

## MINUTES

### CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, APRIL 23, 2002

The City Council of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Reyes called the meeting to order at 7:10 p.m.

- PLEDGE TO THE FLAG** Steve Pashby led the Pledge of Allegiance to the Flag.
- INVOCATION** Reverend Arthur Fulson, Duarte Church of Christ, offered the Invocation.
- CITY CLERK RECORDATION OF ATTENDANCE** The City Clerk recorded the following in attendance:  
**PRESENT:** Chapjian, Fasana, Finlay, Paras (arrived at 7:21 p.m.), Reyes  
**ABSENT:** None  
**ADMINISTRATIVE STAFF PRESENT:** City Manager Duff, City Attorney Moseley
- ADOPTION OF AGENDA** Fasana moved, Finlay seconded to adopt the Agenda, as amended to consider four items in the following order: Item 6 (Special Item), Item 7 (Closed Session), Item 8 (Oral Communications), and Item 9 (Fireworks Applications), and to continue Item 12.B (Council Bill 02-R-14), and carried unanimously.
- ANNOUNCEMENTS**
- Antonio Ogaz, 3216 Elda, announced upcoming Multi-Cultural Festival on May 11, thanked all sponsors, and distributed posters of the event.
- Henry Baltazar, 543 Elkhorn, thanked the City of Hope for the billboards and for its sponsorship of the Multi-Cultural Event, and invited all to participate.
- Jan Wight, Duarte Chamber of Commerce, announced Chamber Blender on April 24 at Duffer's, Networking Breakfast on May 21 at Duffer's, Chamber Installation on May 31, announced newly-elected Chamber officers, and announced the grand openings of Route 66 Car Wash, Duarte Outreach Center, and CK Nail Spa.
- Manoj Patel, Rebuilding Together, stated prep work will be done on April 20, welcomed all to participate in the project on April 27, and thanked staff and Bill Marino for their involvement, time, energy, and resources.
- Maryza Gutierrez, Assemblymember Carol Liu's office, announced Child Vehicle Passenger Safety Event on June 1 at Santa Teresita Hospital, and stated 25 booster seats will be given away.
- Lino Paras, 2523 Elda, stated he appreciates what the City of Hope is doing, and asked if the Assistant City Manager acts as the City Manager in his absence. Moseley stated Mr. Yelton is prepared to answer questions if necessary.
- Finlay stated several people had told her they would like to speak at the Council Meeting, but noted audience members

had interfered with their diversity of opinion, such as coughing and interrupting, and stated intimidation is not a good thing. Mayor Reyes stated he hoped all would respect each other's different opinions.

#### FISCAL AFFAIRS

Finlay moved, Paras seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.

Finlay moved, Chapjian seconded to approve the remainder of Fiscal Affairs, and carried unanimously.

#### SPECIAL ITEM 2002 Rose Float Trophy

Donna Georgina, Director of Parks and Recreation, introduced band members from Duarte High School and the student from Northview Middle School who rode the float, and presented them with certificates of recognition for their participation in the 2002 Tournament of Roses Parade. Ron Okum, past president of the Tournament of Roses, presented the 2002 Rose Float Picture Trophy, and thanked the City for its involvement and support.

#### CLOSED SESSION Separation Agreement City Manager

Jeff Woodson, 2334 Beardslee, discussed the Duarte Municipal Code pertaining to severance pay, stated he felt the closed session item should be open to the public, inquired about how much the separation will cost, how long it would take to find a replacement that can continue the high standards set by the current City Manager, and the impact to citizens, the community, and City Hall, asked if the Mayor had a replacement in mind, and stated there would be a financial cost to taxpayers and the loss of a loyal and quality City employee.

Julie Davey, 165 Spinks Canyon, stated when the City was a finalist for the All America City Award, the participants said they felt bonded, stated all races, ethnic backgrounds, ages, and genders represented Duarte, discussed the historical pattern of identify, vilify, and destroy, asked who is trying to destroy this once healthy family, who would gain from the City Manager's resignation, and why the City employees have been suddenly forced to unionize.

Steve Hernandez, 2327 Park Rose, stated when he moved into the City, it had potential but did not grow until Mr. Duff came to the City, stated for a City this size to get a City Manager of such talent is extremely rare, stated it is a mistake to let him go, all will pay a big price, stated a replacement will not be found to keep the momentum going, and stated egos are involved.

Yolanda Bowers, 324 Greenbank, stated she was embarrassed and surprised by the Council Meeting two weeks ago, stated what Mr. Duff has done for this City is unsurpassed, listed a number of accomplishments, events, and projects, stated if Mr. Duff were to leave now, it would be a great error in judgment, stated she expected the City Council will support him and convince him to stay in our City, and stated she is proud of Duarte and wants it to stay that way.

Stephanie Hanks, 815 Random, stated she is disappointed with what has been going on in the City, stated she worked

for the City for four years and Mr. Duff, department heads, and employees put their hearts and souls into their jobs, stated she witnessed issues brought up by the employees, felt she should not be expected to support Mr. Reyes because she received a LULAC scholarship, read a statement from Jack Collins indicating we are all members of the same race, stated Mr. Duff's integrity is needed, and read the names of those who signed a petition in support of City Manager Duff and City staff.

Wanita Norgard, 2420 Rim Road, stated the events at Wilderness Day are an example of volunteer and City personnel participation, stated it was Mr. Duff's vision and ingenuity that provided Encanto Park, read the names of those who signed a petition in support of City Manager Duff and City staff, stated they are pleased with the way the City has grown and developed, stated they want to see the positive momentum continued, asked that City Council show its support with a vote of confidence, and asked that there be an immediate investigation into the charges voiced by City employees.

Antonio Ogaz, 3216 Elda, stated in challenges there are always opportunities, stated perhaps there is some wisdom in Mr. Duff's action, stated it can be looked at as a point of continuity to positive change, and stated we should go beyond the issue.

Claudia Heller, 277 Opal Canyon, thanked Council-member Finlay for her remarks about the way to treat each other at Council Meetings, stated all have a right to speak their minds, but they need to listen to other people speak their minds and not intimidate them, discussed incidents at the previous Council meeting, stated people of all races in her neighborhood get along, stated Mr. Duff has done a good job, and asked that City Council give him a vote of confidence and stand up for him, as he did for us.

Henry Baltazar, 543 Elkhorn, stated things Mr. Duff did for the City are phenomenal, stated Mr. Duff personally attended meetings and asked what he could do to help, stated he has questioned some things that Mr. Duff has done, stated he does not blame Mr. Duff or Mr. Reyes, rather all City Council, stated with regard to the biotech building project, City Council gives direction to staff and staff is not to blame, and stated he felt Mr. Duff should complete his contract.

Lois Gaston, 3422 Sagehurst, asked who wants to fire Mr. Duff and why, expressed her concerns about housing, property values, schools, and progress, discussed parks, transportation, senior center, commitment of staff, City's image, and community involvement, stated diversity means that she cares a lot more about how she makes you feel than she does about the way you make her feel, stated Mr. Duff made an impression on her and she feels his leadership should be applauded not degraded, asked that Council put their egos aside, as it is not good business and is damaging, stated we are destroying and dismantling what has taken years to build with Mr. Duff at the helm, stated Mr. Duff and his staff have created an image that is stellar,

and stated she would not want to trade that for a leader who is tearing it all apart in a few months. Mayor Reyes congratulated Ms. Gaston for being selected Senior of the Year.

Mary Ann Ur, 2209 Tall Pine, thanked the City for the reflector mirror in the parking lot, stated she and her mentee enjoyed the Wilderness Day event, read a Letter to the Editor from Helen Ferguson printed in the Star News, and stated coughing while others are talking is disrespectful.

Holiday McVey, 240 Opal Canyon, read the names of those who signed a petition in support of the City Manager and staff, felt Mayor Reyes should apologize and ask Mr. Duff to stay, felt allegations about Mr. Reyes should be investigated and if true, stated he should step down from office, asked what his agenda was, and stated she felt he would destroy the City.

Carie Osburn, 2336 Rim Road, stated she supports the City Manager and staff, asked that personal differences be put aside, stated staff is an experienced and devoted group of people, stated if there are problems, a turnover in employees is not the solution, stated the turmoil and infighting among the Council has been publicized, negative publicity cannot attract applicants who are as qualified as current employees, acknowledged positive changes that have been made, stated she has never experienced a north-south tension that she reads about in the paper and hears about at Council Meetings, stated those who proclaim the dividing line have failed to identify where it is, inquired if it were issues, income, lifestyle, or ethnic background, and asked that the focus be on helping those in the community who are in need, and stop fabricating tension where it does not exist.

Steve Warner, 3446 Markwood, stated this is democracy at its best, stated he hoped and prayed that Council is guided to do the right thing, stated the Duarte Outreach Center is a wonderful example of what can happen when all work together, stated energies may be misguided, stated Mr. Reyes has brought this on himself, stated no one wants divisiveness and racism, stated he hopes the other four Councilmembers will stand up and let their voices be counted, asked that Council do the right thing, stated it is difficult to get quality people and it is equally important to retain them, and stated they were not going to let Mr. Reyes do it.

Patty Lopes, 1600 Huntington, thanked City Councilmembers and residents who appreciated staff, thanked the Norgards for sending flowers to City staff and stated it lifted their spirits, stated no one can replace Mr. Duff, and asked that City Council carefully choose our next City Manager, respect department heads, and let them continue to do the great jobs they do without fear of intimidation.

Vivian Hamilton, 2219 Tall Pine, thanked the City Council for their time, and read the names of neighbors in favor of retaining City Manager Duff.

Mary Somerlott, 2998 Hacienda, thanked City Manager

Duff and City staff for envisioning and building a City that speaks to the community's needs, for safe neighborhoods, for the City's cleanliness, financial health, and parks, stated results of the Rose Institute survey indicate 82% of Duarte residents feel the City is headed in the right direction, and stated we cannot afford to lose City staff, as they keep the City moving, growing, and improving.

Bill Hyatt, 2437 Maynard, stated he has nothing personally against Mr. Duff, stated he did the job he was taught to do, stated he feels the citizens run the City, stated the Mayor does not have any more power than any other Council-member, stated a neighborhood would have been destroyed if Lowe's had been brought in, stated Pic 'N Save would have been a done deal if concerned people had not heard about it, stated Glendora did not have a problem finding a City Manager, stated department heads answer to the City Manager, City Manager answers to the City Council, and City Council answers to the residents.

Ed Vasquez, 1357 Noyon, stated the Agenda does not say anything about firing the City Manager, stated it may be time to go, stated there are replacement people willing to take his job, thanked all for attending, and stated it is Mr. Duff's choice.

Linda Acosta, 2656 Bashor, stated she and her husband fully support the City Manager, stated many years ago, she supported Mr. Reyes, stated she is disappointed with the way he has handled and conducted himself, and stated if Council got rid of Mr. Duff, it would be a great loss for the City.

Lino Paras, 2523 Elda, stated the perception of a 3-2 vote is perpetrated by the newspaper, stated Councilmembers vote on issues, asked if any City Councilmember asked for this item to be agendized, stated there will always be name-calling, stated the senior center was not funded by a grant, stated the golf course was sold without bidding, stated he has not received a copy of the City Manager's contract, and stated if Mr. Duff resigns, there should be no extra money given to him.

Tim Lowry, 2039 Atlin Street, stated he is an optimist and a problem solver, asked what Mr. Duff did that he might be resented, suggested stepping above that and solving it with forgiveness, and stated if everyone forgives and works together, all can be heroes.

Ernie Martinez, 482 Woodbluff, stated in the past, he was bitter toward the City, City Council, and staff, stated since he got involved and became a Commissioner, he now has respect for staff, stated Mr. Duff has the toughest job in the City and it is stressful, stated the City would get a sub-standard City Manager if he left, suggested taking the initiative of getting involved instead of bashing, and asked that we think of Duarte's future and the path we are going.

Neil Bjornsen, P. O. Box 411, stated Mr. Duff has provided an outstanding quality of service, discussed the City's progress, renewal, and growth, stated one is attempting to destroy this individual of integrity, stated

having power and possessing leadership is not the same, stated staff is dedicated and stabilized, asked that City Council make the right decision, and stated he does not think letting Mr. Duff go is the right decision.

Moseley stated the purpose of the Closed Session is to discuss with the City Manager his performance, and to look at a Separation Agreement.

Finlay inquired if there was any problem with having this in open session. Moseley stated there is no legal reason, noted it is a personnel issue, the City Council can decide to waive certain rights, and noted there are rights of the employee as it relates to Closed Session.

Fasana stated in respect to Mr. Duff, he felt Council should go into Closed Session at some point, stated this was extremely frustrating to see this unwind to the point we are today, apologized and noted many expressed appreciation for the great things Mr. Duff has done for the community, noted there had been an unkind comment by a Commissioner, stated staff is owed respect and courtesy, stated teamwork is essential to any organization's success in terms of accomplishing goals, noted he felt former Monrovia Mayor Bartlett exemplified the best in public service, Mr. Bartlett indicated he would take responsibility and felt it was wrong and cowardly to berate and belittle staff, stated Mayor Reyes indicated in his election campaign that he would like to see the City Manager removed, stated he will try to convince the City Manager to hold off, as it would be a tremendous loss to Duarte residents, discussed comments Mayor Reyes made on the cable TV show about Mr. Duff, stated we may be about to lose a great City Manager, stated our accomplishments have far exceeded those of other cities, and stated he hopes Mr. Duff will reconsider.

Finlay stated she would like this to be as open as it can be, and stated she is willing to speak on this and take a vote.

