

**MINUTES OF THE REGULAR MEETING OF THE
MONROVIA CITY COUNCIL
HELD TUESDAY, JANUARY 5, 2010, 7:30 P.M.**

CONVENE: Mayor Mary Ann Lutz convened the Regular Meeting of the Monrovia City Council of Tuesday, January 5, 2010, at 7 30 P.M., City Council Chambers, 415 South Ivy Avenue, Monrovia, California, in honor of Seth Jason Jenkins born December 7, 2009, to Public Works Employee Jim and Jaylene Jenkins preceded by a Closed Session, 6:00 P.M. to 7 15 P.M. (at which all City Councilmembers were in attendance) In attendance were City Manager Scott Ochoa, City Attorney Craig A. Steele, and City Clerk Alice D. Atkins

INVOCATION: Pastor Dorothy Scott gave the Invocation

PLEDGE OF ALLEGIANCE: Councilmember Becky A. Shevlin led the Flag Salute

ROLL CALL: In attendance were Councilmembers 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 Labor Negotiator Pursuant to Government Code §54957.6, City Negotiator Theresa St. Peter, Group Employees Monrovia Firefighters' Association

City Attorney Steele reported that information only was given and no reportable action was taken in Closed Session

PRESENTATIONS/PROCLAMATIONS:

PR-1 Recognition of Santa Claus for Bringing Joy and Good Cheer to Old Town Monrovia During the Holidays

The Mayor and City Council recognized Santa Claus for his dedication and tireless efforts to brighten the Holiday season in Old Town, cheerfully attending breakfasts, strolling the sidewalks, greeting residents and shoppers, and posing for countless pictures. Mr. Claus was in attendance to accept a Certificate of Appreciation

STUDENT GOVERNMENT REPRESENTATIVE REPORT: Student Liaison Savannah Spicer reported on past and future activities at the high school

ORDER OF BUSINESS: City Manager Scott Ochoa announced that there were two changes to the order of business. First, item AR-2 would be heard following Public Input. In addition, Staff and the City Attorney requested that the City Council add an item to the Agenda as item AR-3 to discuss the award of an emergency contract for the repair and/or replacement of a failed sewer main. The need to repair and/or replace the main came to the City's attention after the posting of the Agenda for tonight's meeting and there was a need to take immediate action due to the potential for health and safety issues related to the sewer main.

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Garcia, to find that there was a need to take immediate action and that the item came to the City's attention after the posting of the Regular Agenda; and to add the item to the agenda as item AR-3.

ROLL CALL: Ayes: Councilmembers Garcia, Shaw, Shevlin, Mayor Pro Tem Adams, Mayor Lutz
Motion carried: 5-0

CONSENT CALENDAR: It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shaw, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following Agenda items

CC-1 Unadopted Minutes of the December 15, 2009 Regular Meeting of the Monrovia City Council**CC-2 Payroll No. 26 in the Amount of \$587,632.76 and Voucher Nos. 162343 through 162592 in the Amount of \$1,175,560.61****CC-3 Set for Public Hearing on January 19, 2010; Proposed 36th Year (FY 2010-2011) Community Development Block Grant (CDBG) Programs:** The Community Development Commission (CDC) informed Staff that the City of Monrovia was scheduled to receive an estimated Community Development Block Grant (CDBG) allocation of \$371,891 for fiscal year 2010-2011. The CDC required participating cities to report a preliminary summary of the projected use of our annual CDBG allocation by February 1, 2010

Staff recommended that the City Council set January 19, 2010, as the date of the Public Hearing for the proposed 36th year (FY 2010-2011) Community Development Block Grant (CDBG) Programs

CC-4 Transfer of SwimAmerica Monrovia Contracted Service Agreement and Monrovia Aquatix Memorandum of Understanding to the Monrovia Unified School District: The City entered into an agreement as of June 1, 2009 with SwimAmerica Monrovia ("SwimAmerica Agreement") to conduct a summer aquatics program at the Monrovia Swim Center. The City entered into a Memorandum of Understanding on June 2, 2009 with Monrovia Aquatix ("Aquatix Agreement") to conduct a competitive aquatics program at the Monrovia Swim Center. The City wished to assign its interest under both of those agreements to the Monrovia Unified School District and SwimAmerica Monrovia and Monrovia Aquatix wished to continue operating aquatics programs at the Monrovia Swim Center.

