

## MINUTES

### CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, OCTOBER 22, 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** Engineer Rick Dominguez, Los Angeles County Fire Department, 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** Fasana moved, Finlay seconded to adopt the Agenda, and carried unanimously. Mayor Reyes stated the Duarte Public Financing Authority meeting would be held prior to consideration of Item 11 (Council Bill), and the City of Duarte Redevelopment Agency meeting would be held prior to Item 15 (Closed Session).

**ANNOUNCEMENTS** Pat Wood, Duarte, announced Duarte Diversity Group meeting on November 9, 9:00 a.m., at the Community Center.

Dorothy Smith, Duarte Community Services Council, stated the United Way notified their organization that it will no longer receive a contribution, asked that City Council write a letter to the United Way on behalf of the Duarte Community Services Council about the needs of residents and indicating that they would like to continue to offer services to Duarte residents, and provided her address and phone number. Mayor Reyes suggested a letter be written for the Mayor's signature. Fasana suggested the letter be signed by all four Councilmembers and the Mayor. Finlay suggested the information also be included on the City's website.

John Steelesmith, Southern California Edison, stated he is the new Region Manager, and invited Councilmembers to attend a presentation on October 30 about pulling out of the energy crisis and the progress that has been made.

Jan Wight, Duarte Chamber of Commerce, announced Halloween Blender on October 23 at the Performing Arts Center, Hats Off event on November 13, and stated "Our Kind of Town" license plate frames are available.

Jack Ricci, Battalion Chief, Los Angeles County Fire Department, introduced Captains, Engineers, Firefighters, and Paramedics from Station #44 in Duarte, as well as the Community Service Representative from Covina.

Mary Barrow, Duarte Outreach Center, stated the Job Fair and Expo was successful, over 1400 people attended, 64 companies participated, and thanked the City of Duarte for its collaboration and other sponsors for their assistance.

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.

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

ORAL COMMUNICATIONS

Clifford Ball, Duarte, stated he attended the last Council Meeting at the request of Mr. Reyes, stated he was disturbed and insulted about remarks made pertaining to the Planning Commission, stated he responded to Mayor Reyes' newsletter, he finds the politics distasteful, and thinks an apology is due to Mr. Reyes and the candidates.

Lino Paras, Duarte, stated he agrees, felt procedures were within the law and it was properly noticed, and stated Mayor Reyes is trying to break the status quo.

Susie Bence, Duarte, stated she thought the last meeting was offensive, thanked Mr. Chapjian about suggesting an ethics meeting, suggested lights be installed on the walk path on Royal Oaks, and stated she admires Mr. Reyes and he deserves respect.

Pat Wood, Duarte, thanked staff for a letter inviting her to the Traffic and Safety meeting on November 5 where the results of the traffic study will be discussed.

Dilip Tiwari, Duarte, requested City Council help the Duarte Community Services Council, stated they have been told by the United Way that their funds will be cut, and stated many families in Duarte could use their help. Mayor Reyes inquired how much funding would be lost. Ms. Smith stated United Way funding was \$707.50 per quarter.

PUBLIC HEARING  
Council Bill 02-O-07  
Selection Process for  
Commissioners  
(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 selection process for Commissioners.

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.

Lino Paras, Duarte, stated the ordinance does not address the code regarding additional members of the Parks and Recreation and Economic Development Commissions, vacancies, and resignations, stated sitting Commissioners would be fired, inquired about unexpired terms, vacancy on the Planning Commission, and start of four-year terms, and discussed the severability clause.

Pat Wood, Duarte, stated she feels it is ill-advised to make this change, stated the process has worked for many years, and stated the relationship between the City Council is broken.

Clifford Ball, Duarte, stated there has been an erosion of the balance of power, stated it seems the office of Mayor is just another Councilmember and that three members can control the entire Council, and stated the problem between ideologies should be debated in a public forum.

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

Fasana moved, Chapjian seconded to adopt Ordinance No. 764.

Fasana apologized to those who expected interviews would be conducted at the last meeting, stated one month ago, it was understood that the Council as a whole was going to move in another direction, stated the election is for Council-member, not Mayor, they are elected as five equals and they choose from among themselves someone to preside at the meetings, stated in the past, the Mayor went along with the will of the Council, stated since Commission appointments are made every two years, some were not be able to make appointments, felt if there is a yearly rotation among equals, then it is important to give Councilmembers an equal opportunity to make appointments to Commissions, stated terms and continuity of service are unchanged by this ordinance, stated each Councilmember can make a nomination, and if there are not three votes to support it, that person will not serve, felt it is an equitable process, the will of the entire body will be represented, and stated other sections of the code can be changed at a later date.

ORDINANCE. NO. 764

The motion to adopt Ordinance No. 764 carried by the following Roll Call vote:

AYES: Chapjian, Finlay, Fasana

NOES: Paras, Reyes

CONSENT CALENDAR

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

Approve Items A, B.

Receive and File Item C.

COUNCIL BILL

Council Bill 02-R-28

Reissuance – Certificates of Participation – Civic Center

Finance Director Yelton provided a staff report about the reissuance of the Series B 2001 Variable Rate Certificates of Participation, with the recommendation to adopt City Council Resolution No. 02-28 and Public Financing Authority Resolution No. 02-F-09, approving the reoffering memorandum and authorizing the reissuance of the Series B 2001 Variable Rate Certificates of Participation.

Leech read by title Council Bill 02-R-28:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AUTHORIZING DELIVERY OF A REOFFERING STATEMENT WITH RESPECT TO THE REISSUANCE OF 2001 VARIABLE RATE REFUNDING CERTIFICATES OF PARTICIPATION (CITY CIVIC CENTER REFINANCING) \$3,910,000 SERIES B

RESOLUTION NO. 02-28

Finlay moved, Paras seconded to waive further reading and adopt Resolution No. 02-28, and carried unanimously.

CITY MANAGER

Library operation feasibility study

Karen Herrera, Assistant to the City Manager, provided a staff report about the library operation feasibility study.

Chapjian moved, Finlay seconded to authorize the City Manager to execute a contract with Arroyo Associates, in an amount not to exceed \$21,000, to complete a library feasibility study.

There was discussion about the other firm that responded, other options, operating expenses, staffing, the community facilities district, and library services in the unincorporated area and in Bradbury.

The motion to authorize the City Manager to execute a contract with Arroyo Associates, in an amount not to exceed \$21,000, to complete a library feasibility study, carried unanimously.

ORAL COMMUNICATIONS

Clifford Ball, Duarte, stated with regard to the Commission process, felt some of the logic was flawed, stated he sees a problem with the balance of power as three Councilmembers would have total control, and stated there are no checks and balances.

ITEMS – CITY COUNCIL  
Website - Posting of draft  
unapproved minutes (Fasana)

Fasana moved, Chapjian seconded that draft unapproved minutes be posted on the City's website.

Paras inquired about including the speaker's addresses in the minutes. Chapjian stated he felt saying the city of Duarte is adequate. Leech stated it is not a requirement to identify one's residence, and stated the speakers should identify themselves.

Fasana stated rules should be applied evenly to all, and felt the name of their city could be included in the minutes.

Chapjian stated it should be known what city the speakers are from, and if the speakers are Duarte residents.

The motion that draft unapproved minutes be posted on the City's website carried unanimously. It was determined that speakers' addresses would not be included in the minutes, and the name of their city would be included in the minutes.

FASANA: Congratulated staff on the Red Ribbon Week walk on Huntington Drive, and stated it is a positive message and a good event.

PARAS: 1) Expressed appreciation to staff for the October 19<sup>th</sup> event where red ribbons were placed on the trees on Huntington Drive; and 2) Stated at the Duarte Diversity Group meeting, Sergeant Bobo discussed increased police activity in the unincorporated area, and inquired if a representative from the City attends the Monrovia-Arcadia-Duarte Town Council meetings, and if regular correspondence is received. Duff stated the deputies that serve the County area work out of the Duarte Public Safety office, information pertaining to activities is shared, and stated there is a high degree of cooperation which has resulted in arrests.

CHAPIJIAN: 1) Congratulated the Duarte Outreach Center on the job fair; 2) Thanked Don Anderson and Abby Lai for the successful Red Ribbon Week program, and stated more youth than usual participated; 3) Requested an update about the statue at Sav-On; 4) Requested an update about the discussions with the Duarte Historical Society concerning the preservation issue; 5) Stated he would like to keep the Arts Commission on the front burner; and 6) Stated he met with Terry Blackwood, City of Hope, and when asked what the City of Hope could do, suggested they be out in the community more and talk more about what they do.

FINLAY: 1) Stated she spoke with the representatives from the Western Area Schools and Colleges Committee pertaining to the accreditation of Duarte High School; 2) Announced College Fair on November 16 at the Performing Arts Center; 3) Congratulated the Duarte Outreach Center on the job fair, and thanked those who participated; 4) Announced Household Hazardous Waste Round-Up sponsored by the Sanitation District on October 26 at the City Hall parking lot; 5) Discussed Star News article about the jury

conviction of brothers in the killing of a 7-Eleven store clerk; 6) Thanked Carol Liu for the invitation to attend the Women for Racial Justice Breakfast, and stated it was an excellent program; and 7) Requested that a Closed Session about the City Attorney contract be agendized.

Chapjian announced Rotary event on October 30, 7:30 a.m., and stated School Superintendent Judi Gutierrez will be the speaker and will discuss her vision and goals for the School District.

CLOSED SESSION  
Conference with Legal  
Counsel (Charter)

Mayor Reyes called a Closed Session at 8:47 p.m., pursuant to Government Code Section 54956.9(c) for a conference with legal counsel pertaining to possible litigation (Charter Communications). City Council reconvened at 10:05 p.m. Leech stated there was no action taken.

ADJOURNMENT

Fasana moved, Paras seconded to adjourn the meeting at 10:06 p.m., and carried unanimously.

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Mayor Phillip R. Reyes

ATTEST:

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City Clerk Marla Akana