

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, NOVEMBER 12, 2002

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). City Attorney Leech announced that no action was taken.

At 5:30 p.m., a Redevelopment Agency Workshop was held to present a summary of projects, ideas, and potential future opportunities.

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 7:06 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** Chapjian moved, Finlay seconded to adopt the Agenda, and carried unanimously.
- ANNOUNCEMENTS**
Jan Wight, Duarte Chamber of Commerce, announced Hats Off event on November 13, Networking Breakfast on November 19, Mayor's Prayer Breakfast on November 27, and announced the recipients of the Community Service Recognition Awards.
Mark Montgomery, Duarte, stated the Duarte Historical Society will appraise antiques at the Duarte Historical Museum on November 23, and provided information about funeral services for Ruth Gardner.
- 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.
Fasana moved, Finlay seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- ORAL COMMUNICATIONS** Lino Paras, Duarte, stated he thinks the public should be asked if they want to give input prior to the Closed Session even if there is no public, with an announcement made of what happened for the record, felt the Redevelopment Agency workshop should have been held in the Council Chambers and the Council should face the audience, and stated he noticed Dr. Jayasinghe and Mr. Lomas were in attendance, and stated something is going on and he wants to know what is going on and the resolution of it.
- PUBLIC HEARING**
Council Bill 02-O-06
Residential Fence Height
(Second Reading) Mayor Reyes announced this was the time and place set for a Public Hearing to consider amending the Duarte Municipal Code regarding residential fence height.

Ed Cox, Director of Community Development, provided a staff report about the proposed ordinance 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.

Finlay stated she had asked that the ordinance not allow points or spikes on the fences to prevent harm to wildlife, and pictures were shown to illustrate.

There was discussion about existing fences that are currently legal under the code that would become legal non-conforming, a grandfather clause, and provision of a time period in which to comply.

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. There were none.

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

Leech 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) (Second Reading)

Fasana moved, Paras seconded to waive further reading, and carried unanimously.

ORDINANCE NO. 765

Finlay moved, Paras seconded to adopt Ordinance No. 765, and carried by the following Roll Call vote:
AYES: Chapjian, Finlay, Fasana, Paras, Reyes
NOES: None
ABSENT: None

CONSENT CALENDAR

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

COUNCIL BILLS

Council Bill 02-R-29
Hourly Rate Schedule for
Part-Time Employees

Leech read by title Council Bill 02-R-29:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING AN HOURLY RATE SCHEDULE FOR PART-TIME CLASSIFIED EMPLOYEES

RESOLUTION NO. 02-29

Finlay moved, Fasana seconded to waive further reading and adopt Resolution No. 02-29, and carried unanimously.

Council Bill 02-R-30
Employer's Contribution
Medical/Hospital Care Act

Leech read by title Council Bill 02-R-30:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ELECTING TO BE SUBJECT TO THE MEYERS-GEDDES STATE EMPLOYEES MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER'S CONTRIBUTION

RESOLUTION NO. 02-30

Chapjian moved, Fasana seconded to waive further reading and adopt Resolution No. 02-30, and carried unanimously.

Council Bill 02-R-31
Grant Funds Application

Leech read by title Council Bill 02-R-31:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000

RESOLUTION NO. 02-31

Finlay moved, Fasana seconded to waive further reading and adopt Resolution No. 02-31, and carried unanimously.

TRAFFIC AND SAFETY
COMMISSION
Traffic Calming Devices

Cox provided a staff report about the Traffic and Safety Commission recommendation concerning traffic calming devices at Vineyard Avenue and Las Lomas Road.

Don Barker, traffic engineering consultant, provided a detailed overview of his report including criteria, speed, street length, sight distance, emergency services, speed profiles, traffic calming concepts, traffic management design features, and existing regulatory/warning signs and controls, and answered questions from Councilmembers pertaining to grading, established transit route, speed bumps, recommended speed, effectiveness of striping, speed reduction, speed profiles, street imprints, and signs.

Harb Thind, Duarte, stated he does not approve of the proposal, stated the purpose of a residential street is to carry local traffic, felt letters should be written to the entire neighborhood about the speed limit, and stated it is a waste of taxpayers' money.