Staff recommended that the City Council approve transfer of the SwimAmerica and Aquatix Agreements to the Monrovia Unified School District

PUBLIC INPUT:

- 1 Kurt Thorgerson, Monrovia
- 2 Pam Fitzpatrick, Monrovia
- 3 Cyrus Kemp, Monrovia
- 4 Jacquie Weathersby
- 5 Barney McCartney
- 6 Sandra Love
- 7 Samella Sibley
- 8 Lashawna Jones

PUBLIC HEARINGS/MEETINGS: There were none.

The following item was taken out of order.

AR-2 Introduction of Measures Designed to Reduce Human vs. Wildlife Conflicts

Captain Rick Miglia reviewed the Staff Report

At the September 15, 2009, City Council meeting, Monrovia Police Department Staff presented information on wildlife issues, primarily bears, affecting the foothill neighborhoods, issues such as increasing incidents of bear and human conflict, increased calls for service regarding bears, and property owners' inability or unwillingness to effectively manage the attractants that bears and other wildlife respond to. It was evident that a significant portion of the solution to these problems lay with public education, however, implementing effective measures, in the form of ordinances, to ensure the public better managed these attractants could also be necessary. In other words, the problems were not necessarily with the wildlife, but with the humans' inability to cohabitate responsibly with wildlife. At the September 15, 2009, Council meeting, City Council directed Staff to conduct further research into the matter and come back at a later date with recommendations

The Monrovia Police Department Staff conducted extensive research based not only on the needs of Monrovia specifically, but those proven and effective measures employed by other communities with similar bear (wildlife) vs human conflicts. The most common and effective approach was through public education. The City of Monrovia had been providing an abundance of information and public education

for many years on issues concerning living with wildlife. It was the Monrovia Police Department's pledge and commitment to continue to find new and more effective tools and methods for wildlife public education

To leave the current situation of human vs. wildlife conflicts as they were was not advisable. It was clear that these conflicts were on the rise and measures designed to hold humans accountable for effective change were needed. In the full report, Staff provided what they believed to be viable solutions to some of the most critical human vs. wildlife conflict issues currently faced with. These solutions were proven to be effective in other communities with similar issues. City Council could direct Staff to draw up ordinances necessary to effectively address the issues at hand.

In response to questions from Councilmembers, Captain Miglia, there were positive reports from a few people regarding the bear resistant containers currently used on a voluntary basis. The goal was to reduce the window of time when trash was accessible, not just at the curb but in side and back yards as well. By his estimation, the increase in calls could be partly due to the higher level of service provided by MPD relevant to prior contracted agencies.

City Manager Ochoa reminded that Staff would bring an ordinance back, but that it wouldn't necessarily be enacted at that time. Any mandated fee would require a Proposition 218 hearing. Councilmembers requested a report back with more information on trends in neighboring cities, as well as the effectiveness of other ordinances reviewed during research for this item.

Public Input

- 1 Cyrus Kemp, Monrovia
- 2 Nancy Zack
- 3 Dorothy Kelty

Following discussion, it was moved by Councilmember Shaw, seconded by Councilmember Garcia, to receive and file the report; and direct Staff to return with an ordinance that shores up the Municipal Code regarding unintentional wildlife feeding. There were no objections.

CONVENE MONROVIA REDEVELOPMENT AGENCY MEETING WITHOUT ADJOURNING CITY COUNCIL MEETING

MRA CONVENE: Chairman Mary Ann Lutz convened the Meeting of January 5, 2010, of the Monrovia Redevelopment Agency Board of Directors at 9:26 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 Boardmember Garcia, seconded by Boardmember Shaw, to approve the Consent Calendar. There were no objections. The Consent Calendar consisted of the following item:

MRA CC-1 Unadopted Minutes of the December 15, 2009 Regular Meeting of the Monrovia Redevelopment Agency

MRA PUBLIC HEARINGS/MEETINGS: None

MRA ADMINISTRATIVE REPORTS: None

MRA ADJOURNMENT: Chairman Lutz adjourned the Meeting at 9:27 P.M.

RECONVENE MONROVIA CITY COUNCIL MEETING

REPORTS OF CITY COUNCILMEMBERS AND SUB-COMMITTEES:

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RCC-1 Mayor Lutz

(a) Monthly Census 2010 Update. Due to the late hour, this report was postponed until the next Meeting.

