

## MINUTES

### CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, DECEMBER 10, 2002

The City Council of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Chapjian called the meeting to order at 7:10 p.m.

- PLEDGE TO THE FLAG** Harb Thind 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: Fasana, Finlay, Paras, Reyes, Chapjian  
ABSENT: None  
ADMINISTRATIVE STAFF PRESENT: City Manager  
Duff, City Attorney Ralph Leech
- ADOPTION OF AGENDA** Finlay moved, Fasana seconded to adopt the Agenda, and carried unanimously.
- ANNOUNCEMENTS**
- Jan Wight, Duarte Chamber of Commerce, announced Holiday Blender on December 11, 5:00 p.m., at the Duarte Senior Center.
- Henry Baltazar, Duarte Diversity Group, announced there will be Christmas caroling around the Pamela Park vicinity on December 17.
- Tim Lowry, Duarte Community Coordinating Council, thanked the City for hosting the Buena Vista Pavilion floats event for the past six years, for allowing the Coordinating Council to help in its management, and for the free shuttle service, stated there are still some street signs available to purchase, and announced December 27 is a special Duarte citizens day at the Pavilion and admission is free.
- Mark Montgomery, Duarte, stated Rotary license plates are available at the DMV.
- FISCAL AFFAIRS**
- Reyes moved, Paras seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.
- Paras moved, Finlay seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS**
- Recognition–Mohamed Trafteh  
CIF Cross Country
- Mayor Chapjian stated Mohamed Trafteh was not able to attend the Council Meeting, and congratulated him for winning first place in the CIF State cross country championship.
- Duarte High School Choir  
Singing Presentation
- The Duarte High School Choir, under the direction of Choir Director Moore, performed a selection of songs from the Holiday Concert to be held on December 18, 6:30 p.m., at the Performing Arts Center.
- PUBLIC HEARING**  
Council Bill 02-O-08  
Adopts County Codes  
(First Reading)
- Mayor Chapjian announced this was the time and place set for a Public Hearing to consider adopting the Los Angeles County building, electrical, plumbing, and mechanical codes.

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

Duff provided a staff report about the proposed ordinance that would adopt, by reference, the updated versions of the Los Angeles County Building Codes, which comply with State standards.

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

Jeff Woodson, Duarte, inquired if this ordinance would conflict with the historical preservation ordinance. Ed Cox stated this ordinance would have no impact on the proposed historical preservation ordinance.

Harb Thind, Duarte, stated he endorsed that the ordinance be adopted, and stated the State and County have one of the best codes anywhere in the world.

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

Leech read by title Council Bill 02-O-08:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE ADOPTING, BY REFERENCE, THE CALIFORNIA BUILDING, ELECTRICAL, PLUMBING, AND MECHANICAL CODES (TITLES 26 THROUGH 29 OF THE LOS ANGELES COUNTY CODE), AND ADOPTING LOCAL AMENDMENTS THERETO (First Reading)

Fasana moved, Reyes seconded to waive further reading and introduce Council Bill 02-O-08 for first reading, and carried unanimously.

Final Environmental Impact Report, Mitigation Monitoring Program, Tentative Tract Map 52867 (Attalla Ranch)

Mayor Chapjian excused himself from the dais due to a conflict of interest, and inquired if he could go up as a private citizen. City Attorney Leech stated Mr. Chapjian could listen.

Mayor Pro Tem Fasana announced this was the time and place set for a Public Hearing to consider the Final Environmental Impact Report, Mitigation Monitoring Program, and Tentative Tract Map 52867 (Northeasterly terminus of Sunnydale Drive and Woodbluff Avenue – Attalla Ranch).

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 Pro Tem Fasana asked if any written communications had been filed in the matter. Akana stated there were none.

Ed Cox, Director of Community Development, provided a detailed staff report and overhead presentation about the application for a tentative tract map, acreage, lots, proposed area for development, open space proposed to be dedicated, Duarte Municipal Code requirements, maximum buildable height, hillside overlay district, history of the project plans submitted by the developer, map of the 22 lots proposed for homes, manufactured slopes, and addressed concerns raised at the Planning Commission meeting, as well as correspondence received prior to and after the meeting concerning obstruction of view, safety hazards, storm water runoff, low water pressure, aesthetics, landscaping, possible

impacts to air circulation, legal issues related to slope failures, possible flooding, wildlife in the area, earthquake fault zone, and enforcement of height limit. Cox further discussed conditions imposed by the Planning Commission, California Environmental Quality Act requirements, possible scenarios, and Planning Commission recommendation.

Dominic Milano, City Engineer, discussed drainage issues, including what is currently there and how the proposal intends to mitigate additional water flowing on private property or on the street.

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

Ernie Martinez, Duarte, stated his letter addressed earthquake faults, the 40-foot berm is not appropriate for the surrounding neighborhoods, felt it is an unsafe building site and a violation of the hillside ordinance, he would lose his view and privacy, Bowden Development changed the development on Bashor Street due to the concerns of the residents, it has been said that Mr. Attalla has rights as a property owner and stated he guesses he does not have any rights, Mr. Attalla does not live on the property, and asked the City Council to vote no on the 40-foot berm.

Jim Coughlin, Attorney for Attalla Ranch, stated the Attalla family has gone the extra mile to satisfy all concerned with the proposed subdivision, the proposal has been reduced from 55 to 22 lots, out of 33 acres, 23 acres would be dedicated for wilderness and open space, with 10 acres reserved for the building site, there have been delays due to the moratorium, election, and updated EIR, they feel they are in complete compliance with all the local laws that apply, they are in accord with 36 conditions imposed by the Planning Commission, they feel the conditions will solve the concerns, they propose to save four of the existing trees on the southerly border and replace ten of them, as these will serve as an additional buffer to the neighbors on the south, the required geology study to verify the earthquake fault was started but will be halted until the outcome of the City Council vote on the proposed subdivision, this is a tentative tract map with 36 conditions imposed, not a final map, City Council will retain a great deal of control, they feel the final project will be a win-win situation, upscale homes will increase the value of the surrounding homes, it will help solve some of the housing shortage, and will remove the eyesore by the dilapidated ranch, and urged City Council's support.

Reyes inquired about the replacement of four trees. Coughlin stated some of the existing trees are dead, and they would prefer to save four trees that are close to the lots, and replace the other trees along the border.

Phillip Attalla, Attalla Family Trust, stated some trees have termite rot, some trees affect Mr. Ammon's view, it is easier to replace trees with fresh healthy ones than to try to save dying trees, for six years, the Attalla Family Trust has been held to a very high standard by City staff, all required development standards have been met, they have asked for no variances, the Attalla Family Trust has been in the community for over 35 years and cares for the City, and stated he welcomed the City purchasing the property.

Jeff Woodson, Duarte, asked who is paying for the storm drain, what is the cost to the City to maintain the greenway, and if there were traffic and parking impacts to the residents.

Gary Ammon, Duarte, thanked City Councilmembers who viewed the area first hand, stated his primary concern is the security of the 40-foot embankment and showed a picture of what it could look like, if the City approves the project, it is guaranteeing that the embankment will not come down and assuming liabilities, stated Mr. Attalla indicated he will save some trees and plant new mature trees along the southern end of the development, suggested that become part of the conditions of approval, stated it does nothing to maintain his view, asked that City Council review alternatives to the embankment, and stated four lots are not important enough to jeopardize the neighborhood.

Hal Firth, Duarte, stated low water pressure is an ongoing problem, Cal-Am has not attempted to adjust the pressure, there are numerous leaks on the streets, this issue has been well-documented, the drainage issue is more related to water than silt, the Planning Commission gave a verbal approval to eliminate a retaining wall separating the development from the surrounding open space areas and stated it was not a formal vote, asked that the issue be revisited, and stated he feels there should be some separation between the development and the open space.

Bill Hyatt, Duarte, stated it is nice that Council is looking at resident's views and he hopes that will be done in any development, views are obstructed and privacy was taken away on Maynard, developers say property values will increase, if there is a fire hazard at the Attalla property, that is a concern of everyone in the City, and stated lots 10, 11, and 12 should be excluded, and 5-8 do not look like the way to go.

Susan Buchanan, Duarte, stated we are beginning to look at aesthetics in our neighborhoods, her concern with the man-made berm is a balance in the neighborhood, two streets will suffer at the expense of one developer, and stated she thinks we should pay more attention to our residents when developments go in.

J. R. Greenfield, Duarte, stated he bought his dream location and this project will take it away from him, as his view will be gone.

Marion Jacobs, Duarte, stated the comments about the water pressure are from Tocino, not Woodbluff.