Lynn Glover, Duarte, read excerpts of his letter to the Traffic and Safety Commission, stated he was opposed to any traffic calming devices on these roads, felt education and enforcement should be employed, felt there should be comments from the Sheriff and Fire Departments, and stated he felt the speed limit should be 30 miles per hour.

Rachel Sacramento, Duarte, stated the grade would be a problem if humps were recommended, stated with regard to liability, lawsuits and damage claims are not common, stated if painted striping would reduce speed, she would support that approach, and read an excerpt from an article about following a rational planning process.

There was discussion about the Traffic Sergeant attending the Traffic and Safety Commission meetings and raising no objections, possibility of signs cautioning that children are present, and crossing guards.

Fasana moved, Finlay seconded to approve the Traffic and Safety Commission recommendation.

There was further discussion about enforcement, confirming there are no issues with the Sheriff and Fire Departments, cost for additional survey, and this being a good test case for future traffic calming issues.

The motion to approve the Traffic and Safety Commission recommendation for the installation of 8" wide white painted striping, with interior chevrons, painted in the same configuration as the "street print" choker points, to be placed at the intersections of Markwood, Conata, and

COMMUNITY SERVICES
COMMISSION
Duarte Transit System

Gardi on Vineyard Avenue, and at the intersections of Markwood and Conata on Las Lomas Road, with another speed survey conducted on Vineyard Avenue and Las Lomas Road 45 days after the installation of the painted choker points, carried unanimously.

Mike Yelton, Director of Administrative Services, provided a staff report about the Community Services Commission recommendation for proposed route changes in the Duarte Transit System.

Mary Ann Ur, Community Services Commission Chair, stated the Commission was concerned about service to the unincorporated area, and suggested residents meet with the Monrovia-Arcadia-Duarte Town Council to respond to their request for additional bus service.

There was discussion about communication with the MAD Town Council, Monrovia Dial-A-Ride service, distance to bus stops, and serving residents that are handicapped.

Sister Michelle Clines, Avila Gardens, requested the blue route come into the facility and not stop on Encanto, stated with regard to liability, there is no one in the parking lot during the day, and stated the persons who were involved in the original plan indicating they would not need transportation are not there anymore.

There was further discussion about having the bus drive through the parking lot, logistical issues, whether the parking lot at Avila Gardens was meant to have buses, drive approaches, turning radius, adding time to the route, setting a precedent, possibility of a bench and shelter, route service within a one-hour loop, traffic issues, and the need to be more accessible to seniors.

Finlay moved, Chapjian seconded to approve the Community Services Commission recommendation to implement the proposed route changes in the Duarte Transit System blue route to serve the Avila Gardens residents, and to also include driving the bus into the facility's parking lot, and if it does not work out, to revisit this item at a later date.

Fasana moved, Paras seconded a substitute motion to approve the Community Services Commission recommendation as presented, with the bus stopping on Encanto Parkway, and to revisit the idea of locating a bus shelter at that site.

There was further discussion about the distance from Avila Gardens to the proposed bus stop, success of the fixed route system, the need to provide service throughout the City, keeping an hourly schedule, the ability for seniors to stay independent, quality of life, length of time to get on the bus, additional ridership, and other residents' use of a bus stop at Avila Gardens.

The substitute motion to approve the Community Services Commission recommendation as presented, with the bus stopping on Encanto Parkway, and to revisit the idea of locating a bus shelter at that site, failed by the following Roll Call vote:

AYES: Fasana, Reyes

NOES: Paras, Chapjian, Finlay

Paras suggested the main motion include a time period of three months, after which a review would be conducted. Finlay agreed.

There was discussion about possible damage to the parking lot, liability or indemnification agreements, the City not being held liable for damage to the parking lot, and the need to anticipate increase in service needs due to more senior housing.

The main motion to approve the Community Services Commission recommendation to implement the proposed route changes in the Duarte Transit System blue route to serve the Avila Gardens residents, and to also include driving the bus into the facility's parking lot, with a review to be conducted after a time period of three months, carried by the following Roll Call vote:

AYES: Paras, Chapjian, Finlay, Fasana, Reyes

NOES: None

CITY MANAGER

Refuse collection/recycling rates

Kristen Petersen, Assistant to the City Manager, provided a detailed staff report about the annual refuse collection and recycling rate adjustment.

