

**MINUTES OF THE REGULAR MEETING
OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY DECEMBER 11 2001 7 30 P M**

CONVENE Mayor Lara Larramendi Blakely convened the Regular Meeting of the Monrovia City Council of Tuesday December 11 2001 at 7 30 P M in City Council Chambers 415 South Ivy Avenue Monrovia California

INVOCATION City Clerk Linda B Proctor led the Invocation

PLEDGE OF ALLEGIANCE Mayor Pro Tem Rob Hammond led the Pledge of Allegiance

ROLL CALL In attendance were Councilmembers Tom Adams Victor M Franco Joe Garcia Mayor Pro Tem Rob Hammond and Mayor Lara Larramendi Blakely

REPORT OF CLOSED SESSION

1 December 3 2001 Conference with Legal Counsel Existing Litigation Government Code 54956 9(a) Stephen Bench vs City of Monrovia

City Manager Donald R Hopper reported that the City Council met to discuss the above pending litigation and that no reportable action was taken

PRESENTATIONS

1 Introduction of Police Officers William Burkhalter Rory Scalf and Police Services Representative Shannon Robbins

Police Chief Joe Santoro introduced William Burkhalter and Rory Scalf newly hired Police Officers and Shannon Robbins newly hired Police Services Representative to the Mayor City Council and community Mayor Blakely welcomed them to the Monrovia family on behalf of the City Council and the community

2 Recognition of America Recycles Day Poetry Contest Winners

In recognition of America Recycles Day and to promote public awareness of the importance of recycling the City sponsored a poetry contest for the City's youth Scott Ochoa Assistant City Manager introduced America Recycles Day Poetry Contest Winners Joshua N Hochner (1st place) Vivian Ning (2nd place) and Nicole Fabry (3rd place) to the Mayor City Council and community He presented medals to each Mayor Blakely presented Certificates of Achievement to each Ms Medina teacher congratulated the students

3 Recognition of 2001 Holiday Home Happenings Home Decorating Winners

Kern Zessau Recreation Coordinator introduced the seven winners of the Holiday Home Happenings Home Decorating contest to the Mayor City Council and the community The judging took place on Monday December 10 2001 She reported that this was an annual event open to all residents of Monrovia The locations of the award winning homes were placed on a tour map and made available to the general public at Monrovia City Hall the Community Center Library Chamber of Commerce and other locations throughout the community Winning homes also received a painted wood sign to display in their front yard

Mayor Blakely presented a special basket to each family A Special Award was presented to the McKeon family in memory of their son Tim Best of the Holiday Season Award will be an annual

award in memory of Tom and Beverly McKeon's son Tim called the Timo Award. Councilmember Adams noted that Sonny Hopper was unable to decorate this year due to illness. He asked that a card to be sent to him from the Holiday Home Happenings Home Decorating Committee and tell him that the City looks forward to his participation next year.

4 Recognition of Winners in the Annual Merchants Holiday Parade

Susan Motander, Parade Chairman, stated that each year the merchants of Monrovia's Old Town sponsored the Annual Christmas Parade, now known as the Annual Merchants Holiday Parade. She introduced the winners as follows: Best Youth Group - El Monte Pee Wee Cheerleaders (unable to attend); Best Adult Commercial Entry - Monrovia Jazzercise; and representatives of Rio Hondo Prep, Elliot Middle School, and Santa Fe Middle School bands were introduced and presented their trophies. Trophies will be sent to the winners who were unable to attend. All participating bands will receive a trophy. Ms. Motander was congratulated on a job well done. Councilmember Franco also noted the moving story in the Star News regarding Ms. Motander's work in bone marrow transplants. He thanked her for her work in this area and stated that he wanted to work with her to register all people of color in identifying bone marrow donors.

PROCLAMATIONS

1 Proclaiming March 5 2002 as Arbor Day

Parks Division Manager Daniel Iwata explained that since 1987 Monrovia has been recognized by the National Arbor Day Foundation as a Tree City USA. In order for Monrovia to be eligible for renewal of its Tree City USA status, each year we must apply for re-certification as a Tree City USA through the National Arbor Day Foundation and submit our application by December 31, 2001. To be eligible for the re-certification, Monrovia must endorse an Arbor Day proclamation and sponsor an Arbor Day observance.

It was Staff's objective to have the National Arbor Day Foundation recognize Monrovia for its active and progressive tree maintenance program. The recognition also enhances civic pride and aids in the education of youth in the community as to the importance of urban forests and the environment for a total cost of \$125.00.

The Public Works Department has scheduled an Arbor Day observance with the cooperation of the Community Services Department. The ceremony will include a tree planting activity by local school children and is scheduled to take place March 5, 2002 at 4:00 p.m. at Canyon Park.

Mayor Blakely proclaimed March 5, 2002 as Arbor Day. Mr. Iwata accepted the Proclamation.

STUDENT GOVERNMENT REPRESENTATIVE REPORT Student Government Liaison Matt Binford reported on activities at Monrovia High School.

A CONSENT CALENDAR

It was moved by Mayor Pro Tem Hammond, seconded by Councilmember Franco, to approve the Consent Calendar consisting of Items *F-1, *I-3, *I-4, *I-5, *I-6, *I-7, and *K.

ROLL CALL

Ayes: Councilmembers Adams**, Franco, Garcia, Mayor Pro Tem Hammond, Mayor Blakely*
Motion carried 5-0

*with the exception of *I-5 as Nextel has had an ongoing business relationship with Edison, Mayor Blakely's former employer.

**with the exception of *I-6

B MINUTES None

C ORAL COMMUNICATIONS

Mayor Blakely explained the guidelines for Oral Communications

- 1 Gina Ayala Monrovia spoke in support of Community Media of the Foothill s Boardmembers
- 2 Karen Suarez Monrovia spoke in support of Arbor Day and K-GEM s Public Access Channel
- 3 Jan Quintelier Monrovia spoke against Planned Parenthood
- 4 Elwanda F Seelig Monrovia spoke against Planned Parenthood
- 5 Marianne West Monrovia MBA presented a plaque to Mayor Blakely as liaison to Monrovia Business Association (MBA) She also presented a plaque to Gloria Huss MAC Boardmember She noted that funds were collected from individual merchants and that MBA funds were not used
- 6 John O Neill Monrovia thanked those who helped MAPP throughout the year wished all happy holidays and asked that baby formula and food be donated to the pregnancy help centers
- 7 Clare Chesley Monrovia spoke against Planned Parenthood and in support of all the MAPP volunteers
- 8 Rosemary Harrahill Monrovia spoke against Planned Parenthood in support of volunteers and thanked the police department for assistance
- 9 Stephen Grollnek Monrovia spoke regarding the policy of placement of yard sale signs and asked for clarification of such City Manager Hopper referred him to the Planning Department In response to Mr Grollnek s inquiry regarding receipt of a letter from Mr Krikorian City Manager Hopper reported that Mr Krikorian has been in touch with the City regarding City Councilmembers passes to the theater
- 10 Thomas A Reale Teacher Clifton Monrovia spoke regarding students who worked at the KGEM studio at Clifton who are now in college He stated that KGEM had contributed to the experience and hands on time in producing videos for television which has proved to be invaluable for the students
- 11 Pam Barkas Monrovia speaking on behalf of middle-aged ladies of Monrovia stated that her purse was stolen that she was the first person in ten years to have had it done and that she warned people who eat outside to be aware of purse snatchers
- 12 Chuck Keen Monrovia spoke against Planned Parenthood and expressed concern that the appraisals to purchase the property would be completed in a timely manner He asked that everyone keep the men and women in the service in mind during the holiday season
- 13 April Soash with Santa Claus in tow explained the City s annual Santa Tour on December 17 18 19 20 21 2001 KGEM Channel 3 will carry the routes or residents may call Community Center
- 14 Sister Mary Karen Joseph Duarte thanked City Council for opportunity to speak and spoke against Planned Parenthood
- 15 Dan Kirby Monrovia thanked those who organized the Holiday Parade including Susan Motander and stated that it symbolized most about why he lived here—it was all about children

Mayor Blakely called a recess from 8 46 P M to 9 00 P M

D PUBLIC MEETINGS/HEARINGS**1 Amendment of Title 17 of the Monrovia Municipal Code Relating to In-fill Hillside Development Standards Introduction and First Reading of Ordinance No 2001-17**

Alice Griselle Planning Division Manager reviewed the Staff Report

At its meeting of October 9 2001 the City Council approved an urgency ordinance which required a conditional use permit for development of infill hillside lots or any modifications or additions that require a 5 cut or fill and/or a 6 or greater retaining wall On November 13 2001 the City Council extended the urgency ordinance for 120 days

At its meetings of September 12 October 10 and November 14 2001 the Planning Commission reviewed draft regulations pertaining to single family development on hillside infill lots At its November 14 2001 meeting the Planning Commission discussed the need to have a streamlined permit process adequate noticing and accessible public hearings and forwarded a recommendation to the City Council

Staff presented the Planning Commission s recommendation as well as a modified recommendation based on City Council concerns public input and additional Staff review

PLANNING COMMISSION RECOMMENDATION

Permit Minor Conditional Use Permit

Application Any new single family home or addition or accessory structure over 500 square feet on infill hillside properties where grading requires a five (5) foot cut or fill and/or a six (6) foot or greater retaining wall

Location RL RE or RF zones (generally affects properties north of Hillcrest Blvd)

Noticing 500 radius notice to property owners
Newspaper notice

Review Body Development Review Committee with appeal to Planning Commission Meeting
Time 2 00 PM

Findings Existing Findings currently used for Conditional Use Permits

Fees \$865 minor CUP (\$125 appeal to Planning Commission and \$100 appeal to City Council)

G STAFF MODIFIED ALTERNATIVE

Permit Hillside Development Permit (new permit type created for hillside infill development)

Application Any new single family home or addition or accessory structure over 500 square feet on infill hillside properties where grading requires a five (5) foot cut or fill and/or a six (6) foot or greater retaining wall

Location RL RE or RF zones (generally affects properties north of Hillcrest Blvd)

Noticing 500 radius notice to property owners
Newspaper notice with environmental

Review Body Planning Commission with appeal to City Council
Meeting Time 7 30 PM

Findings New findings developed specifically for hillside infill lots

Fees \$355 to \$755 Modified Fee (\$100 appeal to City Council)

The Hillside Development Permit will focus primarily on the unique characteristic of hillside lots addressing environmental grading geologic soils drainage line-of-sight issues and the overall envelope of the structure With respect to design review of the proposed house or addition the Hillside Development Permit shall address only those elements currently permitted in Section 2 56 030 of the Monrovia Municipal Code limiting review to roofing roof overhand and siding materials

The Planning Commission and public both voiced the need for adequate public notice Noticing by mail to a 500 radius will inform surrounding neighbors that could be affected by the proposed construction Noticing in the newspaper will inform the community at large when vacant lots are developed with a single-family home Staff time and the noticing generate a fee of \$355 for additions and accessory structures For houses on vacant lots where there could be an environmental impact the appropriate environmental documents will be prepared adding a fee of \$250 00 The Hillside Development Permit fee will then range from \$355 00 to \$755 00 which is less than the minor conditional use permit fee

The Hillside Development Permit has been created to meet all the criteria as recommended by the Planning Commission at their November 14th meeting and to take into consideration the comments of the City Council including a new fee for the permit

The Planning Commission approved Resolution No 2001-11 recommending approval of Ordinance No 2001-17 and the Negative Declaration Staff made some modifications to the Ordinance within the intent of the Planning Commission Counsel reviewed those changes and determined that they were substantially in compliance with the original intent of Ordinance No 2001-17

In response to questions from Councilmember Adams Ms Grisselle stated that there were no new requirements added from the Planning Commission that the Planning Commission brought forth the change from the original 400 feet garage size to the 500 feet garage size and that a review would be triggered if a 5 cut or 6 wall were requested Mr Kastenbaum stated that the Planning Commission put the test of "reasonable" to this He further stated that a new house on an empty lot needed the process and that adding on to an existing home did not need this extensive of review

City Manager Hopper stated that noticing might be the answer to the issue that grading and drainage did not get lost and that the Council could wade in more slowly by beginning with increased notification

PUBLIC HEARING OPENED Mayor Blakely opened the Public Hearing

- 1 Gloria Crudginton 222 N Myrtle Avenue Monrovia spoke in favor of the Hillside Development Permit
- 2 Wayne Foster 262 El Nido Monrovia spoke in favor of the most stringent requirements

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

It was moved by Councilmember Adams remove the 500 accessory structure requirement Motion died for lack of a second

It was moved by Mayor Pro Tem Hammond seconded by Councilmember Garcia to introduce and read by title only Ordinance No 2001-17 relating to the process and regulations for the development of Residential Hillside Infill Lots

Councilmember Garcia stated that he wanted to again reiterate that this all came about from concerns of residents about potential isolated infill lots that were being addressed that it was sent back to the Planning Commission for a Study Session with City Council that it allowed for a modified fee and that it addressed controversial properties which would apply to any grading in that particular area

Mr Kastenbaum requested that verbiage be changed regarding the 500 structure to read Footprint of area to be graded should not exceed 500 square feet There were no objections

Assistant City Attorney Duran read as follows

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA CALIFORNIA AMENDING TITLE 17 CHAPTER 17 12 AND CHAPTER 17 52 OF THE MONROVIA MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS FOR SPECIFIED HILLSIDE PARCELS WITH THE AMENDMENT THEREOF AS STATED ABOVE

2 Tentative Tract Map No 53613/CUP2001-26 Four-Unit Detached Two-Story Planned Unit Development in RH Zone Located at 821 West Duarte Road Developer Waken Development

At 9 55 P M Councilmember Adams exited City Council Chambers stating that he had a conflict of interest and would not be participating in discussion of or voting on the matter

Alice Griselle Planning Division Manager reviewed the Staff Report

The applicant requested approval of a Tentative Tract Map for a four (4) unit Planned Unit Development (PUD) The subject property is located on the north side of Duarte Road two lots east of Encino Avenue The site is 73 wide and approximately 200 deep with a total area of 13 520 square feet The existing single-family residence would be demolished and replaced with the proposed 4-unit PUD

The property is zoned RH (Residential High Density) as are the surrounding properties on Duarte Road Across the street to the south is a 2-story high-density apartment complex to the east is a recently built 10-unit PUD and to the west is a duplex Behind the subject property is the backyard of a 236-foot deep single-family residential property that fronts on Encino Avenue

The four-unit detached two-story units are located on the west side of the site with a driveway to the east The driveway approach is slightly offset in the front yard setback and incorporates textured concrete The overall site layout provides adequate building separation and open space The project meets all of the development standards of the Zoning Ordinance

All proposed units would be detached and 2-story in height with a maximum ridge height of 24 The front unit facing Duarte Road provides a front facing covered porch and entry door The three rear units will have their primary elevations facing the driveway The dwellings are well designed with modern Craftsman architecture with ample roof and façade modulation and architectural detailing The project's density is consistent with the zoning and the existing developments along this portion of Duarte Road The Planning Commission voted unanimously to recommend approval of this project to the City Council

PUBLIC HEARING OPENED Mayor Blakely opened the Public Hearing

Those in favor

James Younessi former owner of the property

Those opposed

None

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

It was moved by Mayor Pro Tem Hammond seconded by Councilmember Franco to approve Tentative Tract Map No 53613/CUP2001-26 Subject to the Conditions in the Staff Report

ROLL CALL Ayes Councilmembers Franco Garcia Mayor Pro Tem Hammond Mayor Blakely
Abstain Councilmember Adams
Motion carried 4-0

Councilmember Adams returned to City Council Chambers at 9 59 P M

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

CONVENE Chairman Lara Larramendi Blakely convened the Regular Meeting of December 11 2001 of the Monrovia Redevelopment Agency Board of Directors at 9 59 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 Vice-Chairman Rob Hammond and Chairman Lara Larramendi Blakely

A CONSENT CALENDAR *MRA-2

It was moved by Boardmember Garcia seconded by Boardmember Adams to approve the Consent Calendar consisting of Item *MRA-2

ROLL CALL Ayes Boardmembers Adams Franco Garcia Vice-Chairman Hammond and Chairman Blakely
Motion carried 5-0

B MINUTES None

MRA REPORTS

1 Public Hearing Draft Environmental impact Report (EIR) for the Proposed 6th Amendment to Project Area No 1 to the Central Redevelopment Project

Kevin O'Brien Sr Project Manager reviewed the Staff Report

The lengthy process to amend the redevelopment project area is nearing completion. The Amendment adds four new areas to the existing redevelopment project area. The last required task is the certification of the Environmental Impact Report. On October 23 2001 the Agency authorized circulation of the draft EIR to the required public agencies for review. The review period has concluded and the next required step is for the Agency to receive public comment concerning the EIR. Notice of this public hearing was published in the Monrovia Weekly. The public hearing will provide citizens as well as public agencies the opportunity to comment on the report. Any comments received will become part of the final report that will be certified by the Redevelopment Agency in January. The four sites to be added were the Avery Label area Old Depot site Ranch Market/Rosedale Center site and former Composite Structures site.

PUBLIC HEARING OPENED AND CLOSED Chairman Blakely opened and closed the Public Hearing as there was no one who wished to speak for or against the matter

CMAS contract specifications and would have be added to the contract price for a total cost of \$76 783 22

It was moved by Councilmember Adams seconded by Councilmember Garcia to approve the cooperative purchase in conjunction with the State of California s CMAS contract number 4-01-38-0012A and issue a purchase order to Coastline Equipment (P O Box 22732 Long Beach CA 90801-5735) for one tractor loader-backhoe in the amount of \$76 783 22

ROLL CALL Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond Mayor Blakely
Motion carried 5-0

F COMMUNICATIONS AND PETITIONS

*1 **Receive and File Application for ABC Beverage License (Type 47 On-Sale General) for Caffe Opera & Bakery Inc Located at 402-406 South Myrtle Avenue**

This matter was approved by order of the Consent Calendar

Notice was received from ABC that Varo A Angeletti David L Berg Lino Buzzelli Brenda K Berg and Winnogene Angeletti have submitted an application for a type 47 On-Sale General License Based on the background investigation on the applicants Staff finds no reason to recommend any other action on this application There was no fiscal impact

Staff recommended that the City Council receive and file the application

G REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

1 **Mayor Blakely reported that**

(a) Appointment of Planning Commissioners Eric Abe and William Beebe (both new appointments)

(b) Appointment of Historic Preservation Commissioners Donna Baker (new appointment as she was off the Commission for a year) Tim Shea (reapplied for one term) Peter Fisk (new appointments)

Appointment of Community Services Commissioner Beth Costanza and Dawne Dykstra (both new appointments) As an side Mary Ann Lutz was selected for her second term

Mayor Blakely reviewed the process in arriving at the proposed appointment of the above Commissioners and requested that those listed be so appointed

It was moved by Councilmember Adams seconded by Mayor Pro Tem Hammond to appoint the above proposed Commissioners

Councilmember Adams commented on the quality of all of the applicants and encouraged those who were not selected to continue to stay involved in the community

ROLL CALL Ayes Councilmembers Adams Franco Garcia Mayor Pro Tem Hammond and Mayor Blakely
Motion carried 5-0

(e) She attended a conference called "Rail Pollution with Staff two weeks ago in San Francisco With the potential that the Blue Line Phase II was coming our way they each attended different workshops dealing with various concepts They were updated on the various steps until the reauthorization was needed in 2004 Education of elected officials has begun according to plan through regional agencies

(f) She was part of a panel of the National League of Cities Early Childhood Development discussing how municipalities can prepare children before they enter school. She stated that a city the size of Monrovia could give dollars to its library as the level of that investment would more than double in five years. 0-5 year olds are the future of government. She also reported that the National League of Cities will highlight the Monrovia Library's Children's programs in one of its issues. This will help in applying for funds through the Library Bond Act. She stated that she was unable to participate in the Holiday Parade due to this commitment.

(g) She is the Chair of International Task Force National League of Cities and gave testimony last night at a Town Hall meeting from the Senate Select Committee on the International Trade Agreements and why that's important to Monrovia. Some of the Trade Agreements that are being discussed have language that could have an adverse impact on our local authority and talk about zoning and procurement which would impact expenditures of public funds and Redevelopment laws. It is the League's desire to educate cities on the impact of some of these agreements. While some of these agreements will be very beneficial for our high-tech businesses on Huntington Drive we must be sure that there will be no adverse impact to our community.

(h) Legislative meetings with Senator Margett and Assemblymen Liu and Mountjoy have been planned for this week. The meeting with Assemblyman Liu went well this morning. She noted that the sales tax generation per capita in Monrovia is the largest in the San Gabriel Valley which she attributed to a lot of hard work from Staff and all of the Council.

(i) She wished all happy holidays.

(j) Congressman Dreier came through again for funds for the City.

2 Mayor Pro Tem Hammond reported that

(a) He wished Happy Holidays to all and thanked the merchants for the putting on the wonderful parade. He gave thanks to Mary Wilcox for her idea to put every child in town in the parade which lines the streets with their families. He thanked Marjorie Irwin for making the streets look magical in the evenings with the holiday decorations in Old Town.

(b) The Breakfast meeting with Assemblyman Liu this morning was interesting with respect to what the State was or was not going to do for cities and looking at the job that the City of Monrovia had done in positioning itself to stay any financial hardships that may be out there. While the State is going through a deficit fiscal year the City of Monrovia is in really good shape and it is because the Staff we have—Don Hopper, Scott Ochoa, and all the folks over in Redevelopment—who have positioned us that we have a recession-proof economy and as we listen to the woes of the people across of the State of California while we do share in some of those woes we do not share in the magnitude of those woes and it is because of how we have positioned ourselves financially. It is a credit to this Council for many years to have the vision to look for diversity in businesses that allows them to compete even in bad economic times. It was encouraging this morning to hear that we were in pretty good shape even though the State was looking at billions of dollars in deficit.

(c) He again wished all Happy Holidays and asked that the community keep in their hearts and prayers the parents of those overseas and our service personnel during this holiday season.

3 Councilmember Adams reported that

(a) He wished a Merry Christmas, Happy Holidays and great New Year to all and asked Sonny Hopper to get well soon so that he could light his holiday lights next year.

4 Councilmember Franco reported that

(a) He wished all Happy Holidays and stated that he enjoyed being in the parade this year the largest crowd he had seen in 13 years and thanked Susan Motander for chairing the event.

(b) He attended the meeting this morning with the City Council and Assemblyman Carol Liu and shared some real concerns about the direction the State is going and the potential impact on Monrovia due to the State's deficit. Her commitment was to work with Monrovia to minimize the impact. Considering what the State is looking at—a budget deficit for next 3 years—He stated that he really appreciated the Staff scheduling the meeting as the State budget is something that the Council needs to be on top of. He noted that two more meetings with our state legislators were scheduled and that it was important to keep in touch with all of them.

(c) The Foothill Unity Center food and toy distribution would be at the Armory beginning at noon on Sunday December 16 2001 He and his family will be playing Santa Claus and family and they will help distribute the goods He asked for contributions for this worthy cause

5 Councilmember Garcia reported that

(a) On Saturday 9 00 A M to 12 Noon volunteers would be boxing food and toys for the Unity Center at the Armory for the pre-Christmas giveaway He encouraged those who had time to volunteer and more volunteers were needed

(b) He extended Holiday wishes to the community and stated that all in all there was much to be thankful for and that the community should keep families of servicemen overseas in their prayers

H REPORTS OF COMMISSIONS BOARDS AND COMMITTEES

1 Hillside Land Acquisition Gary Miller Property (8501-009-008 8503-003-006 8503-015-005) Negotiations Extension

Gloria Crudgington Wilderness Preserve Steering Co-Chair reviewed the Staff Report

The City Council at its meeting of October 23 2001 agreed to make the Gary Miller property a top priority in the hillside land acquisition program This was consistent with the recommendation of the Wilderness Preserve Steering Committee

As a result the City negotiations teams consisting of Councilperson Tom Adams Wilderness Preserve Steering Committee Co-Chair Gloria Crudgington and Tom Clarke City's Redevelopment Attorney have met with Mr Miller on several occasions The negotiations have been productive however in order for these discussions to continue the important appraisal information is needed The appraisal is in progress and the property valuation will be available on December 14 2001

In order to show good faith regarding the City's desire to pursue the Miller property Mr Miller has requested that a payment be made to extend the negotiations until Jan 9 2002 In the meantime we will be receiving the appraisal information that will be needed to further the negotiations This agreement will give the City the exclusive right to purchase the subject property

The proposed Option Agreement was prepared by Thomas P Clarke of Stradling Yocca Carlson and Rauth the City's Redevelopment Attorney

This agreement includes the following points

- 30 day property negotiations extension to January 9 2002
- "Good Faith Payment of \$40 000 00
- Payment shall apply to the purchase price of the property
- Purchase price subject to negotiations and completed appraisal

The \$40 000 00 cost of extending the property negotiations will be paid from Measure B funds approved by the voters for hillside land acquisition The \$40 000 00 will be applied to any future property purchase The Committee is committed to purchase all of the properties

The City's Wilderness Preserve Steering Committee voted 5-2 to recommend approval of the proposed Option Agreement She praised the whole Committee for its diversity and extraordinary work

Mayor Pro Tem Hammond thanked Ms Crudgington and Councilmember Adams for volunteering so much time and hard work on this

The MAC is required under AB 103 to oversee how assessment funds generated from the Old Town Business Improvement District (BID) are spent. With the downtown manager taking over the marketing and promotions function along with the contract administration for the Family Festival and filming activity in Old Town, the MBA is rendered superfluous as an organization. Yet without the MBA, there is a void with respect to merchant input on marketing issues.

Ordinance No. 2001-24 proposes to augment the MAC in three basic ways:

1. Change the name of the body from the Mayor's Advisory Committee to the Monrovia Old Town Advisory Board. This change reflects the area-specific nature, scope, and purpose of the Board. This is also an important change in recognizing that this group is being accorded the same status as the City's other commissions and boards.
2. Expand the Board's membership by two seats, from three to five Board members. This will increase the level of input and insights from the Old Town business community.
3. Increase the number of regularly scheduled meetings from four quarterly meetings to twelve regularly scheduled monthly meetings. This will increase the opportunities for the Old Town business community.

Staff recommended Option 1 of the following options:

1. Introduce Ordinance No. 2001-24.
2. Do not introduce Ordinance No. 2001-24, or
3. Do not introduce Ordinance No. 2001-24 and direct Staff to continue working with the MBA on the downtown manager position and the marketing and promotion of Old Town in general.

The arguments for and against Ordinance No. 2001-24 revolved around the City's creation and supervision of the downtown manager position. Should the City Council determine that the downtown manager position has value and is worthwhile, then Ordinance No. 2001-24 is an effective way of ensuring that those businesses that pay the AB 103 assessment have a meaningful voice in determining how their money is spent.

In response to Councilmember Adams' request, City Manager Hopper stated that quarterly reports would be made. After further discussion, it was determined that the Committee would be made up of the three existing MAC members and two new seated members as approved by the City Council, as recommended by a Selection Committee, as is done for other Commissions and Boards. That there would be at least two night meetings of the twelve annual meetings, and a definition of the requirements of Committee members, with the requirement that each be a BID member and that there would be representation from the side street businesses, that there be representation from the diverse businesses, that the Municipal Code did not require that a member of other Commissions and Boards be a resident, with the exception of the Historic Preservation Commission, that all members have a viable business, not just a post office box address, with regular hours, and that The Brown Act and Conflict of Interest codes would apply.

It was moved by Councilmember Adams, seconded by Councilmember Garcia, to introduce and read by title only Ordinance No. 2001-24 amending Section 5.36.120 of Title 5, Chapter 5.36 of the Monrovia Municipal Code relating to the Mayor's Advisory Committee for Business Improvement District No. 2. As there were no objections, Assistant City Attorney Duran read as follows:

AN ORDINANCE OF THE MONROVIA CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 5, SECTION 5.36.120 OF THE MONROVIA MUNICIPAL CODE RELATING TO BUSINESS IMPROVEMENT DISTRICT NO. 2.

*3 Year 2000 Annual Report to the California Integrated Waste Management Board (CIWMB) Receive and File

This matter was approved by order of the Consent Calendar.

AB 939 the California Integrated Waste Management Act of 1989 requires cities and counties to achieve a waste diversion rate of 25% by 1995 and 50% by the year 2000. The CIWMB requires all cities with an approved Source Reduction and Recycling Element (SRRE) to submit an Annual Report listing the jurisdictions waste management and recycling activities as well as their respective waste diversion rates. The CIWMB declared that all cities making a good faith effort at implementing programs to achieve the State's milestones would not be subject to the fines and penalties prescribed in AB 939.

To demonstrate the City's good faith effort in meeting diversion goals, Staff has been addressing problems in the Disposal Reporting System, inconsistent inclusion of inserts in disposal amounts, and inaccurate base year generation measurements. These efforts have complimented the City's ongoing recycling and education programs.

The City's diversion rate calculation using the established 1995 base year was 35% for the year 2000. Since it does not include accurate data from the commercial sector of the community, it was determined that a new generation study was needed to recalculate our diversion rate using a new base year of 2000 to establish a more precise diversion rate. Therefore, business audits to identify source reduction and recycling from this segment of the waste stream were important parts of depicting a typical year of disposal (base year) for the City of Monrovia.

To remedy our base year issues, the City of Monrovia retained Dr. Eugene Tseng & Associates to conduct a Waste Reduction and Recycling Study and to assist with the preparation of the critical 2000 Annual Report and base year generation study. Dr. Tseng utilized these waste reduction and recycling audits of Monrovia businesses to extrapolate a diversion rate for the City in accordance with sampling methods approved by the State. By calculating the data collected through commercial waste audits and utilizing the year 2000 as our base year, Monrovia's diversion rate has increased to 46%.

This increase also reflects the City's implementation and expansion of Source Reduction and Recycling Element programs within Monrovia, which include the continued residential green waste programs, the new awards program for businesses to raise awareness of waste reduction and recycling, and significant waste reduction and recycling outreach to the commercial sector over the past two years.

The new base year study has put the City much closer to reaching the mandated 50% diversion goal, and the new base year study contributes greatly to the City's ongoing good faith efforts. Staff is confident that the City is on schedule for meeting the AB 939 diversion goal of 50% by the year 2001. One major staff focus for the year 2002 is to further our good faith efforts by implementing new programs through sustained public outreach and education. Additionally, the City of Monrovia is expected to benefit from upcoming changes in CIWMB inert disposal guidelines. Staff will continue to put pressure on the CIWMB to ensure more consistent reporting methods, fairness of regulations, and cost effectiveness of annual waste studies.

***4 Participation in the LA County MTA Subregional Paratransit Incentive Program Resolution No. 2001-64**

This matter was approved by order of the Consent Calendar.

Resolution No. 2001-64 is necessary to secure Proposition A Discretionary Funds under the Subregional Paratransit Incentive Grant Program of the Los Angeles County Metropolitan Transportation Authority (LACMTA). These funds are used to supplement our Proposition A funds for operation of the Monrovia Transit.

The County reimburses the City for service to the County unincorporated area up to approximately \$246,000.00 for FY 2001-2002. This covers the cost of providing their service through Monrovia Transit.

In addition LACMTA will provide a Subregional Paratransit Incentive Grant of \$112 704 00 for Fiscal Year 2001-2002 as an "incentive for Monrovia to include the unincorporated County area in our service area This \$112 704 00 goes a long way in providing funding for Monrovia Transit's operation within the City of Monrovia The application for funding through this program for Fiscal Year 2001-2002 has been completed and will be submitted upon the City Council's adoption of the subject resolution

This program provides an important transportation service to residents of the County area and in turn the LACMTA provides the incentive grant to the City to help support our dial-a-ride program Staff highly recommended that the program be continued

***5 Set for Public Hearing on January 8 2002 Appeal of Planning Commission Denial of CUP2001-25/V2001-17 request to construct a cellular antenna at 410 West Evergreen Nextel Communications appellant**

This matter was approved by order of the Consent Calendar

At its meeting of November 14 2001 the Planning Commission held a public hearing to review a request to construct a new cellular antenna at 410 West Evergreen Avenue There was public testimony from residents to the south voicing concerns regarding the cellular antenna After the public hearing the Planning Commission denied the request The applicant filed to appeal the decision to the City Council

Staff recommended setting the Public Hearing for January 8 2002

***6 Set for Public Hearing on January 8 2002 Historic Landmark Designation HL-35 Mills Act Contract MA-34 211 North Magnolia Avenue Karl and Kathleen Aaronian owners**

This matter was approved by order of the Consent Calendar

At its meeting of November 28 2001 the Historic Preservation Commission recommended approval of Historic Landmark designation and execution of a Mills Act Contract for the house at 211 North Magnolia Avenue

Staff recommended setting the Public Hearing for January 8 2002

***7 Set for Public Hearing on January 8 2002 Historic Landmark Designation HL-36 for the Box Jewelers Clock Located in Front of Boxx Jewelers at 518 South Myrtle Avenue Sam Silverman owner**

This matter was approved by order of the Consent Calendar

At its meeting of November 28 2001 the Historic Preservation Commission recommended approval of Historic Landmark designation for the Box Jewelers Clock in front of 518 South Myrtle Avenue

Staff recommended setting the Public Hearing for January 8 2002

J ORDINANCES AND RESOLUTIONS None

K PAYROLL & VOUCHERS Payroll No 25 in the net amount of \$427 293 25 and Voucher Numbers 99102 through 99455 non-sequentially in the amount of \$1 404 126 97 were approved by order of the Consent Calendar

L SCHEDULED MEETINGS

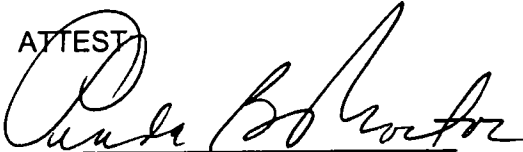
The next Regular Meeting of the Monrovia City Council is scheduled for Tuesday January 8 2002
7 30 P M City Council Chambers 415 South Ivy Avenue Monrovia California

- M **ORAL COMMUNICATIONS IF NEEDED** None
- N **CLOSED SESSION** None
- O **ADJOURN** Mayor Blakely adjourned the Meeting at 11 06 P M

APPROVED


Lara Larramendi Blakely Mayor

ATTEST


Linda B Proctor CMC City Clerk