Moseley stated Mr. Duff agreed to waive certain rights, noted if City Council wishes, this can be open, and stated Council can go into Closed Session, then take the vote in open session.

Paras stated she needed clarification, asked who placed this item on the Agenda, asked if there was a letter of resignation, stated she had requested a copy of the City Manager's contract and she has not seen a contract, stated she wants to know the facts and see documents, and stated she does not know what is being talked about. Moseley stated Mr. Duff placed this item on the Agenda, he has not seen a letter of resignation, stated he has a copy of the employment agreement, and stated he thinks Mr. Duff preferred a Closed Session.

Chapjian stated the cost to Duarte would be huge if Mr. Duff were to leave, as there will be a ripple effect and the City will not get a quality City Manager, no one good will come in on a 3-2 vote, business will not come in, tax dollars will decline, reserves will be used to cover some programs, and services will be cut, stated he does not believe in wholesale firing of everybody, stated staff has

done a good job and he will back them, stated his hat is off to Mr. Duff, stated he has yet to hear what accountability means, and proposed taking a vote of confidence before going into Closed Session.

Chapjian moved, Fasana seconded to take a vote of confidence to support Mr. Duff.

Fasana stated there have been tremendous accomplishments made, stated Mr. Duff has been extremely cooperative in working with the Council/Manager relationship, stated Council has set direction and Mr. Duff followed that direction, stated Mr. Duff has had the integrity to operate the City within the guidelines of the Council between meetings, stated it would be a tremendous loss to see him go, and stated he supports the motion.

Chapjian stated this is bigger than any one of them, stated he is voting based on what he believes is best for the City of Duarte, and noted he may not be here after the next election, but so be it.

Finlay thanked all for attending the meeting, asked that they look around at all that we have, stated there is a big difference in this City, Duarte has a good reputation, it is a good place to live, raise children, and to have a business, stated she is not willing to see that go down the tubes because of egos, stated Mr. Duff is a great City Manager and she stands by him, stated Mr. Duff has integrity and has done a good job for the citizens, read a poem about builders and wreckers, stated Mr. Duff has been under a lot of pressure to do the wrong things for our City, stated she thinks it is important that we keep him, and stated she would like to take a vote of confidence now.

The vote of confidence to support Mr. Duff carried by the following Roll Call vote:

AYES: Fasana, Finlay, Chapjian

NOES: Reyes

ABSTAIN: Paras

Mayor Reyes called a Closed Session at 9:42 p.m. pursuant to Government Code 54957. City Council reconvened at 10:39 p.m., with all members present. Moseley announced there was a discussion concerning the City Manager's Separation Agreement, and no decision was made in Closed Session.

Chapjian moved, Finlay seconded to reject the offer made in the Separation Agreement.

Paras moved, Reyes seconded a substitute motion to hold off on making a decision at this point for additional discussion with the City Manager and City Council.

Paras stated her interests are for the community, City Council, and City Manager, stated they were able to discuss and further explore the reasons and possibilities, and the wants and needs of the community and the City Manager, stated she respects that, and stated she wants to give the opportunity back to the City Council and City Manager.

Fasana stated he opposed the substitute motion, and supported the original motion to reject, as that would put the City Manager out on a limb, and stated he would support the original motion to reject the agreement at this time.

Finlay called for the question.

The substitute motion failed by the following Roll Call vote:

AYES: Paras, Reyes

NOES: Chapjian, Finlay, Fasana

The main motion to reject the offer made in the Separation Agreement carried by the following Roll Call vote:

AYES: Finlay, Fasana, Chapjian

NOES: Paras, Reyes

#### ORAL COMMUNICATIONS

Lino Paras, 2523 Elda, asked Ms. Paras if her vote of confidence for Mr. Duff was yes or no.

Steve Hernandez, 2327 Park Rose, stated the proposed fireworks ordinance was similar to banning guns, discussed the hiring of a consultant, stated he is not so bothered by the staff wanting to unionize as he is by the message it sends to voters that they have no confidence and trust, stated hatred of any nature is pre-judging, stated he feels threatened by the actions of the City Council, suggested Mr. Reyes work out his differences, and stated unless Mr. Reyes is willing to publicly tell all his reasons, it should be dropped.

Paras stated the reason she abstained from the vote of confidence is because she did not have information, and she wanted clarification of facts prior to making any decision.

Ana Verone, 1818 Broadland, stated she respects and loves this town, she served on the Foothill Task Force, stated she believes Mr. Duff brought the town to where it is, stated if one wants this kind of town, we need Mr. Duff, stated there will always be differences, stated she believes in staff, and stated she hopes Mr. Duff reconsiders to stay.

Mark Montgomery, 1544 Delford, stated he seems to be in the minority, stated the moral majority of the City rules with an iron fist, and stated Mr. Duff must go.

Ben Trower, 3056 Gardi, stated he supports Mr. Duff, stated it with anger and dismay that he has watched and read of recent events, stated if any of the charges made by the employees are true, the Mayor should do the right thing and resign, stated such politics are unethical and illegal, stated the citizens deserve and require the Mayor's response to the employees' serious accusations, wished the City Council well in its counseling endeavor, and stated it will require honesty, introspect, and the setting aside of personal agendas.

Gene Jones, 1939 Wardell, stated he is intrigued by the Council meetings, stated he had to resign from a School District recently, stated they were politicians and placated the parents, asked if City Councilmembers were public servants or politicians. inquired as to why the pool is not

servants or politicians, inquired as to why the pool is not open year-round, asked that Council consider raising the fence height limit, stated he was rejected for life from the share mentoring program without a reason, and asked that the Council stop bickering.

Carie Osburn, 2336 Rim Road, stated she was disappointed that Mayor Reyes cut Mr. Uhlig off at the last Council meeting, stated unlimited time was allowed to members of the public who supported his position, stated asserting authority over a person one does not agree with and refusing to hear all points of view are characteristics of a bully, stated the Mayor's actions gave credibility to the employees claims, stated Councilmembers have an obligation to listen and make decisions based on all public input, not just from those who support their positions, stated Mr. Reyes failed to listen and denied others from hearing the facts, and stated this is an example of the behavior that has led many to question his integrity.

Fasana noted with respect to public input, it can be difficult to watch how much time has elapsed, and stated there could be a clock that is started when people speak.

Roy Erickson, 1919 Earlington, stated he is elated to see all the citizens, he is appalled by the dissension, suggested Mayor Reyes put his personal agenda away and work for this City, stated he hopes City Council can all come together, stated he was told that new traffic signs would be put up in December, suggested the color chartreuse be used on speed signs, noted there is speeding on Buena Vista by Foothill Transit buses, cement trucks, commercial vehicles, and parents, and stated there is not a speed limit sign on Kelwill.

Mary Montgomery, Duarte business owner, stated she is on no one's side, she is on Duarte's side, stated she was asked by a customer what was up in the City, stated there has been successful planning and development in the City, stated she is for development to the positive, stated past City staff has done a wonderful job, and stated she hopes we keep them all.

Cathy Gonzales, 1230 Huntington, stated she is appalled, stated she respects everybody's opinion, stated Mr. Reyes is one of the best Councilmembers, he cares about the community, he has an open door policy, asked that all be open-minded and talk to him, stated calling Mr. Reyes a bully and sell-out is ridiculous, stated he cares more about the community than the teachers and most businessmen, and stated he has a lot of supporters in the community.

Mark Wood, 167 Las Lomas, stated he has seen consistent improvements in the City, stated he is a resident and the City is a client of his, he has worked with staff including Mr. Duff, stated they are the best clients, there has been not one conflict at all, stated we have done a lot to improve the City and its profile, such as the billboard campaign and buses, and stated he would like to see that continue.

Doug Bradley, Bradley Insurance, stated the City Manager must be held responsible for his actions, Mr. Duff and Mr.

Yelton cannot choose which laws to obey and ignore, stated with regard to COBRA, there are fines and penalties for non-compliance and willful non-compliance, stated the issue is if the City is in compliance, and suggested the City engage an attorney familiar with COBRA compliance, have the attorney complete an audit of compliance procedures, and obtain a written report from the attorney to protect the City from future litigation and fines.

Chapjian stated he voted based on what he believes is best for Duarte and on principle.

Bennie Newsome, 1657 Huntington, stated the seniors need a crosswalk, if that does not happen, they will not be allowed to come to the Senior Center, stated Mr. Reyes and Ms. Paras have been to the senior apartment center, and invited all to come.

Neil Bjornsen, P. O. Box 411, stated with regard to the automatic City Council rotation, the elected term could be extended to five years so each can serve as Mayor for one year, stated if there is any truth to the employees' statement about Mr. Reyes, explanations are in order, stated if they are true, Mr. Reyes' resignation is in order, stated a lack of confidence has been instilled in staff and citizenry and needs to be addressed, stated he felt that in the Mayor's newsletter, credit should be given to his constituents as well as himself, stated unity is in order, felt the business advertisement was in poor taste, and asked Mr. Reyes where north and south come together.

