

**MINUTES OF THE REGULAR MEETING  
OF THE  
MONROVIA CITY COUNCIL  
HELD TUESDAY, SEPTEMBER 2, 2008, 7:30 P.M.**

**CONVENE:** Mayor Rob Hammond convened the Regular Meeting of the Monrovia City Council of Tuesday, September 2, 2008, at 7:39 P M (preceded by a YES! Interns Graduation and Reception, 6 20 P.M. at which all Councilmembers were in attendance) in honor of Braden Christopher Ahrens, born August 2, 2008 to parents Jonathan and Michelle Ahrens, and Ember Ann Barakeh, born August 9, 2008 to parents Lisa and Michael Barakeh In attendance were City Manager Scott Ochoa, City Attorney Craig A Steele and Deputy City Clerk Alice D. Atkins.

**INVOCATION:** Dr. John Mastrogiovanni gave the Invocation.

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

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

**PRESENTATIONS/PROCLAMATIONS:**

**PR-1 Recognition of Monrovia Resident Kimberly Rhode, Two-Time Olympic Gold Medal Winner in Olympic Double Trap, Bronze Medal Winner in Olympic Double Trap, and Silver Medal Winner in 2008 Beijing Olympics in Skeet**

Mayor Hammond proclaimed Wednesday, September 3, 2008, as "Kimberly Rhode Day" and recognized her outstanding achievements as the most decorated female Olympian shooter in history.

Ms Rhode won a gold medal in double-trap at the 1996 Summer Games, making her the youngest female gold medalist in the history of Olympic shooting She later won a bronze medal at the 2000 Summer Olympics in Sydney, Australia, a gold medal at the 2004 Summer Olympics in Athens, and most recently won a silver medal in skeet shooting at the 2008 Summer Games in Beijing She was also a six-time national champion in double trap.

**PR-2 Recognition of Coach Rodney Jefferson, "A" Game Fundamentals Basketball Clinic**

At the request of Councilmember Lutz, Rodney Jefferson gave an overview of the basketball clinic with the aid of a PowerPoint presentation. Mayor Hammond presented a Certificate of Recognition to Rodney Jefferson for organization of the Seventh Annual "A" Game Fundamentals Basketball Clinic, a week-long basketball camp for children and teens held August 4-8, 2008.

**STUDENT GOVERNMENT REPRESENTATIVE REPORT:** Student Liaison Sarah Wallick reviewed the events at Monrovia High School.

**CONSENT CALENDAR:** It was moved by Councilmember Garcia, seconded by Councilmember Lutz, to approve the Consent Calendar. There were no objections

The Consent Calendar consisted of the following Agenda items.

**CC-1 Unadopted Minutes of the August 5, 2008 Regular Meeting of the Monrovia City Council**

**CC-2 Payroll Nos. 16 and 17 in the Amounts of \$643,032.81 and \$674,878.64, Respectively, and Voucher Nos. 152807 Through 153102, and 153103 Through 153385 in the Total Amounts of \$2,121,256.32 and \$1,465,327.60, Respectively**

**CC-3 Denial of Liability Claim; Donna Bradley vs. City of Monrovia.** Ms. Bradley alleged that on May 14, 2008, she was harassed by the City's Animal Control personnel. The incident that occurred was related to a criminal investigation of cruelty to animals as well as the claimant exceeding the maximum number of animals allowed per owner A review of Police Department records indicated that the interaction between Police personnel and Ms Bradley was handled in an appropriate manner and no

harassment occurred. Therefore, the City bore no responsibility for this matter and Staff recommended that Council deny the claim.

**CC-4 Denial of Liability Claim; Vickie Neuman vs. City of Monrovia.** Ms. Neuman alleged that on, or about, May 14, 2008, she was harassed by the City's Animal Control personnel. The incident that occurred was related to a criminal investigation of cruelty to animals as well as the claimant exceeding the maximum number of animals allowed per owner. A review of Police Department records indicated that the interaction between Police personnel and Ms. Neuman was handled in an appropriate manner and no harassment occurred. Therefore, the City bore no responsibility for this matter and Staff recommended that Council deny the claim.

**CC-5 Amendment to Title 5 (Business Taxes, Licenses and Regulations) and Title 17 (Zoning) of the Monrovia Municipal Code Prohibiting Medical Marijuana Dispensaries in All Zones; Adoption of Ordinance No. 2008-07.** This was the final adoption of Ordinance No. 2008-07 amending Title 5 and Title 17 of the Monrovia Municipal Code relating to medical marijuana dispensaries. Staff continued to recommend approval of this ordinance.

**CC-6 Agreement with Moreland Temporary Services for Professional Accounting Services in an Amount not to Exceed \$45,000.00.** The Finance Division had a temporary vacancy in one of its two, full-time accountant positions. The vacant position performed key accounting functions for the City. In addition to normal day-to-day responsibilities, this position played a key role in preparing and assisting with the annual financial audit, which was scheduled for October 2008. By filling this position, the City would be able to fulfill its responsibilities related to the financial audit, in addition to being able to meet other required deadlines and obligations.

In analyzing the most cost effective and efficient means of filling this position, Staff had determined the temporary vacancy would best be filled by utilizing temporary professional accounting services. Cost, experience in municipal accounting, and history were all considered in selecting a firm that could best fit the City's needs. Staff was proposing to procure services through Moreland Temporary Services at a rate of \$60.00 per hour. If services were provided through the end of December 2008, the total cost would be approximately \$45,000.00. The services procured through Moreland Temporary Services would be partially funded by salary savings. The remaining amount of approximately \$12,500.00 not funded by salary savings was available and had been budgeted in the General Fund.

**CC-7 Determination of Public Convenience and Necessity for a Type 20 (Off-Sale Beer and Wine) and a Type 42 (On-Sale Beer and Wine) at 907 South Magnolia and 320 West Chestnut by Paul Kalemkiarian for Wine of the Month Club, Inc.** On August 13, 2008, the Planning Commission approved Conditional Use Permits CUP2008-16/CUP2008-17 to allow an existing business that warehoused wine and received customer orders to establish a retail wine store (CUP2008-17) and have incidental wine tasting (CUP2008-16). The subject properties were located on South Magnolia Avenue and West Chestnut Avenue.

The Department of Alcohol and Beverage Control (ABC) had determined that the subject site was located in a census tract where an "undue concentration" of ABC licenses existed. In areas where there was an "undue concentration," a finding that the sale of alcoholic beverages served the "public convenience and necessity" had to be made by the City Council before an ABC license was issued. If ABC issued the license, the Conditional Use Permit conditions would be in effect. The conditions of approval would ensure that the sale of wine and wine tasting would be incidental to the overall business operation on the site.

The proposed on-site and off-site sale of wine at the subject property would be incidental to the overall use of the site which was office, warehousing and mail order business. The other businesses within Census Tract #4309 with ABC licenses provided a wide variety of services and products to their customers. Allowing on-site and off-site wine to be sold and sampled at the subject property would allow it to be competitive with similar off-site sales and provides a unique sale of on-site wine tasting that is not offered by any other business in the census tract.

City Staff recommended that the City Council make a finding of "convenience and necessity" to allow the applicant to have a Type 20 and Type 42 ABC license at the subject property.

**CC-8 Receive and File; Application for ABC Beverage License (Type 42 – On-Sale Beer and Wine and Type 20 – Off-Sale Beer and Wine, Premise to Premise Transfer) for Wine of the Month Club, Inc., dba Wine of the Month Club, Inc., 907 South Magnolia Avenue.** Notice was received from ABC that Sandra and Paul Kalemkiarian had submitted an application for a Type 42 – On-Sale Beer and Wine and a Type 20 – Off-Sale Beer and Wine Premise to Premise Transfer 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-9 Receive and File; Application for ABC Beverage License (Type 21 – Off-Sale General License, Stock Transfer) for E & T Food, Inc., dba King Ranch Market, 328 West Huntington Drive.** Notice was received from ABC that Aner Jesus Iglesias and Aner De Jesus Iglesias, Jr. had submitted an application for a Type 21 – Off Sale General - Stock Transfer 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 Denial of Liability Claim; Tomovich & Associates vs. City of Monrovia.** Tomovich & Associates entered into a contract with the City of Monrovia to perform work for the Sewer Main Replacement Program Project No. C-2981. They were claiming a breach of the contract by the City. Staff reviewed the claim and determined that the City did not breach the contract as claimed. Therefore, the City bore no responsibility for this matter and Staff recommended that Council deny this claim.

**CC-11 Legislative Bulletin.** This report highlighted and summarized pending State legislation that may be important to Monrovia and provided a brief analysis of the potential impacts to the City. The recommendations made by Staff reflected the City's priorities and programs, as well as the direction taken by the League of California Cities as follows. Those bills to support were AB642, AB2780, AB2594, and SB357, to oppose were AB2754, SB1296, SB1338, AB983, and to be watched was AB811.

#### **PUBLIC INPUT**

1. Mario Duron, Monrovia
2. Becky Shevlin, Monrovia Reads
3. Paul Larsen, Community Services Commission Chairperson
4. Cyrus Kemp, Monrovia
5. Chuck Keen, Monrovia American Legion Post

Mayor Hammond took exception to Speaker No. 4's comments.

**PUBLIC HEARINGS/MEETINGS: None**

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

**MRA CONVENE:** Chairman Rob Hammond convened the Regular Meeting of September 2, 2008 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 Garcia, seconded by Vice Chairman Kirby, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda item.

**MRA CC-1 Unadopted Minutes of the August 5, 2008 Regular Meeting of the Monrovia Redevelopment Agency**

**MRA CC-2 Agreement with HDL Coren and Cone for AB 1290 and SB 211 Professional Services in the Amount of \$11,300.00.** The Monrovia Redevelopment Agency was subject to the requirements of AB 1290 and SB 211, two bills which became effective in 1993 and 2002, respectively.

AB 1290 affected agencies that had established or amended project areas after 1993 and SB 211 affected agencies that amended project areas adopted prior to 1994 to eliminate the time limitation on incurring indebtedness. For those agencies subject to the requirements of AB 1290 and SB 211, an additional amount of pass through payments was to be computed and forwarded to the appropriate taxing entities

AB 1290 and SB 211 pass through payments were based upon complex calculations. Due to the complexity of these calculations, Staff proposed that the calculations be computed by HDL Coren and Cone, the City's property and sales tax consultants. HDL Coren and Cone had the database and experienced staff to ensure that the Agency's payments were accurate. They would ensure accurate calculations for both current and prior years. In addition, they would verify county calculations and determine the proper adjusted base year valuations for SB 211 and second and third tier AB 1290 payments

Funds were available from the Economic Development Fund.

**MRA PUBLIC HEARINGS/MEETINGS:** None

**MRA ADMINISTRATIVE REPORTS:** None

**MRA ADJOURNMENT:** Chairman Hammond adjourned the Meeting at 8 24 P M

### RECONVENE MONROVIA CITY COUNCIL MEETING

#### REPORTS OF CITY COUNCILMEMBERS AND SUBCOMMITTEES:

**RCC1** Mayor Hammond reported that:

(a) He congratulated Councilmember Garcia again on his induction as the President of the Los Angeles Division of the League of California Cities, commenting that it really positioned Monrovia well to help influence Sacramento

(b) The State had not adopted a budget yet and the City was anticipating approximately \$350,000.00 being taken away, potentially from Redevelopment Agency funds which could be exempt from Proposition 1A repayment. He reviewed the benefits of having a strong redevelopment plan with funding versus the pitfalls of not realizing redevelopment potential, and hoped the State would balance its budget without taking from local government

(c) He thanked Olympian Kim Rhode again for attending the City Council Meeting and announced that she had consented to being the Grand Marshall in the annual Holiday parade

(d) He would not be in attendance at the City Council Meeting of September 16, 2008

**RCC2** Mayor Pro Tem Kirby reported that

(a) He reminded everyone that school was back in session and to drive carefully.

**RCC3** Councilmember Adams had no report.

**RCC4** Councilmember Garcia reported that

(a) It was fitting that the Mayor mentioned earlier in the meeting about the extracurricular activities that all of the Councilmembers did to benefit the community in terms of the programs they bring back

(b) He was honored last month and installed as President of the Los Angeles Division of the League of California Cities and hoped he could do the best job for Monrovia and the region

**RCC5** Councilmember Lutz reported that

(a) The Draft Wilderness Preserve and Hillside Recreation Resource Management Plan and Initial Study/Mitigated Negative Declaration had been prepared and were available at multiple locations within the City, on the web, as well as for purchase at FedEx Kinko's and Office Depot. Written comments could be submitted through September 25, 2008 and oral comments could be made at the September 9, 2008 meeting of the Community Services Commission to be held in Council Chambers. Written responses would be prepared and provided to the Community Services Commission at their October 14, 2008 meeting for the purpose of making a recommendation on the Resource Management Plan to the City Council in November.

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

**ADMINISTRATIVE REPORTS:****AR-1 Agreement for Loan of Artwork with the United States Postal Service for the "Grizzly Bear and Cubs" Mural and Approval of a \$32,400.00 Expenditure from the Art in Public Places Fund for Restoration and Installation of the Mural in the New Monrovia Public Library**

Dan Bell, Management Analyst I, reviewed the Staff Report

In 1940, the U S Treasury Department's Section of Fine Arts and Sculpture commissioned Helen Forbes to paint an oil-on canvas mural titled "Grizzly Bear and Cubs." In 1964, the USPS removed the mural during the remodel of the post office lobby and the mural was placed in storage and never remounted on the wall. When art from the Postal Fine Arts Collection could not be housed in local or regional postal retail space, it was the goal of the USPS to identify a public organization or institution that had the interest and demonstrated the ability to properly showcase the art locally

In August of 2007 the Monrovia Historic Preservation Group requested that the Monrovia Endowment for the Arts Committee sponsor the rehabilitation and installation of the mural in the new Monrovia Public Library. Two bids were submitted for the restoration of the mural at \$50,000 00 and \$32,400 00. The Monrovia Endowment for the Arts Committee unanimously voted to recommend that Parma Conservation, an art conservation company, be awarded the restoration contract for \$32,400 00 pending an agreement between the United States Postal Service, the City of Monrovia and the Monrovia Historic Preservation Group

The Monrovia Endowment for the Arts Committee unanimously recommended that the City Council allocate \$32,400 00 from the Art in Public Places Fund for the mural restoration. The fund had ample money to cover this request. Staff recommended that the City Council approve entering into the agreement with the United States Postal Service for the loan of the "Grizzly Bear and Cubs" mural, and approve the funding from the Art in Public Places Fund.

The City Council commended the Monrovia Historic Preservation Group, and Walt Shelly who brought the project to light

Public Input:

In Favor.

1 Darrell Brooke, Legal Advisor, Monrovia Historic Preservation Group

Mayor Hammond specifically congratulated Councilmember Garcia for spearheading the Art in Public Places program and gave kudos to everyone involved

**It was moved by Councilmember Adams, seconded by Councilmember Lutz, to enter into an agreement with the United States Postal Service for a loan of the "Grizzly Bear and Cubs" mural for a term of 25 years, and approve the expenditure of \$32,40.00 from the Art in Public Places fund for the removal, restoration, framing, transporting and reinstallation of the mural at the new Monrovia Public Library.**

**ROLL CALL:**

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

**SCHEDULED MEETINGS**

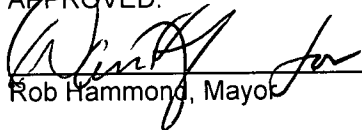
The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, September 16, 2008, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California

**PUBLIC INPUT, CONTINUED, IF NEEDED.** None

**ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED** None

**ADJOURNMENT:** Mayor Hammond adjourned the Meeting at 8 53 P M in memory of Amalia Picazo, grandmother of City Manager Scott Ochoa, and George Boone, father of Monrovia Businesswoman Lynda Fetter.

APPROVED:

  
Rob Hammond, Mayor

ATTEST:

  
Linda B. Proctor, MMC, City Clerk