(b) Update on Gang Injunction: At the request of Mayor Lutz, Police Chief Roger Johnson gave an update on the Preliminary Anti-Gang Injunction that was granted on December 18, 2009. Now that the preliminary injunction had been approved by the court, those forty individuals named in the injunction would be served with a copy of the injunction and put on notice that they would be subject to the provisions. The injunction was valid only for 18 MNV and 22 Duroc Crip gang members in the safety zone, however, additional gang members would be served with notice as they become apparent. The justification for the gang injunction was based on hundreds of documented gang crimes that had been committed by MNV and Duroc Crip gang. The safety zone was determined by the judge who evaluated where the gang crimes were occurring, and was established as Foothill Blvd South, Fifth Avenue East, Mountain Avenue West, and the unincorporated areas of Monrovia and Duarte. It was just one tool to be used in the fight against gang crimes and results would be measured and evaluated with reports given to the City Council regarding progress, occurrences, reactions in the community, and the likes. No arrests had occurred yet. Officers, Supervisors and Managers were trained by the District and City Attorneys' Offices. A select few Officers that were on or had been part of the Special Enforcement Team would be responsible for implementation of the injunction.

Chief Johnson reviewed the criteria that determined gang membership and inclusion in the injunction. He addressed concerns of indiscriminate enforcement, reporting that before being included on the list an individual had to be identified as a gang member, served with notice and given the opportunity to appear in court to challenge inclusion. The injunction placed prohibitions on activities that would occur in public, however, those on the list would not be precluded from associating with other gang members in a private home, church, school, intervention programs, and funerals.

Chief Johnson reported on the various meetings that had been held with stakeholders in the community. Information and frequently asked questions could be found on the City website, including two brochures that not only provided injunction information but also information resources for those who wished to leave the gang lifestyle. The Police Department would utilize the Monrovia Area Partnership (MAP) groups to coordinate Community meetings in various neighborhoods and settings. Anyone wishing to have a meeting, large or small, was encouraged to call the Police Department to set one up.

Chief Johnson emphasized that the injunction was just one tool in the fight against gang activities. Part of the overall strategy to reduce the number of gang members included programs by the City and the Police Department to help at-risk youth from joining gangs, including the Formative Years Project, the Chaplains for At-Risk Youth Program, the Monrovia Anti-Gang Intervention Committee and the Youth Employment Services YES! Program, to name a few. The primary mission of the Monrovia Police Department was to ensure the safety of the community, accomplished in part by preventing gang crimes when possible, and using the tools at the Department's disposal to arrest gang members and remove them from the community. Many communities in Los Angeles and Orange counties had used the gang injunction with great success reporting significant declines in gang membership and crime.

City Attorney Steele reiterated that the injunction was extraordinarily limited and didn't apply to anyone who had not been served with a copy and given the process by which they could appeal inclusion. It could not be used as a blanket law enforcement tool.

Public Input

- 1 Samella Sibley, Monrovia
- 2 Gwendolyn Jones, Monrovia
- 3 Henry Barnes, Monrovia
- 4 Elder Charles Watson, Monrovia, Open Door C O G I C.
- 5 Jason Vance, Monrovia
- 6 Angela Cormier, Monrovia
- 7 Justin Youille, Monrovia

For clarification, City Attorney Steele reported that this action was taken in partnership with the Los Angeles County District Attorney's Office and one of the top experts in the country, perhaps the world, worked on the gang injunction and argued it in court with the City. The District and City Attorneys' Offices implemented injunctions in portions of the City of Los Angeles and there were documented statistics that showed particular neighborhoods where gang injunctions had been a successful strategy for over a

decade The City started looking at the injunction early in 2008 and the documentation was filed in late 2009, resulting in nearly a two year period putting the tool together

He explained that a 500 page document that was brought up under Public Input relates to the list of individuals, the boundaries of the safety zone, and the crime records from the areas covered by the gang injunction The boundaries of the safety zone were based on actual statistics of where gang related crimes were being committed It was very thorough information and the Judge reviewed it all and knew it intimately The injunction was granted because it was so well documented

Regarding activities prohibited by the injunction, the City did not ask for a single item that had not been approved as constitutional by a court of appeal with the California Supreme Court Case law was followed exactly, in fact, the Judge who granted the injunction looked at the list of prohibited conduct, identified each proven in a particular case, and in one instance didn't think it was necessary in the Monrovia safety zone and struck it out It was tailored to Monrovia and the unincorporated areas included within the injunction

