

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, SEPTEMBER 24, 2002

- AB 939 – Recycling Workshop At 5:00 p.m., a workshop was held concerning AB 939 and recycling.
- At 6:45 p.m., a reception was held in recognition of William “Bill” Ornelas, recipient of the Peter W. Walsh Award.
- 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 7:12 p.m.
- PLEDGE TO THE FLAG Bill Ornelas III led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION A moment of reflection was observed.
- CITY CLERK RECORDATION OF ATTENDANCE The City Clerk recorded the following in attendance:
PRESENT: Chapjian, Fasana, Finlay, Paras, Reyes
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager Duff, City Attorney Peale
- ADOPTION OF AGENDA Chapjian moved, Paras seconded to adopt the Agenda, and carried unanimously.
- ANNOUNCEMENTS William Moreno, 2336 Rim, provided information about the Curve Fire that began in Azusa on September 1, stated it burned over 20,000 acres, and discussed after-effects, repairs, and campground closures.
- Councilmember Fasana announced Hazardous Waste Round-Up on October 26 at Duarte City Hall parking lot, and City of Hope Fall Forum about bio-terrorism on October 23 at 7:00 p.m.
- Councilmember Paras announced City of Hope “Walk for Hope” on October 6, beginning at 7:30 a.m.
- Councilmember Chapjian suggested the announcements be run on DCTV.
- Councilmember Finlay announced Taste of Autumn at Citrus College on September 29.
- FISCAL AFFAIRS Finlay moved, Chapjian seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.
- Chapjian moved, Finlay seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS Ed Cox, Director of Community Development, thanked all for attending the reception in recognition and support of William “Bill” Ornelas, and introduced MSA officials George Bradley, Greg Clavier, and Gene Viramontes, who provided information about the Peter W. Walsh Award. Duff thanked Mr. Ornelas for being pro-active, and stated he will work with County Flood Control to devise a plan for possible problems associated with the recent fires. Mayor Reyes introduced Mr. Ornelas, and presented him with a Certificate of Appreciation in recognition of his being the recipient of the Peter W. Walsh Award, and congratulations were extended.

Proclamation – Ray Bradbury Mayor Reyes read and presented the Proclamation for Ray Bradbury Day in Duarte to Jack Collins. Mr. Collins invited all to attend the event on October 5 at 7:00 p.m.

RECESS Mayor Reyes called a Recess at 7:50 p.m. City Council reconvened at 7:55 p.m., with all members present.

COUNCIL BILL Ed Cox provided a staff report about the proposed amendments to the Duarte Municipal Code pertaining to front yard fence height. There was discussion about set back, spiked fences, grandfather clause, single-family residentially-zoned properties, appearance, and safety issues.

Council Bill 02-O-06
Front Yard Fence Height
(First Reading)

Peale read by title Council Bill 02-O-06:

AN ORDINANCE OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTERS 19.24, 19.28, 19.32, AND 19.36 OF THE DUARTE MUNICIPAL CODE RELATING TO THE LOCATION, MATERIALS, AND HEIGHT OF FENCES, HEDGES, WALLS, AND RETAINING WALLS WITHIN THE REQUIRED FRONT, SIDE, OR REAR YARD ABUTTING A STREET IN SINGLE-FAMILY RESIDENTIAL ZONES (R-1, R-1A, R-1B, R-1D, and R-1F) (First Reading)

Finlay moved, Chapjian seconded to waive further reading, and introduce Council Bill 02-O-06 for first reading.

Duff stated the proposed ordinance would be considered by the Planning Commission, a recommendation would be made, and the Council Bill would come back to the City Council for a Public Hearing and its second reading.

ORAL COMMUNICATIONS Pat Wood, 2447 Huntington, stated the sidewalks on Huntington were steam cleaned at 2:30 a.m., asked that the program be looked at and the work be done during daylight hours, and stated she attended the task force meeting, the consultants were pro-active, and she thinks it is important that business owners be on the task force. Duff stated this is the first year the City had the sidewalks steam cleaned, apologized to Ms. Woods for the inconvenience, and stated we will improve on the timing.

Mark Montgomery, 1544 Delford, congratulated all that were involved in the Parade, and apologized for insulting Pasadena employees at the last City Council meeting.

William Moreno, 2336 Rim, distributed maps showing the burn area of the Curve Fire, stated it affected the entire watershed, stated the new Williams Fire has consumed the east fork watershed, and provided handouts from the Forestry Service.

Susie Bence, 1308 Elmhurst, inquired about a sidewalk at Elmhurst, suggested there be flower floats at the Parade, inquired about an ethics meeting, and suggested cameras be set up to rule out arson. Mayor Reyes stated a traffic study was conducted and will be on the Traffic and Safety Commission's next meeting. Finlay stated there will be a Contract Cities ethics seminar in Dana Point this week-end, and noted a statewide ordinance is being prepared that can be adopted by cities.

Karl Uhlig, 311 Mountaincrest, stated he would like to see the City Council meeting minutes on the website before they are approved. Duff stated the minutes are immedi-

ately posted upon approval. Peale stated minutes are not official until they are approved.

Jeff Woodson, 2334 Beardslee, inquired about the City's action on the historic preservation ordinance, and inquired about the investigation of alleged allegations against the Mayor. Duff stated the historic preservation ordinance is being drafted by staff, and the Historic Society has volunteered to draft a preliminary list of possible structures as a starting point. Mayor Reyes stated with regard to the investigation, he had been interviewed, and the final report would be made within six to eight weeks.

PUBLIC HEARING
Council Bill 02-O-04
Commissioner Appointments
(Second Reading)

Mayor Reyes announced this was the time and place set for a Public Hearing to consider amending the Duarte Municipal Code concerning the appointment of Commissioners.

City Attorney Peale asked City Clerk Akana if notice 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.

Jim Kirchner, 2659 Gardi, stated the current ordinance has worked well for many years, stated as proposed, this ordinance would give up flexibility, and suggested if there is an impasse on an appointment, after a specified amount of time such as three months, Councilmembers could be allowed to present names of candidates, and it could be determined by a Council majority.

Lino Paras, 2523 Elda, stated the process has worked for many years, stated he disagreed with three months, as there would be a filibuster process until November, stated there are personality differences, and stated he feels this ordinance is incomplete, as there is no start date.

Jeff Woodson, 2334 Beardslee, stated he feels the ordinance should be left alone, suggested Council fill the vacancy without changing the rules, stated those who want to be on the Commission will have a disadvantage, and encouraged Council not to change the ordinance, rather to come up with a resolution to fill the vacancy.

William Moreno, 2336 Rim, stated if three Councilmembers had ulterior motives, those three could control the Commissions, suggested each Councilmember nominate a primary and secondary candidate, if the primary person is not ratified, the secondary one would be appointed by default, and suggested finishing this appointment under the old rules and then changing the ordinance.

Finlay moved, Paras seconded to close the Public Hearing, and carried unanimously.

Paras stated she is not in support of this ordinance, stated the current process has worked in the past, felt this ordinance would limit the Council and its opportunity to interview candidates, thinks Council should go down the line of candidates, and stated this ordinance is not for this community.

Chapjian stated he suggested this ordinance three years ago, stated he thinks it will add diversity to the Commissions, stated the previous ordinance worked because City Council all got along, stated it is important to appoint someone who will make sure the peoples' voices are heard, stated the current process does not allow Councilmembers to nominate anybody, and stated the primary/secondary idea may be a good approach.

Fasana stated when this was brought up a few years ago, he opposed it, stated he supports it now because of the current condition, noted there will be some logistical issues, stated the previous process was give and take, trade-off and consensus, discussion and consensus, stated it worked equitably, stated since not every Councilmember will serve as Mayor, there should be an adjustment that is fair to all Councilmembers, stated residents could apply at-large for the Commission, City Council can appoint the Commissioners, and the decision will be made by a majority, and suggested there could be an ordinance that allows Councilmembers to appoint Commissioners, with the application process as it currently is, interviews could be conducted publicly, and they could be voted on and selected.

Chapjian stated if it works for the City, he will agree with it, as long as we can move on and get the City's work done.

Mayor Reyes stated his concern is with limitation and dismantling the Commissions, stated it is unfair, stated he suggested Robert Cuite for appointment, stated he thinks he will bring everyone who applied to the next meeting and conduct the interviews in public, and stated he intended to put that on the next Agenda.