Carie Osburn, Duarte, inquired if this property falls under the hillside ordinance. Mayor Pro Tem Fasana stated it is within the hillside ordinance jurisdiction. Ms. Osburn stated during Measure A, the expectation was that the City would uphold the hillside ordinance, the main thing disputed is the 40-foot embankment, 110,000 cubic yards of material is being excavated, the developer is not going to haul it out, it appears a view is being created for the new homes while blocking the view of the existing homes and obstructing privacy, the original proposal for 55 homes did not comply with the building codes, it is not a compromise, it is getting in compliance, and stated she thinks it is fair to eliminate the 40-foot berm.

James Thompson, Duarte, asked who would be responsible when rains and floods wash down on the houses, stated experts built the Titanic and freeways that have come down, and asked if City Councilmembers would be willing to be personally liable when it comes down on houses in the City.

George Chapjian, Duarte, stated he was home when they were doing excavation without permits, he called the City, his concern is the mitigation and monitoring program, stated if he did not call, they would have finished the job

without permits, and stated the City does not have a mitigation monitoring program, and that has to be in place before they start the project.

Lino Paras, stated the Attalla project has more opposition initially than others, there was not much opposition to Hearthstone, his backyard property blends with his neighbors, there is a housing shortage and population growth, reasonable concern is expected, compromise should also be expected, anyone should have the expectation that a vacant lot will be developed, on an overall basis, it is for the entire betterment of the community, discussed the creation of a lighting and landscape district and Prop 218, suggested City Council weigh the situation, as delaying the project costs money, and stated reducing the number of homes is a reasonable compromise.

Jim Kirchner, Duarte, stated some years ago, height was the issue of concern and he thought it had been resolved, the Attalla's have done everything possible to comply and have rights as property owners, thinks the project should continue, wondered if there was some way to eliminate the four homes or relocate them in the project to eliminate the problem, stated the overwhelming concern tonight is the loss of view, he would like it to be made a viable project and keep the residents happy by retaining views as much as possible, stated while you do not own a view, it is important to preserve it as much as you can, and suggested moving forward and modifying the plan, as it would be great for the community.

Harb Thind, Duarte, stated opposing viewpoints are not healthy and are based on misconception, the 40-foot slope is not that big, it will be gradual, there is a limitation on how steep slopes can be, it cannot be eliminated, with his trained eye, it is beautifully designed, looking at mountains one sees a difference in elevation, trees will be planted, it will be beautifully landscaped, the drainage is well-designed, this is not the final plan, new homes south of Royal Oaks have increased in value, property value on his street has gone higher, and stated these would be quality upscale homes and a great opportunity.

Joy Bearly, Duarte, stated Triple A will not insure houses in the ranch area due to the fire danger, she would like to see it developed, it would be good for the area if done correctly, she is concerned with the four houses, the pads on Sunnydale look down into her yard, there was runoff at her house, she installed a sump well, she does not like looking at the hill but it is landscaped, and stated if the four homes could be left at the level they are at, everyone would be happy.

Jackie Ngo, Duarte, stated she has a beautiful view on Tocino, that is why she bought her house, she has a septic tank system, and asked if the drainage goes into her back yard, who will pay for it.

RECESS

Mayor Pro Tem Fasana called a Recess at 8:58 p.m. City Council reconvened at 9:14 p.m., with four members present, and Mayor Chapjian excused from the dais due to a conflict of interest.

Ed Cox responded to questions that were raised, as follows: The developer is required to pay for drainage, the City is committed to resolving the pre-existing condition. The landscaping installed on slopes D, E, and F will be at the expense of the developer, the maintenance of the slopes will be paid for by the 22 home owners, there are escalator clauses so as the cost of maintenance goes up, so does the assessments to the property owners. Traffic impacts were

addressed in the EIR and by the Traffic and Safety Commission, there are provisions for on-street parking, there is no overnight parking, the EIR has no significant impacts as it relates to existing streets in that area. Every property north of Royal Oaks falls within the description and requirements of the hillside ordinance. Conditions imposed on the developer will be monitored by the Public Works Inspector, Engineering staff, and Building Inspector, and County agencies such as Flood Control and Public Works will be inspecting the installed improvements. Permits for the geology analysis are required by the NPDES (National Pollution Discharge Elimination System), under general requirements, boring holes in the site to determine type of soil conditions on the property does not trigger a grading permit, moving large amounts of dirt triggers a permit so it can be monitored. A cross-section of lot 6 shows existing topography and the proposed grade, the reason it is up high is so water can drain to the public street, there are also bench drains on the slope that will carry water to the debris basin to prevent water from going south on the property. Elimination of the four homes may reduce the point on the ridge, in order to get to the top of the street, there would still be a slope. Mr. Cox stated he could not address comments relating to opinion issues.

