

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY AUGUST 14 2001 7 30 P M**

**CONVENE** Preceding a Closed Session to conference with Real Property Negotiator Pursuant to Government Code §54956 8 Wilderness Preserve Acquisition Project Property Parcel Number 8501-12-02 (Located at 615 Cloverleaf Drive) Agency Negotiators Donald R Hopper and Michael G Colantuono Under Negotiation Price and Terms of Payment Negotiating Parties Anderson and City of Monrovia from 6 42 P M to 7 19 P M at which all City Councilmembers were in attendance with the exception of Mayor Pro Tem Hammond who was excused Mayor Lara Larramendi Blakely convened the Regular Meeting of the Monrovia City Council of Tuesday August 14 2001 at 7 32 P M in City Council Chambers 415 South Ivy Avenue Monrovia California

**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 Tom Adams Victor M Franco Joe Garcia and Mayor Lara Larramendi Blakely Mayor Pro Tem Rob Hammond was excused

**REPORT OF CLOSED SESSION** City Attorney Michael G Colantuono reported the following

**July 24 2001** Public Employee Performance Evaluation – City Manager Pursuant to Government Code §54957 and Conference with Legal Counsel Pursuant to Government Code Sections §54956 9(b)(2) Settlement Authority for Lori Nichols-Smith and Rosemary Rodriguez City Attorney Michael G Colantuono reported that settlement authority was granted to the staff It is not appropriate to give details of the settlements until the time they are final and signed That information will be made available at a later date

**August 8 2001** Conference with Legal Counsel Pursuant to Government Code §54956 9(a) Existing Litigation Sanwa Trust et al v City of Monrovia and Conference with Real Property Negotiator Pursuant to Government Code §54956 8 Wilderness Preserve Acquisition Project Property Parcel Number 8501-12-02 Agency Negotiator Donald R Hopper and Michael G Colantuono Under Negotiation Price and Terms of Payment Negotiating Parties City of Monrovia and Properties Sachan (8501-007-003) Leonard (8501-009-002) Miller (8501-009-008 8503-003-006 8503-015-005 8501-009-003 8501-009-008) Woodward (8501-010-001 8501-010-002 8501-010-003 8501-010-004) Oldson (8501-011-006 8501-010-007) Kissenger (8501-012-006) Emigh (8501-012-010) Sartwell (8501-012-011) Bank of Ca Trustee Sally Cord (8501-012-012 8501-012-013 8501-012-014) Robinson (8503-001-029 8503-002-008) Butcher (8503-004-021) Pokrajac (8503-004-030) Bowden (8523-020-001 thru 8523-020-021) S Pokrajac (8503-004-025 through 29)

**August 14 2001** Conference with Real Property Negotiator Pursuant to Government Code §54956 8 Wilderness Preserve Acquisition Project Property Parcel Number 8501-12-02 (Located at 615 Cloverleaf Drive) Agency Negotiators Donald R Hopper and Michael G Colantuono Under Negotiation Price and Terms of Payment Negotiating Parties Anderson and City of Monrovia The City Council had a 3-0 vote with Councilmember Adams abstaining and Mayor Pro Tem Hammond excused Staff is to withdraw from further negotiations with respect to that property Because of that vote Agenda Item I-8 need not be addressed this evening

**PRESENTATIONS****1 Introduction of Newly Appointed Interim Fire Chief Sam DiGiovanna**

City Manager Donald R Hopper introduced newly appointed Interim Fire Chief Sam DiGiovanna to the Mayor City Council and community He gave a brief background of Chief DiGiovanna s history with the City of Monrovia including that he had been with the City for twenty-two years and had worked his way up through the ranks to Battalion Chief and now Interim Fire Chief Chief DiGiovanna thanked the City Council for their confidence and pledged to serve the City well

**2 Recognition of Chris Burau for Achieving the Status of Eagle Scout**

Mayor Lara Blakely was to introduce Chris Burau who recently earned the rank of Eagle Scout to the Community and present him with a Certificate in Recognition of achieving this honor Mr Burau was unable to attend The recognition was rescheduled

**3 Recognition of Waste Management Inc for a Donation of \$500 00 to the Skate Park Project**

City Manager Donald R Hopper introduced Bill Hernandez representative of Waste Management Inc to the Mayor City Council and community Mr Hernandez presented a letter giving a \$500 00 donation for the new Skate Park on behalf of Waste Management Inc

**PROCLAMATIONS** None

**STUDENT GOVERNMENT REPRESENTATIVE REPORT** Student Government Liaison Matt Binford was excused

**A CONSENT CALENDAR**

It was moved by Councilmember Adams seconded by Councilmember Franco to approve the Consent Calendar consisting of Items \*F-1 \*I-1 \*I-2 \*I-3 \*I-4 \*I-5 and \*K

