

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, JANUARY 20, 2009, 7 30 P M.**

**CONVENE** Mayor Pro Tem Dan Kirby convened the Regular Meeting of the Monrovia City Council of Tuesday, January 20, 2009, at 7 36 P M , preceded by a Salute to Service Program, in City Council Chambers In attendance were City Manager Scott Ochoa, City Attorney Craig A Steele and City Clerk Linda B Proctor

**INVOCATION** Pastor Dorothy Scott gave the Invocation

**PLEDGE OF ALLEGIANCE** Councilmember Mary Ann Lutz led the Flag Salute

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

**PRESENTATION/PROCLAMATION.** There were none

**STUDENT GOVERNMENT REPRESENTATIVE REPORT** Interim Student Liaison Sarah Wallick reported on events and activities at Monrovia High School

**CONSENT CALENDAR** It was moved by Councilmember Adams, seconded by Councilmember Lutz, to approve the Consent Calendar. There were no objections The Consent Calendar consisted of the following Agenda items

**CC-1 Unadopted Minutes of the January 6, 2009 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll No. 1 in the Amount of \$580,393.87 and Voucher Nos 155762 through 156033 in the Amount of \$1,481,465 47**

**CC-3 Award of Contract to California Surfacing for the Recreation Park Improvement, Tennis Court Resurfacing, Project No. C-3019, in the Amount of \$28,800.00** Bids for the Recreation Park Improvement, Tennis Court Resurfacing, were opened by the City Clerk's Office on December 22, 2008, ranging from \$28,800 00 to \$29,600 00 After evaluating each bid, California Surfacing appeared to be the lowest qualified bidder, with excellent references They had also completed this type of work for the City of Diamond Bar, Huntington Beach and San Dimas However, it did not recognize Addendum No 1 detailing the type of contractor's license that would be required for the project although it possessed a valid license necessary for the resurfacing work Staff discussed the irregularity with the City Attorney who then approved awarding the contract Funding would come from State Proposition 40 funds, with an additional \$10,000 00 from the Capital Project Fund

**CC-4 Determination of Public Convenience and Necessity; Conditional Use Permit CUP2008-12, 400 West Huntington Drive, by Henry's Holdings, LLC** On June 11, 2008, the Planning Commission approved Conditional Use Permit CUP2008-12 to allow a new market to be located in an existing shopping center that was being renovated to sell (off-site) alcoholic beverages The Department of Alcohol and Beverage Control (ABC) requested a finding of "public convenience and necessity" in order to complete its application process Henry's Market would locate into the 30,397 square foot building that was previously occupied by Lucky's Market approximately ten years ago It would be open from 7 00 A M to 11 00 P M , seven days a week Products sold included groceries, prepared foods, flowers, and, if approved, alcohol

The City Council was being asked to determine whether the license would serve the "public convenience and necessity" requirement as mandated by ABC Other businesses that had an ABC license in Census Tract #4309, the same census tract the subject property was located in, included grocery stores, restaurants, retail stores, hotels, and a Veteran's Club Allowing off-site alcoholic beverages to be sold at Henry's Market would allow it to be competitive with similar grocery store businesses in the area The matter would then be referred back to the Alcoholic Beverage Control Board

**CC-5 Application for ABC Beverage License (Type 21 – Off-Sale General, Person to Person and Premise to Premise Transfer) for Henry’s Holdings, LLC, dba Henry’s Farmers Market, 400 West Huntington Drive:** Notice was received from ABC that Henry’s Holdings, LLC, had submitted an application for a Type 21 – Off-Sale General Person to Person and Premise to Premise Transfer License. Based on the background investigation on the applicant, Staff found no reason to recommend any other action on this application. There was no fiscal impact.