Ben Lewis, Cal-Am, discussed water pressure in existing residential neighborhoods, stated Cal-Am will meet with individuals on Woodbluff and try to resolve the issue, the valve location could be changed to increase pressure, a waiver would need to be signed, and stated Cal-Am will meet with City staff and residents to devise a plan in terms of the water pressure.

Gary Ammon inquired if the City would be liable if the dirt moved and the drainage came down. Leech stated there are many factors involved in deciding who would be liable if a hillside fails, and stated that cannot be assessed. Cox stated professional engineers sign off on the grading, and their State licenses are where their liability lies.

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

Reyes inquired about the height of the berm. Milano stated if measured from the toe of the slope, it could be 40 feet, if the increase of the existing ground line and the proposed ground line is measured, it could be 13 feet, and stated it varies and depends on how it is measured. Reyes asked Milano about his experience with the City, and if he has had experience of this type. Milano stated he was Community Development Director for seven years, Redevelopment Consultant for twelve years, City Engineer for two years, and has had experience of this type while serving in other cities. Reyes asked about the illegal vote of the Planning Commission referred to by Mr. Firth. Fasana stated there was a discussion with no vote taken. Cox stated the Planning Commission made a motion to approve, based on amending the conditions identified in the staff report. Fasana stated he recollected it pertained to the separation of the public access area to the residential lot lines, stated if it was mentioned and formally not voted on, then it is not a condition at this point. Cox stated it is not in the conditions referred to in the staff report. Reyes stated the Planning Commission approved the tentative tract map 4-0.

Finlay thanked Silvia Hurtado for the response to comments, stated it was easy to read and well-organized, and inquired about the archeological records search discussed in the letter from the Gabrielino Tongva Tribal Council. Brian

Farris, Parsons, stated the tribes were contacted through the State Historic Preservation Office, a formal survey of archeological sites was not conducted, searches of historic records were done and there were no recorded sites, notice of that was taken in the impacts evaluation and mitigation measures, one of the mitigation measures specified is that if any archeological finds are discovered, a qualified archeologist would be called to the site to evaluate the find, and if there are remains found, the appropriate tribes would be contacted for their proper disposition. Finlay inquired if that would be easy to do. Farris stated yes, the work crews, engineers, and supervisors are instructed to keep an eye out for these kind of things, a number of finds have been made at construction projects, when they are found, the city is notified and an appropriately qualified archeologist appears on the site to evaluate the find, and stated this is an effective means of mitigation. Finlay inquired about the biological monitor. Farris stated a biologist would be at the site to insure that the grading and construction does not destroy biological resources, such as oak trees, species, and creatures of concern, these would be identified to determine if there is a potential impact, stated biologists walked the site, there is detailed vegetation mapping, representatives from the Department of Fish and Game walked the site, certified biologists looked specifically for threatened and endangered species, and none were identified or potential habitat found on the site. Finlay inquired about a letter from the California Regional Water Quality Control Board stating certain information was no longer used, and stated with regard to the standard urban storm water management plan, typically rain falls more heavily closer to the mountains. Farris stated he could not speak to the issue about the information that is no longer used, the specifics of the storm water management plan will be prepared later in the process, and stated micro-climate situations and differences in runoff will be taken into account. Finlay inquired about how percolation affects wells. Farris stated there is percolation on the site, there is natural drainage and the flood control structure will assist in percolation, some of the water will be retained in the ground and will replenish groundwater, and the remainder would be taken into the flood control facilities.

Fasana inquired if he has questions about lots 5 through 8, what action could he support to have those concerns addressed. Leech stated the hearing could be continued to another date, Council could request the developer/owner to consider alternatives they have in mind, and the proponent could come back at a later time.

Fasana stated the Attalla's have resided in the community for a number of years and have a proud history of service to the community, they have shown tremendous patience during the moratorium and the measure, the Attalla Trust and family have a right to develop the property, the proposal will create additional housing that will be valuable to the community, his concern is with the western portion of the development north of Sunnydale, pads 5 through 8, discussed the hillside ordinance and its intent, stated he thinks most of the dirt should be hauled out of the community, thinks other options should be looked at, staff and the applicant believe this complies with the hillside ordinance, he would like to see if parcels 5 through 8 could be eliminated and let the rest of the development proceed, stated there is potential access off of Greenbank which would eliminate the development of the berm, maintaining access to open space is the alternative, and stated if parcels 5 through 8 were eliminated, there would be plenty of

access, and parcels 9 through 11 could proceed.