**ROLL CALL**  
**Ayes** Councilmembers Adams Garcia Franco and Mayor Blakely  
**Excused** Mayor Pro Tem Hammond  
**Motion carried** 4-0

**B MINUTES** None**C ORAL COMMUNICATIONS**

At the request of Mayor Blakely City Clerk Linda B Proctor read the guidelines for Oral Communications as follows

At this time citizens who wish to speak on any City business item not on the Agenda should first complete and return a "Speaker Information Form" to the City Clerk before this 45-minute period By State law the City Council may not discuss and vote on items not on the Agenda Speakers will be called on a first come first served basis Time allotted for each speaker is a maximum of 3 minutes Please state your name and address for the record Those not accommodated during this period have an additional opportunity to speak under M **ORAL COMMUNICATIONS** Continued if necessary following public City business The City Attorney will track the minutes remaining in the 45-minute period and advise the Mayor prior to the last speaker speaking Speakers were asked to come to the front of the Chambers to sit and wait

their time to speak as the City Clerk called their names three at a time

1 Cyrus Kemp Monrovia spoke against Ordinance No 2001-13 and asked that Sierra Madre Newspaper Editor Beth Buck be thanked regarding her coverage of this ordinance and expressed concern regarding adding an item to the Agenda that was reported as an oversight

2 Michael Blumenthal Monrovia spoke in support of Planned Parenthood

3 Roger Menlove President Monrovia Arts Festival Association (MAFA) invited all to attend the MAFA Black Tie Event at the Monrovia Historical Museum on September 15 2001 4 00 P M at \$10 00 per person He also invited all to attend the annual Arts Festival on October 13 14 2001 in Library Park which will celebrate the Association's 35<sup>th</sup> year All proceeds support art programs in the local schools

4 Wanda Seeling spoke against Planned Parenthood

5 Jan Quintelier spoke against Planned Parenthood

6 Karen Quintelier spoke against Planned Parenthood

7 Jan Wade spoke against Planned Parenthood and Ordinance No 2001-13

8 Rose Salcido 437 Cloverleaf Drive spoke against two two-story houses being constructed on Cloverleaf Drive north of her home requesting that existing homes and privacy thereof should be taken into consideration when issuing permits for new construction

9 Gina Capobianco Arcadia spoke against Planned Parenthood and reported an attempted physical attack against her last Friday evening at the Planned Parenthood site

10 Gary Miller Diamond Bar hillside property owner of 175 acres supported speakers against Planned Parenthood and expressed his concern over low appraisals he believed the City would use in the purchase of his and others hillside properties

11 Nick Peters Monrovia spoke in support of Planned Parenthood in support of the City and the Wilderness Preserve Steering Committee's (WPSC) efforts regarding the hillside appraisals and against those he believed filibustered against Planned Parenthood thus prolonging the business meeting of the City Council to late in the evening

12 Gloria Crudgington Monrovia Co-Chair of Wilderness Preserve Steering Committee (WPSC) reported that independent arm's length appraisals on all twelve properties contained in the Wildlife Conservation Board application for matching funds were obtained using certified appraisers recommended by the Santa Monica Mountains Conservancy She took issue with Congressman Miller's comments regarding the amount of contact between the appraisers and his representative She stated that the reason the WPSC's application to the Wildlife Conservation Board was extended was to give all property owners sufficient time to present their appraisals to the Board

13 Rosemary Harrahill Monrovia spoke against Planned Parenthood

14 Clare Chesley Monrovia spoke against Planned Parenthood and took exception to statements made by Mayor Blakely that this issue was an issue for the State and not of Monrovia and the source of funding for MAPP

15 Elizabeth Fickes Monrovia took exception with the three-minute rule ending a person's sentence in mid-stream did not know the Mann Theater had been torn down and offered to review the City codes regarding rooftops heights

16 Chuck Keen Monrovia spoke against Planned Parenthood and took exception to no additional time to speak at the end of the City Council Meeting unless a speaker filled out a form at the beginning of the Meeting

At the request of Mayor Blakely City Attorney Colantuono reported that as a matter of federal constitutional law the Supreme Court has created more room for states to regulate the manner in which abortion is provided than it had under the initial opinions In the two decades since that time the courts have created increasing opportunities for the State to put more restrictions on abortion but the power lies at the legislative level Were the City to attempt to adopt rules in that area it would be ruled that the City was regulating in an area that is reserved for the State The City does not have the right to impose insurance requirements or regulate the practice of medicine If the City walked down that path it would lose any lawsuits and the City would have to pay Planned Parenthood legal fees

At Mayor Blakely's request City Clerk Proctor presented information regarding the petitions that were presented at the last City Council Meeting. She reported that a cursory review found that there were approximately 2350 signatures with 1115 signatures with Monrovia addresses and signatures from addresses from 71 other communities and states including Illinois Hawaii and Tijuana. She stated that as was the case in most all petitions there were duplicates probably as they were collected over a period of time and perhaps with the two churches participating cards were filled out as well as signatures on petition forms were obtained. Senator Margett's office had acknowledged receipt of the petitions. City Manager Hopper reported that it was his understanding that Assemblyman Mountjoy had received the copies and was interested in trying to pursue something along those lines.

In regard to Congressman Miller's comments regarding the appraisal process City Attorney Colantuono stated that it was not his understanding that by providing an appraisal to the property owners that a ceiling was created in what may be paid for the property that instead by virtue of laws passed in the 1960s in response to redevelopment in California the appraisals constitute a floor establishing a minimum bid for the property. The Wildlife Conservation Board's (WCB) staff is hiring an independent appraiser to look at the appraisals the City submitted and at the Congressman's appraisal and would make a judgment as to what to recommend to the State agency about the use of its money. Obviously the property owners have their own choices to make about whether to put the City in the position to put that money on the table. If they don't participate in that process we're still interested in buying their property with whatever resources we can bring to bear but we would hate to lose that opportunity. The Congressman did make some reference to the amount of the appraisals—we are really not in the position to do that unfortunately the rules that apply to the way that we acquire property require us to do it in confidence in an attempt to create an atmosphere of good faith negotiations. So the voters have told the City to go buy that land and we are working as best we can to continue the process of buying it and we hope that the Congressman and the other property owners up there will cooperate with us in that process. But we do respect their rights as property owners and if they are not a willing seller it is not my understanding that there is anybody in the City who thinks eminent domain is the right remedy. A good example of how the process should work is the Anderson property that the Council discussed in Closed Session this evening. Mr. Anderson put his property on the open market and listed it for sale. The City expressed an interest in acquiring it and made an offer based on an appraisal. The Council reviewed the appraisal and the recommendation of the WPSC and made a judgement that there wasn't sufficient benefit to the City's wildlife program for one property with a single-family house on it to justify substantial expenditure of property monies. That is how the process is supposed to work—we are supposed to do appraisals negotiate towards what is an agreed price and then get the best deal for the taxpayers of your community. The City will continue in that process in good faith and hope that the property owners will too.

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

Councilmember Adams exited Council Chambers at 8:43 P.M. stating that he had a conflict of interest and would not discuss or vote on the following matter:

#### **1 Tentative Tract Map No. 53547/CUP2001-17/V2001-12 Four-Unit Two-Story Planned Unit Development Located at 1817 South Mayflower Avenue by Developer Hank Jong/Waken Development**

Alice Griselle Planning Division Manager reviewed the Staff Report.

At its meeting of July 11, 2001 the Planning Commission held a Public Hearing to review this application for the approval of a Tentative Tract Map Conditional Use Permit (CUP) and Variance for the development of a 4-unit Planned Unit Development (PUD) at 1817 South Mayflower Avenue.

The property is located on the west side of South Mayflower Avenue just south of Duarte Road. The site has 93 53 of street frontage is 210 deep and is 23 793 SF in lot area. Currently two detached single-family units occupy the site. The surrounding land uses consist of a gas station single-family residence and union office to the north a four-unit Planned Unit Development to the south and multiple-family developments across the street to the east.

The proposed site plan consists of four detached two-story units that are served by a common driveway along the north side of the property. The existing 30 oak tree in the front will be incorporated into the landscape plan.

All proposed units will be detached and two-story in height with a maximum ridge height of 24 and range from 1910 to 2193 square feet in area. The front unit facing Mayflower provides a front facing porch and door. There is ample architectural detailing including attractive building and roofline modulation. Exterior elevations provide Craftsman architecture including wood siding natural rock foundation stone veneer chimney and mullion windows.

The proposed project meets the setback separation height parking and open space requirements of the Zoning Ordinance.

A variance is being requested for an 8 high block wall along the north property line to buffer the development from the adjacent service station on the corner. A planter area will be provided to the south of the wall and will serve as an additional buffer.

At its meeting of July 11 2001 the Planning Commission unanimously recommended approval of the project to the City Council.

**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 Garcia to approve Tentative Tract Map No 53547/CUP2001-17/V2001-12 subject to the recommendations in the Staff Report.**

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

Councilmember Adams returned to Council Chambers at 8 53 P M

**2 Tentative Tract Map No 53376 in RL Zone Seven Lots Located at 999 Wildrose Avenue with a Dedicated Cul-de-Sac by Developer Rose Street Enterprises**

Alice Griselle Planning Division Manager reviewed the Staff Report.

The applicant is requesting approval of a Tentative Tract Map to consolidate three (3) lots used as one single-family site into seven (7) lots. A dedicated cul-de-sac street shall be provided.