**CC-6 Purchase of Office Furniture, Equipment and Supplies from Tangram Interiors for the New Monrovia Public Library in an Amount not to Exceed \$313,694 00:** To optimize square footage, future flexibility, Green Initiatives and dollar value, the new library’s Staff area was designed for modular systems furniture which could be reconfigured or changed as needed. Tangram Interiors, a one-stop resource for office environment products and services, was the only Steelcase Dealer in the Los Angeles County area that provided government pricing through the *Better Together Program*, a partnership between Steelcase and the National Joint Powers Alliance to provide office furniture solutions at competitive pricing to local government agencies.

The Steelcase products Tangram was providing included all Staff workstations, work tools such as computer monitor arms and desk accessories, storage and file cabinets, seating for the Staff areas as well as the Adult and Teen Technology Center, the Literacy Tutoring Room and the Community Room, and tables for all Staff areas and the Tutoring and Community Rooms. In addition, purchasing office equipment and supplies such as audiovisual equipment, book trucks, trash receptacles, clocks, etc., with the office furniture order increased the discounts.

**CC-7 Receive and File, Application for ABC Beverage License (Type 41 – On-Sale Beer and Wine License and Type 58 Caterer Permit) for Merengue Bakery & Café, 110 East Colorado Boulevard** Notice was received from ABC that A & M Hospitality, LLC, dba Merengue Bakery & Café, had submitted an application for a Type 41 – On-Sale Beer and Wine License and a Type 58 – Caterer Permit. 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.

#### **PUBLIC INPUT**

- 1 Dorothy Kelty, Monrovia
- 2 David Moneroy, representing Senator Huff

#### **PUBLIC HEARINGS / MEETINGS**

##### **PH-1 Proposed 35<sup>th</sup> Year (FY 2009-10) Community Development Block Grant (CDBG) Programs; Resolution No. 2009-01**

Dan McConnell, Housing Coordinator, reviewed the Staff Report.

The City of Monrovia was one of 47 participating cities contracting with the Los Angeles County Community Development Commission (CDC) for participation in the Urban Counties Community Development Block Grant (CDBG) Program. The CDC informed Staff that the City of Monrovia was scheduled to receive an estimated CDBG allocation of \$371,891 00 for fiscal year 2009-10, which was \$14,232 00 less than last year’s allocation. Staff recommended a continuance of the basic programs the City had funded in previous years, understanding some changes were necessary to address the shortfall based on the final allocation amount. These programs and budget allocations could be further modified or amended when the City Council reviewed the City’s FY 2009-10 budget. Projects and estimated budgets were Residential Rehabilitation Project, \$73,000 00, Code Enforcement, \$205,919 00, Neighborhood Recreation Program, \$55,783 00, and Administration, \$37,189 00.

**PUBLIC HEARING OPENED AND CLOSED** Mayor Pro Tem Kirby 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 Councilmember Lutz, to adopt Resolution No. 2009-01.** There were no objections.

The following matter was taken out of order and heard at this time

#### ADMINISTRATIVE REPORTS

#### **AR-1 Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan and Initial Study/Mitigated Negative Declaration, Resolution No. 2009-04**

(See AR-1 below)

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

**MRA CONVENE.** Vice-Chairman Dan Kirby convened the Meeting of January 20, 2009, of the Monrovia Redevelopment Agency Board of Directors at 12 45 A M , January 21, 2009 in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

**MRA ROLL CALL** Those in attendance were Boardmembers Adams, Lutz, and Vice-Chair Kirby Boardmember Garcia and Chairman Hammond were excused

**MRA CONSENT CALENDAR** It was moved by Boardmember Adams, seconded by Boardmember Lutz, to approve the Consent Calendar. There were no objections The Consent Calendar consisted of the following Agenda item

