

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, JUNE 25, 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 7:14 p.m.

- PLEDGE TO THE FLAG** Lisa Magnusson led the Pledge of Allegiance to the Flag.
- INVOCATION** Pastor Selma Brown, God’s Grace Christian Fellowship Church, offered the Invocation.
- CITY CLERK RECORDATION OF ATTENDANCE** The City Clerk recorded the following in attendance:
PRESENT: Chapjian (arrived at 9:10 p.m.), Fasana, Finlay, Paras, Reyes (left at 9:34 p.m.)
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager Duff, City Attorney Holliday
- ADOPTION OF AGENDA** Finlay moved, Fasana seconded to adopt the Agenda, and carried unanimously.
- 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, Paras seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS**
Pride of Duarte and Excellence in Service Manoj Patel introduced “Pride of Duarte” award recipient Mary Barrow, Barrow/Hoffman Public Relations, and “Excellence in Service” award recipient Bill Marino, William Marino Enterprises. Mayor Reyes presented them with Certificates of Appreciation for their dedicated service to the community, ethical business practices, and excellent service to their clientele.
- Duarte High School Chamber Ensemble William Moore, Director of Vocal Music, introduced members of the Duarte High School Chamber Ensemble, who performed two musical selections. Mayor Reyes presented Certificates of Appreciation to the members, and congratulations were extended.
- Duarte High School Athletes Mayor Reyes presented Certificates of Appreciation to Duarte High School athletes in recognition of their accomplishments in swimming, baseball, golf, and track, and congratulations were extended.
- ORAL COMMUNICATIONS** Ernie Martinez, 482 Woodbluff, suggested the possibility of using flashing lights and temporarily reducing the speed limit during the time seniors cross the street, stated the new playground equipment at Beardslee is nice and is being used by the youth, and stated the new park on Mountain will be a benefit to the City.
Gene Jones, 1939 Wardell, stated he thinks this town could use a dog park, and suggested using an existing park rather than building a new one.

Shirley Flash, Park Place Villas, stated she would like to see a ban on the sale and use of fireworks in Duarte, stated she is appalled by the noise, smoke, and scared animals, suggested using the football field as a central location, and related a situation she heard about fireworks requiring the Sheriff's Department and paramedics.

Roy Erickson, 1919 Earlington, stated he supports the previous speaker, stated he is not appalled by safe and sane fireworks, and stated last night rockets and illegal fireworks were going off. Mayor Reyes asked that the Sheriff's Department be called if illegal fireworks are being used.

Arthur Gomez, 1624 Brightside, stated he was given a warning for having a car canopy, stated others have car canopies, and provided the addresses of 26 homes with canopies in their driveways throughout the City.

Henry Baltazar, 543 Elkhorn, invited the community to the Duarte Fellowship 4th of July Picnic and Car Show, and inquired about the Downtown Duarte Task Force. Mayor Reyes stated Requests for Proposals were sent out, and the Task Force should be meeting within the next 30-45 days.

Steve Hernandez, 2327 Park Rose, stated he disagrees with Ms. Flash about fireworks.

Mark Montgomery, 1544 Delford, stated selling safe and sane fireworks is a major fundraiser for non-profits, and stated safe and sane fireworks should not be banned.

CONSENT CALENDAR

Finlay moved, Paras seconded to approve the Consent Calendar, as follows, and carried unanimously.
Approve Items A, B.

COUNCIL BILL Council Bill 02-R-22

Holliday read by title Council Bill 02-R-22:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, SUPPORTING H.R. 2534, THE LOWER LOS ANGELES AND SAN GABRIEL RIVERS WATERSHED STUDY ACT OF 2001

RESOLUTION NO. 02-22

Fasana moved, Finlay seconded to waive further reading and adopt Resolution No. 02-22, and carried unanimously.

PLANNING COMMISSION MCA 02-2 (Sign ordinance) Public Hearing 7/23/02

Ernie Martinez, 482 Woodbluff, stated he understands sandwich signs would be allowed, stated they make the business sections look trashy, and stated he agrees that businesses need signage.

Finlay moved, Paras seconded to set a Public Hearing for July 23, 2002, to consider Municipal Code Amendment 02-2 (sign ordinance), and carried unanimously.

Tract Map 53734, GPA 02-3, and Zone Change 02-1 (2519-2531 Huntington Drive) Public Hearing 7/9/02

Ernie Martinez, 482 Woodbluff, stated he thinks the property should remain zoned commercial, stated the City receives very little tax revenue from housing developments, and stated traffic on Huntington Drive is already terrible.

Shirley Flash, Park Place Villas, stated she attended the Bowden meetings and is in favor of the development, stated she would like to see it zoned residential, and stated the associations that border the property are in favor of residential.

Alan Leib, L. A. Conservancy Modern Committee Chairman, 1515 Corona Drive, Glendale, provided a letter recommending the Council pursue seeking preservation alternatives for the Trails Restaurant, stated the City may qualify for funds for preservation of Route 66, discussed the structure of the building and historic tax credits, stated he found deficiencies in the report submitted to the Planning Commission, and suggested that an architectural historian analyze it.

Duff clarified that neither the City of Duarte nor the Redevelopment Agency would be demolishing the Trails Restaurant, noted it is a private property owner selling to a private developer, and stated the City and Redevelopment Agency are not involved in any demolition.

Finlay moved, Paras seconded to set a Public Hearing for July 9, 2002, to consider Tract Map 53734, General Plan Amendment 02-3, and Zone Change 02-1 (29-unit subdivision of 2519-2531 Huntington Drive), and carried unanimously.

CITY MANAGER
Hiring policies and practices
(Continued to 7/9/02)

It was determined that this item would be continued to the meeting of July 9, 2002.

Soundwall Mural
(Continued from 6/11/02)

Karen Herrera, Assistant to the City Manager, provided a staff report about the soundwall mural, and noted staff is pursuing a series of Proposition A fund exchanges with other cities.

There was discussion about the purchase of Prop A funds.

Fasana moved, Paras seconded to authorize both an appropriation of \$44,500 with a 10% contingency to allow for any unforeseen costs that may arise during the actual construction from the unappropriated general fund reserve to complete the construction of the soundwall mural originally approved in July 2001, and to authorize the City Manager to execute an amendment to the original Caltrans funding agreement reflecting this change, per staff recommendation, and carried unanimously.

Release of street repair bond
Parcel Map 25125

Jennifer Chui, 301 Clarkview, stated the information about the second street analysis was not reported back to her, asked that the item be continued so the residents can talk about what they want to do with the street, stated she feels there is damage to the street, asked if the street is repaired, if it could be included in their property taxes, and stated they are looking at cape-sealing the street.

Duff stated if City Council would like to delay this item until a future Council meeting, staff can address the concerns of the speaker and further analyze options for the residents.

David Knipscheer, 288 Clarkview, resident and developer, stated the City requested that he try to avoid traffic on Clarkview and that he put up a \$5,000 deposit, stated expenses incurred to avoid traffic on Clarkview are in excess of \$15,000, stated since all requirements have been met and have been exceeded, he would like his deposit released so he could use it for other projects, stated the improvements to the streets are a separate issue and he is willing to pay his 1/25 of the cost for street improvements, stated the \$5,000 bond was to protect the street, the City, and the residents, and stated he did not damage the street.

(Continued)

Fasana moved, Finlay seconded to continue this item to a future Council meeting, and carried unanimously.

GAPP and SCSP Agreements
L.A. County Probation Dept.

Don Anderson, Director of Safety Coordination, discussed the Gang Alternative Prevention Program (GAPP) and the School Crime Suppression Program (SCSP), and introduced GAPP Deputy Probation Officer Jeffrey Schweitzer and SCSP Deputy Probation Officer Vanessa Alvarado.

Fasana moved, Finlay seconded to approve the 2002/2003 Gang Alternative Prevention Program (GAPP) and School Crime Suppression Program (SCSP) Services Agreements with Los Angeles County Probation Department, effective July 1, 2002 – June 30, 2003, per staff recommendation, and carried unanimously.

Architect – Skate Park
Lawrence R. Moss & Assoc.

Fasana moved, Finlay seconded to authorize staff to enter into an agreement with Lawrence R. Moss and Associates to design the Duarte Skate Park, per staff recommendation, and carried unanimously.

ORAL COMMUNICATIONS

Harb Thind, 1525 Huntington Drive, stated he disagrees with the way the Downtown Duarte Task Force has been constituted, stated business people and property owners should be voting members of the Task Force, and stated property and business owners are the real stakeholders and must be included.

Gene Jones, 1939 Wardell, stated he spoke to a lifeguard about keeping the pool open, asked if he was the only one speaking on this issue, asked how many need to speak up to get something passed, and stated not many get up and speak but others may feel the same way.

Jeff Woodson, 2334 Beardslee, recommended working with the Parks and Recreation Commission about the pool, and stated with regard to the Downtown Duarte Task Force, anyone who owns property should not be involved in the decision process or have voting rights.

Ernie Martinez, 482 Woodbluff, invited Mr. Jones to attend the Parks and Recreation Commission meeting, and stated his understanding is that keeping the pool open is a financial burden to the City, as not enough people would use it during the winter.

Steve Hernandez, 2327 Park Rose, stated a special interest group was part of the Foothill Task Force and he disagreed with their approach and attitude, stated keeping the Task Force neutral is important, and stated at the beginning, it would be counter-productive to have businesses involved.

Karl Uhlig, 311 Mountaincrest, suggested the Agenda and memo from the City Manager be more explicit, and stated the information should be on the website. Duff apologized, stated Mr. Uhlig's comments have been noted, and stated more information will be made available on the website.

