

## MINUTES

### CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, OCTOBER 8, 2002

- CLOSED SESSION** At 5:00 p.m., the City Council of the City of Duarte met for a Closed Session pursuant to Government Code Section 54957.6, for a conference with labor negotiators (Agency Negotiator: Steve Filarsky; Employee organization: SEIU). Direction was given by the City Council to the City negotiating team concerning the City's position on entering into a Memorandum of Understanding as to these negotiations.
- 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** Mark Montgomery 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 Ralph Leech
- ADOPTION OF AGENDA** Reyes moved, Paras seconded to adopt the Agenda, with the title of Item 14.B amended to Planning Commission candidates' presentations/Nominations by the Mayor/Confirmation by the City Council, and carried unanimously.
- ANNOUNCEMENTS** Jan Wight, Duarte Chamber of Commerce, announced Good Morning Duarte on October 15, 7:15 a.m., at Duffer's, Grand Opening of Cindy's Beauty Salon on October 22, 12:00 noon, Halloween Blender on October 23, 5:30 p.m., at the Performing Arts Center, Hats Off to Duarte on November 13, 5:00 p.m., at the Buena Vista Pavilion, and Legislative Power Luncheon on January 17 at the Marriott in Baldwin Park.
- Manoj Patel, Rebuilding Together, announced the second phase of the Rebuilding Together event on October 26, and thanked staff and all volunteers.
- Councilmember Fasana announced Burrtec's semi-annual Duarte Clean-Up Day for bulk items on October 26 at Beardslee and Royal Oaks Schools, Hazardous Waste Round-Up on October 26 at Duarte City Hall parking lot, City of Hope Fall Forum about bio-terrorism on October 23 at 6:30 p.m., and stated the office of John Chiang, State Board of Equalization, is offering a homeowner's and renter's assistance program, and discussed the criteria.
- 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.
- Lino Paras, 2523 Elda, inquired about a number of expenses on the warrant register. Mayor Reyes stated Councilmembers attend conferences to better serve the residents, and suggested Mr. Paras submit a list in writing of additional inquiries.

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

#### SPECIAL ITEMS

West Nile Virus update

Kelly Middleton, Education Specialist, San Gabriel Valley Mosquito and Vector Control District, provided updated information about the West Nile Virus and Hanta virus, trends, health risks, transmission cycles, treatments, protection measures, immunity, and vaccine testing.

Wal-Mart Safe Neighborhood Heroes Grant

Don Anderson, Director of Safety Coordination, introduced Sharon Rico and John Kocharian of Duarte Wal-Mart, who presented the Wal-Mart Safe Neighborhood Heroes Grant in the amount of \$1200 to the Public Safety Department for the bicycle patrol program. Mayor Reyes stated the Consent Calendar includes a Proclamation for Child Safety Awareness Day that was presented to Wal-Mart on October 4, and thanked Wal-Mart for its participation in the event.

Proclamation – Red Ribbon Week

Mayor Reyes read and presented the Proclamation for Red Ribbon Week to Crime Prevention Specialist Abby Lai, who provided additional information about Red Ribbon Week activities in the City of Duarte.

#### ORAL COMMUNICATIONS

Wanita Norgard, 2420 Rim, read an excerpt of an editorial from the Pasadena City College newspaper about the Ray Bradbury event, and thanked the City for providing the Performing Arts Center and its staff, additional funds, and the professional guidance and marketing from Mary Barrow Somerlott.

Jack Collins, 921 Mt. Olive, stated the Ray Bradbury event was marvelous, and thanked the people of Duarte, supporters, and the committee.

Daniel Wong, Pasadena resident, stated October is Falun Gong month, discussed the meditation practice and persecution of practitioners, stated House Congressional Resolution 188 is a public condemnation of the persecution, and announced upcoming ceremonies and activities in the greater Los Angeles area.

Mark Montgomery, 1544 Delford, stated at first he and his mother were against the soundwalls, now they are up and do not look bad, stated he is awaiting his street sign, and stated the Ray Bradbury event was a fantastic success.

Antonio Ogaz, 3216 Elda, stated he was a volunteer at the Picnic and sold street signs, stated it was a great experience, and thanked Duarte High School for inviting LULAC members to serve as translators during open house.

Karl Uhlig, 311 Mountaincrest, stated the City's website does not publish the minutes until the following Council meeting, stated the argument about not being approved does not make sense to him, and asked that City Council do something about it.