**MRA CC-1** Unadopted Minutes of the January 6, 2009 Regular Meeting of the Monrovia Redevelopment Agency

**PUBLIC HEARINGS/MEETINGS:** None

**MRA ADJOURNMENT** Vice-Chairman Kirby adjourned the Meeting at 12 46 A M

#### **RECONVENE MONROVIA CITY COUNCIL MEETING**

#### **REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES**

**RCC-1 Mayor Rob Hammond** was excused

**RCC-2 Mayor Pro Tem Dan Kirby** had no report at this time

**RCC-3 Councilmember Tom Adams** reported that  
(a) He may miss the next two City Council Meetings due to hip replacement surgery on January 28, 2009

**RCC-4 Councilmember Joe Garcia** was excused

**RCC-5 Councilmember Mary Ann Lutz** reported that  
(a) E-Waste would be coming to Monrovia on March 7, 2009, with more information to follow

#### ADMINISTRATIVE REPORTS

This matter was taken out of order following the Public Hearing above

#### **AR-1 Hillside Wilderness Preserve and Hillside Recreation Area Resource Management Plan and Initial Study/Mitigated Negative Declaration, Resolution No. 2009-04**

City Attorney Steele announced that four members of the City Council had a potential conflict of interest on the item Mayor Hammond and Councilmembers Lutz and Adams had a potential conflict in that each of their principal residences was located within 500 feet of some portion of the wilderness preserve Even though the boundaries of the preserve were established by the voters several years ago and were not a part of the proposed plan, the City Council was taking a conservative approach in declaring these potential conflicts Councilmember Garcia had a potential conflict of interest in the decision since he was employed by a company owned by Councilmember Adams All of these potential conflicts could occur if

the Councilmembers voted on the RMP. Because four of the five members of the City Council had these potential conflicts of interest, and because only the City Council was authorized by law to establish City policy and commit City resources, there existed no alternative source of decision. In that case, the law required that the City Council employ the "rule of legally required participation" to choose two Councilmembers at random to provide the necessary three votes to consider the RMP. Earlier on this day, Councilmembers Lutz and Adams were chosen at random by drawing straws to participate in the decision. The City Clerk would maintain the lots and the details of the random draw. Councilmembers Lutz and Adams would participate in this matter for all purposes with Mayor Pro Tem Kirby, who did not have a potential conflict of interest. Councilmembers Lutz and Adams remained on the dais with Mayor Pro Tem Kirby, Mayor Hammond and Councilmember Garcia were excused. City Attorney Steele further clarified that the adoption of any resolution on the RMP would require three affirmative votes.

April Soash, Community Services Director, Deborah Pracilio, LSA, Michele Tompkins, Recreation Division Manager, and Chief Chris Donovan reviewed the Staff Report.

Staff consulted with LSA Associates, Inc (LSA), an environmental, biological and cultural resources consulting firm, to complete the Initial Study/Mitigated Negative Declaration (IS/MND) and Resource Management Plan (RMP) documents for the Hillside Wilderness Preserve and Hillside Recreation Area. The intent of the IS/MND was to inform the City, local agencies and the general public of potential environmental impacts that might be associated with the implementation, construction, or operation of the improvements/programs identified in the RMP and to identify appropriate feasible mitigation measures that may be adopted to reduce or eliminate potential impacts.

The RMP had been designed to be a living document intended to provide the framework and guiding principles to manage the Hillside Wilderness Preserve and Hillside Recreation Area while concurrently adhering to the criteria of the grants that were used to acquire land and stipulate that reasonable public access must be provided. Public comment was heard on both documents at the September 9, 2008 Community Services Commission Meeting. All comments received orally and in writing were responded to in writing by Staff and LSA. Staff presented the overall framework, management goals and objectives, fire safety, access points, budget and implementation plan of the RMP to the Community Services Commission at its December 9, 2008 meeting.

Based on the information included in the Staff Report *Presentation of the Hillside Wilderness Preserve and the Hillside Recreation Area Resource Management Plan*, public comments and information collected to date, the Community Services Commission unanimously voted to recommend to City Council the changes as outlined in Attachment C of the Staff Report and the implementation of the RMP with the recommendations to direct the City Engineer to work with the Traffic Safety Committee regarding neighborhood traffic and parking issues, direct Staff to reach out to property owners who had concerns with easement rights (which was currently in progress as Staff had held several meetings with the property owners), develop a monthly status report to the Community Services Commission upon implementation of the RMP, conduct a neighborhood meeting to discuss the Cloverleaf gate location options and parking permits, and provide contacts and information for trail issues on the website.

Mayor Pro Tem Kirby called a recess from 9:12 P.M. to 9:26 P.M.

City Attorney Steele explained that a letter was received from Robert Silverstein, The Silverstein Law Firm, and that City Councilmembers were given copies. He further stated that CEQA comments had already been responded to, and that the question as to whether or not the Agenda had described what the Agenda item was, it was well described in accordance with the Brown Act. Discussion regarding comparison of Sierra Madre trails to Monrovia Wilderness trails ensued.

#### Public Input

- 1 Ken Reed, Fly Fisher's Club, Orange County
- 2 Robert Silverstein, Pasadena, representing Thomas Suess and Hillside Wilderness Preservation Group
- 3 Roger Northrop, Monrovia, representing Hidden Valley Properties Owners Association
- 4 Pamela Suess, Monrovia
- 5 Delores Reid, Monrovia
- 6 Chris Ziegler, Monrovia
- 7 Trevor Downs, Monrovia
- 8 John Volk, Monrovia

9 Jason Carroll, Monrovia  
10 Dorothy Kelty, Monrovia  
11 Cyrus Kemp, Monrovia  
12 John Jogninas, Monrovia  
13 Tracie Suess, Monrovia  
14 George Weseloh, Monrovia  
15 Tyler Baze, Monrovia  
16 Paul Strauss, Monrovia  
17 Paul Larsen, Monrovia, representing Community Services Commission  
18 Tom Suess, Monrovia  
19 Steve Miller, Monrovia  
20 Paul Greenwood, Monrovia  
21 Sandra Costello, Monrovia

Further discussion ensued. City Attorney Steele noted that the formalization of the entire program gave the City the legal authority to take the steps to manage the area better. He further commented that there were many different kinds of properties in the area and that the City needed to have a proposal to be able to meet with property owners.

It was moved by Councilmember Adams, seconded by Councilmember Lutz, to adopt Resolution No. 2009-04 and approve the recommendations from the Community Services Commission as outlined in the Staff Report, with the addition that the City do nothing to promote the sites, and to keep access points as camouflaged to the extent that we can refrain from making the trails highly visible, that each of these points come back with satisfactory proof that the City had legal access and easements before anything was formalized, conclude the evaluation of the existing fire road to determine if it was an alternative, and insure that the full Wildland Fire Protection Plan was in place.

ROLL CALL:

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

#### SCHEDULED MEETINGS

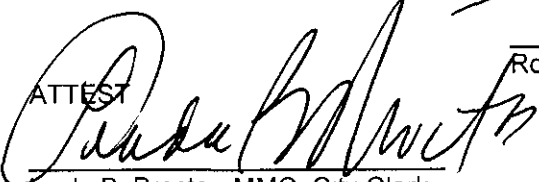
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, February 3, 2009, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

PUBLIC INPUT, CONTINUED, IF NEEDED: None

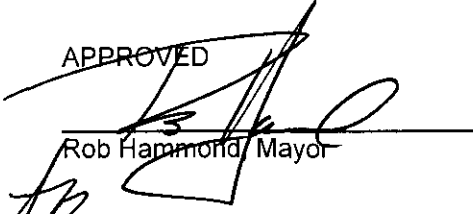
ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: None

ADJOURNMENT: Mayor Pro Tem Kirby adjourned the Meeting at 12:47 A.M., January 21, 2009.

ATTEST

  
Linda B. Proctor, MMC, City Clerk

APPROVED

  
Rob Hammond, Mayor