objections.

***B MINUTES** The Minutes of the Regular Meeting of August 3, 2004 were approved by order of the Consent Calendar.

MRA REPORTS None

MRA ADJOURNMENT Chairman Hammond adjourned the Monrovia Redevelopment Agency Meeting at 8 45 P M and the City Council Meeting continued

RECONVENE MONROVIA CITY COUNCIL MEETING

E BIDS None

F COMMUNICATIONS AND PETITIONS**1 Annual Report by Community Media of the Foothills (CMF), Introduction of Newly Elected Boardmembers**

CMF's Executive Director Jasen Lewis explained that Community Media of the Foothills was a local non-profit public-benefit corporation that contracted with the City to provide training, programming and play-out on Monrovia's Public Access, Education and Government cable television channels. The organization recently completed another successful year of local cable-casting after moving into its new studios at the Mary Wilcox Youth Center, and last month held its annual Board of Directors election which saw two incumbents returned to the Board and two new members elected. He presented the annual report and introduced members of the Board of Directors in attendance—Margaret Madrid, Michael Wong, Walt Shelly, Karen Kelly, and Brenda Trainor. Mr Lewis announced upcoming events and activities.

***2 Denial of Liability Claim, Aurelio Carlos vs City of Monrovia**

This matter was approved by order of the Consent Calendar.

Mr Carlos was confined to a motorized scooter. He asserted that on February 17, 2004, he was injured while riding a Monrovia Transit bus due to a negligent or wrongful act or omission of the bus driver. The claimant sought an unspecified amount of damages.

The City of Monrovia contracted with Southland Transportation to operate and maintain the Monrovia Transit buses. As such, Southland Transportation covered the City as an additional insured for the operation of Monrovia Transit. Therefore, the City bore no responsibility in this matter.

The claimant was notified to contact Southland Transportation regarding this incident. Staff recommended that City Council deny this claim.

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES**1 Mayor Hammond reported that**

(a) AB712 Update In 1998, SB 1847 established the Los Angeles to Pasadena Metro Blue Line Construction Authority. The single purpose construction authority was given the necessary authority to plan, design, and construct a light rail project from downtown Los Angeles to Claremont. The project was renamed by the MTA from the Blue Line to the Gold Line last year. Phase I of the Gold Line, with representatives from each city involved, opened under budget and on schedule. Phase II would pass through ten San Gabriel Valley cities along an existing right of way. These cities wanted a voice in overseeing Phase II of

the project as was given the cities of Phase I, as each city would have a Gold Line station. Consequently, AB 712 was to clarify the existing legislation and provide for the desired representation. The legislation, authored by Assemblymen Carol Liu and others, which would then have created a structure to take over the design of the construction for the extension of the Gold Line from Pasadena to Claremont, was not successful in itself, but did solve several outstanding problems confronting Phase II as three of the 4 crucial elements did get through-- the ability to accept money directly, the ability to act with autonomy as far as the construction project, and the ability to have a governance structure for each community along the lines of the extension. He further stated that each City was committed to the completion of the Gold Line.

(b) New Hours for City Hall Mayor Hammond stated that as of September 10, 2004 City Hall would be opened from 7 00 A M to 6 00 P M from Monday through Thursday, and 7 00 A M to 5 30 P M on Fridays. He remarked that this had been a collaborative effort on the part of City Councilmembers and Staff. He explained the reasons for the Friday closures in the early 1990's.

2 Mayor Pro Tem Garcia reported that

(a) He wished all a welcome back from summer, and reported that he would be attending the Annual League of California Cities commencing on September 19, 2004 in Long Beach, where he will be voting on resolutions to be implemented for the year.

3 Councilmember Adams reported that

(a) Maintenance of Military Memorials There are many monuments to our military, living and dead, scattered throughout the City. Even though none were put into place by the City, he asked that Public Works Department come together to present a plan to maintain these memorials.

4 Councilmember Kirby reported that

(a) Now that school had begun, traffic patterns would change. He encouraged all to be extra careful.

(b) He noted that Foothill Boulevard was still under construction and that it was taking a little longer to complete, but that it would be done and would be done right.

(c) He asked Staff to get a detailed procedure of what the Trails Committee's objectives were for the next City Council Meeting.

5 Councilmember Lutz reported that

(a) Women's Equality Day She explained the significance of Women's Equality Day. She stated that in 1920, females were given the right to vote, noting that Congress, in 1971, proclaimed that August 26 of each year would be celebrated as Women's Equality Day.

H REPORTS OF COMMISSIONS, BOARDS AND COMMITTEES None

I ADMINISTRATIVE REPORTS

1 Declaration of Vacancy of the Office of the City Treasurer by City Clerk Linda B Proctor, Procedural Alternatives and Processes by City Manager Scott Ochoa, Discussion and Possible Action Regarding Filling of City Treasurer Vacancy

City Clerk Linda B Proctor officially informed the City Council that, as of September 1, 2004, a vacancy had occurred for the Office of the City Treasurer due to the retirement of Patricia Ostrye.

City Manager Scott Ochoa reported that the options the City Council could take were appointment of a new City Treasurer to take office until the next regularly scheduled election.

(March 8, 2005), calling for a special election, which was not feasible as there was not enough time to call for an election during the November 2, 2004 Presidential election, or appoint City Clerk Proctor to interim City Treasurer, as she, as well as other City Clerks in the past, had acted as Deputy City Treasurer in the absence of the City Treasurer who was either on vacation or ill

After discussion, it was moved by Mayor Pro Tem Garcia, seconded by Councilmember Kirby, to appoint City Clerk Linda B Proctor as Interim City Treasurer until a successor is elected in the next General Municipal Election on March 8, 2005

ROLL CALL

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

2 Amendment of Section 15 44 of the Monrovia Municipal Code Relating to the Monrovia Endowment for the Arts, Introduction and First Reading of Ordinance No 2004-20

Tito Haes, Assistant to the City Manager, reviewed the Staff Report

In February 2004, the City Council adopted the Art in Public Places Ordinance The Ordinance assessed a one percent fee on commercial projects over \$1 million to be used to fund art in public places In addition, Staff and the City Attorney were directed to take the necessary steps to form the Monrovia Endowment for the Arts

Monrovia Municipal Code Section 15 44, Art in Public Places, required amending in order to establish a non-profit Monrovia Endowment for the Arts This Endowment would be an ad-hoc board assigned to review and recommend to the City Council art projects that fall under the Art in Public Places ordinance In addition, this endowment would serve as the initial Board of Directors for the Art in Public Places Fund

Ordinance No 2004-20 would amend the Art in Public Places ordinance to state, "the Art in Public Places Fund will be accounted for separately and not be used for general governmental purposes In lieu art fees deposited into the Fund shall be expended for permitted purposes within five (5) calendar years of deposit "

Further, Staff recommended that the Monrovia Endowment for the Arts consist of the following five members appointed by the City Council

- One member of the City Council (to serve as Chair)
- One member of the Planning Commission
- One member of the Community Services Commission
- One member of the Historic Preservation Commission
- One Monrovia resident at large

Section 7 of this Ordinance would direct Staff and the City Attorney to prepare and file the necessary documents to incorporate the non-profit Monrovia Endowment for the Arts with the Members of the Endowment to serve as the Board of Directors

After discussion, It was moved by Mayor Pro Tem Garcia, seconded by Councilmember Kirby, to introduce and waive further reading, and read by title only Ordinance No 2004-20, amending Monrovia Municipal Code Section 15 44, the Art in Public Places Ordinance to establish the Monrovia Endowment for the Arts

ROLL CALL

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

3 Memorandum of Understanding, Amend Personnel Rules and Regulations to Provide for Compensation and Supplemental Benefits Effective Fiscal Year 2004-2005 for Fire Employees, Appendix "A," Resolution No 2004-48, Elected and Appointed Employees, Appendix "D," Resolution No 2004-49, and Mid-Management Employees, Appendix "H," Resolution No 2004-53

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

It has been the City's practice, going back to 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. 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.

The current Agreements with Fire employees expired June 26, 2004. Negotiations were now completed, with a recommendation for a three-year Agreement effective fiscal year 2004 through 2007.

A total compensation survey was also completed each year for Elected and Appointed as well as Mid-Management employees.

The proposed adjustments provided for a 3.72% increase for City Clerk and an average salary increase of 4% for Fire employees effective June 27, 2004, and the first pay period of calendar year 2005. For fiscal year, 2005-06 and 2006-07, compensation would be adjusted to maintain Fire employees 5% above the survey average. Effective fiscal year 2005-06, the City would adopt the PERS Employer Member Contribution Program (EPMC) for all members of the Fire bargaining unit. The proposed Agreement would also include re-openers related to overtime and potential amendment of future retirement benefits.

Effective the first pay period of calendar year 2005, the City would adopt the PERS Employer Member Contribution Program (EPMC) for all members of the Mid-Management unit.

The total cost to the General Fund to provide for the recommended salary and benefit increases was \$181,214.00. This amount was incorporated in the City's budget for fiscal year 2004-05. Staff recommended that City Council adopt Resolution Nos 2004-48, 2004-49 and 2004-53.

Cyrus Kemp and Stephen Miller, Monrovia, spoke in opposition of the matter.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to approve Resolution Nos 2004-48, 2004-49 and 2004-53

ROLL CALL

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

4 Renewal of Ten-year Agreement with Verdugo Fire Communications Center for Dispatching Services

Fire Chief Sam DiGiovanna reviewed the Staff Report

The City of Monrovia became a member of the Verdugo Fire Communications Center in July 1999. The facility was built in 1994 and stated to be truly a state-of-the-art communications center. Verdugo served a combined population of 634,550 and covered an area of 111 square miles with thirty-three fire stations with 97 pieces of equipment, and, last year, dispatched 51,441 incidents.

The Center provided increased resources and management for major incidents that individual departments could not provide, such as Dedicated Fire/EMS Dispatching, and Fast access to OES Region 1 resources, and shared costs. The alternative to Verdugo Fire Communications System was self-dispatch, which was neither cost effective nor nearly as efficient.

The cost to the City of Monrovia was determined by multiplying the City's number of calls dispatched during the preceding calendar year by the cost per call of the Verdugo cities. The projected charges for FY 2004/2005 were \$130,096.00 with a charge per call of \$42.13. In no event would the cost per call increase by more than eight percent (8%) in any single year. The agreement could be terminated by providing at least one year notice prior to the effective date of the termination.

Chief DiGiovanna introduced Fire Chief Christopher R. Gray, City of Glendale, Verdugo Fire Communications, who explained the Communication Center and its resources.

After discussion, it was moved by Councilmember Kirby, seconded by Councilmember Lutz, to approve a ten-year agreement with the Verdugo Fire Communications Center for dispatching services. There were no objections.

5 Summary of Vacation and Quitclaim of Easement Rights for Avocado Place, Tract Map 45651, Resolution No 2004-51

Councilmember Adams exited City Council Chambers at 10:02 P.M., stating that he would abstain from discussing and voting on the matter.

City Engineer Doug Benash reviewed Staff Report.

On April 9, 2002, the Planning Commission approved Parcel Map No. 26381, reducing Tract Map No. 45651 from a 6 lot subdivision to a 3 lot subdivision. Tract Map No. 45651 shows the portion of Avocado Place to be vacated, including the storm drain and storm drain ingress/egress easements lying north of the northerly right-of-way of Crescent Drive. Parcel Map 26381 did not require City easements for storm drain purposes or public right-of-way since the project's driveway and storm drain systems were private.

On August 11, 2004, the Planning Commission determined that the vacation of Avocado Place and quitclaim of storm drain easements was in conformity with the General Plan and was in compliance with the California Streets and Highways Code Section 8334. There was no fiscal impact, and Staff recommended adoption of Resolution No. 2004-51.

It was moved by Councilmember Lutz, seconded by Mayor Pro Tem Garcia, to adopt Resolution No. 2004-51.

ROLL CALL

**Ayes Councilmembers Kirby, Lutz, Mayor Pro Tem Garcia,
Mayor Hammond
Excused Councilmember Adams
Motion carried 4-0**

Councilmember Adams returned to Council Chambers at 10 03 P M

6 Purchase of Evidence and Bar Coding System in the Amount of \$19,295 00 from Stillman Technologies

Police Lieutenant Rick Miglia reviewed the Staff Report

The current Spillman Technologies' software used to manage Police Department records files, property and evidence had served the department for well for over ten years, however, it had some limitations in the area of property and evidence management that resulted in some inefficiency The Evidence and Bar Coding System, which Staff was proposing to purchase, would provide greater efficiency in evidence storage and retrieval, and provide notice of property and evidence that needed to be purged This system would control all items of evidence and property coming into custody, and record every movement of the item until final disposition Not only would it track evidence and property, but, it provided notice when it was time for these items to be returned or destroyed It would enable the department to purge property in a timely manner, thus meeting legal requirements and eliminating storage concerns in the evidence room

The purchase of Spillman Technologies' Evidence and Bar Coding System would be made from the Expenditure Control Budget Savings at a cost of \$19,295 00 Staff recommended that the City Council approve the purchase of the Spillman Technologies' Evidence and Bar Coding System

It was moved by Councilmember Lutz, seconded by Councilmember Adams, to authorize the Police Department to purchase Spillman Technologies' Evidence and Bar Coding System from their Expenditure Control Budget Savings at a cost of \$19,295 00 There were no objections

7 One-Year Extension of Tentative Tract Map No 53376 for the Property Located at 999 Wildrose Avenue by Rose Street Enterprises, Applicant

Community Development Director Alice Griselle reviewed the Staff Report

On July 14, 2004 the applicant submitted the one-year extension request prior to the expiration of the Tentative Tract Map on August 14, 2004 The Subdivision Map Act Section 66452 6(e) granted an automatic sixty (60) day extension of the map if the request was filed prior to the map's expiration The application was filed by the original applicant, one of the record owners of the property A co-owner or former co-owner of the property objected to the application for an extension The City Attorney advised that because the applicant had apparent legal standing to make the application, the City could process this request He further advised that the City had no role or involvement in the business dispute between the parties involved with the property If the objecting party believed the application for an extension was improper as between the two private parties, he could pursue legal remedies against the applicant

The approved Tentative Tract Map consisted of seven (7) lots and a dedicated street The proposed site plan was attached to the original report The subdivision met, and in most

cases exceeded, the standards established in Title 16 (Subdivisions) and Title 17 (Zoning) of the Monrovia Municipal Code. The Tentative Tract Map also conformed to the Monrovia General Plan. Neither the Subdivision Map Act nor the Municipal Code provided any specific findings or criteria for map extensions. Therefore, because the existing map continued to meet or exceed applicable legal requirements, Staff recommended that City Council approve a one-year extension of Tentative Tract Map No. 53376 to August 14, 2005.

1 Jim Maljanian, Monrovia, stated that he was co-owner and asked that the extension not be granted.

2 David Rose explained that he was the owner, reviewed the history of ownership, and asked that the extension be granted.

3 Jerry McLean, son of Robert McLean at 104 S Mountain Avenue, expressed concern for safety of the neighborhood due to the hazardous state of the property.

4 Dr. Hyman Gildenhorn, 955 Wildrose Avenue, expressed concern due to the hazardous state of the property.

Mayor Hammond explained that the City Council was not considering the ownership of the property but rather whether or not the extension should or could be extended, and requested that Code Enforcement investigate the property for abatement issues.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to approve a one-year time extension of Tentative Tract Map No. 53376 to August 14, 2005.

ROLL CALL

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

***8 Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Pertaining to Regulations Regarding Residential Development Standards, Second Reading and Adoption of Ordinance No. 2004-11, Zone Change ZC2004-01, Second Reading and Adoption of Ordinance No. 2004-10, and Amendment to Title 15 Relating to Regulations Pertaining to Moving Buildings, Second Reading and Adoption of Ordinance No. 2004-15**

This matter was approved by order of the Consent Calendar.

This was the second reading and final adoption of Ordinance No. 2004-11, Zone Change ZC2004-01, Ordinance No. 2004-10 amending Title 17 of the Monrovia Municipal Code, relating to residential development standards, and Ordinance No. 2004-15, amending Title 15, relating to regulations pertaining to moving buildings. Staff continued to recommend approval of this ordinance.

***J PAYROLL & VOUCHERS** Payroll Nos. 17 and 18 in the net amount of \$488,302.47 and \$494,230.37 respectively, and Voucher Numbers 120175 through 120504, and 120505 through 120886 non-sequentially in the amount of \$1,055,119.89 and \$874,875.52 respectively were approved by order of the Consent Calendar.

K SCHEDULED MEETINGS

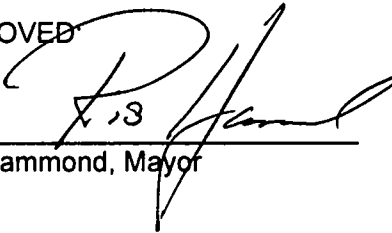
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, September 21, 2004, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

L ORAL COMMUNICATIONS, CONTINUED, IF NEEDED None

M CLOSED SESSION None

N ADJOURNMENT Mayor Hammond adjourned the City Council Meeting at 10 27 P M , in memory of Kathryn Carlson, George H West, Amber Marie Frink, Sister of Public Works Employee Viviano Rodriguez, and Andy Fike, brother of Public Works Director David Fike

APPROVED



Rob Hammond, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk

