

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, APRIL 13, 2004

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** Margaret Viramontes 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: Gaston, Paras, Reyes, Fasana
ABSENT: Finlay
ADMINISTRATIVE STAFF PRESENT: City Manager
Duff, City Attorney Slater
- ADOPTION OF AGENDA** Reyes moved, Gaston seconded to adopt the Agenda, as amended to continue Items 12.C (Contract renewal with William Marino Enterprises) and 12.D (Contract renewal with Clean Streets), and to conduct the Redevelopment Agency Meeting after Item 7 (Public Hearing), and carried unanimously.
- ANNOUNCEMENTS**
- Jan Wight, Duarte Chamber of Commerce, announced MAD Mixer on April 15 at Ink Spots, Good Morning Duarte on April 20, and 83rd Installation at Holiday Inn Monrovia on April 14.
- Pui-Ching Ho, Duarte Library, announced Library Open House and Book Sale on April 17.
- Bill Baca, Senator Romero's office, announced Education Summit at Arroyo High School on April 23.
- Mark Montgomery announced Dennis Weathersby was injured in an auto accident near Cincinnati.
- Gaston asked that the meeting be adjourned in memory of Eva Etta Bailey.
- SPECIAL ITEMS**
- Contract Services Agreement**
City Attorney
Mayor Fasana introduced Dan Slater from Rutan & Tucker, LLP. Reyes moved, Paras seconded to approve the contract services agreement with Rutan & Tucker, LLP, for City Attorney services, and carried unanimously. City Council members welcomed Dan Slater to the City of Duarte.
- Recognition – Margaret Viramontes**
Mayor Fasana introduced and congratulated Margaret Viramontes for recently being named Woman of the Year for Congressional District 32 by Congresswoman Hilda Solis, and noted a City of Duarte Certificate of Appreciation was previously presented to her. Bill Baca presented Mrs. Viramontes with a Certificate of Recognition from Senator Romero.
- Recognition – Nita Hinig 80th Birthday**
Ed Cox, Director of Community Development, introduced Nita Hinig and her family members, and presented her with a cake in celebration of her 80th Birthday. Mayor Fasana presented her a Certificate of Recognition, and congratulations were extended.
- Proclamation – Santa Anita Family YMCA**
Mayor Fasana read and presented the Proclamation to Kathy Parnell, YMCA, in recognition of the Santa Anita Family YMCA Founder's Day Celebration.
- 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, Gaston seconded to approve the remainder of Fiscal Affairs, and carried unanimously.

PUBLIC HEARING
Council Bill 04-O-02
Assembly-Related Land Uses
(First Reading)

Slater read by title Council Bill 04-O-02:
AN ORDINANCE OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTERS 19.08 (DEFINITIONS), 19.24 (R-1 ZONE), 19.38 (R-2 ZONE), 19.52 (C-P ZONE), 19.56 (C-1 ZONE), AND 19.58 (C-2 ZONE) OF THE DUARTE MUNICIPAL CODE PERTAINING TO THE REQUIREMENT FOR CONDITIONAL USE PERMITS FOR ASSEMBLY-RELATED LAND USES
(First Reading)

Gaston moved, Reyes seconded to waive further reading, and carried unanimously.

Ed Cox, Director of Community Development, provided a staff report about the proposed amendment to the Duarte Municipal Code, which would remove the minimum acreage restriction for church uses and categorize conditional and permitted assembly-related land uses in the specified zones to comply with the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA).

Mayor Fasana announced this was the time and place set for a Public Hearing to consider Municipal Code Amendment 04-1 (Conditional use permits for assembly-related land uses).

City Attorney Slater 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.

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

Hard Thind discussed a situation in Los Angeles regarding a synagogue, and inquired if the Duarte Fellowship Church could be asked to relocate.

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

Slater stated the situation in Los Angeles is now on appeal, and with regard to acquisition of church property, that is an open question at this point.

Gaston moved, Paras seconded to introduce Council Bill 04-O-02 for first reading, and carried unanimously.

Duff stated the Redevelopment Agency and City have never considered acquiring Duarte Fellowship Church.

RECESS

Mayor Fasana called a Recess at 7:55 p.m. for the Redevelopment Agency Meeting. City Council reconvened at 9:00 p.m., with four members present, and Finlay absent.

CONSENT CALENDAR

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

Approve Items A, B.

Receive and file Items C, D, E.

TRAFFIC AND SAFETY
COMMISSION – Radar Sign

Cox provided a staff report about the Traffic and Safety Commission recommendation to install a radar sign on Royal Oaks Drive between Miltonwood Avenue and Chimes Avenue.

There was discussion about the possibility of developing criteria or guidelines.

Gaston moved, Paras seconded to approve the Traffic and Safety

Commission recommendation to install a V-Calm radar sign on Royal Oaks Drive between Miltonwood Avenue and Chimes Avenue, facing eastbound traffic, and asked that the Traffic and Safety Commission work with staff to establish guidelines in terms of the use of radar signs for future consideration, and carried unanimously.

CITY MANAGER
2004 Fireworks Applications

Reyes moved, Gaston seconded to award licenses to sell safe and sane fireworks to the Duarte Community and Education Foundation, the Duarte High School Booster Club, Kiwanis Club of Duarte, and L.U.L.A.C., per staff recommendation, and carried unanimously.

Agreement – Maximus, Inc.
Executive Recruitment Services

Kristen Petersen, Assistant to the City Manager, provided a staff report about the agreement with Maximus, Inc., for executive recruitment services.

Lino Paras, Duarte, suggested the item be tabled and internal employees be asked if they are interested.

Gaston moved, Paras seconded to approve the agreement with Maximus, Inc., for executive recruitment services, and to authorize the City Manager to execute the agreement, and carried unanimously.

ITEMS FROM COUNCIL
Federal lobbyist (Fasana)

Fasana moved, Reyes seconded that a staff report be presented during the budget process to include proposed cost estimates to acquire a Federal lobbyist to represent the City of Duarte, and to include a list of projects for possible funding at the Federal level, and carried unanimously.

SB 493 (Cedillo) – Hazardous
Materials – Liability (Fasana)

Fasana moved, Reyes seconded to go on record in support of SB 493 (Cedillo), with letters sent to Senator Cedillo and the appropriate committees, and carried unanimously.

PARAS: 1) Stated there have been positive comments about the Bike Trail, and extended thanks from her friends and neighbors; 2) Stated she attended Foothill Unity event, and hopes next year the City has a team; 3) Stated she has received comments about the manner in which the City Councilmembers deal with each other, and it is apparent in the things that are being done; 4) Stated Saturday is Wilderness Day, and she looks forward to this wonderful event; and 5) Welcomed Mr. Slater.

GASTON: 1) Stated she looks forward to the Wilderness Day event; 2) Commended those in the community who attended the open forum for the City Manager selection process; 3) Stated Jesse Duff was recently recognized by the Los Angeles County Board of Supervisors, and she was able to attend the event; 4) Stated she attended the Duarte Community Services Council, noted Dorothy Smith does an outstanding job, and asked that the name and phone number be posted on DCTV; 5) Stated the Easter Egg Hunts at Royal Oaks and Beardslee Parks were great opportunities for the community; 6) With regard to forming a basketball team, suggested that fundraising be started soon; and 7) Attended the event at Live Oak Memorial Park where there was a replica of the Vietnam Veterans War Memorial Wall, and stated it was a breathtaking experience.

REYES: 1) Stated the Vietnam Veterans War Memorial event was outstanding, and included those who served in other wars as well as those currently serving; 2) With regard to the Blue Star Program, stated if anyone knows someone serving our country, please call City Hall so they can be recognized. Duff stated staff

will discuss additional outreach efforts. Gaston noted Jeremy Bauer is in the middle of the fighting; 3) Asked for a report on a policy pertaining to use of City recreation facilities by residents who live in the County area; 4) Stated he has received complaints about Edison-owned power poles south of Mike's Food. Duff stated a report has been received from Edison, and it will be forwarded to City Councilmembers; and 5) Suggested there be a discussion about the possibility of establishing guidelines for naming parks after individuals as a way to recognize them and keep them in our memory, as well as other options, and stated Nita and Ed Carey have served as volunteers for many years and are solid candidates.

FASANA: 1) Stated we could look at naming streets after individuals to give them recognition; and 2) With regard to the Budget Workshops scheduled for May 3-5, stated he has a Foothill Transit meeting on May 5 and would not be able to attend the Workshop until after 7:00 p.m. that day.

ADJOURNMENT

Gaston moved, Reyes seconded to adjourn the meeting at 10:02 p.m. in memory of Eva Etta Bailey, to a Redevelopment Workshop on April 27, 2004, 5:00 p.m., and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk