

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, APRIL 19, 2011, 7:30 P.M.**

CONVENE: Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, April 19, 2011, at 7:33 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, preceded by a Closed Session, 7:00 p.m., at which all Councilmembers were present to discuss CS-1 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Excalibur Property Holdings, LLC, a California Limited Liability Company, and George W. Brokate, an Individual, BS129985. In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins.

INVOCATION: Pastor Ulises Gutierrez led the invocation.

PLEDGE OF ALLEGIANCE: Councilmember Becky A. Shevlin led the Pledge of Allegiance.

ROLL CALL: In attendance were Councilmember Joe Garcia, Clarence R. Shaw, Becky A. Shevlin, Mayor Pro Tem Tom Adams, and Mayor Mary Ann Lutz.

Report of Closed Session:

RCS-1 Conference with Legal Counsel; Existing Litigation Pursuant to Government Code §54956.9; Excalibur Property Holdings, LLC, a California Limited Liability Company, and George W. Brokate, an Individual, BS129985: City Manager Ochoa reported that no reportable action was taken. City Attorney Craig Steele noted that he did not participate in discussion of this matter due to potential conflict of interest

PRESENTATIONS/PROCLAMATIONS: None.

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Nicholas Prins reported on past and future activities at the high school.

ORDER OF BUSINESS: City Manager Scott Ochoa stated that there were no changes.

CONSENT CALENDAR: It was moved by Councilmember Garcia, seconded by Councilmember Shaw, to approve the Consent Calendar. The motion carried unanimously. The Consent Calendar consisted of the following Agenda items:

CC-1 Unadopted Minutes of the March 22, 2011 Special Meeting and the April 5, 2011 Regular Meeting of the Monrovia City Council: The City Council approved the Minutes as presented.

CC-2 Payroll No. 8 in the Amount of \$484,358.43 and Voucher Nos. 170639 through 170897 in the Amount of \$1,106,421.01: The City Council approved the Payroll and Vouchers as presented.

CC-3 Set for Public Hearing on May 3, 2011; Amendment to Title 17 (Zoning) of the Monrovia Municipal Code Adding a New Chapter "Wireless Telecommunications Facilities" to the Zoning Ordinance: The City Council set May 3, 2011, as the date of the Public Hearing.

CC-4 Award of Contract to Pyro Spectaculars in the Amount of \$20,500.00 for Production of the 2011 Fourth of July Fireworks Show: The City Council awarded a contract to Pyro Spectaculars in the amount of \$20,500.00 for production of the 2011 Fourth of July fireworks show.

PUBLIC INPUT

1. Kurt Thorgerson, Monrovia
2. Cristina Samp, Amanda Samp, and Annie Lamb, representing Big M Boosters
3. Gwendolyn Jones, Monrovia
4. Ulises Gutierrez, Monrovia Cinco de Mayo Association
5. Cyrus Kemp, Monrovia
6. Ralph Walker, Covina, Monrovia Volunteer

In response to remarks made under Public Input, City Attorney Steele reviewed California Government Codes regarding the setting of councilmember compensation and benefits, stating that the City of Monrovia complied with said codes. Mayor Lutz reminded the public that compensation and benefit information was available on the City website.

PUBLIC HEARINGS / MEETINGS:

PH-1 Appeal of Planning Commission Approval of Conditional Use Permit CUP2011-06 Permitting Veterinarian and Boarding Services at 745 West Huntington Drive; Gary R. White, DVM, and Nicole Gueniat, DVM, appellants

City Attorney Steele explained process of receiving the report, questions for Staff from council, opening the public hearing, applicant and appellant testimony and rebuttals, and the policy on time limits for other public comment.

Craig Jimenez, Planning Division Manager, reviewed the Staff Report.

During discussion, City Attorney Steele clarified the basic standards to base the decision on whether or not to uphold approval of the conditional use permit. The City Council asked questions of staff related to the proximity of nearest PetSmart location offering boarding, boarding for vacation and daycare versus boarding for related veterinary care, that regulation of veterinary care is not under the purview of the City, sound mitigation and attenuation, and zoning designations related to veterinary care and boarding.

Mayor Lutz opened the Public Hearing and the following testimony was heard:

Applicant: Mike Mullent, Director of Public Affairs, PetSmart, Diana Briggs, and Michael Pattison, spoke in favor of the Conditional Use Permit.

Appellant: Christine Baker, Practice Manager, on behalf of Nicole Gueniat, DVM, Monrovia Animal Medical Center, spoke in opposition of the Conditional Use Permit.

During a brief sidebar discussion, City Attorney Steele brought to Councilmember Shaw's attention that he had a potential conflict of interest due to his proximity to the project. Councilmember Shaw announced that he would be abstaining and exited Council Chambers at 9:00 p.m.

Appellant: Dr. Gary White, DVM, Huntington Animal Hospital, spoke in opposition of the Conditional Use Permit, having submitted a letter for the record prior to the start of the meeting.

Public Input:

1. Sylvia Domotor, DVM, Dr. Domotor's Animal House Veterinary Hospital, spoke in opposition and submitted her letter for the record, as well as a letter from her groomer.
2. Dona Hall, Monrovia, spoke in opposition.
3. Gwendolyn Jones, Monrovia, took exception to suggestions that the business be located in the southern portion of Monrovia.

Rebuttals:

Applicant: Mr. Mullent and Andy Whittaker gave further comment and responded to some of the questions and concerns raised during testimony and public input.

Appellants: Ms. Baker spoke of questions that remained unanswered and gave further comment in opposition. Dr. White apologized for offending anyone with regard to location of the business and gave further comment in opposition.

Mayor Lutz closed the Public Hearing.

Following much discussion, it was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to deny the appeals and uphold the Planning Commission's decision approving CUP 2011-

06, with an additional condition that the City Council shall review the use six months and twelve months from the date the business commences with focus on conditions of approval related to noise and cleanliness of the parking lot. The motion carried on the following vote: **AYES:** Councilmember Garcia and Shevlin; Mayor Pro Tem Adams; Mayor Lutz. **NOES:** None. **ABSENT:** None. **ABSTAIN:** Councilmember Shaw.

Councilmember Shaw returned to Council Chambers at 10:19 p.m.

Mayor Lutz called a brief recess from 10:19 p.m. to 10:31 p.m.

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of April 19, 2011, of the Monrovia Redevelopment Agency Board of Directors at 10:31 p.m. in City Council Chambers, 415 South Ivy Avenue, without adjourning the City Council Meeting.

MRA ROLL CALL: Those in attendance were Boardmembers Joe Garcia, Clarence R. Shaw, Becky A. Shevlin, Vice-Chairman Tom Adams and Chairman Mary Ann Lutz.

MRA CONSENT CALENDAR: It was moved by Vice Chairman Adams, seconded by Boardmember Garcia, to approve the Consent Calendar. The motion carried unanimously. The Consent Calendar consisted of the following Agenda items:

MRA CC-1 Unadopted Minutes of the March 2, 2011 Special Meeting and the April 5, 2011 Regular Meeting of the Monrovia Redevelopment Agency: The Agency Board approved the Minutes as presented.

MRA CC-2 Exclusive Negotiating Agreement with Lowe Enterprises Development Group for Property Located at the South-East Corner of Myrtle Avenue and Duarte Road: The Agency Board approved the Exclusive Negotiating Agreement with Lowe Enterprises Development Group and authorized the Executive Director to execute the necessary documents.

MRA PUBLIC HEARINGS/MEETINGS: None.

MRA ADMINISTRATIVE REPORTS: None.

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 10:32 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS & SUB-COMMITTEES

RCC-1 Mayor Lutz reported on:

- (a) Sexual Assault Awareness Month in April and the significance of "Denim Day" on April 27, 2011.
- (b) Asian History Event at the Monrovia Historical Museum.
- (c) Justice for Homicide Victims Memorial Foundation and Victims Rights Week event.
- (d) Retirement of Belinda Faustinos, Director of San Gabriel Rivers and Mountains Conservancy.
- (e) Recent County Assessor's training seminar
- (f) Support for Monrovia Unified School District, Resolution No. 2011-16; **It was moved by Mayor Lutz, seconded by Mayor Pro Tem Adams, to adopt Resolution No. 2011-16.** The motion carried unanimously.
- (g) Openings on City Boards and Commissions for terms beginning July 1, 2011.
- (h) Monrovia's 125th Birthday Celebration; Recreation Supervisor reviewed events and programs planned for the community-wide celebration.
- (i) Municipal Green Building Conference and Exposition (MGBCE) Award of Recognition

RCC-2 Mayor Pro Tem Adams reported on:

- (a) Asian History Event at the Monrovia Historical Museum.

(b) Appropriate licensing for businesses purchasing used gold; he requested that Staff look at City zoning and state law to be sure existing practices conform with regulations.

RCC-3 Councilmember Garcia reported on:

- (a) Congratulated newly re-elected colleagues and gave kudos to all other candidates.
- (b) Monrovia's 125th Birthday Celebration and 2011 Mother's Day Old Homes Tour

RCC-4 Councilmember Shaw reported on:

- (a) Congratulated newly re-elected colleagues.

RCC-5 Councilmember Shevlin reported on:

- (a) Congratulated Mayor Lutz and Mayor Pro Tem Adams on their re-election.
- (b) Wished the community a Happy Passover and Easter.
- (c) Upcoming events in the community and Library programs.

ADMINISTRATIVE REPORTS

AR-1 Amended and Restated Memorandum of Understanding with the Monrovia Unified School District Relating to Public Use of Playground Areas at Monroe, Wild Rose, Bradoaks, Mayflower, and Plymouth Elementary Schools for Weekend Recreational Activities for the Period Ending June 30, 2011

Kerri Zessau, Recreation Supervisor, reviewed the Staff Report.

Public Comment:

1. Chris Ziegler, Monrovia

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to approve the Amended and Restated Memorandum of Understanding with the Monrovia Unified School District relating to the public use of playground areas at Monroe, Wild Rose, Bradoaks, Mayflower, and Plymouth Elementary Schools for the period ending June 30, 2011. The motion carried unanimously.

AR-2 Award of Contract to Joe Weber Excavating in the Amount of \$71,530.00 for Emergency Debris Removal and Installation of Protective Measures related to Lower Clamshell Motorway and Highland Place Motorway

Ron Bow, Director of Public Works, reviewed the Staff Report.

Brief discussion ensued regarding extent of road repairs and pressure from public related to delays in proceeding with the project.

Public Comment:

1. Chris Ziegler, Monrovia

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to award a contract to Joe Weber Excavating in the amount of \$71,530.00 for emergency debris removal and installation of protective measures related to Lower Clamshell Motorway and Highland Place Motorway. The motion carried unanimously.

AR-3 Renaming and Dedication of Olive Avenue Park as "Lucinda Garcia Park"

Dan Bell, Management Analyst II, reviewed the Staff Report.

Jimmy O'Balles, President of Monrovia Latino Heritage Society, gave a brief review of Lucinda Garcia's biography and thanked the City Council for bringing this item forward.

Councilmember Shevlin conveyed the concern of the Community Services Commission that costs would be covered solely through private funds. Mr. Bell confirmed that Mr. O'Balles had committed to fundraising in February 2011. Mayor Lutz requested Mr. O'Balles to bring a regular report to the City Council on the progress of the fundraising efforts.

Public Comment:

1. City Clerk Atkins summarized comments received via email from resident Pam Fitzpatrick.

It was moved by Councilmember Garcia, seconded by Councilmember Shaw, to rename and dedicate Olive Avenue Park as "Lucinda Garcia Park." The motion carried unanimously.

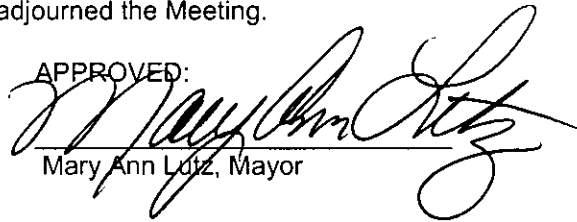
SCHEDULED MEETINGS: The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, May 3, 2011, 7:30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California.

PUBLIC INPUT, CONTINUED, IF NEEDED: None.

ITEMS PULLED FROM CONSENT CALENDAR, IF NEEDED: None.


ADJOURNMENT: At 11:42 p.m. Mayor Lutz adjourned the Meeting.

APPROVED:



Mary Ann Lutz, Mayor

ATTEST:



Alice D. Atkins, CMC, City Clerk