Jeff Woodsen, 2334 Beardslee, stated Duarte is a diverse city, the census does not list west, north, or south Duarte, asked Mr. Reyes if he could get a copy of his State of the City address, as well as his reasons and agenda about the City Manager, his views, and opinions, stated Mr. Bradley's questions were addressed and Mr. Yelton provided answers, asked if Mr. Bradley's anger and frustration are business-related, stated we need to get rid of the silliness and bitterness, stated Mr. Bradley has the right as a private citizen to pursue a lawsuit and this is not the place to bring it up, stated he feels Mr. Chapjian is honest and intelligent, stated the City Council makes decisions and guides the City, and stated he hopes they work out their issues.

Pat Wood, 2447 Huntington, stated she speaks when she wants her opinion expressed, stated since July 2000, she has attended every Council Meeting, stated people said they did not want to speak because they were afraid of retaliation, stated Mayor Reyes is not a bully, stated her dealings with staff have been less than standard treatment, stated she asked about contracts on the CarMax property, Nissan dealership, and contractors for the biotech center and received no answers, stated Mr. Duff is a nice man, she is not talking about personalities, rather actions, issues, and decision-making, stated the voters feel Mayor Reyes has their interests at heart, stated City staff has done a wonderful job, stated they are paid for their job, and she expects to get a return on her money, stated if Mr. Duff wants to go, he should be let to go, stated she believes in a lot of the same things Mr. Reyes believes in, and stated she

wants the elected representatives to work together.

Bill Hyatt, 2437 Maynard, stated he voted for Mr. Reyes because he was in favor of getting rid of Mr. Duff, stated Mr. Duff is a nice guy and he never had a problem with him personally, called for an unbiased audit of the City Manager for the last 10 years with contracts he has dealt with, stated if there is no wrongdoing on his part, he will take back everything he said about him, stated he has full faith that staff will continue to run the City, and stated if there is a search for a City Manager, asked that Council hold back their private prejudices and have an open mind.

Harb Thind, 1525 Huntington Drive, stated City Council is the boss, stated the City of Duarte is not at par with its neighbors, stated Mayor Bartlett made great strides for the City of Monrovia, the City of Duarte has not done very much, stated the Redevelopment Agency Agenda has been the same for six months, stated he owns an empty lot, he has lost millions of dollars on his property, and stated he blames the City Council.

Ed Vasquez, 1357 Noyon, stated Irma Castruita did not represent the Commission, she spoke as a resident, stated he was appalled by a letter in the Star News, stated it is a right and duty to express opinions, ask questions, and take part in the process of governing the City, stated he speaks his opinions, felt the letter reeked of elitism, stated the problem in the City has to do with elitism, stated it is time to listen to the whole community, and stated with regard to fireworks, the rules should not be changed in the middle of the game.

Georgino stated with regard to the pool not being open year-round, that is a decision made by City Council based on budget priorities, such as heating cost, electricity, and staff, and stated she would have to look into the share mentoring incident.

Mayor Reyes stated the fence height item will be brought back to City Council.

Cox stated the Citywide replacement of street signs and regulatory signs is currently underway.

Steve Hernandez, 2327 Park Rose, stated he was excited about having fireworks again, suggested the groups get together, and stated there does not have to be competition.

Carie Osburn, 2336 Rim Road, stated she understands the City Council's decision, stated she felt the issue of safety was skirted around, stated she shares the concerns of speakers about the safety of children, and also shares the concerns about funding for organizations, and stated some who defended fireworks also spoke about safety precautions

Ed Vasquez, 1357 Noyon, President of LULAC, stated although the Duarte Education Foundation did not attend the meeting, he does not think they should be penalized and should be awarded the fireworks permit.

Paras moved, Chapjian seconded to approve fireworks permits for Duarte High School Booster Club, LULAC,

CITY MANAGER  
Fireworks Applications

Duarte Community and Education Foundation, and Kiwanis Club of Duarte, with the Education Foundation having an opportunity to meet with Public Safety, and carried unanimously.

Finlay stated the Education Foundation had already met with Public Safety.

RECESS

Mayor Reyes called a Recess at 12:03 a.m. City Council reconvened at 12:13 a.m., with all members present.

CONSENT CALENDAR

Lino Paras, 2523 Elda, stated on page 6169 of the Minutes, his comment was that he supported the employees unionizing, but he has a problem with Department Heads unionizing.

Mayor Reyes stated on page 6166, he stated a traffic study will be conducted; on page 6174, he stated Kiwanis should look at partnering with someone else in the community be it soccer or otherwise, since Parks and Recreation receives half of the funds; and on page 6174, stated Ms. Finlay stated some locations are better than others, he asked if she was singling out LULAC, Finlay responded no, she did not say LULAC.

Fasana moved, Finlay seconded to approve the Consent Calendar, as follows, with the Minutes amended to reflect the above changes, and carried unanimously.