The subject property is located on the north side of Wildrose Avenue east of Mountain Avenue. It is surrounded by single-family lots in Monrovia to the west and south and single-family lots in Bradbury to the north and east. The site and surrounding properties have a General Plan and zoning designation of Residential-Low Density which allows single-family development on minimum 7 500 square foot lots.

The DRC and Staff worked with the applicant over several months to develop a subdivision that addresses issues concerning street improvements architectural design and existing

environmental constraints The original nine-lot subdivision was reduced to eight then seven lots to save all significant trees that include five sycamore trees in the middle of the cul-de-sac and all but one stone pine along Wildrose Avenue

On July 11 2001 the Planning Commission recommended approval of the application to the City Council after hearing public testimony The public testimony centered around fencing and walls traffic construction noise the architectural elevations of the buildings and drainage In response to these concerns the Planning Commission recommended that the issues be brought before the Development Review Committee for resolution before the application was forwarded to the City Council

On July 25 2001 the Development Review Committee discussed the issues associated with the project The meeting was noticed and several neighbors came to the meeting Issues and solutions were discussed including

The design of the Wildrose Avenue facing fencing/walls was discussed in terms of softening the appearance while blending architecturally with the houses The final design for the west rear yard fence was a rounded cedar fence between brick columns that match the brick on the house and for the east rear yard fence it is a rounded cedar fence between stucco columns with a brick trim cap to match the stucco on the house

Construction disruption is a concern of the neighbors The Monrovia Municipal Code provides construction or demolition regulations pertaining to hours of operation however additional conditions were added concerning dust control temporary fencing hours of construction and a construction traffic plan

There was concern with the detailing on some of the elevations that are to be seen from the street or adjacent neighbor's yards Upgrades to the side and south facing elevations have been provided Specifically Lot 6 was originally designed as a single story house with a loft Mr and Mrs Gildenhorn M D live to the west and have submitted a letter requesting a larger setback from their property line of 25 instead of 20 and increasing the side setback to help with their line of sight to the northeast They acknowledge that a two-story house will have to be constructed but they prefer the larger setbacks on a two-story house to the lesser setbacks on a single story/loft house A condition has also been placed prohibiting second story windows on the west elevations of the houses on lots 5 and 6 to protect the privacy of the Gildenhorn and the McLean properties A condition stating that the rear and side elevations shall be detailed and approved by the Development Review Committee has also been added

The excessive speed of the vehicles using Wildrose Avenue is a concern of several neighbors While the traffic study indicates the project will not significantly add to the traffic on the street several issues relating to traffic should be referred to the Traffic Safety Committee for further review These issues include the use of drainage devices to slow traffic on Wildrose Avenue and traffic control at the Mountain/Wildrose Avenues intersection

The seven lots will be improved with single-family homes The proposed houses are all sited on the lots in conformity with the setback standards The houses on Lot 1 and 7 which have frontage on Wildrose Avenue will be single story with a loft area and will have a 20-foot side yard setback on the Wildrose side In reviewing the elevations as seen from Wildrose Avenue the houses will appear as single story and blend with the character of the existing homes in detailing and materials The houses are all well designed with ample modulation of the walls and rooflines The materials are well suited to the architecture as are the window designs and placement The maximum height of the ridge of the roofs will be 27 feet per the Monrovia Municipal Code

Councilmember Franco asked for a clarification on how this request by neighbors is being handled differently as it pertains to windows overlooking other properties than the concerns Ms Salcido expressed during Oral Communications Ms Griselle stated that this project was a discretionary review with a tract map for a subdivision of lots whereas in the Norumbega case there were two legal lots The Norumbega property construction did need to meet all of the City regulations but since it was not a discretionary review the City had no authority to require window placement as long as they met the code

In response Community Development Director Robert Kastenbaum stated that the City does not do design and review on single family homes but if the City Council would like to direct Staff to amend the Code Staff would do so

Councilmember Franco stated that this matter needs to be revisited and that new construction can have windows where privacy is not an issue as is being done in this project He requested input from Planning Commission for something that would be more meaningful and acceptable

The Planning Commission recommended approval of the subdivision of the site for several reasons The subdivision is in conformity with the General Plan and zoning designation for the site The size and configuration of the lots exceed the minimum dimensions required The applicant has strived to retain as much of the original character of the site as possible by retaining many mature trees and proposing minimal grading The new cul-de-sac street configuration maintaining the five sycamores and using decorative concrete along with the high quality of the homes provides for a quality single-family subdivision Traffic issues have been referred to Traffic Safety Committee

At its meeting of July 11 2001 the Planning Commission unanimously recommended approval of the project to the City Council

#### **Public Hearing Opened** Mayor Blakely opened the Public Hearing

1 Nick Peters 845 Wildrose Avenue spoke in favor of the project and the developer's willingness to work with neighbors and stated that his previous concerns he believed had been solved

2 Dr H Gildenhorn 955 E Wildrose Avenue asked for clarification of the heights of the homes and spoke in favor of the project