Finlay moved, Fasana seconded to approve the refuse collection and recycling rates as set forth in the schedule attached to the staff report, to become effective January 1, 2003, per staff recommendation, and carried unanimously.

Proposed statue (Northeast corner Huntington/Mt. Olive)

Duff provided an updated report on the proposed statue depicting Andres Duarte to be located at the northeast corner of Huntington Drive and Mt. Olive. A model of the proposed 9-foot tall statue, submitted by the artist Richard Myer, was displayed.

There was discussion about the payment made by the developer, cost for the monument base, possibility that the statue include a horse, whether this is the right location for this statue, whether this was appropriate for the site, public art in a community gathering place, use of local artists, interactive art, possibility of establishing an Arts Commission, budget adjustment, grant funding, whether an Arts Commission would be ad hoc or a sitting commission, and the inclusion of cultural and performing arts.

Chapjian moved to move forward with this statue. The motion died for lack of a second.

Fasana moved, Chapjian seconded to move forward with this statue and to include a horse, and to look for grant funding, and failed by the following Roll Call vote:

AYES: Chapjian, Fasana

NOES: Finlay, Paras, Reyes

Mayor Reyes stated the consensus of the City Council was to look at developing an Arts Commission, and the item would be coming back to the Council in the future.

ORAL COMMUNICATIONS

Lino Paras, Duarte, stated he thinks an Arts Commission is a good idea, and stated he attended the Monrovia City Council meeting and they are adjourning in memory of Ruth Gardner.

Jeff Woodson, Duarte, stated at Traffic and Safety Commission meetings, when residents asked for lines to be painted on the street, they were told paint does not save lives, stated tonight Council approved \$4500 for paint that will not do anything, and stated he is frustrated and does not understand.

Harb Thind, Duarte, stated the name of Duarte does not sound good, it has the connotation of an impoverished past, and suggested considering changing the name to Rancho Duarte.

ITEMS – CITY COUNCIL

CHAPJIAN: 1) Stated when he spoke with Assembly-member Liu about foothill properties, she recommended to go with all three properties, and stated she is willing to lobby; 2) Suggested there be a condensed version of what happens at the Downtown Duarte Task Force on the City’s website. It was noted that the information is on the website; 3) Stated with regard to an Arts Commission, one issue may be including a 1% arts fee for development projects; and 4) Stated he is looking forward to the College Fair on November 16, and thanked staff.

FINLAY: 1) Stated the College Fair is being coordinated by Becky Evans, over 60 colleges will attend, and it will be held at the PAC Center; 2) Stated the Sanitation District is sponsoring a Christmas tree recycling program, and trees will be picked up between December 26 and January 15; 3) Stated the Thorsen Park sign makes a nice statement and shows a commitment to our veterans in the community; and 4) Requested the City Council Meeting be adjourned in memory of Ruth Gardner, and provided information about her memorial service.

FASANA: 1) Stated there is tagging on the Puente Largo bike bridge that needs to be cleaned up; and 2) Expressed appreciation for all those who have served and are serving in the armed forces.

PARAS: 1) Thanked staff for the Veterans’ Day ceremony, and stated the sign is a beautiful memorial; 2) Stated the speed limit on Huntington Drive in Duarte is 40 miles per hour, it is posted as 35 miles per hour on the sign near Monrovia, and suggested a study by the Traffic and Safety Commission to look at it; and 3) Commended staff for the great work on the College Fair, stated the workshops look wonderful, and stated she looks forward to it being an annual event.

REYES: 1) Stated he appreciates what staff has done related to the Veterans’ Day ceremony, he was not able to attend, and stated he would like more notice in advance of events; and 2) Stated the Downtown Duarte Task Force core group is consistent and the facilitators are doing a great job, felt it is missing one component as they are not going out of this venue and not many new people have attended the community meetings, and stated he hoped there would be more marketing so there is more collective outreach in the community.

Chapjian suggested the possibility of the consultant for the Downtown Duarte Task Force providing an update once a month at a City Council Meeting. Duff noted that could be done at an additional cost, and stated City Council would be receiving a report and recommendation sometime in late-January.

ADJOURNMENT

Finlay moved, Chapjian seconded to adjourn the meeting at 9:48 p.m., in memory of Katherine Ruth Gardner, and carried unanimously.

Mayor

ATTEST:

City Clerk Marla Akana