Allan Cook, 604 Woodbluff, stated the bike path is unsafe at night, and asked if lights were going to be put there.

Jim Kirchner, 2659 Gardi, stated the Duarte Community Coordinating Council would be responsible for providing a report about the street signs, noted they are still in the process of selling the signs and are planning other events, and stated the report would be coming when it is ready.

Ernie Martinez, 482 Woodbluff, thanked the Public Safety office for acting quickly when he called them about large chunks of gravel on the road and signs stapled to trees at the park.

CONSENT CALENDAR

Fasana moved, Chapjian seconded to approve the Consent Calendar, as follows, and carried unanimously.  
Approve Items A, B, D.  
Receive and File Item E.  
Deny Item C.

COUNCIL BILLS  
Council Bill 02-R-27  
City letterhead policy

Lino Paras, 2523 Elda, stated the intent is good, he thinks it is ridiculous that Councilmembers have to ask permission of each other to use letterhead, stated there was discussion about a disclaimer, stated staff uses letterhead, felt a disclosure on the letterhead is sufficient, and stated he thinks there should be better guidelines.

Pat Wood, 2447 Huntington, stated elected officials have opinions that differ, she thinks it would be simple for each Councilmember to have individual letterhead, it could be used to represent their opinion or respond to a constituent, and stated it is a common sense issue.

Paras stated there is letterhead with and without Council names, stated she does not agree to use public money to pay for personal usage of letterhead, if Councilmembers create their own letterhead with a disclaimer, that should come out of their own pockets, and stated Councilmembers could use City-provided letterhead and request appropriate usage.

Leech read by title Council Bill 02-R-27:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ESTABLISHING A CITY LETTER-HEAD POLICY FOR THE CITY OF DUARTE

Finlay moved, Fasana seconded to waive further reading and adopt Resolution No. 02-27.

Paras stated the resolution does not specify if it pertains to the letterhead with or without the Council names.

Finlay stated anything written by one Councilmember to imply that it stands for the City's support of it, should come before the Council, and stated she would not want something implied or inferred that did not exist.

Paras clarified that the resolution states anything to be written on letterhead needs to be brought to the City Council with a request for approval prior to being sent.

Chapjian stated there is a difference between staff letterhead and City Council letterhead, stated anything coming out of the Mayor's office should be voted on, and stated one may not want to wait two weeks to write to a constituent regarding an issue.

Finlay stated letters can be written on stationery other than letterhead, such as white paper with a signature, and a business card can be enclosed.

Fasana stated letters written by staff members reflect City business and policy, whereas letters from City Council may or may not reflect City policy, stated when most people see letterhead, they would presume it is City policy, and stated if Council has individual correspondence, it is reasonable to put it on regular paper with a business card inserted.

Mayor Reyes stated he wants to know the intent, stated he has not and does not see it as an issue, stated if he wants to

respond to a constituent, send a letter of recommendation for a student or for a position of employment, or invite a delegation from a foreign country or another state, he must get approval. Finlay asked what if a letter does not reflect the feeling of the rest of the Council and has their names on the letterhead. Mayor Reyes stated it depends on how the letter is written, whether using the word "we" or if it is singular, and stated letterhead without names could be used.

Paras stated both discussions are valid, stated one may not want to wait two weeks, and stated a disclaimer can be offered on the letterhead without Council names, with a notation that it is only the opinion of the Councilmember signing it.

Chapjian stated he is not sure he would invite anyone without approval of Council as a courtesy, stated his issue relates to a normal letter to a constituent, and stated he can see the merit of having a policy.

RESOLUTION NO. 02-27

The motion to waive further reading and adopt Resolution No. 02-27 carried by the following Roll Call vote:

AYES: Chapjian, Finlay, Fasana

NOES: Paras, Reyes

Council Bill 02-O-07  
Selection process for  
appointed Commissioners  
(First Reading)

Lino Paras, 2523 Elda, stated he feels the ordinance is badly written, discussed severability, and encouraged sitting Commissioners to attend the meeting when this item is on for second reading.

Pat Wood, 2447 Huntington, stated Mr. Kirchner stated this was not needed, the procedure as it had been done worked for a number of years, stated the system stands and works, and asked that common sense be used.

Leech read by title Council Bill 02-O-07:

AN ORDINANCE OF THE CITY OF DUARTE, CALIFORNIA, AMENDING THE DUARTE MUNICIPAL CODE TO PROVIDE THE SELECTION PROCESS FOR APPOINTED COMMISSIONERS (First Reading)

Fasana moved, Chapjian seconded to waive further reading and introduce Council Bill 02-O-07 for first reading.

Finlay suggested the words "second term" in Section 2 be changed to "subsequent terms." Fasana accepted it as a friendly amendment.

Fasana stated the process in place did work for many years, stated he felt the Mayor followed the letter of the law, in the past there was concurrence of City Council, stated Commission terms come up every two years and not all will be able to serve as Mayor during those years, stated he felt this ordinance would put all five Councilmembers on an equal footing of being able to nominate Commissioners, and stated he thinks it is equitable.

Paras stated she sees this ordinance as lacking in checks and balances, it does not require discussion among City Council, and suggested the possibility of holding interviews and taking a roll call vote at the end.

Fasana stated this would allow any Councilmember to make nominations in public, and the process would be in public.

Mayor Reyes inquired about flying the positions openly. Fasana stated it would not change the way residents would apply, the announcement of Commission openings by staff would continue, with a deadline for submittal, and stated it would be an open and equitable process.

Mayor Reyes stated he sees this change as getting more political, and stated before, the process was more open.

Finlay stated she sees this as less political, as everything is done in the open. Mayor Reyes stated in the past it was an open process, and it was agendized.

Chapjian stated this is fair, it allows all Councilmembers an opportunity to vote, the current process is not good as Councilmembers cannot nominate anyone, stated he thinks this is equitable and fair, and called for the question.

The motion to waive further reading and introduce Council Bill 02-O-07 for first reading carried by the following Roll Call vote:

AYES: Finlay, Fasana, Chapjian

NOES: Paras, Reyes

Mayor Reyes stated he has candidates here for Item 14.B for the Planning Commission seat.

CITY MANAGER  
La Habra Heights  
CDBG funds exchange

Duff provided a staff report about the consideration of exchange of general fund monies for City of Habra Heights CDBG funds for fiscal year 2002/2003.

Fasana moved, Chapjian seconded to approve the Exchange Agreement/Resolution No. 02-22 formalizing the terms of the exchange of CDBG funds with the City of La Habra Heights, per staff recommendation, authorize the City Manager to execute the Agreement on behalf of the City of Duarte, and approve any minor adjustment in the final Block Grant allocation accruing to the City of La Habra Heights, and carried unanimously.

#### ORAL COMMUNICATIONS

Ann Christensen, 2303 Citrusview, stated she heard rumors about a proposal to sell properties in her area and put businesses there, stated there are problems on her block with drive-by shootings, and stated she heard there is only one Sheriff's car for Duarte. Mayor Reyes stated with regard to the rumor about selling properties, he does not believe that to be true. Duff suggested providing her name and number to Mr. Cox, and staff will assist her in talking to the City of Irwindale and correcting the rumors.

Lino Paras, 2523 Elda, stated there is no possibility of annexation unless it is in an unincorporated area.

ITEMS – CITY COUNCIL  
Downtown Duarte Task Force  
(Fasana)

Fasana stated his appointment to the Downtown Duarte Task Force is John Oden from the City of Hope, as a business member.

Planning Commission  
candidates' presentations/  
Nominations by the Mayor/  
Confirmation by the City  
Council (Reyes)

Lino Paras, 2523 Elda, stated he thinks candidates should present themselves, have questions/answers from Councilmembers, the Mayor nominates, Councilmembers concur or disagree, and go down the line.

Finlay moved, Fasana seconded to postpone this item indefinitely.

Fasana stated since Council Bill 02-O-07 was introduced tonight, he would like to see if that will be supported, stated under that process, each Councilmember would have an equal voice in terms of nominating Commissioners, the process would be flown Citywide, all can apply and be considered, and stated since he would like to see what happens at the second reading, felt this item should be postponed until that time.

Paras stated she thinks City business is being held up, stated some who applied are present, and stated she does not

agree with postponement, as it may or may not pass at the next meeting.

Chapjian stated it is regrettable that the Mayor called people without the consent of the entire Council, and stated the last time this issue was discussed, an ordinance change was talked about.

Paras stated because of the current ordinance, she thinks that is why the Mayor contacted the members.

