

MINUTES

**CITY COUNCIL OF THE CITY OF DUARTE
REGULAR MEETING – TUESDAY, JULY 8, 2003**

At 6:00 p.m., interviews were held for the Traffic and Safety Commission.

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 7:05 p.m.

- PLEDGE TO THE FLAG** Jan Wight led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION** A silent moment of reflection was observed.
- RECORDATION OF ATTENDANCE** The following were 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, with the appointment of the Traffic and Safety Commissioner considered after the first Oral Communications, and the Minutes removed from the Consent Calendar, and carried unanimously.
- ANNOUNCEMENTS** Jan Wight, Duarte Chamber of Commerce, announced Good Morning Duarte on July 15, and MAD Mixer on July 16 at the Holiday Inn.
- Wanita Norgard, Friends of the Duarte Library, thanked all for supporting the kickoff of the One Town One Book event, stated the book selected is “The Secret Life of Bees”, the children’s book is “Amelia’s Road,” and distributed a calendar of events and locations of summer gatherings.
- FISCAL AFFAIRS** Reyes moved, Finlay seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.
- Lino Paras, Duarte, stated the complete warrant register is not in the back of the room with other documents, and stated he does not know if this is an oversight or a deliberate withholding of information to the public.
- It was determined that the consideration of the remainder of Fiscal Affairs would be later in the meeting, after a complete warrant register was provided in the back of the room.
- 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 Duarteans serving in the Armed Forces. Mayor Chapjian presented blue star banners and Duarte care packages to the families of Shaun Pollack and Fernando Morales, and congratulations were extended.
- Display of scroll from China Mayor Chapjian displayed a scroll from China that was presented to the City of Duarte by Nathan Jones, and thanked Mr. Jones for the beautiful piece of art.
- Student Interns Donna Georgino, Director of Parks and Recreation, described

the Student Intern program, and introduced Student Interns Jennifer Miller (Community Development), Larry Breceda (Recreation), Nicholas Nichols (Finance), Michael Curtis (Code Enforcement) Juan Miguel Velasquez (Facility Maintenance), Elisabeth Hussein (Administration), and Valerie Nunez (Public Safety).

FISCAL AFFAIRS (Continued)

Lino Paras, Duarte, stated there is a difference in numbers on two sets of warrant registers, stated he would like to know more about the warrants to the City of Monrovia for fuel, oil and vehicle maintenance, stated there are Duarte businesses where fuel and oil can be bought, and there are local mechanics that could have competitive bidding with regard to vehicle maintenance.

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

ORAL COMMUNICATIONS

Gene Jones, Duarte, stated he wonders what is meant by our kind of town, he interpreted a comment by Mr. Reyes to mean there was not enough of an effort made to let the rest of the City know what is going on, when watching the meeting, the discussion was about possible eminent domain, he differentiates between legal and ethical, his neighbor said it seemed like the Council had a discussion by themselves, he would like to get to know the Councilmembers, he would hope a survey would be sent to find out what the voters want, and stated a public servant serves the public.

Antonio Ogaz, Duarte, thanked the City for the opportunity for the groups to participate in safe and sane fireworks for the 4th of July, stated his group gave out \$12,500 in scholarships, he hopes this continues, and stated he would like to expand it, as there is always more room for participation and celebration.

Appointment of Traffic and Safety Commissioner

Mayor Chapjian stated three residents were interviewed for the Traffic and Safety Commission.

Fasana moved, Finlay seconded to nominate Vivion Rostker for the Traffic and Safety Commission.

Reyes moved, Paras seconded a substitute motion to nominate William Lawrence for the Traffic and Safety Commission.

RECESS

There was a question raised about the nomination and appointment process. A Recess was called at 7:48 p.m. for the City Attorney to review the Duarte Municipal Code. City Council reconvened at 7:56 p.m., with all members present.

City Attorney Leech stated the ordinance passed in October 2002 does not set forth any procedure for the actual election, it says that subject to the approval of the majority of the City Council, each City Councilmember, including the Mayor, may nominate one member to serve on the Commission; reappointments for subsequent terms shall be subject to the same process; an incumbent Commissioner shall compete with new candidates; and stated someone has to get a majority.

The substitute motion to nominate William Lawrence for the Traffic and Safety Commission, for a term ending December 31, 2005, carried by the following Roll Call vote:

AYES: Reyes, Paras, Chapjian

NOES: Fasana, Finlay

PUBLIC HEARING
Council Bill 03-R-18
2003-2004 Assessments
Landscape/Lighting District

Mayor Chapjian announced this was the time and place set for a Public Hearing to consider the levy and collection of assessments for fiscal year 2003-2004 within the Citywide Landscape and Lighting District pursuant to the Landscape and Lighting Act of 1972

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.

