

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, JANUARY 27, 2004

At 5:30 p.m., a reception was held honoring those who volunteered at the Buena Vista Pavilion.

The City Council of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Fasana called the meeting to order at 7:07 p.m.

PLEDGE TO THE FLAG	Eva McLaurin 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: Finlay, Gaston, Paras, Reyes, Fasana ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager Duff, City Attorney Ralph Leech
ADOPTION OF AGENDA	Finlay moved, Paras seconded to adopt the Agenda, and carried unanimously.
ANNOUNCEMENTS	Anela Freeman, Representative Solis' office, announced rededication of Duarte Post Office on February 28, 10:30 a.m. Ernie Martinez stated Ann Barker had passed away. Mark Montgomery stated Darlynn Spickard had passed away. Sheila Fleming announced opening of Crisis Pregnancy Center of Monrovia. Mayor Fasana stated Ramon Ornelas and Robert "Buddy" Soto had passed away. Finlay stated Roger Menlove had passed away.
FISCAL AFFAIRS Warrants – 1/13/04 and 1/27/04	Finlay moved, Gaston seconded to approve payment to the Southern California Edison Company (warrants for 1/13/04 and 1/27/04), and carried with Fasana abstaining due to a declared conflict of interest. Finlay moved, Paras seconded to approve the remainder of Fiscal Affairs (warrants for 1/13/04 and 1/27/04), and carried unanimously.
SPECIAL ITEMS Commissioners–Oaths of Office	The Oath of Office was administered to newly appointed City Commissioners, and congratulations were extended.
Outgoing Commissioners	Mayor Fasana presented outgoing City Commissioners Lynn Glover, Eva McLaurin, and Basil Kruger with plaques in recognition of their years of service to the community.
Joan Schmidt, MAD Town Council	Mayor Fasana presented outgoing Monrovia-Arcadia-Duarte Town Councilmember Joan Schmidt with a plaque in recognition of her years of service, and congratulations were extended.
Sheriff's Department Explorer Program and DART Team	Abby Lai, Crime Prevention Specialist, and Deputy Villalobos described the Explorer Program and the Duarte Area Resource Team (DART). Mayor Fasana presented Explorers and DART Team members with Certificates of Appreciation for their participation in the programs.
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 Fasana presented a blue star banner to the family of Dedra Lewis, and congratulations were extended.
L.A. County Fire Department Santa Teresita Hospital closure	Assistant Chief Dan Scott provided a report concerning the effect of Santa Teresita Hospital's closure on emergency health-care services, and responded to questions from the Council.

Representative Solis – Special Congressional Recognition

Anela Freeman presented a Certificate of Special Congressional Recognition to the City of Duarte and Duarte's Promise in recognition of honoring Dr. Martin Luther King, Jr., on his day of remembrance.

RECESS

Mayor Fasana called a Recess at 7:48 p.m. for the Redevelopment Agency meeting. City Council reconvened at 7:50 p.m. for the Joint Public Hearing.

JOINT PUBLIC HEARING
DDA- Andres Duarte Terrace
Council Bill 04-R-03

Mayor Fasana called the Joint Public Hearing to order between the City Council and the Redevelopment Agency, and noted all members were present.

Chairperson Paras called the Redevelopment Agency into session for the Joint Public Hearing with the City Council, and noted all members were present.

Mayor Fasana announced this was the time and place set to consider a proposed Disposition and Development Agreement between the Redevelopment Agency of the City of Duarte and Andres Duarte Terrace.

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

Duff provided a staff report about the proposed Disposition and Development Agreement.

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

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

Ben Beckler, Project Manager, Southern California Presbyterian Homes, discussed the project further, and responded to questions from Councilmembers.

Leech read by title Council Bill 04-R-03:

A RESOLUTION OF THE CITY OF DUARTE APPROVING
A DISPOSITION AND DEVELOPMENT AGREEMENT
BETWEEN THE REDEVELOPMENT AGENCY OF THE
CITY OF DUARTE AND ANDRES DUARTE TERRACE

RESOLUTION NO. 04-03

Reyes moved, Gaston seconded to waive further reading and adopt Resolution No. 04-03, and carried unanimously.

PUBLIC HEARING
Council Bill 04-O-01
Second Dwelling Units
(First Reading)

Mayor Fasana announced this was the time and place set for a Public Hearing to consider Municipal Code Amendment 03-1 (second dwelling units).

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 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 staff report about the proposed amendment to the Duarte Municipal Code.

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

Bill Hyatt inquired about the effect on the square footage of units and lots.

Cox stated the Municipal Code does not allow a second unit on a lot less than 6,000 square feet, and does not allow additions that exceed 35% of the lot coverage.

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

Leech read by title Council Bill 04-O-01:

AN ORDINANCE OF THE CITY OF DUARTE AMENDING CHAPTERS 19.08, 19.24, 19.26, AND 19.28 OF THE DUARTE MUNICIPAL CODE TO ESTABLISH PROVISIONS FOR MINISTERIAL REVIEW OF SECOND DWELLING UNITS IN ALL SINGLE FAMILY RESIDENTIAL (R-1, R-1A, and R1-B) ZONES (First Reading)

Finlay moved, Paras seconded to waive further reading and introduce Council Bill 04-O-01 for first reading, and carried unanimously.