Mayor Reyes stated he has been accepting speaker cards throughout the meeting, and stated he is trying to make the meetings more inclusive.

Lino Paras, 2523 Elda, stated the Agenda should be more explicit, stated this is an open government, and stated the more informed the people are, the better they will respect you.

Mark Montgomery, 1544 Delford, asked if Mr. Rosenwald was reassigned, asked if there is an official sister city

program, and suggested establishing one. Mayor Reyes stated he believes Mr. Rosenwald's reassignment is temporary, as that was the initial report, and stated the City does not, at this point, have a sister city program.

ITEMS – CITY COUNCIL
Kwang Fu Elementary School

Fasana moved, Finlay seconded to allocate \$1,000 for the reception, and to match the funds put in by the School District.

There was discussion about the upcoming visit of the Kwang Fu Elementary School Orchestra, the performance and reception on July 12, other activities, and expenses.

Steve Hernandez, 2327 Park Rose, stated it is important to be involved as a community, stated the efforts will go a long way, stated he supports the idea of giving money, and was hoping the amount would be about \$2,000.

After further discussion, Fasana withdrew his motion.

Fasana moved, Finlay seconded to allocate \$1,000 to the Duarte Education Foundation as a monetary donation for the Kwang Fu Elementary School Orchestra reception to be held on July 12, 2002, and carried unanimously.

Planning Commission vacancy
(Reyes)
(Continued from 6/11/02)

Mayor Reyes stated he would like to set a date to interview five or six applicants for the Planning Commission vacancy, and stated he flew the position out several weeks ago.

Karl Uhlig, 311 Mountaincrest, asked what would happen to the original applicants, asked if the entire Council would decide if the previous applicants no longer applied to the current process, asked where the applications were bandied about as he did not see them at the Council meetings, stated the applications should be for the general public, and stated maybe the hiring policies debate should address this also, as it should be an open process.

Chapjian stated he does not want to revisit this again, stated there should be respect for the vote and for the people who applied the first time, stated they should be the first consideration, and stated he has not received any applications in his packet and does not know who has applied.

Mayor Reyes stated according to the Duarte Municipal Code, he has the right to appoint, stated he wants to make the Council inclusive of this and work as a team, stated he will schedule a date, stated he does not want to look at the applications from before, stated he will invite Councilmembers and give them notice, and he will do the interviews himself.

Fasana clarified that the Mayor has the right to appoint with City Council concurrence, noted this is stalemated, and stated another option may be to reconsider the suggestion that each Councilmember appoint a member to each Commission.

Chapjian stated this may be an opportunity to discuss one appointment per Councilmember per Commission, and stated this could be agendized at the next meeting.

Paras inquired if the Mayor were to schedule an interview, if he would notify Councilmembers and the City Manager. Mayor Reyes stated that was his intent.

Fasana stated he would like staff to bring back a sample ordinance that would provide for Commission appointments, including the Planning Commission, where each Councilmember would have one appointment to each Commission, noted implementation details would need to be discussed, and stated it would change the Duarte Municipal Code. Chapjian agreed, and stated it is an issue of fairness, and is equitable.

Mayor Reyes stated he would bring back the item after he conducts the interviews.

CLOSED SESSION
(Continued to 7/9/02)

It was determined that the Closed Session Item (to evaluate public employment for the position of Assistant to the City Manager) would be continued to the meeting of July 9, 2002.

PARAS: 1) Expressed kudos to the young people, as they represent the City well; 2) Wished all a fun and safe 4th of July, and encouraged residents and others to call the Sheriff's Department when they see or hear illegal fireworks; and 3) Stated she looks forward to the July 12 performance of the Kwang Fu Elementary School Orchestra.

Chapjian asked Mr. Anderson to clarify where fireworks are prohibited. Anderson stated it is legal to discharge fireworks in Royal Oaks Park, noted it is the only designated area north of Royal Oaks Drive where safe and sane fireworks may be discharged, and stated fireworks are prohibited anywhere north of the north curb line of Royal Oaks.

FASANA: 1) Stated it is important to call the Sheriff's if there are illegal fireworks, and noted law enforcement needs to supervise even if legal fireworks are discharged north of Royal Oaks; 2) Congratulated the Carmelites on their 75th anniversary; 3) Congratulated the winners of the Beautification Awards, and thanked staff and volunteer judges; 4) Stated the ideas that the library architect brought forward are exciting, noted it will still be a challenge, and stated it will be a beautiful and inspiring place; 5) Attended the bio-ethics forum at the City of Hope, and stated there was a great turnout; and 6) Congratulated all who participated in the Youth Fair.

CHAPJIAN: Stated he would like to bring back an item about a historic preservation ordinance, so there would be a way to save historic structures.

ADJOURNMENT

Finlay moved, Fasana seconded to adjourn the meeting at 9:45 p.m., and carried unanimously.

Mayor Phillip R. Reyes

ATTEST:

City Clerk Marla Akana