

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, SEPTEMBER 4, 2007, 7:30 P.M.**

**CONVENE:** Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, September 4, 2007, at 7:38 P.M. in City Council Chambers, 415 South Ivy Avenue, Monrovia, California (which was preceded by a YES! Interns Graduation and Reception, 6.09 P.M., City Council Chambers). He convened the Meeting in honor of newborns and their parents Daniel Sergei, born in Russia on January 31, 2003, and, Sarah Anastasia, born in Russia on September 22, 2004, arriving in Monrovia on July 3, 2007, with newly adopted parents Tina and Bruce Paul Jacobsen, and, Grace Melissa McCloskey, born January 25, 2007 to parents Patrick H. and Vima Lisa McCloskey. Staff in attendance was City Manager Scott Ochoa, City Attorney Craig A. Steele and City Clerk Linda B. Proctor.

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

**INVOCATION:** Pastor John Mastrogiovanni led the invocation.

**PLEDGE OF ALLEGIANCE** Councilmember Tom Adams led the Flag Salute.

**PRESENTATIONS/PROCLAMATIONS:**

**PR-1 Introduction of Newly Hired Police Department Employees; Police Services Supervisor Bonnie Paredes, Animal Control Officer Rhonda Reynolds, Police Officer Jose Pacheco, and Police Officer Alex Galindo:** Police Lieutenant Alan Sanvictores introduced newly hired Police Department employees, Police Services Supervisor Bonne Paredes, Animal Control Officer Rhonda Reynolds, Police Officers Jose Pacheco, and Alex Galindo.

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** To resume in September

**CONSENT CALENDAR.** It was moved by Mayor Pro Tem Kirby, seconded by Councilmember Lutz, to approve the Consent Calendar. Mayor Hammond abstained from voting on the Minutes as he had not been in attendance at the Meeting. There were no objections.

The Consent Calendar consisted of the following Agenda items:

**CC-1 Unadopted Minutes of the August 7, 2007 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll Nos. 16 and 17 in the Amounts of \$539,920.91 and \$586,767.51, Respectively, and Voucher Nos. 144896 through 145224, and 145225 through 145463, in the Amounts of \$1,949,820.80 and \$1,091,141.19, Respectively**

**CC-3 Denial of Liability Claim; Christina Vigil vs. City of Monrovia:** Ms. Vigil alleged that on February 16, 2007, her knee popped while stepping onto the sidewalk as it was uneven. The sidewalk condition she complained about was a depression/offset due to tree roots. Although the condition of the sidewalk may have deteriorated or changed, the area of the incident, as described by the claimant, was directly in front of her residence. Ms. Vigil had resided at this location for several years and would have traversed the area daily, if not regularly. The condition complained of by Ms. Vigil was open and obvious. She had actual notice of the condition and never provided any notice to the City of Monrovia. She was substantially responsible for her alleged injuries and damages. Staff recommended that Council deny the claim.

**CC-4 Denial of Application for Leave to Present Late Claim; Antoinette Whitlock vs. City of Monrovia:** Ms. Whitlock alleged that on December 11, 2004, a Monrovia Police Officer had her placed in a facility for her mental well-being. As a result she claimed she could no longer concentrate or get a job in her profession. The Police Officer responded in an appropriate manner to the incident in question. Additionally, California Government Code Section 911.4 required an application for leave to present late

claim be presented within one year after her incident Ms. Whitlock waited over two years before presenting her late claim, and as such, she was barred by law from prosecuting an action against the city Staff recommended that Council deny the application for leave to present late claim.

**CC-5 Agreement with the Monrovia Chamber of Commerce for \$48,688.00 per year to provide Support Services to the City of Monrovia ending December 31, 2008:** Under the proposed agreement, the Monrovia Chamber of Commerce would be responsible for providing assistance in areas such as economic development, marketing and promoting the City, providing assistance to Chamber members, networking through Chamber Mixers, promoting with the City public improvement programs, welcoming new businesses, publishing and maintaining a dining guide, and working with the City staff in planning and coordinating certain City events.

**CC-6 Renewal of the Professional Services Agreement for Library Building Consultant Linda Demmers for the New Library Project in the Amount not to exceed \$22,500.00:** The City of Monrovia entered into an Agreement for Professional Services with Library Building Consultant Linda Demmers in January 2006. The agreement provided professional library building advice and expertise, not possessed by City Staff, for the initial phase of the New Library Project Following the City's direction of working on the New Library Project in phases, the agreement also provided for additional services at further cost

As the New Library Project progressed from the Conceptual Design Phase into Design Development and Schematic Design Phases, Ms. Demmers continued, at the City's direction, to provide the additional services listed in the initial agreement as well as needed services not covered in the initial agreement. Consequently, a renewal of the Agreement for Professional Services was needed. Staff recommended the renewal of the agreement in the amount not to exceed \$22,500 00.

**CC-7 2006-2007 Street Resurfacing Project, Project No. C-2992; Total Project Amount of \$859,154.53; Acceptance of Work, Change Order, Notice of Completion; and Final Payment to Silvia Construction, Inc., in the Amount of \$85,915.47:** On April 3, 2007 the City of Monrovia awarded a contract to Silvia Construction Incorporated in the amount of \$816,122.90 to re-surface eleven street sections. There was one change order in the amount of \$43,031 63 for additional work required on May Avenue and one alley west of Ivy Avenue between Lime and Palm Avenues, revising the project total to \$859,154.53 Staff recommended approval of final payment in the amount of \$85,915 47, acceptance of contractor's work, approval of Change Order No. 1, filing a "Notice of Completion" with the Los Angeles County Clerk, and authorizing the Director of Public Works to release retention funds, thirty-five days after filing the "Notice of Completion".

**CC-8 Acceptance of Fiduciary Management over the Office of Emergency Services 2006-2007 Anti-Drug Abuse Grant:** The City of Monrovia had volunteered to accept the fiduciary responsibility for managing the Office of Emergency Services 2006-2007 Anti-Drug Abuse Grant totaling \$1,062,142 The City would be the conduit for these grant funds Authorized representatives of the LA HIDTA task forces would submit approved invoices for payment and the City of Monrovia would, in turn, draw down funds from the State governmental offices for reimbursement of invoices paid. The administration of this grant would have a zero cost impact on the City's General Fund. The City was already scheduled to receive approximately \$120,000 as part of a Federal HIDTA grant, which would cover the administration and staff time necessary to properly account for the grant funds. Per the State Grant requirements, City Council approval was required before the City of Monrovia could accept fiduciary responsibility for the Grant.

**CC-9 Application for ABC Beverage License (Type 41 – On-Sale Beer and Wine License) for Old Town Pizza, 338 South Myrtle Avenue:** Notice was received from ABC that Miguel and Beatriz Chavez had submitted an application for a Type 41 – On-Sale Beer and Wine License. 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 and Staff recommended that the City Council receive and file the application

**CC-10 Legislative Bulletin:** This report highlighted and summarized pending State legislation that could be important to Monrovia and provided a brief analysis of the potential impacts to the City. It included updates on the State Budget and Infrastructure Bond bills, and bills previously supported (SB582, SB1028, AB1010, as well as bills previously opposed (SB303, AB414)

**CC-11 Denial of Liability Claim; Celeste Foran vs. City of Monrovia:** Ms. Foran alleged that on June 8, 2007, she fell and injured her knee when exiting a vehicle in front of her residence. She claimed there was a hole where a chunk of asphalt had come loose in the driveway approach. Ms. Foran rented her place of residence. The driveway approach was the responsibility of the homeowner. Therefore, Staff notified Ms. Foran that she should pursue the matter with the homeowner. Staff recommended that Council deny the claim.

**PUBLIC INPUT:**

1. Judy Gomez, Monrovia
2. Lynn Lewis, Monrovia
3. Stephen Grollnek, Monrovia
4. Chuck Keen, Past Commander, American Legion, Monrovia

**PUBLIC HEARINGS/MEETINGS:**

**PH-1 Opened and Continued from August 7, 2007; Amendment of the Monrovia Municipal Code, Title 17 (Zoning), Pertaining to Permitted Uses in the Commercial and Industrial Zones; Introduction and First Reading of Ordinance No. 2007-14**

Mayor Hammond and Councilmember Lutz recused themselves from discussion or voting on this matter due to the proximity of their respective businesses, and exited City Council Chambers at 7.55 P.M.

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

On July 11, 2007 the Planning Commission reviewed the changes suggested by staff to the Zoning Title of the Monrovia Municipal Code. The advertising was noticed in the local newspaper. However, since there were changes to the HC-D (Historic Commercial-Downtown) zone in regard to permitted uses, the Planning Commission requested that the property owners be notified directly. 153 notices were sent to owners of 214 parcels. The City contacted MOTAB (Monrovia Old Town Advisory Board) and the Chamber of Commerce to notify the businesses. The Planning Commission voted 3/1 to approve the resolution recommending approval of the changes to the City Council.

The evolving uses in the City's downtown and an observation of what had taken place in other cities in their downtowns caused Staff to review the zoning regulations to make sure uses were balanced and would contribute to the needs of the community. Myrtle Avenue was high profile and the heart of the downtown area. Connectivity for day and nighttime users was important. Retail, specified service commercial and administrative office, food uses such as coffee, ice cream/yogurt shop, and restaurants were important at street level. Office and instructional services in addition to these uses were encouraged on the second floor.

The permitted uses allowed at street level in the HCD zone were retail (indoor), restaurant, financial institutions, service commercial (excluding beauty salons, nail salons, barbershops, and pet grooming), and administrative/professional uses (insurance agents, real estate offices, employment agencies, legal service, travel agencies, income tax preparation, and ticket sales offices). Miscellaneous uses that were determined by the DRC to be similar would be permitted.

There was already a provision in the code for nonconforming uses that allowed nonconforming uses to be replaced within six months with like uses or a conforming use would be required. Additionally, in the HCD section of the code there was a provision allowing nonconforming uses to be expanded in the HCD zone subject to approval of a conditional use permit if the appropriate findings were made. Under this provision an existing nonconforming use such as a beauty salon could be replaced within six months with a like use and also expanded if the three findings could be made by the Planning Commission.

The side streets were important to provide support uses for the downtown such as service commercial, retail, and restaurants. Tattoo parlors were currently allowed in Planned Development Area 5 which encompassed the side streets in the downtown area. Staff recommended that tattoo parlors not be allowed in PD Area 5. Additionally, they were allowed in the Neighborhood Commercial (NC) designated areas along Foothill Boulevard. Due to the close proximity to residential apartments, condominiums and

homes, staff recommended that they not be allowed in the NC zone. Staff proposed that the Commercial Regional/Subregional designated areas along Huntington Drive and the Manufacturing designated areas were appropriate for tattoo parlors if the findings for a conditional use permit could be made. Exhibit B attached to the report showed the location of the zones.

The Planning Commission was recommending approval of the proposed amendments to the zoning ordinance to clarify, condense, or delete regulations which would help achieve a balance of uses in the Old Town while still providing for these uses in more appropriate areas.

**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 Garcia, to determine that there was no possible significant effect directly related to the adoption of the Ordinance and no further action required under CEQA; and, introduce, waive further reading and read by title only Ordinance No. 2007-14.

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

City Attorney Steele read.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO PERMITTED USES IN THE COMMERCIAL AND INDUSTRIAL ZONES.**

At 8 22 P.M., Mayor Hammond and Councilmember Lutz returned to City Council Chambers.

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

**MRA CONVENE:** Chairman Rob Hammond convened the Regular Meeting of September 4, 2007 of the Monrovia Redevelopment Agency Board of Directors at 8 23 P.M. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting

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

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

**MRA CC-1: Unadopted Minutes of August 7, 2007.**

**MRA PUBLIC HEARINGS/MEETINGS**

**MRA-PH-1 Joint Public Hearing; Disposition and Development Agreement with 820 South Magnolia Avenue, LLC, a California Limited Liability Company, Regarding Property Located at 820 South Magnolia Avenue, City Resolution No. 2007-50 and Agency Resolution No. 11-2007**

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

On November 21, 2006 the Agency Board authorized the acquisition of 820 South Magnolia Avenue and 1675 South Primrose Avenue with the intention that the Primrose property would be incorporated into the Station Square development and the Magnolia Avenue property would eventually be sold as surplus. The Agency's objective was to remove the dilapidated improvements and sell the cleared lot for the amount of the original investment.

Within the first phase of the Station Square development, there was a twenty-eight unit industrial condominium site, commonly known as Hamby Industrial Park. The site was centrally located and would be an essential acquisition if the Agency was to move forward with the first phase of the Station Square development. As part of the acquisition, the Agency would be obligated to relocate approximately twenty-five separate users.

In evaluating the most appropriate reuse of the 820 South Magnolia site, it was determined that it would be an ideal location for industrial condominium units similar to those found at Hamby Park. Agency Staff spoke to a number of developers interested in redeveloping the site for the creation of industrial condominiums. The offer from 820 S. Magnolia Avenue, LLC, was the only proposal the Agency received that offered to pay the entire amount the Agency invested, and would not require any Agency subsidy. Consequently, this agreement allowed the Agency to not only recoup the initial investment, but also created ten units that would be available for displaced Hamby Park businesses.

**PUBLIC HEARING OPENED:** Chairman Hammond opened the Public Hearing.

Opposed None

In favor. Gail Littlejohn, partner, 820 S. Magnolia Avenue, LLC

**PUBLIC HEARING CLOSED:** Chairman Hammond closed the Public Hearing as there was no one else who wished to speak for or again the matter.

**It was moved by Boardmember Lutz, seconded by Boardmember Adams, to adopt City Resolution No. 2007-50 and Agency Resolution No. 11-2007.**

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

#### **MRA ADMINISTRATIVE REPORTS**

**MRA AR-1 Authorization to Acquire Real Property Located at 1714 South California Avenue from Foodmaker's Equipment Sales and Service, LLC for the Total Consideration of \$5,100,000.00, Resolution No. 12-2007**

Redevelopment Division Manager Kevin O'Brien reviewed the Staff Report

Within the Station Square Study Area, there were a number of key sites that the Agency either had acquired, was under contract to acquire, or had initiated discussions with. The largest site that the Agency had under contract was the eleven acre Sweda site located on California Avenue and Duarte Road. The site being proposed for acquisition, at 1714 South California Avenue, was directly adjacent to the Sweda site.

In June 2007, the owner contacted the Agency and indicated that he was aware of the Agency's purchase of the Sweda site and was interested in selling his property. Working cooperatively with the owner, the site was appraised and the owner agreed to sell the site to the Agency for the established value. As part of the agreement, the site was to be delivered vacant, thus the Agency would not incur an additional expense for tenant relocations.

Under the proposed terms, the Agency would acquire title to the property for the total consideration of \$5,100,000.00. Of this sum, \$2,100,000.00 would be due at the close of escrow, and the owner would take back a fully amortized 5-year promissory note for the balance, at 7% interest. The Agency had the option to prepay this note at any time, without penalty.

**It was moved by Boardmember Garcia, seconded by Vice-Chairman Kirby, to adopt Resolution No. 12-2007, authorizing the acquisition of real property located at 1714 South California Avenue from Foodmaker's Equipment Sales and Service, LLC in the amount of \$5,100,000.00, and directing Staff to bring an update under Councilmember Lutz' report at the September 18, 2007 City Council Meeting of Agency owned properties and their maintenance status.**

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

**MRA AR-2 Authorization to Amend Old Town Business Development Assistance Program**

Chairman Hammond and Boardmember Lutz recused themselves from discussion or voting on the matter due to their respective businesses in Old Town and exited City Council Chambers at 8 42 P.M.

Management Analyst Darlene Sanchez reviewed the Staff Report.

On January 4, 2005, the Agency Board authorized the approval of an Old Town Business Development Assistance Program ("Program") which provided financial assistance to existing Old Town merchants and land owners to encourage business development. Rather than only providing a program for existing business development, Staff proposed a more comprehensive approach to sustain long lasting economic vitality in the Old Town district

This three pronged approach would consist of Business Development, Business Attraction and a Broker Incentive component. The proposed revisions to the Program, would allow new or existing businesses, to receive funding based on their direct contribution to the economic vitality of the City

As part of what was already in place with the existing Business Development Program, the Agency would continue to provide a matching grant program to existing businesses for the purposes of business expansion/improvements. As part of the amended program, the Agency would attract specific business profiles to the Old Town District by providing funding toward that business's City permit and entitlement process. Also as part of the amended program, qualified brokers would be eligible for the Bounty incentive which would be used to attract the City's preferred users into the downtown district. Leveraged all together, Staff believed these initiatives would bolster the economic vitality of Old Town

The recommended budget for the amended Old Town Business Development Assistance Program was \$120,000.00.

**It was moved by Boardmember Adams, seconded by Boardmember Garcia, to approve the amendment to the Old Town Business Development Assistance Program; direct Staff to draft the appropriate Agency Board resolution to delegate program authority to the Executive Director; and direct the Executive Director to implement the Program.**

**Ayes:** Boardmembers Adams, Garcia, Vice-Chairman Kirby,  
**Excused:** Boardmember Lutz and Chairman Hammond  
**Motion carried: 3-0**

**MRA ADJOURNMENT:** Vice-Chairman Kirby adjourned the Monrovia Redevelopment Agency Meeting at 8.53 P.M. and the City Council Meeting continued

At 8 53 P.M., Chairman Hammond and Boardmember Lutz returned to City Council Chambers.

**RECONVENE MONROVIA CITY COUNCIL MEETING**

**REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:**

**RCC1 Mayor Hammond** reported that.

(a) Prior to the City Council Meeting, there had been a special meeting for the YES! Interns graduation and reception. He thanked the students, City Council, and Staff for the successful program.