Bill Maul, Keith Companies, stated currently there is a 30-foot difference in grade between Woodbluff and Tocino, in order to get to the upper lots, a difference in grade was created between the proposed four lots that sit above Tocino, it is difficult to design the lots in any other manner to access a street that would allow drainage into the future proposed storm drain system, and stated the four lots are designed to access the public street and direct drainage to the public street. Mr. Attalla stated this map met all the hillside ordinances.

Finlay asked about taking the four properties and going off Starpine. Maul stated there was consideration with utilities not functioning properly by taking access from that point, such as drainage, and stated water would be redirected to an area where they did not want to put additional water.

Reyes thanked staff and consultants, stated his concern is if the project is not approved, and asked if we are setting ourselves up for a legal process. Leech stated if this project is voted down tonight, the applicant could bring an action in inverse condemnation. Reyes asked if there is a real basis to deny this if they are in compliance with the hillside ordinance. Leech stated specifics should be discussed in a Closed Session.

Reyes stated he appreciates all the work that has gone into this tentative tract map, the density was reduced from 55 to 22, it will bring quality housing to the community, he met with Mr. Ammon and hopes to deal with the issue of trees and maybe bring the berm down some, and stated if there are alternatives, he would like to hear them.

Fasana stated if parcels 5 through 8 were not developed, there would still be a berm, but it would be much smaller and the amount of fill would be much smaller. Reyes agreed the berm would be there, and stated it may be a legal issue considering they may be in compliance.

Reyes moved, Paras seconded to approve and certify the Final Environmental Impact Report, approve the Mitigation Monitoring Program, and approve Tentative Tract Map #52867, per Planning Commission recommendation.

Reyes stated he would like to add two conditions to the 36 imposed, as follows: 37) Relating to the tree issue, put up a retaining wall, to keep as much privacy as possible and keep the trees in place, and replace them with mature trees; and 38) Look at bringing the berm down a few more feet, perhaps three to five feet.

Duff stated staff has tried to find a way to reduce the berm, and there may be a potential to lower some parts of the berm between three to five feet, only as far as engineering and design requirements would allow. Cox stated there are drainage issues, discussed a concept where the driveway drops down to the homes to reduce the elevation of the berm, and stated the best case scenario would be reducing the berm five feet on the lot furthest west, and the worst would be three feet on the lots furthest to the east.

Paras thanked staff and Mr. Milano for the reports, stated the tract map is tentative, she assumes the concerns discussed by the public and Council are well taken by the proponents and they will continue to work with staff, she visited Mr. Ammons and appreciates the work that has gone into the compromise, she thinks this is in the best interests of the entire community, restated this is a tentative tract map, not a final, and they have 24 months to get something done, and stated she looks forward to the continued

partnership with staff to make sure the community is taken care of.

Finlay stated lots 5 through 8 are flat pieces of property, 110,000 cubic yards of dirt equals 64 of these rooms, some dirt movement is necessary, to put fill on flat land does not make sense, she contacted the Joint Powers Insurance Authority and found in the past 18 years, there have been 72 earth movement claims at the total cost of nine million dollars, those losses had engineers who felt the earth could be compacted and it did not work out, thinks the project looks fabulous, she cannot see moving that much dirt to meet drainage demands, she likes the rest of the project, the housing is needed, the view of the residents on Tocino will be obscured to the north, the whole community does not live there, feels if you own property, you should be able to build responsibly on it, and stated she does not believe those four lots need to be built on and hopes it can be rearranged to build without those four lots.

Mr. Attalla stated with regard to the four lots, the map meets the City's development standards, he is willing to lower the lots three to five feet and to add into the conditions of approval the trees, there is no basis to say these four lots should not be built on, he has met every standard, the measurement of cubic yards is a result of the citizens comments that they did not want dirt brought off-site and they did not want dirt brought on-site, it is a balanced site, he is moving dirt around, and stated he has taken all the concerns of citizens, done everything asked, and met every development standard.

Fasana stated he appreciates the contribution the Attalla family has made to our community, they have the right to develop this parcel, he agrees with 18 of the 22 parcels as laid out on the map, if those four parcels were not developed, the road could still be put in and the rest of the development could proceed, there may be other means of configuring the parcels with a different access point, he thinks there is access that would be more sensitive to the topography, and based on the history of the hillside ordinance and the unique topography, he cannot support this in its current state.

Reyes inquired if the grading of lots 5 through 8 is called cut and fill. Milano stated the whole project is considered a balanced cut and fill project. Reyes asked if the Hearthstone tract was considered cut and fill. Milano stated yes, and he did not recall if it was balanced. Duff stated a lot of the soil was trucked to the golf course. Milano stated there is no tract in the City that he knows of that is not a cut and fill subdivision.

The motion to approve and certify the Final Environmental Impact Report, approve the Mitigation Monitoring Program, and approve Tentative Tract Map #52867, per Planning Commission recommendation, with the addition of two conditions to the 36 imposed, as follows: 37) Relating to the tree issue, put up a retaining wall, to keep as much privacy as possible and keep the trees in place, and replace them with mature trees; and 38) Look at bringing the berm down a few more feet, perhaps three to five feet, failed by the following Roll Call vote:

AYES: Reyes, Paras

NOES: Finlay, Fasana

Fasana stated he would recommend the applicant work with staff to come up with a proposal that might address parcels 5 through 8.

RECESS

Mayor Pro Tem Fasana called a Recess at 10:10 p.m. City Council reconvened at 10:21 p.m., with all members present.

CONSENT CALENDAR

Reyes moved, Fasana seconded to approve the Consent Calendar, as follows, and carried with Reyes abstaining from the minutes:

Approve Items A, B.

Receive and File Items C, D.

PLANNING COMMISSION  
Cyber Cafés in C-1 and C-2  
zones

Ed Cox provided a staff report about the Planning Commission recommendation for an amendment to the Duarte Municipal Code to allow the use and operation of cyber cafés in C-1 and C-2 zones, as well as staff's recommendation to the Planning Commission.

There was discussion about crime, loitering, potential gang activity, hours of operation, security officers, general conditions, parking issues, survey of other cities, CUP process, and proximity to schools.

Jack Collins, Duarte, stated he read in the newspaper that these establishments have a reputation for drugs and gang activity, asked about the hours, harm to students' school-work, monitoring, and adequate security, stated he thinks 500 feet means from the school property, not the building, and inquired if youth will be coming from other cities.

Antonio Ogaz, Duarte, stated this is a great opportunity and resource for students, it gives access to the web, and suggested not closing ourselves to opportunities that provide education and move the community forward.

Finlay stated when traveling, people can access their email from cyber cafés, and feels that is a benefit.

Chapjian stated in Pasadena, these are arcade-type establishments and not educational, and stated the library has internet access.

Fasana moved, Finlay seconded to approve the staff recommendation to the Planning Commission to allow the use and operation of cyber cafés in C-1 and C-2 zones, subject to general conditions added as written law within the Duarte Municipal Code and project specific conditions, as required by an approved conditional use permit, and carried by the following Roll Call vote:

AYES: Finlay, Paras, Fasana, Chapjian

NOES: Reyes

CITY MANAGER  
Warrant Register 12/24/02

Lino Paras, Duarte, stated pre-empting a City Council meeting this way is a violation of State law, and suggested Council should amend the City ordinance.

Fasana moved, Reyes seconded to authorize the City Manager to issue warrants pursuant to the Warrant Register of December 24, 2002, subject to review by the City Council on January 14, 2003, and carried unanimously.

Report/Recommendation  
Historic Preservation  
(Continued to 1/14/03)

Irwin Margiloff, Duarte Historical Museum, read a letter from the Duarte Historical Society urging that a separate administrative body be formed to oversee local historic preservation activities, rather than assign such duties to the Planning Commission.

Fasana moved, Paras seconded to authorize the Cal Poly Pomona graduate-level class to complete the research study for the City of Duarte over a six-month period, beginning January 2003, and to continue this item to the City Council Meeting of January 14, 2003, and carried unanimously.

Duff introduced Associate Planner Irma Hernandez. City Council welcomed her.

#### ORAL COMMUNICATIONS

Lino Paras, Duarte, asked Mr. Chapjian what his vote would have been at the Special Meeting regarding the union. Mayor Chapjian stated he would have voted for it.

Bill Hyatt, Duarte, stated the Duarte High School choir program was excellent, welcomed the new Mayor, asked what happened to the investigation into former Mayor Reyes, and stated it seems the allegations were a ploy to put a cloud over Mr. Reyes' mayorship.

Jeff Woodson, Duarte, stated he was disappointed Mr. Fasana did not allow him to readdress, thanked Mr. Reyes for his year as Mayor, congratulated Mayor Chapjian and stated he would like to hear his views, asked what is going on with the team building, and stated it was said that the City does not have a mitigation monitoring program, and stated one needs to be developed as soon as possible.

Antonio Ogaz, Duarte, stated at the last meeting, he pointed out that there was a misspelling in a flyer distributed by the City, and suggested looking at an equal access ordinance to show a level of sensitivity.

Leech stated with regard to the investigation, his understanding is there should be a report to the City on or before December 19.

#### ITEMS – CITY COUNCIL Appointments to inter- governmental organizations

Fasana moved, Reyes seconded to make the following appointments to intergovernmental organizations, and carried unanimously.

##### Area "D" Emergency Services

City Manager – Representative

Full Council – Alternates

##### California Contract Cities

Margaret Finlay – Delegate

George Chapjian – Alternate

##### City Selection Committee

George Chapjian – Delegate

John Fasana – Alternate

##### Community Education Council

Tzeitel Paras – Representative

Phillip Reyes – Alternate

##### Duarte Community Service Council

Tzeitel Paras – Representative

##### Duarte Education Foundation

Margaret Finlay – Representative

John Fasana – Alternate

##### Foothill Employment and Training Consortium

George Chapjian – Delegate

Phillip Reyes – Alternate

##### Foothill Transit Zone

John Fasana – Delegate

George Chapjian – Alternate

Joint Powers Insurance Authority  
Margaret Finlay – Director (3-year appointment)  
City Manager/Full Council – Alternates

League of California Cities  
John Fasana – Delegate  
Full Council – Alternates

San Gabriel Valley Council of Governments  
John Fasana – Governing Board Representative  
George Chapjian – Alternate Governing Board Rep.

San Gabriel Valley Economic Partnership  
Tzeitel Paras – Representative  
Margaret Finlay – Alternate

San Gabriel Valley Vector Control District  
Margaret Finlay – Representative

Sanitation Districts #15 and #22  
George Chapjian – Delegate  
Margaret Finlay – Alternate

Southern California Association of Governments  
George Chapjian – Representative  
Tzeitel Paras – First Alternate  
Fasana, Finlay, Reyes – Second Alternates

City Council representative  
CDBG Citizen Advisory

Fasana moved, Paras seconded to appoint Reyes as the City Council representative to the CDBG Citizen Advisory Committee for fiscal year 2003-2004, and carried unanimously.

Council Bill 02-R-32  
Proposed legislation – Stroke  
care guidelines (Finlay)

Council Bill 02-R-32: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, SUPPORTING PROPOSED LEGISLATION TO IDENTIFY STROKE CARE GUIDELINES

RESOLUTION NO. 02-32

Fasana moved, Finlay seconded to waive the reading and adopt Resolution No. 02-32, and carried unanimously.

Planning and Economic  
Development Commission  
appointments (Chapjian)

Bill Hyatt, Duarte, stated the City has been held hostage for one year on filling the Planning Commission seat.

Mayor Chapjian stated he would like to recommend Hal Firth for appointment to the Planning Commission.

Fasana nominated Hal Firth for the Planning Commission.

There was discussion about the recently adopted ordinance pertaining to Commission appointments. Paras read the ordinance. There was further discussion about the interpretation of the ordinance.

Finlay nominated Jim Kirchner for the Planning Commission.

Paras nominated Robert Cuite for the Planning Commission.

There was discussion about the nominations made, the process allowing each Councilmember to make a nomination, Councilmembers' declining to have a nomination, questioning of the process, and the process not being fair with no checks and balances.

The nomination of Hal Firth to the Planning Commission carried by the following Roll Call vote:

AYES: Fasana, Finlay, Chapjian

NOES: Paras, Reyes

Finlay nominated Robert Cuite for the Economic Development Commission.

Paras asked Mr. Cuite if he was interested in the position. He responded yes.

Paras stated the Duarte Municipal Code indicates that vacancies on Commissions would be replaced based on the recently approved ordinance. Chapjian stated at the next meeting, Councilmembers could nominate someone for the vacancy on the Community Services Commission.

The nomination of Robert Cuite to the Economic Development Commission carried by the following Roll Call vote:

AYES: Reyes, Fasana, Finlay, Chapjian

NOES: Paras

Scheduling City Council meetings in the community (Chapjian)

Chapjian stated he would like to schedule some meetings in the community along with translation services, and noted the City Attorney stated the Municipal Code indicates regular meetings must be held in the Council Chambers. Duff stated although regularly scheduled meetings on the second and fourth Tuesdays must be held in the Council Chambers, special meetings can be held anywhere in the jurisdiction.

There was discussion about the possibility of changing the ordinance, and the need to determine the issues to be discussed at a special meeting.

Bill Hyatt, Duarte, stated during the last campaign, all the candidates spoke about finding out about the community's needs, only Mr. Reyes contacted him and offered this to his neighborhood, and if Council wants to know what is going on, they need to get out in the community.

Harb Thind, Duarte, stated this is where the City government functions from, this is where meetings should be held, and if people are interested, they will come here.

Lino Paras, Duarte, stated the concept is excellent under the right circumstances such as in a big city, it does not work for Duarte, the Municipal Code says this is the place to meet, through the multi-media facility, more people are reached, Council may not be welcome in the community, informal town meetings could be held, and this is the most practical place.

There was discussion about routine business items being conducted at this site, previous community visits at the schools, issue of intent and sincerity of the Council, intent to go into the community and be with the people, information gained from people who would not normally come to a Council Meeting, the need to do business at this centralized place, interest of the community to participate, town hall meetings, various schedules of Councilmembers, positive intent, expectation for all Councilmembers to participate, intent of inclusion, translation services, and the need to determine how many meetings should be scheduled and when.

There was discussion about quarterly special meetings being held in the four quadrants of the City, use of school sites, translation services verbatim with headsets, posting meeting notices in English and Spanish, indicating translation services will be available, and the clarification that these would be special meetings.

Fasana moved, Paras seconded to establish quarterly special meetings in the community, to include the suggestions discussed, and carried unanimously.

REYES: 1) Stated with regard to the Special Meeting relating to the labor contract, he had to change his schedule to attend, and he was surprised other Councilmembers were not there; 2) Stated he is disappointed with the action about Attalla Ranch, he is concerned about a position that is not defensible, thinks it will end up in court, felt politics were being played, we will be subject to legal fees, Mr. Chapjian was asked to step down due to a conflict of interest, felt his interest was to kill the project, and stated Measure A was about saving one parcel across from Mr. Chapjian's property; 3) Thanked everyone involved in the Mayor's Prayer Breakfast, congratulated all who were presented awards, and hopes next year there will be more outreach in the nomination process; 4) Congratulated the Chamber for the Hats Off event, and stated there is a great collaborative and partnership with the City, City of Hope, and Fiesta Floats; and 5) Wished all a wonderful safe holiday and a prosperous new year.

FASANA: 1) Discussed the Governor's mid-year spending proposals, stated it will affect the Redevelopment Agency budget, discussed the transfer of funds to the State, stated we need to protect our interests, and stated the schools will be hard hit; and 2) Wished all a happy holiday season.

FINLAY: 1) Stated the Governor's budget cuts will be substantial, and discussed the effect on local street and road maintenance funding, local flood control subvention, public library, and State-funded mandates; 2) Announced Chamber Blender on December 11 at the Senior Center; 3) Stated Christmas caroling will be at Pamela Park on December 17, at 7:00 p.m.; 4) Announced the All School District Concert at the Performing Arts Center on December 18; 5) Stated there is a live nativity scene at the Mormon Church on December 19 and 20; and 6) Wished happy holidays to everyone.

Reyes stated the nativity program at the Mormon Church is something to see.

PARAS: 1) Stated Salt Lake is a beautiful town and it was a wonderful opportunity to visit there; 2) Thanked Bill Moore and the Duarte High School choir; 3) Congratulated Mohamed Trafteh for his accomplishments; and 4) Stated she looks to 2003 as a positive year of teamwork, she hopes to move forward, and stated the holiday season gives all time to reflect.

CHAPIAN: 1) Stated he ran on community issues, developers do not call him, he represents the neighborhood, and stated he takes great pride in his integrity and will work for the betterment of the community; 2) Stated he would like to agendize a discussion about a City newsletter, with no politics involved; and 3) Wished all a happy holiday and a prosperous new year.

ADJOURNMENT

Reyes moved, Fasana seconded to adjourn the meeting at 11:47 p.m., and carried unanimously.

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Mayor George Chapjian

ATTEST:

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City Clerk Marla Akana