3 Kyle Buttery 210 Park Rose Avenue spoke against the traffic on Wildrose and Park Rose and hoped that some mediation of the speed and stop sign would be adhered to

4 Beth Costanza 204 Park Rose expressed concern about the traffic issue now let alone with seven new homeowners Many different trucks are using the bridge now and that needs to be looked at as every 15 minutes horse carriers hay truck truck hauling tractor dump trucks all over the weight limit are going to Bradbury She noted that the Gildenhorns will have 2-story houses on each side but that plans originally showed single story homes in that area She agreed with the drainage areas to control the speed She would like to see police action there on Saturday nights She stated she was in favor of the project but did have many concerns

Mayor Blakely asked that the Traffic Safety Committee look beyond Condition No 28 to impose a little bit more condition to slow traffic down and to convey to the City of Bradbury the weight limitations on the bridge

City Manager Hopper stated that perhaps the City should petition the County to reconstruct the bridge

5 Developer David Rose thanked the residents who spoke and Staff members Alice Griselle and Robert Kastenbaum He stated that they have been fair and represented the City well He has talked to 28 neighbors for an average of 1-1/2 hours He explained the saving of

the trees-- sycamore and oak He addressed concerns that he heard from the residents He noted that the homes average 31 feet apart and will sell for \$900 000 00 and \$1 000 000 00

6 Irv Rager 140/142 Mountain Avenue spoke in favor of the developer and the development

**Public Hearing Closed** Mayor Blakely closed the Public Hearing as there was no one else who wished to speak for or against to the matter

**It was moved by Councilmember Garcia seconded by Councilmember Adams to approve Tentative Tract Map No 53376 pursuant to the recommendations in the Staff Report**

The City Council commended Mr Rose in his thoroughness in planning this development working with the neighbors and addressing their concerns even at a financial cost to him

**ROLL CALL**  
**Ayes Councilmembers Adams Garcia Franco and Mayor Blakely**  
**Excused Mayor Pro Tem Hammond**  
**Motion carried 4-0**

Mayor Blakely called a recess from 10 02 P M to 10 17 P M

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

**CONVENE** Chairman Lara Larramendi Blakely convened the Regular Meeting of August 14 2001 of the Monrovia Redevelopment Agency Board of Directors at 10 17 P M in City Council Chambers without adjourning the City Council Meeting

**ROLL CALL** Those in attendance were Boardmembers Tom Adams Joe Garcia Victor M Franco and Chairman Lara Larramendi Blakely Vice-Chairman Rob Hammond was excused

**A. CONSENT CALENDAR** None

**B MINUTES** None

**MRA REPORTS** None

**ADJOURN** Chairman Blakely adjourned the Monrovia Redevelopment Agency Meeting at 10 17 P M and the City Council Meeting continued

**RECONVENE MONROVIA CITY COUNCIL MEETING**

**E BIDS** None

**F COMMUNICATIONS AND PETITIONS**

**\*1 Denial of Claim Carol Bradley v City of Monrovia**

This matter was approved by order of the Consent Calendar

The objective of this report was to provide the basis for the City Council to take action related to this liability claim filed against the City

Ms Bradley claimed that on Sunday April 22 2001 while driving onto the Huntington Drive on-ramp of the 210 Freeway her car hit a pothole As a result two of her tires were damaged and needed to be replaced

On Thursday April 19 2001 Public Works personnel made a permanent asphalt repair to the pothole upon receiving notification of the problem Records show that the City experienced approximately 7 inches of rain on April 20 2001 The City had no way of knowing that the rain and subsequent drainage would erode the patch

Claimant sought \$200 00 in damages Staff recommended rejection of the claim

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

**1 Mayor Blakely reported that**

(a) She had received concerns from a resident regarding slurry sealing on Winding Oaks and two other streets in the area She reported that Staff was investigating the problem and would have the contractor fix it

(b) She requested that Traffic Safety Committee look at constructing left-hand turn lanes on East Foothill Boulevard as she has received several requests from residents

(c) Robert Hight Department of Fish and Game sent a letter to Al Wright Executive Director Wildlife Conservation Board strongly recommending that the Wildlife Conservation Board approve the City of Monrovia's application for Challenge Grant funds

(d) She met with Congressman David Dreier on her last trip to Washington D C She stated that he would do all he can for the acquisition of our hillside open space She is working with him to earmark dollars for economic development incentive grants that will help us with some of our public improvements downtown She began to explain to him with a map about our Transit Village and its concept as that is going to require several years due to the amount of money He is very excited about that as it goes along with the Blue Line She also met with Adam Shiff Barbara Boxer and other congressional representatives to get Blue Line construction away from the MTA