He further explained that naming "Does 1-200" was a required component of a civil lawsuit in the event it was necessary to add someone to the lawsuit at a later time Specifically, in this case, it was included in the initial filing in case a neighboring city wanted to enter into the litigation and wanted to name some members of a gang that operated in that city There was no question, the injunction did not and would not apply to anyone named Doe It wasn't a tactic to be used in any sinister way to enable the City to expand the reach of the injunction The preliminary injunction specifically named those gang members it applied to

As was mentioned when a question was raised about a non-gang member riding in a car with someone named in the injunction; they don't get dragged into the process just by virtue of the fact they got in the car If anyone is charged with violating the gang injunction, the District Attorney's Office would have to prove beyond a shadow of a doubt that the person charged meets the 2 or more criteria and that they violated the injunction It's more than just riding in a car or associating with someone identified as a gang member Again, the widely used criteria came from federal and state law

With respect to concerns about the curfew applying to a particular community, it applied, like anything else, to those named specifically in the injunction who had been served with the notice The purpose of the curfew was to limit the mobility of gang members during times when gang crimes typically took place

In response to complaints during Public Input that portions of the City were not fairly represented by the current City Council, Councilmembers Shaw and Garcia expressed that all five Councilmembers represent the entire community and urged all residents to contact any one of them with comments, complaints and concerns This was an opportunity to work together and participate in the different programs available Mayor Lutz thanked everyone for coming and speaking, and gave a reminder that there were meetings already in place, but if anyone was interested in hosting a meeting, large or small, to contact anyone of them or the Police Department and arrangements would be made to have someone there

RCC-2 Mayor Pro Tem Adams

- (a) He wished everyone a Happy New Year.
- (b) He would be attending the final Chamber of Commerce meeting the next day regarding the Shop Monrovia campaign

RCC-3 Councilmember Garcia

- (a) He wished everyone a Happy New Year

RCC-4 Councilmember Shaw

- (a) Anti-gang Mobility Strategies Due to the late hour, this report was postponed until the next Meeting

RCC-5 Councilmember Shevlin

- (a) She reviewed the upcoming community events
- (b) She encouraged everyone to read the Monrovia Today newsletter, an important publication regarding the community
- (c) She wished all a Happy New Year.

AR-1 Library Park Play Equipment Installation, Project No. C-3039; Acceptance of Work, Filing of Notice of Completion, and Payment in the Total Project Amount of \$165,520.00 to H. J. Hunsaker Construction Inc., DBA HH Construction

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

On September 1, 2009 the City Council awarded a contract to H J Hunsaker Construction Inc , DBA HH Construction in the amount of \$165,520 00. The Notice to Proceed for the project was issued on September 15, 2009 and the project was completed on December 10, 2009

The Los Angeles County Regional Park and Open Space Grant No 58G3-09-2207 in the amount of \$350,000 00 paid for the entire turn-key project The City purchased the play equipment and fencing in the amount of \$147,287 60 The installation of the playground equipment cost was \$165,520 00 Balance of grant funds would be used toward labor for the preparation of the site by Public Works crews, as well as the remaining landscaping. No general funds were used for this project

It was moved by Mayor Pro Tem Adams, seconded by Councilmember Shevlin, to accept the contract work as completed by H. J. Hunsaker Construction Inc., DBA HH Construction in the amount of \$165,520.00; direct the City Clerk to file a Notice of Completion with the County of Los Angeles recorder's Office; and authorize the Director of Public works to approve final payment of retention thirty-five (35) days after filing of the Notice of Completion.

AR-2 Introduction of Measures Designed to Reduce Human vs. Wildlife Conflicts

This item was heard following Public Hearings/Meetings above.

ITEMS PULLED FROM CONSENT CALENDAR: None


SCHEDULED MEETINGS

The next Regular Meeting of the Monrovia City Council was scheduled for Tuesday, January 19, 2010, 7 30 P M , City Council Chambers, 415 South Ivy Avenue, Monrovia, California

PUBLIC INPUT, CONTINUED, IF NEEDED: None

ADJOURNMENT: At 11 55 P M Mayor Lutz adjourned the Meeting in memory of Pam Kramer, founder of Monrovia's Blue Star Families organization.

APPROVED


Mary Ann Lutz, Mayor

ATTEST


Alfee D Atkins, CMC, City Clerk