

MINUTES

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

CLOSED SESSION
Conference with Labor Negotiator

At 5:00 p.m., a Closed Session was held for a conference with labor negotiators (Agency Negotiator: Steve Filarsky; Employee organization: SEIU), pursuant to Government Code Section 54957.6. City Attorney Leech announced there was no reportable action taken.

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 7:11 p.m.

PLEDGE TO THE FLAG

Tim Lowry led the Pledge of Allegiance to the Flag.

INVOCATION

Councilmember John Fasana offered the Invocation.

CITY CLERK RECORDATION OF ATTENDANCE

The City Clerk recorded the following in attendance:
PRESENT: Chapjian, Fasana, Paras, Reyes
ABSENT: Finlay
ADMINISTRATIVE STAFF PRESENT: City Manager Duff, City Attorney Leech

ADOPTION OF AGENDA

Chapjian moved, Fasana seconded to adopt the Agenda, and carried unanimously.

ANNOUNCEMENTS

Jan Wight, Duarte Chamber of Commerce, announced Lunch Bunch on July 24 at the Original Green Onion, on July 31 at Young's Gourmet, and on August 7 at Fanara's, Chamber Blender on July 24 at Advantage Ford Lincoln Mercury, and provided Shop Duarte business cards.

Manoj Patel, Route 66 Parade Committee, announced the Annual Route 66 Parade will be on September 21, stated the theme is "Letting Freedom Ring on Route 66," and displayed and presented theme T-shirts.

Fasana asked City Manager Duff about the letter received pertaining to solid waste compliance issues. Duff stated the California Integrated Waste Management Board has determined that the City of Duarte has satisfactorily met all the requirements of the CIWMB compliance order for review years 1995 and 1996, stated goals outlined in the source reduction and recycling element and hazardous waste element have been met, and stated while this is good news, there will possibly be another requirement process underway soon.

FISCAL AFFAIRS

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

Fasana moved, Paras seconded to approve the remainder of Fiscal Affairs, and carried unanimously.

SPECIAL ITEMS
Proclamation
National Night Out – 8/6/02

Mayor Reyes read and presented the Proclamation for National Night Out to Crime Prevention Specialist Abby Lai, who outlined the activities that will take place as part of the event.

Presentation
September 11 Ceremony

Kristen Petersen, Assistant to the City Manager, provided information about the City's ceremony to recognize and remember the events of September 11, 2001, stated the Sheriff's Department, Fire Department, and the Duarte Unified School District will be participants, and announced the event will be held at the Performing Arts Center on September 11, 2002, at 10:00 a.m. There was discussion about attendance, possibility of linking to the schools, recording the event, and overflow.

ORAL COMMUNICATIONS

Tim Lowry, 2039 Atlin, announced Route 66 Parade on September 21, stated the Duarte Community Coordinating Council is proud to be putting it on, stated two firefighters have been invited as special guests, and thanked all for their support.

Dori Neuman, 741 Fieldview, thanked Ms. Finlay, Ms. Gaston, and the Duarte Education Foundation for the wonderful performance by the Taipei youth orchestra, and felt more events like that would bring people closer together.

Jack Collins, 921 Mt. Olive, suggested a survey be conducted of buildings that might be significant, such as those 50 years or older, noted in a letter to the editor about Representative Solis, Duarte was omitted from the names of cities that support the river bill, suggested there be a plaza on the empty lot across from City Hall, and felt it could be used for a street festival.

Gene Jones, 1939 Wardell, read an excerpt from an article in the Monrovia newspaper about elected officials, voter turnout, and local government, and discussed another article about housing and housing costs.

Mark Montgomery, 1544 Delford, stated he was disappointed with the majority of the people at the last Council meeting who live at Swiss Trails as they do not speak for everyone in the City, stated he feels there needs to be more businesses on the east side of town, and suggested the meeting be adjourned in memory of Thomas Baca, Jr.

Chapjian stated the Kwang Fu Orchestra was fabulous, stated once the Arts Commission is formed, we can look at more performances in that area, and stated discussion of a preservation ordinance is on the Agenda for discussion.

PUBLIC HEARING
Council Bill 02-O-05
Commercial Sign Ordinance
(MCA 02-2)
(First Reading)

Ed Cox, Director of Community Development, provided a detailed staff report and visual presentation about proposed amendments to the existing sign ordinance.

There was discussion and questions answered about menu board signs, height and width recommendations, landscape setbacks at centers, monument signs, shopping center direction signs, pedestrian-oriented directory signs, permanent and temporary window signs, wall signs, and A-frame sandwich board signs.

Mayor Reyes announced this was the time and place set for a Public Hearing to consider Municipal Code Amendment 02-2, a request filed by the City of Duarte to amend Chapter 19.80 of the Duarte Municipal Code (sign ordinance).

City Attorney Leech asked City Clerk Akana if notice of the hearing had been given. Akana stated the notice had been given and the affidavit was on file.

Mayor Reyes asked if any written communications had been filed in the matter. Akana stated there were none.

Mayor Reyes asked if there was anyone in the audience who wished to be heard on this matter.

Dori Neuman, 741 Fieldview, stated she was glad this was being discussed, felt it was critical that we have interesting signs that will attract people to businesses, and suggested coming up with an interesting name for shopping areas.

Cosima Colvin, Aspen Management, Lancaster, stated she manages the shopping center at 1100 Huntington Drive, stated two restaurants were struggling to attract the attention of the community, the tenants wanted to install a monument sign, all are national tenants and chain tenants, they ended up not putting in a sign at all, stated she hopes for a balance between the City's desires and the businesses' needs, stated Quizno's and Fatburger closed within the first year, stated it is a hindrance when they cannot offer tenants monument signage, and stated she hopes the changes would benefit the community and the businesses.

Chapjian inquired if there was parking problem. Ms. Colvin stated parking was an issue, but additional parking has been added in the back and seems to be sufficient.

Ernie Martinez, 482 Woodbluff, stated businesses on Huntington Drive need adequate signage, and stated he is against the sandwich board signs as they make business areas look trashy.

Jan Wight, Duarte Chamber of Commerce, stated John Mack served on the committee, and stated what is being proposed is enforceable.

Karl Uhlig, 311 Mountaincrest, stated he agreed with the changes to the sign ordinance, and inquired about people on the street holding large signs for local car dealerships.

Chapjian moved, Fasana seconded to close the Public Hearing, and carried unanimously.

Duff stated the committee did not study the issue of large auto dealership signs being held by employees, noted it may not be subject to City regulation, and stated if City Council wants staff to explore that, it can be done. Cox stated there is nothing in the current sign ordinance to address that issue.

There was discussion about safety issues of the large signs, the illegality of posting signs on public property and rights-of-way, first amendment issues, and real estate open house signs.

Fasana stated it would be a good thing for the Council to hear back if we have any say in this particular issue, and then it can be determined what they may want to do.

Leech read by title Council Bill 02-O-05:

AN ORDINANCE OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 19.80 (SIGN ORDINANCE), SECTION 19.80.090, EXHIBIT "A", OF THE DUARTE MUNICIPAL CODE RELATED TO SIGN REVISIONS FOR COMMERCIAL BUSINESSES (Municipal Code Amendment 02-2) (First Reading)

Fasana moved, Paras seconded to waive further reading and introduce Council Bill 02-O-05 for first reading.

There was further discussion about distance of signs from the corner, clutter caused by A-frame signs, and the importance of landscaping to attract people to a shopping center.

Fasana stated he would be willing to defer the portion about A-frame signs from this ordinance and consider it at a later time.

Chapjian moved, Fasana seconded an amendment to delete the section pertaining to A-frame sandwich board signs from the ordinance.

There was discussion about the use of A-frame signs at certain times of the day or for particular sales, placement of A-frame signs, possibility of liability issues, importance of not impeding pedestrian traffic, and size of lettering on monument signs.

The amendment to delete the section pertaining to A-frame signs from the ordinance failed (due to lack of a majority vote) by the following Roll Call vote:

AYES: Chapjian, Fasana

NOES: Paras, Reyes

ABSENT: Finlay

Fasana inquired about the possibility of proposing an amendment to the ordinance at its second reading. Leech stated at the second reading, if there is not a majority vote for adoption, it would not pass, stated the motion to have the ordinance amended would not necessarily be appropriate, as staff would need to have been given instruction to bring back an amended ordinance for a first reading.

The main motion to waive further reading and introduce Council Bill 02-O-05 for first reading carried by the following Roll Call vote:

AYES: Fasana, Paras, Reyes

NOES: Chapjian

ABSENT: Finlay

Chapjian stated he wanted to clarify that he supports signage for businesses, and feels A-frame signs will clutter the City and may possibly be a liability issue.

CONSENT CALENDAR

Fasana moved, Paras seconded to approve the Consent Calendar, as follows, and carried unanimously.

Approve Items A, B, D.

Receive and File Item C.

Fasana stated our investments yield reflects what has been going on in the marketplace today, and requested a report back on what implications they may have, positive or negative.

COUNCIL BILLS Council Bill 02-O-03 Zone Change 02-1 (Second Reading)

Dori Neuman, 741 Fieldview, stated the Trails is shown on websites of Route 66 historical landmarks, and is included as a historical landmark in Route 66 museums.

Leach read by title Council Bill 02-O-03:

AN ORDINANCE OF THE CITY OF DUARTE, CALIFORNIA, REVISING THE DUARTE MUNICIPAL CODE BY CHANGING THE ZONING OF THREE PARCELS OF LAND FROM C-2 (GENERAL COMMERCIAL) TO D-2

LAND FROM C-2 (GENERAL COMMERCIAL) TO R-3 (MULTIPLE FAMILY RESIDENTIAL – MEDIUM DENSITY) (Zone Change 02-1) (Second Reading)

ORDINANCE NO. 762

Fasana moved, Paras seconded to waive further reading and adopt Ordinance No. 762, and carried unanimously.

Council Bill 02-O-04
Commissioner Appointments
(First Reading) – Continued

It was determined that this item would be continued to a future City Council Meeting when a full Council is present.

Council Bill 02-R-25
Route 66 Parade

Mayor Reyes read Council Bill 02-R-25 in its entirety.

Leech read by title Council Bill 02-R-25:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, SUPPORTING THE DUARTE ROUTE 66 PARADE AND AGREEING TO ACCEPT LIABILITY AND MAINTENANCE FOR DETOURED TRAFFIC FROM THE MOUNT OLIVE OFF-RAMP

RESOLUTION NO. 02-25

Chapjian moved, Paras seconded to waive further reading and adopt Resolution No. 02-25, and carried unanimously.

Paras stated that to always delay certain issues for the next meeting holds up business, stated all ordinances read “ayes, noes, absent”, and inquired if this were a quorum. Chapjian stated most times, he believes there is a full Council.

CITY MANAGER
Report – Hiring Practices
(Continued from 6/11/02)

Michael Yelton, Assistant City Manager, provided the staff report about City hiring policies and practices.

Paras inquired if this memorandum was taken out of a policies and procedures book. Yelton stated some steps in the process are outlined in our policies and procedures manual, not all of them are, and this is the process that we invariably go through.

Dori Neuman, 741 Fieldview, stated for the protection of everyone, she thinks everyone coming to work for the City of Duarte needs to have a background check.

Fasana stated background checks would be a desirable enhancement to the process, noted there is a related Closed Session item about hiring, inquired if the oral board for the position of Assistant to the City Manager included a City employee, inquired about the consensus choice, clarified that while there are regulations related to Prop 209 and the affirmative action program, there is desire by the Council to conduct better outreach to make sure there is a diverse workplace, noted there are publications used to try to reach out to a pool of eligible candidates, and stated this seems to be a very healthy and open process. Duff stated there was not a City employee on the oral board for the Assistant to the City Manager position, stated the job offer is made after consideration and deliberation by the City Manager and the department head, and stated it is not common for the City Manager and department head to select beyond the person who ranked first.

Chapjian stated he appreciates the report, stated he does not see anything wrong with what is done here, stated the oral board process is fair, stated background checks should especially be done for Recreation positions, and stated the

workforce should reflect the community, and if there are ways to enhance that, we should work on that. Duff stated background checks are required for any employee that works with children or in a public safety setting.

Paras inquired if there were legal recourse, whether the memo would hold up if it is not included in the policies and procedures, requested staff look into the possibility of a personnel board or commission to update policies and procedures, stated her concern is to protect the City and make sure policies and procedures are regulated and updated, and suggested seeing if other cities utilize a personnel commission and what their responsibility entails. Leech stated there could be many different types of claims within the employment arena, if the claim involved not complying with policies and procedures, those would be set forth in a written format, stated if there is a concern that the written policies and procedures do not address all the areas the Council desires, suggested perhaps giving specific direction on what areas Council would like to see addressed in a written format, and that could be incorporated into the policies and procedures manual.

Chapjian stated he is not sure he agrees with a personnel board, and stated union negotiations will be memorialized.

Paras stated she suggested looking at other cities to see if they have a personnel commission so as to introduce the idea and see what it looks like.

Mayor Reyes inquired about the difference between aggressive and non-aggressive recruitment, how residents are selected for the oral board, and if this is an adopted policy. Yelton stated certain positions do not require a broader recruitment, while others positions require a broader recruitment area and advertising in various types of professional publications, and noted since applications for certain positions are not received from minority applicants, specialized recruiting vehicles are used to try and encourage more minority applicants than what would be received if it were only advertised in the local newspaper. Duff stated residents who are active in the community and known to City staff and City Council are asked to serve on oral boards, stated this general policy has been in place for several years, and stated staff has tried to identify improvements to the recruitment policy over the last several years, such as citizen participation on the oral board.

Chapjian stated most municipalities do it this way.

Fasana moved, Chapjian seconded to receive and file the report concerning hiring policies and practices, and carried unanimously.

Report – July 4th
(Continued from 7/9/02)

Don Anderson, Director of Safety Coordination, provided the staff report about 4th of July activities and enforcement, including violations, special task force, cost for personnel, citations issued, and calls for service.

Dori Neuman, 741 Fieldview, stated it is time that the City start to phase out fireworks, inquired about cost to the City and the Sheriff's Department, stated she would like a full report, stated with all the fire dangers, we were lucky, and stated phasing out fireworks should go to ballot.

Gene Jones, 1939 Wardell, stated he would like to have fireworks banned, stated fireworks were set off near his truck, stated children are not supervised, and there are too many fireworks.

Karl Uhlig, 311 Mountaincrest, stated he made a few calls to the Sheriff about fireworks, stated people were one-half block from the brush area, stated he thinks we lucked out this year in not having a fire or other incident, and hopes something can be done in the future to get rid of them.

Antonio Ogaz, 3216 Elda, stated he was involved at the LULAC booth and it was a great success, stated the funds are used for educational and community services, stated Council persons who want to ban fireworks will have strong opposition, and stated there were no brush fires last year or this year.

Fasana moved, Paras seconded to receive and file the report concerning July 4th fireworks enforcement, and carried unanimously.

Mayor Reyes stated he would like to look at comparison numbers from prior years as they relate to citations, costs, and service calls. Anderson stated special event overtime patrol is paid by the City, there is a \$15,000 line item budget for special events, and it includes extra patrol for the 4th of July as well as other events.

Report – Charter channel line-up changes

Kristen Petersen, Assistant to the City Manager, provided the staff report about Charter Communications recently announced channel line-up changes.

There was discussion about tiers, rates, the City's level of control, internet-driven technology, financial difficulties, possible use of channel 56 for public access in addition to channel 55 for government, the California channel, interest from other cable franchises, contact with other companies for internet service and other channel line-ups, and test sites for new technology.

Ernie Martinez, 482 Woodbluff, stated he is concerned about the cost and service provided by Charter, stated three technicians could not fix his problem, stated the service does not warrant the cost, and felt the basic line-up offered is nothing.

Gene Jones, 1939 Wardell, stated Charter's customer service is deplorable and he has considered getting satellite.