(e) She presented an overview of the last meeting of the San Gabriel Valley Council of Governments of which she is Chairman They had a meeting with a good number of members of the legislature representing this area They discussed transportation issues including the Blue Line and the status of the 710 They discussed the Housing Element and legislation to be introduced using the San Gabriel Valley as a model They also talked about energy and waste management issues

**2 Mayor Pro Tem Hammond was excused**

**3 Councilmember Adams reported that**

(a) He Councilmembers Garcia Franco and Hammond attended the League of California Cities Conference in Monterey He found it very interesting particularly the Redevelopment workshops

(b) He received a letter of response from his July letter to Adelphia Communications in which they declined an opportunity to provide additional locations for subscribers to locate program guides and referred subscribers to the Los Angeles Times He reported that he would like a letter sent back to them expressing our concern over their inability to answer a very simple concern of many members of our community He stated that he has received many many complaints about Adelphia and its recent rate increase Community Services Director April Soash reported that from May to August subscribers received six new channels under the expanded basic plan In August inserts were included in bills and a telemarketing firm called subscribers to see if they still wanted the six channels at a cost of \$6 00 a month She received many complaints about the method used in this increase She faxed the complaints to Larry Windsor Government Affairs Melinda Bitney and the Glendora office and asked for a response from them To date she has had no response She suggested writing a letter to President

John Regis expressing our dissatisfaction with the way this was marketed and compile a record of the complaints She reported ten complaints last week which was very high Councilmember Adams requested that a letter be sent to Ms Bitney and her boss stating that if the needs of the subscribers cannot be met that it would be taken into consideration during the request for renewal of their contract

**4 Councilmember Franco reported that**

- (a) He Councilmembers Garcia Adams and Hammond attended the League of California Cities Conference in Monterey He attended the workshops established relationships with other mayors and councilmembers and exchanged ideas with them
- (b) He met with the leadership of Monrovia Municipal Employees Association recently on a social level just to get to know them and have them get to know him He was impressed with their terms of service and their commitment to the City of Monrovia
- (c) He reminded the residents about the upcoming Sunday Concert in the Park noting that Miller Brewing Company was sponsoring the All-Female Mariachi Band again
- (d) A lot of police officers retired this month with many years of service He congratulated Lt Jay Olds 26 years of service Sergeants Rich Lukofnak and Pete Mullis with 20 years of service each He stated that they were outstanding individuals and it would be tough to fill their shoes He thanked each on behalf of the residents of Monrovia
- (e) He extended condolences to Rachael Hughes for the loss of her sister Gigi Maulit

**5 Councilmember Garcia reported that**

- (a) He too attended the League Conference where he walked away with a whole pool of new ideas and a chance to network with representatives of other cities He noted that Monrovia is truly on the cutting edge
- (b) He invited all to attend the Library Summer Reading Picnic and Awards event on Thursday August 16 2001 5 30 P M to 8 00 P M in Library Park at the Bandshell Over 2100 children read over 4000 books this summer He extended a thank you to the many corporations businesses and service organizations that contributed to the Summer Reading Club

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

**I ADMINISTRATIVE REPORTS**

**\*1 Purchase of Kawasaki P-1000 Police Department Motorcycles in the Amount of \$66 857 70 from A & S BMW Dealership**

This matter was approved by order of the Consent Calendar

Since the inception of the motorcycle program the Department has utilized the Kawasaki P-1000 motorcycle The current fleet of three Kawasaki P-1000 motorcycles has been in use for over four years and is due for replacement Over this time period maintenance costs have risen each of the four years Recently electrical problems have occurred which have raised safety concerns about the motorcycle During the past four years the Department has set aside money to replace two of the motorcycles The third motorcycle staffed by a Reserve Police Officer was added in the past year This third motorcycle was purchased used from the Pasadena Police Department at that time After extensive research and testing the Department has identified the BMW R1100RT-P motorcycle as a suitable replacement for the current Kawasaki

The Department will piggy back on the California Highway Patrol's bid from A & S BMW in Roseville California The cost for each motorcycle is \$22 285 90 a total of \$66 857 70 for three motorcycles This amount includes all costs for the conversion of the police radios from the

current Kawasaki's police decals emergency equipment and radar conversions The Department would use \$49 000 00 from the Traffic Safety Reserve Funds and \$17 857 70 from the Traffic Safety Undesignated Fund Balance to pay for three BMW R1100RT-P motorcycles

Staff recommended that the City Council approve the expense of \$49 000 00 from the Traffic Safety Reserve Funds and \$17 857 70 from the Traffic Safety Undesignated Fund Balance to purchase three BMW R1100RT-P in the total amount of \$66 857 70

**\*2 Set for Public Hearing on September 11 2001 Historic Landmark HL33/Mills Act Agreement MA32 Located at 123 El Nido Avenue Owners Kirk Nelson and Mark Fredo**

This matter was approved by order of the Consent Calendar

At its meeting of August 1 2001 the Historic Preservation Commission recommended approval of Historic Landmark designation and execution of a Mills Act Contract to the City Council

Staff recommended setting September 11 2001 as the date for the Public Hearing

**\*3 Set for Public Hearing on September 11 2001 Historic Landmark HL34/Mills Act Agreement MA33 Located at 136 El Nido Avenue Owners Jean R and Shirley A Durbin**

This matter was approved by order of the Consent Calendar

At its meeting of August 1 2001 the Historic Preservation Commission recommended approval of Historic Landmark designation and execution of a Mills Act Contract to the City Council

Staff recommended setting September 11 2001 as the date for the Public Hearing

**\*4 Huntington Drive and Myrtle Avenue Bus Shelters Project Notice of Completion Acceptance of Final Payment in the Amount of \$112 058 00 to Powell Engineering**

This matter was approved by order of the Consent Calendar

Foothill Transit awarded the City a total of \$86 150 for the construction of three new shelters and the relocation and reconstruction of one shelter The new shelters are located at the northwest and southwest corners of Huntington Drive and Mountain Avenue the northwest corner of Huntington Drive and Magnolia Avenue and the west side of Myrtle Avenue north of Cypress Avenue The relocated shelter was moved from Huntington Drive and Myrtle to the southwest corner of Huntington and Magnolia Avenue

The bids were received on January 30 2001 and the contract was awarded to the lowest bidder Powell Engineering on February 13 2001 The final project cost was \$112 058 The City's share of the cost is \$25 908 with Foothill Transit paying for the difference The City's portion will be funded from Proposition A monies

Planning and Public Works staff inspected the five shelters and found that they were completed in accordance with the plans and specifications Staff recommended acceptance of the completed work

**\*5 Designation of Wells Fargo Bank as Authorized Depository for City Funds and Establishing Certificate of Authorized Officials Resolution No 2001-49 and Designation of Bank of New York as Authorized Safekeeping Custodian for City Funds and Establishing Certificate of Authorized Officials Resolution No 2001-49 and 2001-50**

This matter was approved by order of the Consent Calendar

In September of 1995 the City awarded a three-year banking and custodial service contract to First Interstate Bank. When First Interstate Bank merged with Wells Fargo Bank in April of 1996 the custodial service was transferred to Bank of New York while Wells Fargo Bank maintained the banking service.

As part of the original contract agreement the City is required to provide an updated listing every two years of City officials who are authorized to act and sign bank documents on behalf of the City of Monrovia. This listing will be used to prevent any unauthorized usage of the City's accounts.

The corresponding resolutions identify the authorized officials who are qualified and can conduct either banking or custodial transactions or sign documents on the City's behalf. This listing is a standard procedure for banking operations and permits them to execute banking activities without having to call for approval on each transaction.

Staff recommended that the City Council adopt Resolution Nos. 2001-49 and 2001-50.

#### **6 Review and Possible Action of Amendment or Repeal of Title 12 Section 12 42 of the Monrovia Municipal Code Relating to Special Events on Public Property**

Donald Hopper, City Manager, and Michael Colantuono, City Attorney, reviewed the Staff Report.

At the June 26, 2001 City Council Meeting, the City Council approved a report recommending the amendment to Title 12 of the Monrovia Municipal Code regarding special events on public property to include a policy governing expressive activity on city property. This amendment was in response to an expressive activity situation that took place during the summer 2000 concert series in which the "Save the Hillside Measure A & B" group set up a booth to advertise their opinion. Staff discovered there was no existing policy or ordinance to govern such activity and worked with the City Attorney to implement a provisional policy while the amendment to Title 12 of the existing Municipal Code was being developed. The provisional policy has been in effect without incident since July 2000.

Although the amendment to Title 12 meets all the First Amendment Rights tests, in retrospect the provisional policy can continue to be the tool utilized to accommodate the request of individuals, groups, and organizations wishing to engage in expressive activities on city property if the amendment is rescinded. Since its adoption, controversy arose regarding First Amendment rights to free speech.

City Manager Hopper stated that if the ordinance did not accomplish its original intent, then it should be rescinded, and that it was adopted in an effort to accommodate everyone's needs. He stated that it was never intended to infringe on people's rights to free expression. He reported that he had had many discussions with many people—as did the members of the City Council—to try to explain the now orderly process. However, as it is apparent that it was not accomplishing its original intent, he recommended getting rid of the ordinance and the policy.