Leech read by title Council Bill 03-R-18:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2003-2004 WITHIN THE CITYWIDE LANDSCAPE AND LIGHTING DISTRICT PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972

Duff presented a staff report about assessments to be levied for the Lighting and Landscape District, including the increase in Zone 14, and decrease in Zones 2, 15, 16, and 17.

Mayor Chapjian asked if there was anyone in the audience who wished to be heard on this matter. There were none.

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

In response to an inquiry from Fasana, City Engineer Dominic Milano described the decrease in certain zones.

RESOLUTION NO. 03-18

Fasana moved, Finlay seconded to adopt Resolution No. 03-18, and approve the Engineer's Report, and carried unanimously.

CONSENT CALENDAR

Fasana moved, Finlay seconded to approve the Consent Calendar, as follows, and carried unanimously.
Approve Item B.
Receive and File Item C.

ITEM REMOVED
Minutes

Lino Paras, Duarte, stated when he spoke about the Trudy Largent bill, the purpose of his input was to put the blame to Mr. Duff, the minutes are way out in terms of what he said, asked whether the City Manager or the City Attorney reviews the minutes, stated in his opinion, there might be a conflict of interest regarding input about Mr. Duff, in some cities, the City Clerk is an elected position, and stated the City Clerk is responsible to the people.

Reyes stated in the interest of history being recorded properly, there were statements he made that are not in the minutes, feels we need to make sure people are impartial and represent the people, if what is said is not recorded appropriately, he thinks we need to go out to the public, gather signatures, and need to have an election for a City Clerk; stated on page 6425, he was making reference to Mr. Duff and the City Attorney, stated he asked if the reason the bill was not paid was because of timing, the budget issue, or because he did not want to disclose his raise, and asked why did he hide it; and stated on page 6427, he does not remember Steve Hernandez saying he wanted to meet him and go over the report, he recalls stating that if Mr.

Hernandez were a true supporter and friend, people that have that kind of relationship call each other, sit down, and talk, they do not bring it to a public forum, stated he never heard Mr. Hernandez ask him to meet with him and go over the report, he apologizes if that is what was said, he did not hear it, and stated his statement made reference to the fact that Mr. Hernandez is here as a political ploy, as a political strategy, to manipulate public opinion, and stated we need to record history as it has happened.

Mayor Chapjian stated he thought that was said, and asked that the tape be pulled, and a transcript of that exact discussion be provided so the appropriate minutes can be voted upon.

Paras stated on page 6425, she recalls the reference when Mr. Duff was discussing the investigation, the City Attorney was referred to as the Acting City Attorney, stated she did not ask why he was the Acting City Attorney, she asked why he was being referred to as the Acting City Attorney, and if he is actually technically an Acting City Attorney, stated she then suggested that we look for a City Attorney who is our City Attorney, and stated we have had him long enough, he should not be an Acting City Attorney at this point.

Finlay suggested a Closed Session be on the next meeting for personnel to discuss the City Attorney.

Fasana stated the tapes exist, the effort is made to present the information accurately, these minutes are far more detailed than minutes of most agencies, it is a policy direction of the Council, some minutes only record that people spoke for or against an item and if the item was approved or disapproved, it can be very brief, and stated if people feel their positions were not accurately conveyed, that should be reflected in the minutes for this meeting.

Mayor Chapjian stated it may be an appropriate time to look at how we do the minutes, and stated some do just action items, and record who voted for and against.

Duff stated for a number of years, the way minutes were done were action items only, City Council wanted more detail in terms of the discussion, and stated the challenge of the minutes and amount of detail is inevitable when the minutes go beyond action items.

Paras stated we may need to look into Mr. Fasana's point, the tapes are public record, and stated we would not be utilizing staff time and Council time to discuss what was said when the tape can prove it one way or another.

Duff stated beyond action items, the opportunity for disagreement over the minutes is endless.

Mayor Chapjian asked that staff make some recommendations in terms of more streamlined minutes.

Duff stated we will check with the City Clerk's Association for recommendations in terms of the appropriate level of detail for minutes.

Mayor Chapjian stated it sounds like there may be a consensus that they be action minutes. Duff noted the tapes would be kept for history. Mayor Chapjian stated these minutes would be voted on at the next meeting.

PAYROLL DEDUCTION PLAN FOR SERVICE CREDIT PURCHASES FROM THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

RESOLUTION NO. 03-20

Finlay moved, Reyes seconded to waive further reading and adopt Resolution No. 03-20, and carried unanimously.

CITY MANAGER
GAPP and SCSP Agreements
L. A. County Probation Dept.

Duff provided a staff report about the Gang Alternative Prevention Program (GAPP) and the School Crime Suppression Program (SCSP).

Finlay moved, Fasana seconded to approve the 2003/2004 Gang Alternative Prevention Program (GAPP) and School Crime Suppression Program (SCSP) Services Agreements with Los Angeles County Probation Department, effective July 1, 2003 - June 30, 2004, per staff recommendation, and carried unanimously.

ORAL COMMUNICATIONS

Gene Jones, Duarte, stated there is a controversy about fireworks, asked if there was a professional show on Duarte Road, stated many foothill towns ban fireworks, suggested either a ban on fireworks or control so they are not shot off after a certain time, discussed a small town feeling, stated Duarte may be too much a part of L.A. to be considered a small town, asked how we can get more people to attend Council meetings, stated a survey could be sent by mail to find out what is wanted, asked if City Council covers certain areas or the entire town, and stated he would like to see a town hall meeting.

Mayor Chapjian stated with regard to fireworks, there was not a sanctioned show in Duarte.

Antonio Ogaz, Duarte, stated regarding the Mountain Avenue project, the Downtown Duarte Task Force process had a lot of community input, he hopes that when we move into the area where there could be a displacement of homes, that we form a community forum so residents can participate in the process, especially in regard to eminent domain, and stated since the community was behind the Downtown Duarte Task Force, that should take priority over the Mountain Avenue project.

Lino Paras, Duarte, stated he believes City Council and staff have done their efforts to reach out to the community, people will come if they want to come, if they do not come, it does not mean they are not interested, they may be satisfied or have fear of public speaking, some who criticized the outreach for the Task Force meetings did not attend the meetings, his biggest beef is open government and transparency, the minutes are a legal document, the tape and video are not technically legal documents, when there is litigation, the minutes stand, when people speak at the meeting, it is hard to put it into a concise form, asked that the substance of input is preserved in the minutes, and stated several years ago, there was a pattern when people spoke against what the City Council was proposing, they got a limited number of space in the minutes, and the people who were pro got more space.

Mark Montgomery, Duarte, stated it would be nice if more people attended the meetings, it depends on what is on the Agenda, stated we do not need a fireworks ban, hopes the City Clerk's feelings were not hurt, and stated he does not think we need to search for another City Attorney firm, as the Leech's have done a great job in this City.

ITEMS FROM COUNCIL
Duties – Ad Hoc Downtown
Duarte Advisory Committee

Reyes stated he thought the issue was when and how to conduct meetings. Duff noted that issue is addressed in the last sentence under the heading “Meetings”, and the first sentence addresses additional meetings that may be required.

Reyes moved, Paras seconded to adopt the duties of the Ad Hoc Downtown Duarte Advisory Committee as outlined, and carried unanimously.

Voting Delegate/Alternate
League Annual Conference

Finlay moved, Reyes seconded to appoint Paras as the Voting Delegate for the League of California Cities Annual Conference, September 7-10, 2003, and carried unanimously.

SB 60 (Cedillo) (Reyes)

Reyes stated he hopes a letter of support can be addressed to the Governor so he can sign this bill.

There was discussion about the use of social security numbers on licenses.

Antonio Ogaz, Duarte, stated this is an opportunity to support the idea of the social contract, he hopes we look at this bill as trained, tested, and insured drivers enhance public safety, ensuring all California drivers have access to auto insurance will help reduce costs, and allowing all California residents to apply for a driver’s license will make local communities safer, and stated undocumented residents are actively supporting the war effort in Iraq, and we can show them the gesture and support this bill.

Ben Monterroso, Service Employees International Union and Coalition of Californians for Safer Roads and Highways, thanked Council for the humanity shown with respect to the families of soldiers in the war, asked for the City to support SB 60, stated before 1994, all California residents had the right to get a driver’s license, Proposition 187 took away licenses, many who had driver’s licenses then cannot be renewed, he wants to make sure there is support from City officials, and asked that a letter of support be sent to the Governor.

Finlay inquired of the League of California’s position. Mr. Monterroso stated they have not approached the League yet.

In response to an inquiry from Mayor Chapjian, Mr. Monterroso provided the names of cities supporting the bill, and stated Steve Cooley also supports it.

There was discussion about the Contract Cities Association, Independent Cities, an endorsement from the League, the benefits of this bill, and the way the item was agendaized.

Lino Paras, Duarte, stated this item is on the agenda for discussion, the issue is sensitive, stated there is need for more discussion on this, and suggested there be no action today.

There was further discussion about the timeliness of having this item on the next agenda, and the possibility of urgency findings.

Reyes moved, Fasana seconded to support Senate Bill 60 (Cedillo) and write a letter of support to the Governor.

Gene Jones, Duarte, stated when schools are overcrowded, there is a legal right to be here, the L.A. Times stated 600,000 people are coming to L.A. every year, there is gridlock, freeways are clogged, he is bothered when unlimited permission is given to whoever comes in, the schools are overcrowded, the state gives money to the schools, the state population will be doubled in five years or less, and asked that we think about repercussions.

Paras stated she is not prepared to take a stance, she needs to review it and weigh the pros and cons, it is posted as a discussion item, and suggested it be placed on the next agenda for action.

Paras moved, Finlay seconded a substitute motion to place this on the next agenda for action.

Fasana stated we are dealing with people that are here today, discussed Proposition 187, stated it is a complex issue and there needs to be a rational discussion, and asked the City Attorney for an interpretation about urgency.

Leech stated four votes are needed to pass this on an urgency measure, and there has to be a specific finding that it is urgent for the health and welfare of the community.

Reyes withdrew his motion. The substitute motion to place this item on the next agenda for action as a resolution supporting Senate Bill 60 carried unanimously.

PARAS: 1) Stated she enjoyed the 4th of July holiday, she thought the large presentation was coming from the Irwindale Speedway, she likes the idea of a possible curfew, stated there is a 10:00 p.m. curfew at the parks, stated it is a positive thing in our community, and stated the Public Safety Office or Temple Station needs to be contacted if fireworks are heard elsewhere; 2) Stated she would like a Closed Session item regarding the City Attorney's work agreement within the next couple of meetings; and 3) Stated she appreciates those who attend the meetings, the community meetings are positive and growing, people come out when they care about particular issues, City Councilmembers are accessible by phone or in person, the public is more than welcome to attend, she supports open government, and stated it is a wonderful opportunity for residents to be in contact with their public officials.

Duff asked Paras to provide clarification as to how she would like the Agenda item about the City Attorney to be listed.

Mayor Chapjian stated 10:00 p.m. is the curfew for the parks, and it is difficult to enforce.

FINLAY: 1) Stated she recently went on the Sanitation District research vessel trip into Santa Monica Bay, and stated if others in the community are interested, let her know; and 2) Stated Duarte has four fireworks booths, and the City of Fillmore has 27 booths.

REYES: 1) Regarding the Wal-Mart parking lot area, stated there is a tremendous amount of congestion, we may need to look at that again and discuss it with Monrovia, there may be additional development there, and asked what our approach is going to be and if we are looking at a new light; 2) Stated when going westbound on Huntington, and south on Mountain, we may need to make adjustments on that light, and stated it creates congestion and another public safety hazard; 3) Thanked staff and all involved for protecting the public safety related to fireworks on the 4th of July; 4) Stated he would like to see about getting a report or status on Mrs. Lottie Walker from Heritage Apartments, and stated he thought she was being evicted; and 5) Commended staff for the Blue Star program, stated some may be intimidated of being in the public forum, maybe we could send more notices and provide a banner to those who may

not want to come here to be recognized, and stated they probably would love to proudly fly a banner.

Mayor Chapjian asked if he were asking for more outreach for the Blue Star Program. Reyes stated our public relations officer could work with the newspapers. Duff stated a press release could be issued indicating that attending a Council Meeting for recognition is optional, and the banner could still be provided. Mayor Chapjian suggested information could be placed in the Duarte View.

FASANA: 1) Congratulated those involved in the One Town One Book effort, and stated there is an impressive list of summer events; 2) Stated he was not able to attend the Rotary meeting, thanked the Mayor for his service as President, and congratulated Janet Manrique; 3) Stated the paint stampings near Hacienda are starting to look run-down, and stated he would like to hear back as to when the painted concrete will be rehabilitated; 4) Stated although he thinks safe and sane fireworks should not continue, he recognizes City Council has decided that fireworks need to continue as there is tremendous benefit to the community organizations, he worked a booth and supported one of the organizations, it is a dilemma, there were a number of sites where a higher capability of fireworks were displayed, Monrovia had a public display and it was held in a dense area, stated he would like a report as to how they were able to do that, he would be interested in a report about any incidents that occurred on the 4th from a safety perspective, and stated he appreciated the efforts of staff; and 5) Regarding the minutes, tapes, and videos, asked that the City Attorney report back in the next couple of months about the appropriate custody of maintaining tapes and videos, and stated we may need to consider a formal policy.

CHAPJIAN: 1) Thanked the One Town One Book Committee for their tremendous efforts; and 2) Stated he worked a fireworks booth, there is a benefit to non-profits and service organizations, if people feel it is getting out of hand, there is the possibility that the golf course could be a venue for a special event, the non-profits could plan it, work it, and benefit from the revenue raised there, and stated he saw many fireworks in the air that he did not think were legal.

ADJOURNMENT

Reyes moved, Fasana seconded to adjourn the meeting at 9:30 p.m., and carried unanimously.

Mayor George Chapjian

ATTEST:

City Clerk