CONSENT CALENDAR

Reyes moved, Finlay seconded to approve the Consent Calendar, as follows, and carried unanimously.
Approve Items A, B, D.
Receive and file Item C.

CITY MANAGER
2002/03 audited financial statements

Finlay moved, Paras seconded to receive and file the 2002/03 City of Duarte audited financial statements, and carried unanimously.

Architectural Services
Lena Valenzuela Park
Armstrong & Walker

Reyes moved, Finlay seconded to select Armstrong & Walker as the landscape architects for the development of Lena Valenzuela Park, and authorize staff to negotiate a fixed fee for its services, per staff recommendation, and carried unanimously.

ORAL COMMUNICATIONS

The following spoke about items not on the Agenda:
Jack Collins – Construction on Mt. Olive Drive, standards for banners on Huntington and Mt. Olive Drive.
Bill Hyatt – Election, vandalism of signs, political flyer.
Brian Lister – Campaign etiquette.

ITEMS FROM COUNCIL
Chamber/School District
Commission Representatives

Reyes moved, Paras seconded to concur with the Chamber of Commerce's reappointment of Steve Markman as the Chamber Representative to the Economic Development Commission, and the Board of Education's reappointment of Kenneth Bell as the School District Representative to the Parks and Recreation Commission, and carried unanimously.

Patriot Act (Fasana)

Carie Osburn, Duarte, provided information about opposition to the Patriot Act and protection of civil liberties.

Council Bill 04-R-04

Mayor Fasana suggested bringing forward the National League of Cities resolution included with the Agenda packets as City of Duarte Resolution No. 04-R-04, and adopting it at this meeting.

RESOLUTION NO. 04-04

Finlay moved, Gaston seconded to draft and adopt Resolution No. 04-04 as follows, and carried unanimously.

A RESOLUTION OF THE DUARTE CITY COUNCIL AFFIRMING THE PRINCIPLES OF FEDERALISM AND CIVIL LIBERTIES

Sale of Fireworks (Gaston)

Gaston stated the sale of fireworks are an effective way of funding youth activities, hoped more non-profits could participate, asked that Council look at how permits are awarded, and suggested using the Duarte Community Coordinating Council Rose Float Concession as a model.

Bill Hyatt, Duarte, stated the organizations that have had permits in the past provide services to youth, and felt it would be hard to divide up the money.

Karl Uhlig, Duarte, stated there should not be fireworks in the City, some youth groups refuse funds received from sale of fireworks, and stated there are different tax laws for non-profits.

There was discussion about groups who wanted to participate in the past and were excluded, partnerships with organizations, safety hazards, and other forms of possible revenue.

(Continued)

Gaston asked that this item be continued and agendized in about one month so she can receive more input. Council concurred.

FINLAY: Thanked American Medical Response for the Junior Paramedics Program at Royal Oaks School.

REYES: 1) Inquired about the status of the traffic signal at Crestfield and Huntington. Cox responded; 2) Thanked staff for the striping on Fernley; 3) Stated the Public Safety Neighborhood Watch Newsletter is an outstanding publication, and discussed the article about a phone bill scam; 4) Stated there is a movement by some Vietnam Veterans about a Welcome Back Vietnam Veterans Day, and hoped the City would adopt a Proclamation; and 5) Stated he just received a note from Mr. Preston, Duarte High School Booster President, that stated he would like to be part of the committee to study fireworks sales.

GASTON: Thanked Becky Evans and staff for the reception in honor of the Buena Vista Pavilion volunteers and sponsors.

PARAS: 1) Congratulated new officers of the Community Education Council; 2) Stated she has seen the apartment construction on Mt. Olive Drive, it is an eyesore and safety hazard, and asked that it be looked at by staff; and 3) Thanked Mrs. Medina at Andres Duarte for the opportunity to speak with parents, stated they were pleased with the lines painted on Fernley, and stated they appreciate the assistance provided by Lupe at City Hall for those who speak Spanish.

FASANA: 1) Thanked staff for the fast striping efforts on Fernley; 2) Congratulated all involved in the Buena Vista Pavilion event; and 3) Thanked staff for their work with youth.

CLOSED SESSION

Reyes thanked Jesse Duff for his tenure of 17 years, congratulated him on his retirement, and wished him the best.

Mayor Fasana stated all Council shares in that, and has mixed feelings.

Bill Hyatt, Duarte, urged City Council to join the search with the cities of Monrovia and Azusa, and to look outside the City.

Mayor Fasana called a Closed Session at 10:02 p.m. to discuss and take action concerning options available for the appointment of a City Manager following the March 31, 2004, retirement of the current City Manager, pursuant to Government Code Section 54957(b)(1). City Council reconvened at 10:40 p.m. City Attorney Leech announced that by a unanimous vote, the City Council agreed to offer City Manager Jesse Duff a consulting agreement for six months, and to enter into a search for a new City Manager, and to have a forum wherein the community can provide input as to qualifications and suggestions for a new City Manager.

ADJOURNMENT

Finlay moved, Paras seconded to adjourn the meeting at 10:42 p.m. in memory of Ann Barker, Darlynn Spickard, Ramon Ornelas, Robert Soto, Roger Menlove, and Ralph Hernandez, Jr., to the Waste and Recycling Workshop, February 10, 2004, 5:00 p.m., and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk