

## MINUTES

### CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, MARCH 11, 2003

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 7:15 p.m.

- PLEDGE TO THE FLAG** Students from Maxwell Elementary School 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: Finlay, Paras, Chapjian  
ABSENT: Fasana, Reyes  
ADMINISTRATIVE STAFF PRESENT: City Manager  
Duff, City Attorney Ralph Leech
- ADOPTION OF AGENDA** There was discussion about the possibility of tabling the Public Hearing since there was not a full Council. It was determined that action could be taken with the present quorum. Finlay moved, Chapjian seconded to adopt the Agenda, and carried unanimously.
- ANNOUNCEMENTS** Jan Wight, Duarte Chamber of Commerce, announced State of the City on March 12, 11:30 a.m., at the Duarte Community Center, Good Morning Duarte on March 18, 7:15 a.m., at Duffer's, and Noontime Blender on March 26, 11:30 a.m., at Church of the Foothills, encouraged all to shop Duarte, and provided copies of the California tourism magazine.
- Mayor Chapjian announced the State of the City would also be given at 6:30 p.m. for residents.
- FISCAL AFFAIRS** Finlay moved, Paras seconded to approve Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS**  
Proclamation  
Safe Communities Week  
Crime Prevention Specialist Abby Lai provided information about Safe Communities Week and encouraged residents to participate in crime prevention efforts. Mayor Chapjian read and presented the Proclamation for Safe Communities Week to Abby Lai, and congratulations were extended.
- Presentation by DUSD**  
Applied Research Reading Program  
Superintendent Judi Gutierrez discussed the Applied Research Reading Program, and introduced Principal Mary Gonzales, Maxwell School, and students who participate in the program. Literacy Coach Nancy Washington, kindergarten students, and third grade students from Maxwell School provided a lesson demonstration of the program.
- Presentation by California**  
Healthy Cities and Communities Network  
Joan Twiss, Director of California Healthy Cities and Communities, provided an overview of Duarte's participation in the California Healthy Cities Project, described a number of programs implemented by the City, thanked residents, City Council, City Manager, and Director of Parks and Recreation Donna Georgino for the partnership over the past 15 years, presented the California Healthy Cities Recognition Award to Mayor Chapjian, and presented Certificates of Recognition to members of Duarte's Healthy Cities Collaborative.

ORAL COMMUNICATIONS

Susie Bence, Duarte, stated she does not believe the City Manager deserves a raise, feels he should be investigated, feels Mr. Reyes came out favorable, thinks the money should have been spent on senior housing, and feels the focus should be on those less fortunate.

Steve Hernandez, Duarte, stated he read the report, discussed the first eight allegations, stated Mr. Duff never said a bad thing about Mr. Reyes, he does not see how he was on a witch hunt against Mr. Reyes, allegations were conjecture and speculation and there was no reason to have found anything against Mr. Reyes, he is not against Mr. Reyes, with regard to allegation #1, he saw a side of Mr. Reyes that was vindictive, staff has done many good things in the City, and stated he respects Mr. Duff.

Ernie Martinez, Duarte, stated he agrees with Mr. Hernandez, stated 7 out of 10 allegations were found to be true, he believes Mr. Reyes should apologize for what he has done wrong, and stated since Wilderness Day is coming up, inquired about easy access to Fish Canyon. Duff stated staff has made progress in working with Vulcan, and stated the report will be on the City Council Agenda in April.

Dori Neuman, Duarte, stated she read the report, Mr. Duff has done an excellent job, feels the responsibility of the report lies with the City Attorney, and stated she appreciates Mr. Duff and everything he does.

PUBLIC HEARING  
Council Bill 03-R-04  
Intent to amend PERS contract

Mayor Chapjian announced this was the time and place set for a Public Hearing to consider an amendment to the contract between the Duarte City Council and the Board of Administration of the California Public Employee's Retirement System.

Council Bill 03-O-02  
Amendment to PERS contract  
(First Reading)

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.

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

Bob Hunt, SEIU Local 347, stated on behalf of the employees, he urged City Council to adopt the Resolution and Ordinance, stated it is a benefit to employees and the community, it is very fair, and stated he was available to answer questions

Jeff Woodson, Duarte, asked how this came about, what the fiscal impact to the City would be, and how many employees could accept this and deplete the level of service.

Duff stated this was a negotiating process between organized union employees and City Council, a four-year agreement was negotiated, and this was one of several negotiated items.

Mike Yelton, Assistant City Manager, provided a staff report including background, retirement benefits, cost analysis, and recommendation to adopt the Resolution and introduce the Ordinance for first reading.

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

Leech read by title Council Bill 03-R-04 and 03-O-02:

03-R-04 A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF DUARTE

03-O-02 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (First Reading)

RESOLUTION NO. 03-04

Finlay moved, Paras seconded to waive further reading and adopt Resolution No. 03-04, and introduce Council Bill No. 03-O-02 for first reading, and carried by the following Roll Call vote:

AYES: Finlay, Paras, Chapjian

NOES: None

ABSENT: Fasana, Reyes

RECESS

Mayor Chapjian called a Recess at 8:36 p.m. for the Redevelopment Agency meeting, and to consider a Joint Item.

JOINT ITEM

Council Bill 03-R-05

Approves/Certifies

New Duarte Library

Council Bills 03-R-05 and 03-R-06 were considered as a Joint Item with Redevelopment Agency Agenda Item 5 (Agency Bill RA-325).

Council Bill 03-R-06

Consents to Agency's payment

New Duarte Library

Duff provided an overview of the actions required for the City's submission of its application to the State of California for library bond funds for the new Duarte Library.

Karen Herrera, Assistant to the City Manager, introduced Special Counsel Dan Slater and Nikki Nguyen of Rutan and Tucker. Mr. Slater described the two City resolutions and the one Agency resolution in detail, and answered questions from Councilmembers.

Duff stated the agreements would be effective only if the City is successful in receiving the grant award.

Paras stated she received positive comments from some that have approached her about the library survey.

Harb Thind, Duarte, stated he is supportive of this project, he is disappointed with the architecture, and stated he thinks the height of the building should be higher.

Steve Hernandez, Duarte, stated former Duarte Librarian Peter Rosenwald gave his heart and soul to this project, he spent time with youth and parents, he would like him to come back, and stated he thinks he should be acknowledged.

Leech read by title Council Bill 03-R-05:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING AND CERTIFYING THE PROJECT BUDGET, LOCAL FUNDING COMMITMENT, SUPPLEMENTAL FUNDS, AND THE OPERATION OF THE NEW DUARTE LIBRARY

RESOLUTION NO. 03-05

Finlay moved, Paras seconded to waive further reading and adopt Resolution No. 03-05, and carried unanimously.

Leech read by title Council Bill 03-R-06:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE CONSENTING TO THE PAYMENT BY THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE OF THE COSTS FOR CERTAIN PUBLICLY-OWNED FACILITIES IN THE CITY OF DUARTE, APPROVING AN OPTION AGREEMENT FOR THE ACQUISITION OF CERTAIN REAL PROPERTY, AND APPROVING A LEASE AND

OPERATING AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR THE COUNTY'S LEASE FROM THE CITY OF CERTAIN FACILITIES IN THE CITY OF DUARTE FOR OPERATION OF A PUBLIC LIBRARY

RESOLUTION NO. 03-06

Finlay moved, Paras seconded to waive further reading and adopt Resolution No. 03-06, and carried unanimously.

City Council reconvened at 9:13 p.m., with three members present, and Fasana and Reyes absent.

CONSENT CALENDAR

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

Approve Items A, B, D.  
Receive and File Item C.  
Deny Item E.

COUNCIL BILL

Council Bill 03-R-07

Mountain Avenue Park Project

Leech read by title Council Bill 03-R-07:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR MOUNTAIN AVENUE PARK PROJECT

Steve Hernandez, Duarte, suggested grass seed be planted while waiting for the grant, and stated there is a wedge on the north side of the property that could be negotiated and bought.

Duff stated there is a dispute with the property owner about that piece of property, the title reports show the City owns the property, and stated the suggestion about planting grass will be discussed at the staff meeting.

RESOLUTION NO. 03-07

Finlay moved, Paras seconded to waive further reading and adopt Resolution No. 03-07, and carried unanimously.

CITY MANAGER

Cable survey consultant

Kristen Petersen, Assistant to the City Manager, provided a staff report about the selection of a cable and internet survey consultant.

Paras inquired about the other responses received from the RFQ, and felt it would be beneficial to have that as part of the staff report. Petersen responded, and stated all three proposals are open to the public once a determination is made.

Chapjian inquired about the random survey, and suggested it be publicized on DCTV and in the Duarte View that if residents are not receiving satisfaction from Charter, they can call City Hall. Petersen stated the context of the survey is not just to collect complaints, rather to show what the magnitude may be, and stated calls received at City Hall are logged, it is not a guarantee that the problem will be fixed, and the complaint is sent to a higher level, such as a supervisor.

Finlay moved, Paras seconded to authorize the City Manager to enter into a contract with the Rose Institute of Claremont McKenna College for a cable and internet survey, so that the survey instrument can be crafted and the survey process can begin, per staff recommendation, and carried unanimously.

ORAL COMMUNICATIONS

Steve Hernandez, Duarte, stated his statement about Mr. Reyes being vindictive is not speculation, it is fact, discussed allegation #1 about requesting a bid from the City Manager, felt Mr. Duff has been in a lose-lose situation, felt Mr. Reyes does not understand the complete workings and responsibility of City government, felt the report should be used for guidance, stated all have shortcomings and talents, and stated if they want Mr. Reyes off the Council, they need to pay attention.

ITEMS FROM COUNCIL  
Scheduling/topics for community meetings (Paras)

Paras stated the community meetings are a wonderful opportunity to get out to the community, inquired about topics to be discussed, and asked about the type of program and outreach.

Duff stated the purpose is to hear from the public, the intent is to have short presentations about projects and programs, as well as reports about neighborhood interests, stated there would be no action items, and stated there have been press releases and distribution of flyers to Beardslee School students.

There was discussion about the length of the meeting and outreach in the community. Mayor Chapjian stated the next meeting would be in about three months.

Steve Hernandez, Duarte, stated if the Neighborhood Watch Newsletter is used, it needs to be bilingual, and stated the commentary by Claudia Heller should have an opposing view.

Outreach/Guidelines for Beautification Awards (Paras)

Paras stated after the last event, some residents spoke about not knowing the guidelines, inquired about outreach, and asked if the guidelines were publicized.

Finlay stated it is like a restaurant review, and the reviewers do not want the people to know when they are coming, as they want to see it as it normally is.

Duff stated the press release could include things judges may look for, stated there are over ten community groups that judge properties throughout the City, judging is left up to their discretion, some judges may give higher ratings for different categories than others, and stated an attempt will be made to generalize.

Finlay stated Education Foundation members judge one of the areas, and may have certain criteria. Paras suggested publicizing the criteria. Mayor Chapjian noted it is subjective.

FINLAY: 1) Announced State of the City address will be held on March 12, 11:30 a.m., at the Community Center; and 2) Stated Mr. Fasana is in Washington D.C. lobbying for transportation issues for the City and the region.

CHAPJIAN: 1) Stated he has attended several Gold Line Phase II light rail system meetings, and it should be here by 2006; and 2) Announced Special City Council Meeting on March 18 at Beardslee School, and stated the flyers are bilingual and an interpreter will be present.

PARAS: Stated flyers about future meetings could be sent to all the schools.

Finlay stated she thinks Beardslee has a marquis, and she or Mr. Chapjian could call and ask them about using it for the meeting.

ADJOURNMENT

Finlay moved, Paras seconded to adjourn the meeting at 9:55 p.m., and carried unanimously.

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Mayor George Chapjian

ATTEST:

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City Clerk Marla Akana