**RCC2 Mayor Pro Tem Kirby** reported that:

(a) He requested Fire Chief Chris Donovan to report on Monrovia's cooling centers. Chief Donovan reported that there had been three deaths in the county related to the high heat. Locations of Monrovia's Centers were the Community Center, and then Mary Wilcox Youth Center for those who had no air or

their electricity was out. He noted that residents should call 911 if they were experiencing any heat related difficulties. He reported that Firefighters were present in foothills patrolling for fire dangers.

(b) With the sun in its current position, it was necessary to watch for children going to school while driving.

**RCC3 Councilmember Adams** reported that:

(a) **Consideration by the City Council to Direct Staff to Study Environmentally Sensitive Reinvestment in Multi-Family Properties through Moderately-Priced Loans:** Staff was directed to research the concept and bring it back to the City Council for consideration.

**RCC4 Councilmember Garcia** reported that:

(a) He would be attending the League of California Cities Annual Conference in Sacramento, representing the City.

**RCC5 Councilmember Lutz** reported that:

(a) On August 19, 2007, she attended the Shiloh A.M.E. Zion Church's 10th Annual Awards Banquet where Neighborhood Services Coordinator Dan McConnell and City Manager Scott Ochoa, among others, were honored.

(b) On August 22, 2007 she attended the New Teacher Breakfast for Monrovia Unified School District and assisted with the tour of the city with the new teachers and administrators.

**REPORTS OF STAFF MEMBERS:** There were none.

#### **ADMINISTRATIVE REPORTS:**

**AR-1 Amendment of Boundaries for the Underground Utility District No. 2004-01, Royal Oaks Drive (Mountain Avenue to Shamrock Avenue) and Mountain Avenue (Royal Oaks Drive to Huntington Drive); Resolution No. 2007-44.**

City Manager Scott Ochoa reviewed the Staff Report.

Under the Public Utilities Commission's 1968 decision, Tariff Rule 20A, Southern California Edison had to allocate a set amount of funds for local governments within their service area for the conversion of overhead facilities to underground. During the 2007 calendar year, the City's allocation was estimated at \$194,200.00 and would have over \$4 million for conversion projects.

On October 19, 2004, the City Council adopted Resolution No. 2004-64 for the formation of a new Underground Utility District No. 2004-01 within the boundaries of Royal Oaks Drive (Mountain Avenue to Shamrock Avenue) and Mountain Avenue (Royal Oaks Drive to Huntington Drive). With the renovation of the City's Corporate Yard building, it was proposed to increase the Underground District on Mountain Avenue by approximately 700 feet north of Royal Oaks Drive to include the frontage of the City Yard. Increasing the Underground Utility District was estimated at \$300,000.00. Excavation and construction for the utility undergrounding was scheduled to begin December 2007.

**It was moved by Councilmember Adams, seconded by Councilmember Lutz, to adopt Resolution No. 2007-44.**

#### **ROLL CALL:**

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

**SCHEDULED MEETINGS:** Mayor Hammond announced that the next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, September 18, 2007, 7:30 P.M., preceded by a Closed Session, 5:30 P.M., real property negotiations pursuant to Government Code §54956.8, and a Salute to Service Program, 7:00 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

**PUBLIC INPUT, CONTINUED, IF NEEDED:** There was no additional public input.

**ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED:** There were no items pulled from the Consent Calendar

**ADJOURNMENT TO CLOSED SESSION:** At 9:18 P.M., Mayor Hammond announced that the City Council would adjourn to Closed Session regarding the following item, and would reconvene in Council Chambers concluding the Closed Session to report any reportable action taken. Conference with Labor Negotiator pursuant to Government Code §54957.6; Agency Negotiator: Theresa St Peter; Group Employees: Monrovia Firefighters Association and Monrovia Police Officers Association.

**RECONVENE AND REPORT OF CLOSED SESSION**

**RCS-1** Conference with Labor Negotiator pursuant to Government Code §54957.6; Agency Negotiator Theresa St Peter; Group Employees: Monrovia Firefighters Association and Monrovia Police Officers Association. City Attorney Steele reported that no reportable action was taken


**ADJOURNMENT:** At 10:25 P M, Mayor Hammond adjourned the Meeting in memory of Nick Pokrajac, Long Time Monrovia Resident, Jack Ray Collins, Brother of Public Works Director David Fike, and Paul McCready, Founder and Chairman of AeroVironment, Inc.

APPROVED:



Rob Hammond, Mayor

ATTEST



Linda B Proctor, MMC, City Clerk