Fasana moved, Chapjian seconded to receive and file this proposed ordinance, and direct staff to bring back an ordinance that would provide for the appointment of City Commissioners by the City Council, and carried by the following Roll Call vote:

AYES: Chapjian, Finlay, Fasana, Paras

NOES: None

ABSTAIN: Reyes

There was discussion about the existing process, bringing another ordinance back providing for Council appointments, and request for clarification about Mayor Reyes' intent. Mayor Reyes stated he will contact all the applicants, even those that were appointed to other Commissions, bring them forward and interview them, and stated he intends to bring those individuals to the next Council meeting.

There was discussion about this possibly being a misuse of time until it is clarified, and the interview process. Mayor Reyes stated he would like applicants to make a one or two minute presentation, have a question and answer period, and interview them, stated he thinks he has that right, and stated he has the intention to bring that on the next Council meeting.

Fasana asked for an opinion from the City Attorney. Peale stated he thinks it can be agendaized. Fasana inquired if at that time, Council would have the prerogative, if they choose to do so, to remove that item from the Agenda. Peale stated yes, that is correct.

CONSENT CALENDAR

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

COMMUNITY SERVICES
COMMISSION
Charter Communications

Kristen Petersen, Assistant to the City Manager, provided a detailed report and update on the Community Services Commission's study of the Charter Communications issue, and discussed channel line-up, basic service, expanded service, digital box receivers, scrambling of channels, poor communication, and variables in numbers and range.

There was discussion about digital and tier service, other cities served by Charter, transition to digital, internet problems, franchise agreement, increased costs for basic cable, the possibility of holding a Closed Session with legal counsel, unauthorized rate increase, and deceptive statements. Duff stated if Council would like to conduct a Closed Session at the next Council Meeting, that can be done.

2002-2004 LLEBG Program

Chapjian moved, Finlay seconded that the 2002-2004 Local Law Enforcement Block Grant funds be allocated to target area 1A, employing on a continuing basis new law enforcement officers, specifically the School Resource Deputy position, per staff recommendation, and carried unanimously.

ORAL COMMUNICATIONS

Jim Kirchner, 2659 Gardi, discussed the City Attorney's comment about putting items on the Agenda, as the process for Commission interviews is detailed, it goes through staff, and dates are approved by Council before the process starts, questioned if the Mayor's advertising process was legitimate, stated it bypassed the normal procedures and policies, suggested if appropriate, rather than having the people return for an interview again, the names of those interviewed be submitted, and asked that the City Attorney reconsider and re-evaluate based on additional information and history.

Lino Paras, 2523 Elda, discussed the existing ordinance, stated Mayor Reyes can put it on the Agenda as an item from Council, suggested giving each candidate three minutes and voting on each one, and stated the decision should be made in front of the people.

Mark Montgomery, 1544 Delford, stated he felt the minutes should be on the website as soon as possible, stated public works departments should be honored just as law enforcement, and stated the City should be proud of Bill Ornelas.

William Moreno, 2336 Rim, stated he now receives DCTV on Channel 1, stated he needed to reset the channels, stated Charter is pushing digital, discussed charges for basic cable, and stated higher channels have higher reliability.

Susie Bence, 1308 Elmhurst, discussed a flyer from Greenpeace about genetically-engineered food, stated Trader Joe's will not sell it, and provided its website address.

ITEMS – CITY COUNCIL
Voting Delegate/Alternate
National League of Cities

Reyes moved, Fasana seconded to appoint Councilmember Finlay as the Voting Delegate and Councilmember Paras as the Alternate Voting Delegate to the National League of Cities Congress of Cities, December 7, 2002, in Salt Lake City, Utah, and carried unanimously.

Quarterly City Newsletter
(Chapjian)

Chapjian stated he thinks it is important for the City to develop its own newsletter, proposed that it be mailed to households quarterly, that it be bilingual, and include information about services, classes, and general news, as well as an annual survey.

There was discussion about mailing expense, possibility of including it with the Parks and Recreation newsletter, and using the Chamber newsletter.

Lino Paras, 2523 Elda, stated there was a newsletter in the past, it was cut during the budget crunch, stated the City has increased its contribution to the Chamber, and suggested giving it to the Chamber as an insert.

Chapjian stated the Chamber does a great job with its newsletter, and stated it is not in Spanish.

Manoj Patel, 2435 Huntington, stated the Duarte View prints 10,000 copies, it is sent to residents in the School District boundary and covers community issues, and stated the Economic Development Commission survey could be incorporated.

Mayor Reyes stated it was a great idea, suggested looking at it during the mid-year budget process, and stated he would like to see what the cost would be.

Fasana inquired about a timeframe. Duff stated it would be prudent to consider this item at mid-year, as there would be a better idea of revenues and expenditure projections, and stated staff could bring back an analysis of the cost and timeline in about six weeks. Fasana stated when the information is received, it could be re-evaluated.

Policy – Use of City logo
(Finlay)

Finlay discussed a newspaper article about the misuse of City letterhead in La Canada Flintridge, and inquired about the City's policy.

Pat Wood, 2447 Huntington, inquired as to whether the City logo is the Duarte "d" with the rivers and mountains, or just the Duarte "d" branding iron.

Fasana stated the incident in La Canada was a stationery issue. Mayor Reyes stated there is a policy related to the official City seal. Duff stated the City's logo has never been copyrighted, there was a policy prior to 1987 about the use of City letterhead, that was changed and now City Council is allowed to take letterhead and use it, and discussed concerns about the appropriate use of letterhead.

There was discussion about other cities' policies, letters written on City letterhead coming before the entire board to see if it is the opinion of the majority of the Council, possible problems since letterhead represents the City's position, and the need to develop a policy. Duff stated if City Council would like to entertain a policy, staff could develop some options for consideration.

Paras suggested the possibility of letterhead with the logo, but without Council names, and a disclosure statement that it is one member's opinion, and not the entire Council's.

Members – Downtown Duarte
Task Force

Fasana stated his first concern is that one of his appointees cannot continue on the task force, and inquired if he could ask someone to attend, and then have that person ratified at the following Council Meeting.

Chapjian moved, Paras seconded that Councilmember Fasana be authorized to appoint a replacement to the task force, and have that appointment ratified at the following Council Meeting, and carried unanimously.

Pat Wood, 2447 Huntington, stated she attended the first meeting, six appointees were missing, and stated it is critical that all appointees attend the meetings.

Paras inquired if a Commissioner were not able to attend, if another Commissioner could attend for him/her. Duff stated that situation arose with the foothill task force, and it led to a misunderstanding of who had the right to vote.

Chapjian stated there is a lot of information to digest, if one is not part of the group by the next meeting, they cannot catch up, and stated it is imperative to get involved and stay involved.

Fasana stated his second concern is about the appointed officers, stated the task force was largely driven by the concerns of residents, and stated he thinks one resident should serve as co-chair, since residents have different interests than businesses.

Pat Wood, 2447 Huntington, stated the two co-chairs and two vice chairs were voted for by all the members, stated Council has to put trust in the people that were delegated, and stated it is a well-represented group.

Fasana stated the chair of any group has authority and influence, stated he would support two residents chairing it, felt it is not acceptable with both chairs coming from the business community, and stated he would like to see at least one co-chair from the residential sector.

Fasana moved, Chapjian seconded to direct the task force that at least one resident hold the position of co-chair, and that at least one resident hold the position of vice chair.

Paras stated a consultant was hired, there was a democratic process of voting, all members can give their opinions, and she hopes the co-chairs will be professional enough to take the input of the entire body to make decisions happen.

Chapjian stated he believes the co-chair should be a resident, this was driven by residents and they should have the say in how this process moves forward, stated chairs have a lot of influence, felt there should be at least one resident as co-chair, stated Council should have spelled this out at the beginning, and stated he had assumed that would happen.

Manoj Patel stated he is a vice chair, there is a lot of momentum, all in the group can speak their minds, commended staff on its selection of this consultant, stated the issue came up about residential representation, the four co-chairs will meet with the consultant in terms of setting the agenda, stated he hopes the City Council will talk with the consultants, and stated the consultants will make sure there is a broad range of inclusiveness in terms of input.

Lino Paras, 2523 Elda, stated he thought they should have voted at the next meeting, stated the consultant said the function of the chair is to make sure everyone speaks and to monitor the discussion, and stated it was a democratic process.

Mayor Reyes stated the four individuals appointed are two residents and two former residents, both Mr. Fanara and Ms. Estrada have roots in the community and are well-qualified, stated out of 21 members, there are three or four business people, stated he felt this would send the wrong message and jeopardize the process, and stated he thinks Council should leave the task force alone.

Fasana stated he thinks direct City Council involvement may taint the process, stated he heard that residents wanted direct input in our City's future, stated Mr. Patel is trying to balance his issues and brings unique insight into the process, stated two chairs that have property within the family in an area that may be revitalized have different interests and points of view than residents at large, stated some new members may be intimidated, commended the direction shown by the task force, felt the residential voice should be strong and able to shape the final recommendations, stated there are different levels of expertise and talent, and stated he thinks the residential background needs to be represented in one of the chair positions.

Chapjian stated he agrees, there is need for a fair balance, and there should be at least one resident.

Mayor Reyes suggested looking at the real options, stated Mr. Patel's family owns property where a downtown could not be built, Mr. Fanara's restaurant is all built out, stated this was a fair and democratic process, and stated we should let it play out.

Chapjian stated since chairs meet with the facilitators and direct the flow of the meetings, there should be balance.

Manoj Patel clarified that when the consultant said the outcomes would be presented by the chairs to the Planning Commission and City Council, he inquired about a possible conflict, since he is the Planning Commission representative.

Finlay called for the question.

The motion to direct the task force that at least one resident hold the position of co-chair, and that at least one resident hold the position of vice chair, carried by the following Roll Call vote:

AYES: Finlay, Fasana, Chapjian

NOES: Paras, Reyes

CHAPJIAN: 1) Inquired about the status of AB 3009. Duff stated the bill was still unsigned as of 3:30 p.m. today, and stated staff submitted our second application for the remaining 200-plus acres, and is looking forward to the November Wildlife Conservation Board meeting; 2) Stated bathrooms will be installed at Otis Gordon Park in the near future; 3) Thanked the Route 66 Committee for the Parade, and thanked staff for the Picnic; 4) Stated he is glad the Downtown Duarte Task force is taking off and moving; and 5) Announced San Gabriel Valley Economic Partnership conference on October 17 at the Doubletree Hotel in Pasadena. Duff stated staff intends to ask City Council in the future to allocate funds for bathrooms at Otis Gordon Park, and noted that has not yet been done.

FINLAY: 1) Provided an update on the West Nile Virus, and discussed effective repellents; 2) Thanked the Parade Committee and stated the Picnic was great, with more in attendance than previous years; and 3) Announced the

2002 Foothill Cities College Fair on November 16 at the Performing Arts Center, and stated Congressman David Dreier will be the kick-off speaker.

PARAS: 1) Congratulated Bill Ornelas on his award, and stated it is an honor for the City to have such a distinguished employee; and 2) Thanked the volunteers, organizations, businesses, and Coordinating Council for the Parade and Picnic, and thanked Chairperson Jim Kirchner and Grand Marshal Jennifer York.

FASANA: 1) Thanked Tim Lowry for his leadership in the Parade; 2) Inquired as to the success of the sale of street signs at the Picnic. Duff stated a report would be provided; 3) Stated he was unable to attend the Honor Among Ashes event, he heard very good things about it, and thanked staff; 4) Stated the Parade was a wonderful event; 5) Stated some of the freeway soundwalls are up, and he would be interested in what the reaction is in the community; 6) With regard to the potential Lowe's site in Irwindale, requested that staff set up a meeting with Irwindale and the Mountains and Rivers Conservancy to see if there is any interest in possible acquisition of that land; and 7) Stated the COG approved a study regarding an overlay district for land preservation, to study an aesthetic solution for preservation.

REYES: 1) Thanked staff for the September 11 ceremony, stated it was heartfelt, and thanked the heroes that participated; 2) Thanked all involved in the Parade and Picnic; and 3) Thanked Bill Ornelas for his work and commitment to his job.

ADJOURNMENT

Finlay moved, Paras seconded to adjourn the meeting at 11:04 p.m., and carried unanimously.

Mayor Phillip R. Reyes

ATTEST:

City Clerk Marla Akana