City Attorney Colantuono stated that he agreed with the City Manager and recommended that the City Council repeal Section 12 52 of Title 12 of the Monrovia Municipal Code regarding special events on public property by introducing and reading by title only Ordinance No. 2001-15 and to rescind the accompanying policy. He read as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 12 OF THE MONROVIA MUNICIPAL CODE BY REPEALING CHAPTER 12 52 RELATING TO SPECIAL EVENTS**

Councilmember Adams stated that peaceful enjoyment of the park should be obtained and that Staff must investigate and do their homework so that we can deliver what we offer—that the quiet enjoyment of guests in the park needs to be looked at for the new policy. Councilmember Garcia stated that he concurred with Councilmember Adams' concerns and looked for policies that would not impede on what would be normal events that people are allowed to have. Councilmember Franco stated that discussing it here was like shooting in the dark, anticipating what we might perceive is broken and perhaps nothing is broken. He cautioned to tread lightly and develop the right solution for the right problem. Councilmember Adams asked that Staff look into the lease of property rather than renting an area.

**After further discussion it was moved by Councilmember Franco seconded by Councilmember Garcia to repeal Section 12 52 of the Monrovia Municipal and to read by title only Ordinance No 2001-15**

- 1 Cyrus Kemp Monrovia spoke for repeal of Ordinance No 2001-13 and accompanying policy
- 2 Harrison Taylor Monrovia thanked Councilmember Franco for removing an item from a recent Closed Session spoke for the repeal and expressed concern regarding Staff
- 3 Bob Locatelli Monrovia spoke for the repeal and asked the City Attorney for clarification of the remaining amendments
- 4 Pam Fitzpatrick Monrovia spoke for the repeal of the ordinance
- 5 Jasen Lewis KGEM Executive Director spoke in support of the discussion by the City Council regarding First Amendment rights to free speech

Councilmember Franco explained to Mr Taylor that City Manager Hopper removed the Closed Session item from that particular Agenda.

#### **ROLL CALL**

**Ayes Councilmembers Adams Franco Garcia and Mayor Blakely**  
**Excused Mayor Pro Tem Hammond**  
**Motion carried 4-0**

#### **7 Oral Report by City Attorney Michael G Colantuono Joining the Filing of Amicus Curiae Brief in the Matter of Barden v City of Sacramento**

City Attorney Michael G Colantuono gave an oral report regarding the filing of an Amicus Brief in the case of Barden v the City of Sacramento.

The Board of Directors of the League of California Cities is urging cities to join in the *Amicus Curiae* brief in *Barden v City of Sacramento*. In this appeal the plaintiff/appellants are asking the Ninth Circuit Court of Appeals to find that a city's sidewalks are programs under the ADA and that cities are obligated to identify all aspects of their sidewalks which are not in compliance with the current Americans with Disabilities Act Accessibility Guidelines (ADAAG) and to immediately remove any barriers to accessibility that exist within the city's entire sidewalk system.

If the appellant's position is adopted it will significantly expand a city's liability under Title II of the ADA and it will result in very expensive obligations for cities in operating and maintaining their sidewalk systems.

**It was moved by Councilmember Adams seconded by Councilmember Garcia to authorize the City Attorney to list the City's name on the Amicus Curiae Brief**

**ROLL CALL**

**Ayes Councilmembers Adams Franco Garcia and Mayor Blakely**  
**Excused Mayor Pro Tem Hammond**  
**Motion carried 4-0**

**8 Pulled Proposed Property Acquisition Wilderness Preserve Acquisition Project Anderson Property Located at 615 Cloverleaf Drive**

This matter was pulled from the Agenda pursuant to the Closed Session held prior to the City Council Meeting (see Report of Closed Session of August 14 2001 above)

**J ORDINANCES AND RESOLUTIONS None**

**\*K PAYROLL & VOUCHERS** Payroll No 16 in the net amount of \$457 106 07 and Voucher Numbers 96293 through 96759 non-sequentially in the amount of \$1 683 260 49 was approved by order of the Consent Calendar

**L SCHEDULED MEETINGS**

The Monrovia City Council Meeting of August 28 2001 has been cancelled

Preceding a Study Session at the Police Community Room 140 East Lime Avenue at 5 30 P M Dinner 6 00 P M Meeting to discuss the Altrio Cable Application the next Regular Meeting of the Monrovia City Council is scheduled for Tuesday September 11 2001 7 30 P M City Council Chambers 415 South Ivy Avenue Monrovia California

**M ORAL COMMUNICATIONS IF NEEDED None**


**N CLOSED SESSION None**

**O ADJOURN** It was moved by Councilmember Franco to adjourn Mayor Blakely adjourned the Meeting at 11 30 P M in memory of Janine (Gigi) Sauseda Maulit sister of City of Monrovia s Executive Assistant to the City Manager/City Council Rachael Hughes who passed away Saturday Services will be held Wednesday August 15 2001 10 00 A M Immaculate Conception Church The Meeting was also adjourned in the memory of Zeke Justice of Justice Brothers Inc long time Monrovia business owner who was 81 years old and passed away last Thursday His services were held this morning in West Covina

APPROVED

  
Lara Larramendi Blakely Mayor

ATTEST

  
Linda B Proctor CMC City Clerk