Approve Items A, B, C, D, E, F, G.

Receive and File Items H, I.

COUNCIL BILL

Council Bill 02-R-13

Grant Funds – Parks

Moseley read by title Council Bill 02-R-13:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000

RESOLUTION NO. 02-13

Fasana moved, Finlay seconded to waive further reading and adopt Resolution No. 02-13, and carried unanimously.

PARKS AND RECREATION COMMISSION

Suggested Programs

Fasana moved, Finlay seconded to receive and file the Parks and Recreation Commission's list of suggested programs and capital improvements for the next budget year, and carried unanimously.

CITY MANAGER

Employee Compensation Survey

Steve Hernandez, 2327 Park Rose, stated he agrees with unionizing, stated he hopes Mr. Duff reconsiders his position and also unionizes, stated if there is an intention to dismiss him due to a personality conflict, that gives him leverage to bring about the openness as to why an individual is against him, stated there is a need to protect the employees as they are the backbone of the City, stated he is not willing to give them up and will stand behind them, stated what is going on with Mr. Duff is intolerable and cannot go on, and urged Council to talk and get this worked out.

Yelton provided a staff report about the recommendation concerning the employee compensation survey.

Fasana moved, Chapjian seconded to approve an employee compensation survey, and authorize staff to negotiate a contract for the work with the firm of Comp Plus, and carried unanimously.

#### ORAL COMMUNICATIONS

Pat Wood, 2447 Huntington, stated there was a fatality when a 92-year old resident from across the street fell back into the traffic.

Steve Warner, 3446 Markwood, asked if it would be possible to bring everything out in the open to heal so all would know where each City Councilmember stood on issues, asked that it not be done behind closed doors, stated those with a clear vision of the City want what is best for everyone, asked if there was any credibility to the items listed in the employees' letter, stated he hopes good can come from this, and asked if it were legal to address these issues in public. Moseley stated the City Council is free to discuss those items in public that they think are in the best interests of the City.

Lino Paras, 2523 Elda, stated he thinks there is openness in the City Council, stated if Council was not talking in front of the people, the meetings would be finished in one hour, stated he felt a lot of the people's business is done through phone calls and individual meetings with the City Manager, and commended Mr. Fasana on his stand for fireworks.

Antonio Ogaz, 3216 Elda, read a comment from the report Children Now about children's perspectives of race and class in the media, discussed an article in the Los Angeles Times regarding MTA buses and ridership numbers, stated there is a need for leaders willing to re-imagine the metropolis, asked that Fasana re-imagine the City, and stated instead of biotech, there should be a multi-use facility. Fasana noted an article about the consent decree is in the L.A. Weekly.

Steve Hernandez, 2327 Park Rose, stated he will not agree nor disagree with anyone on everything, stated he has been a part of volunteerism to make the City better, stated he stands by all City Councilmembers, he is not for or against individuals, stated the City's reputation has been turned around into something phenomenal, stated City of Hope billboards name Duarte, it is a safe place to live and it has a vision, stated he gives that credit to staff and staff gives credit to City Council, stated there is a need for a Phil Reyes on the Council, stated all have their flaws and good points, and stated Mr. Reyes is his representative.

Bill Hyatt, 2437 Maynard, stated Duarte has never been a bad city, applauded the fact that staff and City Council have directed it to make it a better city, and stated someone should not be judged if they do not agree with you or do not speak well in public.

#### ITEMS FROM COUNCIL Mayor rotation (Reyes)

It was determined that the City Attorney would prepare a report concerning the mayor rotation for the next City Council Meeting.

Statement on Intent to Form  
a Union

Lino Paras, 2523 Elda, stated he is glad there are two bargaining units, provided information about the School District unions, stated he is reviewing labor law, and inquired if a statement can be given without names. Moseley responded yes, and noted there is very little in common with schools and municipalities as it relates to union organization.

Bill Hyatt, 2437 Maynard, asked Councilmember Chapjian if Pasadena management is covered by a union, and stated he believes there should not be one union covering all City employees. Chapjian responded yes, and noted there is a mid-management and lower management union.

Fasana stated there have been serious accusations made, asked if Mayor Reyes had a response to some of the issues, asked if these issues happened or if they were false, stated City Council asked for a statement, and stated he is prepared to make a motion to seek further investigation into these items to see whether they are legal or illegal.

Mayor Reyes stated he would welcome any investigation.

Fasana moved to seek clarification from the District Attorney or the Fair Political Practices Commission as to whether these are violations as alleged by the employees.