Fasana moved, Paras seconded to receive and file the report concerning Charter Communications channel line-up changes, and carried unanimously.

Update – Palmdale Summit

Duff provided a detailed staff report about the joint application of the City of Duarte and Palmdale Summit to the Wildlife Conservation Board for the donation of 329 acres of hillside property.

Karl Uhlig, 311 Mountaincrest, stated he was surprised at the valuation of the property since this is for a portion of the property, stated he is concerned with taxes, stated the tax benefit is more than the price of the property, and stated it seems the valuation is out of line and too high.

Dori Newman, 741 Fieldview, asked how the valuation got from \$900,000 to \$5 million, inquired about how the valuations came to be, and stated they are out of line.

Duff stated the City's appraiser and the State's appraiser do not take into consideration the original purchase price of the property, they consider similar properties that are similarly-situated and sold for development in other foothill communities, stated the City's and State's appraisals will be accepted by the State, the City's goal is to have the entire 329 acres acquired and donated to the City of Duarte for preservation, the State would determine if that is worth the tax credits to be awarded to make that happen, the 91 acres valued at \$5.8 million by the State are the most susceptible to development, our first priority and goal is to receive title to the 91 acres, and once that is accomplished, it would be a short time before the City takes title to the remaining 238 acres.

Fasana stated there is a cost to acquire property, the voters did not approve the measure put forward, discussed access to the second parcel, and stated the State looks at what is developable versus what is not developable.

Chapjian stated he appreciates staff's effort in the process and the creative way to preserve this, noted one cannot be punished for buying property below what it should have been bought for, stated the State deems this property worth saving, the Wildlife Conservation Board thinks enough of the property to save it, and stated it is to our benefit.

Fasana moved, Paras seconded to receive and file the update report on the status of the joint application of the City of Duarte and Palmdale Summit to the Wildlife Conservation Board for hillside property donation.

Mayor Reyes asked when the property becomes ours, will we keep it, maintain it, or donate it.

Duff stated that would be a City Council policy decision, stated it could be donated to a conservancy, noted there is an additional hillside property above Mel Canyon that is under threat of development, stated staff has been meeting with the Trust for Public Land to negotiate the purchase of the property, and it is expected that the City would be entering into a partnership with the Trust for Public Land to find funding devices to acquire that property for preservation as well.

The motion to receive and file the update report carried unanimously.

ORAL COMMUNICATIONS

Tim Lowry, 2039 Atlin, stated with regard to the previous item, it was a high risk property for an investor and it has now increased in value, stated the Duarte Coordinating Council thanks the City Council for adopting the resolution supporting the Route 66 Parade, and provided the names of the local non-profit organizations making up the Coordinating Council.

Paul Lisak, 2589 Sunnydale, stated the State and County give veterans credits for those coming in on entry level positions, stated people with expertise should be put on hiring boards, and with regard to fireworks, suggested a committee consider pros and cons, designated areas at parks, and the possibility of our own fireworks show.

Gene Jones, 1939 Wardell, stated the City plan has not been upgraded for 20 years, inquired as to how many years of foresight are needed, and discussed a newspaper article about the housing market, home ownership, and costs.

Lino Paras, 2523 Elda, welcomed Mr. Leech, congratulated Jason Golding, stated Councilmembers are policy makers and policies have to be stamped by resolution or ordinance, and stated Susan Holliday impressed him.

William Moreno, 2336 Rim Road, stated he does not like sandwich signs as they are unsightly, stated they are heavy, not attached, they could damage property and people and could get in the way of handicap access, stated with regard to hiring, he is concerned about department heads hiring relatives, and inquired if there is any control about hiring related people. Duff stated the City's nepotism ordinance prevents the hiring of relatives.

Antonio Ogaz, 3216 Elda, stated he wondered if the investigation would find out who is the author and source of the employee letter, stated he believes it is a political ploy, stated there could be organized family fireworks in the City parks, discussed a newspaper article about Latino parents and college entry savvy, stated 7% of Latino high school students in Duarte go to college, suggested teaming up with the School District and the new superintendent, felt there should be an educational summit, read an excerpt from the article about the study's implications, and stated he thinks Council needs to act on this.

Dori Neuman, 741 Fieldview, stated she thinks it is time for the City to take a stand with regard to educational ratings, stated development means to invest money in our children, stated 30% of the Duarte population is under 18 and we have a responsibility to them, stated Duarte schools are rated below average, and stated children are our future.

William Moreno, 2336 Rim Road, stated fire exits need to be kept clear for emergency situations, and signs on the sidewalk could interfere with evacuation.

Fasana stated staff is working extensively on a college day summit, and asked for information about what is being planned. Kristen Petersen stated the college fair will be held on November 16, it is being coordinated through the City Manager's office and the America's Promise fellows, it includes the School District and other cities, and further information will be available at a later date.

Chapjian stated at the Rotary Club meeting, Nancy Washington from Maxwell School demonstrated the reading program that the City helps fund, stated the money is being well-spent, stated he would like Ms. Washington to attend a Council meeting and demonstrate the program, and stated we are doing things for the schools, the schools are important, and we could be doing more.

ITEMS – CITY COUNCIL

Historic preservation ordinance (Chapjian)

Chapjian stated the Agenda packet includes examples of historic preservation ordinances from other cities, and stated he would like to have one brought back that is workable for the City Council and Duarte residents.

CLOSED SESSION

(Government Code 54957)

-Evaluate Public Employment
-Public Employee Appointment

Mayor Reyes called a Closed Session at 10:37 p.m., pursuant to Government Code Section 54957, to consider two items: 1) To evaluate public employment for the position of Assistant to the City Manager (Continued from June 11, 2002); and 2) Public Employee Appointment – Appointment to the position of City Attorney. City Council reconvened at 11: 37 p.m. with four members present, and

Finlay absent. Leech announced there was no reportable action taken on either item.

ITEMS – CITY COUNCIL

CHAPJIAN: 1) Stated he spoke with Congresswoman Solis' office and they are agreeable to meeting with City Council on August 13 between at 9:00-10:00 a.m.; 2) Stated he would like to discuss the statue at Sav-On and the possibility of it being completed before the Route 66 Parade; and 3) Stated he enjoyed the Kwang Fu Orchestra.

FASANA: 1) Stated there is a request going out from Gloria Leyva, DHS Cheer Advisor, regarding an opportunity for the cheer squad to attend the USA cheerleading camp hosted by UCLA, and stated they are looking for fundraising support; 2) Inquired about actions taken concerning the slurry seal situation described in a letter from MPK Foods. Duff responded; 3) Stated the Kwang Fu musicians did an excellent job; and 4) Congratulated all involved with the volunteer recognition event.

PARAS: 1) Thanked staff for making sure the 4th of July went well; 2) Stated it means a lot to her to know that our Neighborhood Block captains are involved, and invited all to participate and enjoy National Night Out on August 6; 3) Stated the Kwang Fu Orchestra was amazing, and noted their performance is being shown on DCTV; and 4) With regard to the possibility of having a plaza, stated she has heard a lot of ideas from the community in terms of what they would like to see, and hopes the task force is on its way soon.

REYES: 1) With regard to public safety, thanked staff and residents for their hard work, and stated the recognition event was great; 2) Stated he heard bathrooms were going to be built at Andres Duarte Park; 3) Announced Concerts in the Park at Duarte Park on July 25 at 6:30 p.m., 4) Stated he would like to schedule a meeting with the Commission Chairs and the Mayor; and 5) Requested the 42" fence height issue be brought back on the Agenda.

Duff noted bathrooms at Otis Gordon Park are not in the current budget, stated recently the seniors have indicated the restroom accommodations are inadequate, and noted staff will do analysis of what the cost would be for restrooms, and at some point, a recommendation to Council will be made.

ADJOURNMENT

Fasana moved, Chapjian seconded to adjourn the meeting at 11:47 p.m. to the Adjourned Regular Meeting, August 7, 2002, 5:00 p.m., in memory of Thomas Baca, Jr., and carried unanimously.

Mayor Phillip R. Reyes

ATTEST:

City Clerk Marla Akana