Mayor Reyes thanked those in attendance, stated he believes he has every right to bring this forth, stated it would be done with equity in the public's view, some candidates are from the original list from December, stated he published his newsletter Citywide, he sees this as being politically motivated and feels when Mr. Chapjian is Mayor, Mr. Firth would be appointed, stated he does not think Mr. Firth has the community's interests at heart, rather they are selfish geographic interests, and stated that would not be supporting the total community.

Finlay asked if the Mayor called all applicants for the Planning Commission. Mayor Reyes stated he did not call Mr. Torres or Mr. Firth, as they are the issues. Fasana stated the people involved are not the issues, rather the issue is the process, stated he wants an equitable process where all can have equal input, stated his inclination is to see if the ordinance brought forward receives approval, stated he supports that process as it is fair, and stated he feels the motion to postpone indefinitely is in order.

Mayor Reyes thanked those in attendance and encouraged them to reapply.

The motion to postpone this item indefinitely carried by the following Roll Call vote:

AYES: Fasana, Chapjian, Finlay

NOES: Paras, Reyes

CHAPJIAN: 1) Stated the owner of the Romvary property in the hillside above Azusa is in discussion with staff and the Trust for Public Land about possibly donating the property; 2) Stated he was sorry he missed the Ray Bradbury event, and encouraged reading and use of the library; 3) Stated some of the numbers on the Bradbourne street signs need to be checked; and 4) Stated he heard from one member of the Downtown Duarte Task Force that the Mayor said the Council does not have confidence in them, and stated he has full confidence in what the task force is going to do.

FINLAY: 1) Announced Foothill Cities College Fair on November 16, 2002, at the Performing Arts Center, and stated it will be extremely comprehensive, with over 50 colleges participating; and 2) Thanked Jack Collins and Mary Somerlott for their hard work in bringing Ray Bradbury to the City.

FASANA: 1) Attended the Ray Bradbury event, and with Councilmember Paras, presented the Proclamation to him on behalf of the City, and noted through redevelopment, the PAC center was brought forward as a gathering place, and the event was a tremendous use; 2) Attended the Walk for Hope event, and stated there were informative booths, as well as tissue matching for bone marrow transplantation; 3) Attended the dedication of the City of Hope's Women's

Health Center; and 4) Asked that the posting of the draft unapproved minutes on the City's website be agendaized for consideration at the next City Council meeting.

PARAS: 1) Attended the Ray Bradbury event, stated the audience represented the City, and thanked all who participated; and 2) Participated in the Walk for Hope, stated there was a wonderful turnout, and thanked Don Anderson and his staff.

Mayor Reyes asked Mr. Duff to comment on the item discussed by Ms. Christensen. Duff stated his understanding is that two weeks ago, there was a shooting in Irwindale, the County Sheriff's Department and Public Safety office are actively working the case, the City takes this very seriously, other similar shootings have occurred primarily in the County area southwest of Duarte, we are working with the Sheriff's Department and the City of Monrovia's Police Department, task force meetings have been held with the Gang Enforcement Unit, Narcotics Unit, and the Probation Department, and we are working as a team to actively have an impact on this issue. With regard to the number of Sheriff's cars assigned to Duarte, Duff stated that number varies based on the day and time of the week, we try to strategically deploy vehicles at peak times, and stated Lt. Biagini and Don Anderson can be contacted for further information. Mayor Reyes stated other community members are talking about trying to bring individuals together for discussions, and noted it is a difficult issue.

REYES: 1) Congratulated the Kiwanis Club on its installation and Abby Lai who served as president, and noted Alan Johnson was installed as new president; 2) Stated he had discussions with residents about utilities, stated the power lines behind Mike's Foods are leaning, the electric lines in the 2900 block of Freeborn are creating a bad look aesthetically, and he has received complaints about low water pressure in some areas, and stated staff might want to look into those issues; 3) Thanked Peggy at the Senior Center for all the work she has been doing; 4) Thanked Wal-Mart and Farmers Insurance for Child Safety Awareness Day; and 5) Thanked the City of Hope for bringing attention to breast cancer and the fight against it, stated the Walk for Hope was a great event, and thanked staff and all volunteers.

ADJOURNMENT

Finlay moved, Paras seconded to adjourn the meeting at 9:35 p.m., and carried unanimously.

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Mayor Phillip R. Reyes

ATTEST:

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City Clerk Marla Akana