Mayor Reyes stated he is an open book, a focal point, and represents a lot in the community, stated Mr. Duff wants to leave, stated he wants Mr. Duff to leave, stated Mr. Duff has done a wonderful job here, and stated if he is valued, the human side of him should be considered, stated he should be allowed to leave with dignity, and stated he will continue to try to do that. Mayor Reyes thanked those who supported him, stated he is honored to serve and humbled by the continued support, stated he is saddened by the efforts to manipulate the public, stated the accusations are painful, stated he is available to anyone, issued a challenge to fellow Councilmembers to put all of this behind them, and work together and do the best for the City and its residents, stated issues are revitalizing the Huntington Drive corridor, downtown, increasing property values, providing services for children and families, continuing the strong partnership with the School District, supporting small businesses, affordable homes, and infrastructure issues, stated this is some of his vision, stated he would like to work together to rebuild the heart and soul of the community, stated he is calling an end to the strife and accusations, stated there is need for a renewal of the spirit of cooperation and good faith in the City, and asked City Councilmembers and residents for their help.

Fasana stated those are laudable goals and many could be developed into community-wide goals, stated the treatment of staff and proper operation of the Council/Manager form of government are critical for that to be successful, stated he senses there has not been fair and courteous treatment of staff members, stated he would love to put it behind them, stated he is not ready to walk away when they have received a cry for help, and stated if he could be assured that Council/Manager governance and respect for staff are

no longer issues, that could go a long way toward how to move forward.

Chapjian seconded the motion.

Mayor Reyes stated he supports staff, unionization, and labor, stated he did not intimidate anybody knowingly with intent, he did not curse at anybody, and stated he feels it is a political maneuver.

Fasana stated Mayor Reyes provided details on the cable television show, stated he is concerned with the treatment of staff, yelling and cursing at them, and others things that are more serious.

Mayor Reyes welcomed open dialogue with staff, stated if he said something wrong, he apologizes, stated it is playing politics, and stated he wants to represent the community.

Chapjian stated this needed to be addressed.

Finlay stated she would vote on this only if Mayor Reyes is comfortable with it.

Mayor Reyes stated he will live by his principles, and stated he is an open book.

Chapjian suggested leaving the issue now.

Fasana withdrew the motion.

Paras inquired if anyone could contact the District Attorney and Fair Political Practices Commission. Moseley stated any person can contact the FPPC to determine if there has been a violation, stated anyone is free to contact the District Attorney, and stated individuals can pursue this on their own.

FASANA: 1) Congratulated Dr. Jayashinge and all involved in the Duarte Outreach Center's grand opening, and stated it is a vital resource; 2) Stated Wilderness Day was a success, noted at least 100 were turned away, and stated there is a need to work with Vulcan to get more frequent access; 3) Stated he will check into the speeding on Buena Vista by Foothill Transit; and 4) Attended the opening of the Alameda corridor, and stated there is a need for adequate funding for grade separations, increased freight, and increased passenger service.

PARAS: 1) Stated she appreciates those who came to the Council Meeting and the public who watch on cable; 2) Congratulated the Duarte Outreach Center, and stated she sees great things happening for it; 3) Stated she went hiking on Wilderness Day, thanked Parks and Recreation staff and docents at Duarte Historical Museum, and stated it was a great event; and 4) Suggested discussing the possibility of having a work study session prior to the City Council Meetings.

CHAPIJIAN: 1) Congratulated the Duarte Outreach Center on its grand opening, and stated he looks forward to the great work Dr. Jayashinge and his staff will do; 2) Thanked Parks and Recreation staff for the Wilderness

Day event; 3) Stated when he met with seniors at the Senior Center, there were some issues with parking when the School District is having an event, and suggested the possibility of parking placards for seniors; and 4) Stated some have noticed there are more homeless on the streets, and inquired about addressing the issue.

FINLAY: 1) Asked Don Anderson to clarify the incident on Huntington Drive referred to by Ms. Wood. Anderson responded; 2) Congratulated the Duarte Outreach Center, and noted Dr. Jayashinge explained how Duarte High School students can utilize the center; 3) Stated she was out of town on Wilderness Day, and everyone said it was fabulous; and 4) Announced Sanitation District annual tour on the first Wednesday in June, and invited any who are interested to contact her.

REYES: 1) Congratulated the Duarte Outreach Center, and stated it is an outstanding facility to serve the residents; 2) Stated he would like to discuss the possibility of not having fireworks at Royal Oaks Park; and 3) Thanked staff for their hard work on Wilderness Day, and stated it was a successful event.

ADJOURNMENT

Chapjian moved, Fasana seconded to adjourn the meeting at 1:28 a.m., April 24, 2002, and carried unanimously.

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Mayor Phillip R. Reyes

ATTEST:

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City Clerk Marla Akana