

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, JUNE 10, 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 7:10 p.m.

- PLEDGE TO THE FLAG** Stephanie Reyes and Felix Baumhauer led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION** A silent 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 David Peale
- ADOPTION OF AGENDA** Reyes requested Item 9.A (Minutes) be pulled from the Consent Calendar. Fasana moved, Paras seconded to adopt the Agenda, with the Minutes removed from the Consent Calendar, and carried unanimously.
- ANNOUNCEMENTS** Jan Wight, Duarte Chamber of Commerce, announced Good Morning Duarte on June 17, 7:15 a.m., at City of Hope, Mega Mixer on June 25, 5:00 p.m., at Irwindale Raceway, and displayed Shop Duarte bags.
- 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.
- Paras moved, Reyes seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS**
Blue Star Banner Program Kristen Petersen, Assistant to the City Manager, stated the Blue Star Banner Program salutes and honors the families of Duartean serving in the Armed Forces. Mayor Chapjian presented blue star banners and Duarte care packages to the families of Anthony Hadloc, Jason Marquez, Eric Antillon, and Brock Houghton, and congratulations were extended.
- People Helping People** Donna Georgino, Director of Parks and Recreation, introduced Cynthia Samarron, People Helping People Program Coordinator, who provided an overview of the program. Mayor Chapjian presented Certificates of Participation to the volunteers, and congratulations were extended.
- Junior Olympians** Donna Georgino presented information about the Duarte Junior Olympics Track Meet and the San Gabriel Valley Municipal Athletic Association Track Meets, and introduced Recreation Leader Michelle Ramirez. Mayor Chapjian presented Certificates to the track meet participants, and congratulations were extended.
- Youth Appreciation Month** Mayor Chapjian read and presented the Proclamation for Youth Appreciation Month to Donna Georgino, who invited all to attend the Duarte Youth Fair on June 14, 11 a.m. to 2 p.m., at Duarte Park.

Duarte High School baseball team Mayor Chapjian congratulated the Duarte High School varsity baseball team and coach for placing second in the Montview League and participating in two rounds of CIF baseball play-offs, and presented them with Certificates of Appreciation.

ORAL COMMUNICATIONS

Stan Fowler, Duarte, encouraged adult citizens with sports backgrounds to assist schools with sports programs, stated it is confusing to see reports from Councilmembers on doorsteps, encouraged the Council to investigate the possibility of adding an insert to the Chamber paper so each Councilmember can communicate with residents their perceptions, suggested some kind of control about advertising fliers on doorsteps, and stated people in his neighborhood support Mr. Duff and his staff.

Mayor Chapjian stated the newsletters that are going out are not official City positions, and it is a good idea to do an insert.

Steve Hernandez, Duarte, stated a newsletter by a member of the City Council has a lot of inaccuracies, it affects the community as no one knows what the truth is, his children attended private school until things got better, feels the articles need to be done responsibly, things are paraphrased to fit one's needs, stated Mr. Duff's work shows in the City with clean streets, a safe community, no graffiti, and shopping centers, this comes from Mr. Duff's hard work and management of staff, it is obvious what has been done, there is one individual who wants Mr. Duff gone, he does not stand behind that issue, and stated we need all five Councilmembers and staff.

Mayor Chapjian stated people assume the newsletter is an official publication, and it is the opinion of one person.

Ernie Martinez, Duarte, stated he saw a local cable show about a downtown Duarte and how the City should put all its efforts into it and possibly wait on possible new businesses, Parks and Recreation and senior programs are funded by sales tax revenues, cities two or three times our size do not have these programs, he appreciates what we have, for us to stop and put all efforts into just downtown Duarte means we have no faith in our City, to think staff cannot handle both jobs is ridiculous, someone told him the Spanish translation of Mr. Reyes' newsletter is different than what it says in English, we need to support our youth, and stated he would like to get one of those newsletters in his neighborhood.

Finlay stated the great Parks and Recreation programs are due to staff and the City Manager, who was the Director of Parks and Recreation in this City.

CONSENT CALENDAR

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

Approve Item B.

Receive and File Item C.

Item A – Minutes of May 27, 2003. Reyes stated on page 6409, he said it was the community's thing and he supported it, and on page 6412, he said he has attended one meeting and asked to be invited to the next meeting.

Fasana moved, Finlay seconded to continue the Minutes to the next meeting, have the tape checked, and make corrections as necessary, and carried unanimously. Reyes asked for a copy of the tape.

COUNCIL BILLS

Peale read by title Council Bill 03-R-14

Council Bill 03-R-14
Holiday Schedule 2003-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AUTHORIZING A HOLIDAY SCHEDULE FOR CITY EMPLOYEES FOR FISCAL YEAR 2003-04

Paras inquired about Veteran's Day. Duff stated the employees voted to work that day and can use a floating holiday if they choose. Mayor Chapjian stated some cities take Cesar Chavez Day as a holiday, and we can look to see if that is feasible.

RESOLUTION NO. 03-14

Fasana moved, Finlay seconded to waive further reading and adopt Resolution No. 03-14, and carried unanimously.

CITY MANAGER
Award of contract
Bike Trail Improvements
E. C. Construction

Duff provided a staff report about the contract for Bike Trail Improvements. Cox responded to questions from City Councilmembers pertaining to the stairway, possibility of a ramp, slope, ADA requirements, possibility of paving it in the future, rehab to the bridge, design of the handrails, and estimated completion date, stated a 4' x 8' plywood sign identifying the project will be installed along the bike path, and stated the bulk of the funds for this project was from MTA.

Finlay moved, Fasana seconded to award the contract to E. C. Construction for Bike Trail Improvements, per staff recommendation, authorize execution by Mayor, and carried by the following Roll Call vote:

AYES: Reyes, Fasana, Finlay, Paras, Chapjian

NOES: None

2003/2004 Budget

Mike Yelton, Director of Finance, provided detailed a staff report about the 2003/2004 City and Redevelopment Agency Budgets, including the operating budget and capital improvement program, preparation process, budget format, revenues and resources, expenditures and uses, reserves, and overall budget perspective.

Fasana moved, Finlay seconded to approve the Fiscal Year 2003/2004 Budget.

Fasana stated he appreciates the work of staff, the budget is in a balanced format, and depending on the State, we may have to take another look at it later.

Mayor Chapjian thanked staff, and stated he is glad the City is able to support the reading program.

Duff thanked City Council, the community, and staff for their diligent work on the budget, stated the community can be very proud of the programs, services, and amenities, the City Council has been prudent in its financial management, and expressed appreciation to the Finance Department and all Department Heads for their creative solutions to some of the problems we faced.

The motion to approve the Fiscal Year 2003/2004 Budget carried unanimously.

Award of contract – EDS
Housing Element Update

Duff provided a staff report about the contract for Housing Element Consultant.

There was discussion about the consultant selection process, commitment of the consultant, and agreement to be signed, and it was noted it is a State-mandated requirement to update our housing element.

Fasana moved, Finlay seconded to award the contract to EDS, Economic and Development Specialist, for Housing Element

Update, per staff recommendation, and carried unanimously.

ORAL COMMUNICATIONS

Steve Hernandez, Duarte, stated he is concerned about division in the City, he stands behind Mr. Reyes on the City Council, he has to take responsibility for some of the things Mr. Reyes does, his newsletter says his credibility is at stake, Mr. Reyes has strong compassion and he does not believe it is malice, he read the entire report, discussed the allegation about not paying dog and business licenses, regarding the allegation about the police officer, stated if Officer Mann did not have a video, he would have been in trouble and may have lost his job, that is the credibility of the City, not an individual, when Mr. Reyes spoke to Lee Baca about it, that took away from Mr. Hernandez' and other backers' credibility, and stated Mr. Reyes needs to be responsible to all of us.

Lino Paras, Duarte, stated he is his own person, he does not talk on both sides of his mouth like Mr. Hernandez, he sticks to his principles, he is willing to live under the freeway and beg for his food, Mr. Reyes never lied to him and speaks his mind, regarding Mr. Reyes not paying for his licenses, stated life is not easy for some and many are being laid off, Mr. Reyes' only sin was believing the utility tax was needed, and asked how many have bounced checks for their rent.

Robert Cuite, Duarte, stated he had not heard about improvements on the bike path, an announcement made after City Council approval gives people less ability to change any planned upgrades, if the bike path were changed to be more manicured, it would seem like it is no different than the rest of the City, the City of Bradbury took away a lot of the natural beauty above the bike path, he sees oleanders as beauty, and felt there should be input from users of the bike path.

ITEMS FROM COUNCIL

One Town One Book Committee
Request for \$500 support

Nita Norgard, One Town One Book, announced kickoff event on Saturday, June 28, 10:30 a.m., at the Senior Center, stated the committee has selected the book, discussed upcoming events, and thanked the City for supporting this project.

Finlay moved, Reyes seconded to approve the request from the One Town One Book Committee for \$500 financial support.

Fasana stated he appreciates the work being done by the Committee, stated in the future when requests such as this are received, he would like to see what will be cut or what account will be used for funding, and stated the City Council should be prepared to discuss where the money will be coming from.

Paras stated she agreed, and asked for clarification about funding for community events.

Duff stated there is a line item under Community Promotions that this would fall under, and stated in the future, staff will identify possible funding categories when these requests are received.

Paras suggested in the future, the requests be provided in writing, and include where the funds will be used.

Mayor Chapjian suggested City Council be made aware of the balance of funds available from that line item, and thanked the One Town One Book Committee for bringing this to the community.

The motion to approve the request from the One Town One Book Committee for \$500 financial support carried unanimously.

Appointments to Ad Hoc
Downtown Advisory Committee

Steve Hernandez, Duarte, stated during the presentation by MIG and KMA, a number of options were presented, his questions about traffic, socio-economics, and demographics were not addressed, this was an advisory and the first steps to a concept, to jump in and say it will be built on an advisory is appalling, he wants a downtown, we need to go step-by-step, it has to be thought out to be a success, he hopes Commissions are involved, he would like to see it started next year, and stated questionnaires could be sent out to residents.

Paras thanked staff for providing guidelines, stated she would like it to be referred to as the Downtown Duarte Advisory Committee, asked if instead of the Planning Commission Chair, would Council want the Planning Commission to decide which member would serve on the Committee, stated some Councilmembers wanted an agenda item on each Commission Agenda whether or not there were things to discuss, felt this could be more refined to where members of the advisory committee can have the opportunity, along with staff, to decide whether a meeting would be necessary, stated there is a commitment by City Council and staff to see that there is a balance and we do get a downtown whether next year or after, she wants continuity and momentum from the appointments, she wants to make sure all residents get the chance to be heard, and stated staff could possibly refine some of the items she has brought up.

Fasana stated his understanding was there would be an agenda item every month, and he would be flexible about the representative from the Planning Commission.

Finlay stated she thought the same thing, and stated the memo says the Committee will be convened in tandem with the Economic Development Commission

Paras stated the first sentence says "as necessary."

Duff stated those words could be struck, in projects as complex as this, there may be months at a time where there may be negotiations for development, and stated negotiations are painfully slow.

Paras stated whether or not staff is presenting anything, Committee members may want to talk about something specific.

Duff stated it is staff's intent to try to keep people from coming to a meeting with no purpose.

Reyes stated he concurs with the scheduling, and stated he thinks the Planning Commission should have the flexibility to appoint one of its own.

Paras noted this advisory committee is subject to the requirements of the Brown Act.

Mayor Chapjian asked if any member of the advisory committee can put an item on the agenda. Paras stated she hoped there would be a relationship between the Director of Community Development and the advisory committee, she wants to make sure that the priority is to listen to the advisory committee, and stated if there are valid reasons they want to meet, that we make sure there is that monthly meeting to attend for discussion purposes.

Reyes stated most Commissioners are residents, they may receive an inquiry or idea from a resident, and may bring it to the Commission and ask it to be agendaized. Fasana asked if they typically ask at a meeting to have something agendaized at a subsequent meeting.

Cox stated if the Commission asks for an item that requires discussion, it will be on the next agenda.

Fasana stated it would be clearer if they set the work part of the agenda at the current meeting for the future meeting, that way when people leave the meeting, they know what will be discussed at the subsequent meeting, and stated that way, they have one month to get ready.

Mayor Chapjian stated all City Councilmembers are passionate about this, he is also is concerned about the financials, he does not want to put citizens in jeopardy of having to pay this off in perpetuity, and stated we need to do the analysis on it.

Paras appointed Buffy Aikens, and Reyes appointed Angela Estrada to the Ad Hoc Downtown Advisory Committee. Fasana, Finlay, and Mayor Chapjian stated they would make their appointments at the following Council Meeting.

Reyes moved, Paras seconded to appoint Buffy Aikens and Angela Estrada to the Ad Hoc Downtown Advisory Committee.

Paras stated she would like to see the other three appointments made at least by the next Council Meeting to avoid a delay and to allow time for training.

Mayor Chapjian stated he agreed training is important.

The motion to appoint Buffy Aikens and Angela Estrada to the Ad Hoc Downtown Advisory committee carried unanimously.

REYES: 1) Stated he supports public safety and the Sheriff's Department, the reality of the issue when his brother-in-law got a speeding ticket is that the officer was extremely disrespectful, this was not the first time the officer had done this, we have a lot of great officers, there are bad seeds everywhere, he wants to know if anyone knows of a bad seed, he has an obligation to the residents that we are being protected and being served well, and stated it is important for the public to read the report; 2) Thanked staff for the Blue Star program and for the recognition of our youth this evening, and stated we need to keep those who are serving this country in our prayers; and 3) Congratulated all the graduates from the local schools and their families.

FINLAY: 1) Stated the library is currently open 40 hours per week, depending on budget cuts, 18 hours may be cut, there is a \$38 billion State deficit, residents can write to Supervisor Antonovich, and stated the State will be taking money from Counties also; 2) Announced the Duarte Youth Fair on June 14, 11:00 a.m. to 2:00 p.m., at Duarte Park, and stated it is a free event; and 3) Stated the Duarte Teen Center newsletter looks great, and includes many fun events and programs.

PARAS: 1) Expressed gratitude for the Parks and Recreation Department, stated she attended the presentation of classes, and the talent exemplifies what the community has done for youth; 2) Stated the Youth Fair is a great event, and all the youth enjoy themselves; 3) Stated there were new faces at the community meeting, she would like to continue that practice, and suggested if there are presentations made, a few color copies be made available for those in the audience; and 4) Announced the opening on the Traffic and Safety Commission, and encouraged residents to apply.

FASANA: 1) Congratulated the graduates at all levels of the schools; 2) Thanked staff for the community meeting at Andres

Duarte School, and felt it was effective and helpful; 3) Thanked staff for presentations such as the Blue Star program; and 4) Regarding Mr. Reyes' comment about law enforcement, stated he and other Councilmembers saw the video of the stop in question, Deputy Mann was professional in his conduct, it does a disservice to say something about his service, we rely on our deputies to protect and to serve, Mr. Reyes indicated he wanted to hear if there were bad seeds out there, there are procedures for identifying that, Mr. Reyes is not judge and jury on that item, and stated there is a process to be respected if we are to maintain the quality and level of service we receive from the Sheriff's Department.

Reyes stated he did not use the Deputy's name. Fasana stated it is in the report.

CHAPIAN: 1) Stated Deputy Mann is not here and it is not fair to throw his name out like that, he saw the video tape and was looking for things to see if he was disrespectful, he did not see it after reviewing it carefully twice, he was respectful, he would not fault Deputy Mann, and it is not fair to say he is a bad seed; 2) Thanked the Parks and Recreation Department for the program on Saturday, and encouraged all those with youth to get involved in the programs; 3) Stated he looks forward to more community meetings, they are positive, and stated there will be two more this year; and 4) Discussed the minutes of the Planning Commission of May 19, stated one Commissioner stated the Commission was an advisory board to the City Council, that is completely off-base, they are the only Commission that makes land use decisions, he has serious concerns if they do not know that and feels this needs to be addressed, it may mean more training for them, and stated he feels the City Council has overturned some recent Planning Commission decisions because they were not responsive to the neighborhood concerns.

Reyes thanked staff for the outreach efforts for the community meeting, and stated all need to be responsible and accountable.

ADJOURNMENT

Fasana moved, Reyes seconded to adjourn the meeting at 9:45 p.m., and carried unanimously.

Mayor George Chapjian

ATTEST:

City Clerk