

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, AUGUST 10, 2004

The City Council of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Pro Tem Finlay called the meeting to order at 7:05 p.m.

- PLEDGE TO THE FLAG** Letty Lopez 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 (7:06 p.m.)
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager Duff, City Attorney Slater
- ADOPTION OF AGENDA** Paras moved, Reyes seconded to adopt the Agenda, and carried unanimously.
- ANNOUNCEMENTS**
- Karen Herrera, Assistant to the City Manager, encouraged participation in the postcard writing campaign for a new Duarte library, and stated the postcards will be taken to Sacramento in September.
- Rodney Jefferson, Director, "A" Game Fundamental Basketball Clinic, presented Mayor Fasana with a plaque in appreciation of his support of the clinic.
- Jack Collins stated this is the last chance to apply for the library grant, and the postcards of support are very helpful.
- Mary Barrow announced Route 66 Parade fundraiser on August 21, 6:00 p.m., at Cabrera's and Route 66 Roadhouse.
- Paras congratulated the City of Hope for placing in the top 50 hospitals in the nation.
- Gaston thanked Rodney Jefferson for the programs he is bringing to our area and for investing in our youth.
- FISCAL AFFAIRS**
July 27, 2004 – August 10, 2004
- Gaston moved, Finlay seconded to approve payment to the Southern California Edison Company for warrants dated July 27, 2004, and August 10, 2004, and carried with Fasana abstaining due to a declared conflict of interest.
- Gaston moved, Finlay seconded to approve the remainder of Fiscal Affairs for warrants dated July 27, 2004, and August 10, 2004, and carried unanimously.
- SPECIAL ITEM**
City of Hope/Duarte High School Summer Internship Program
- Karen Herrera, Duarte's Promise, introduced Letty Lopez, Duarte's Promise, and Annette Mercurio, City of Hope, who described the City of Hope Healthcare Careers Internship Program. Mayor Fasana presented Certificates to the participants, and congratulations were extended.
- PUBLIC HEARING**
EIA 203 – Negative Declaration
Council Bill 04-O-04
Amends Sign Ordinance
(First Reading)
- Mayor Fasana announced this was the time and place set for a Public Hearing to consider a municipal code amendment to address high-rise building signage.
- 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.

Slater read by title Council Bill 04-O-04:

AN ORDINANCE OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 19.80 (SIGN ORDINANCE), SECTION 19.80.090, EXHIBIT "A" OF THE DUARTE MUNICIPAL CODE RELATED TO HIGH-RISE BUILDING SIGNAGE (First Reading)

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

Jason Golding, Senior Planner, presented a staff report about the proposed municipal code amendment relating to high-rise building signage, discussed Environmental Impact Assessment #203, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Checklist, and answered questions from Councilmembers pertaining to additional signage, lighting, testing, notification of residents, and feedback. Golding noted Section "b.iv.1" of the proposed ordinance was modified to clarify what is considered the beginning measuring point for screening wall height.

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

Gary Schultz, City of Hope, thanked staff for its thorough and thoughtful approach, discussed the Planning Commission recommendation, stated they appreciate City Council's support, and answered questions pertaining to illumination of the sign.

Lino Paras, Duarte, stated he supports the ordinance in general, noted visibility from the 605 freeway, and suggested an awning to block the light.

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

Finlay moved, Reyes seconded to approve the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Checklist, and to introduce Council Bill 04-O-04, as modified, for first reading, and carried unanimously.

Council Bill 04-R-17
Congestion Mgmt. Program

Mayor Fasana announced this was the time and place set for a Public Hearing to consider adopting the Congestion Management Plan (CMP) Local Implementation Report and self-certification with Los Angeles County.

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.

Slater read by title Council Bill 04-R-17:

A RESOLUTION OF THE CITY OF DUARTE, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL IMPLEMENTATION REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

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

Duff provided a staff report about the Congestion Management Plan.

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

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

RESOLUTION NO. 04-17

Finlay moved, Paras seconded to waive further reading and adopt Resolution No. 04-17, and carried unanimously.

Council Bill 04-R-18
Natural Hazard Mitigation Plan

Mayor Fasana announced this was the time and place set to consider the Duarte Natural Hazard Mitigation Plan 2004 in accordance with the Federal Disaster Mitigation Act of 2000.

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.

Slater read by title Council Bill 04-R-18:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ADOPTING THE CITY OF DUARTE NATURAL HAZARD MITIGATION PLAN 2004 IN ACCORDANCE WITH THE FEDERAL DISASTER MITIGATION ACT OF 2000

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

Don Anderson, Director of Safety Coordination, and Laura Nash, Preferred Planning, provided information about the requirement for a disaster mitigation plan to be in place to be eligible for both pre- and post-federal disaster funding, preparation of the Duarte Natural Hazard Mitigation Plan, and recommendation for approval and adoption of the resolution.

City Council expressed appreciation to staff for the comprehensive document, stated it is very helpful and well written, and suggested a copy be available at the Duarte Library.

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

Harb Thind, Duarte, stated Mt. Olive Drive is the only access street for Duarte Mesa residents, and suggested getting money from FEMA to construct an alternate route.

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

RESOLUTION NO. 04-18

Finlay moved, Paras seconded to adopt Resolution No. 04-18, and carried unanimously.

CONSENT CALENDAR

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

COUNCIL BILLS

Council Bill 04-R-19
Detoured traffic – Rt. 66 Parade

Slater read by title Council Bill 04-R-19:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, SUPPORTING THE DUARTE ROUTE 66 PARADE AND AGREEING TO ACCEPT LIABILITY AND MAINTENANCE FOR DETOURED TRAFFIC FROM THE MOUNT OLIVE OFF-RAMP

RESOLUTION NO. 04-19

Finlay moved, Gaston seconded to waive further reading and adopt Resolution No. 04-19, and carried unanimously.

Council Bill 04-O-05

Dismissed handicapped parking citations fee
(First Reading)

Slater read by title Council Bill 04-O-05:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADDING SECTION 11.12.040 TO CHAPTER 11.12 OF THE DUARTE MUNICIPAL CODE, RELATING TO AN ADMINISTRATIVE FEE FOR THE ISSUANCE OF HANDICAPPED PARKING CITATIONS THAT ARE LATER DISMISSED (First Reading)

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

Duff provided a staff report. Slater indicated a public hearing is not required for the second reading of this proposed ordinance, and stated the approval of a \$30 administrative fee will require a separate action.

Reyes moved, Finlay seconded to introduce Council Bill 04-O-05 for first reading, and carried unanimously.

CITY MANAGER
Notice of Completion
Bike Trail Improvements
E. C. Construction Company

Reyes moved, Paras seconded to accept the Bike Trail Improvements project, per staff recommendation, authorize the City Clerk to file the necessary Notice of Completion together with release of bonds, and carried unanimously.

Notice of Completion
Concrete Repair Program
Gentry Brothers, Inc.

Reyes moved, Gaston seconded to accept the Concrete Repair Program project, per staff recommendation, authorize the City Clerk to file the necessary Notice of Completion together with release of bonds, and carried unanimously.

Contract – Independent Auditor

Mike Yelton, Assistant City Manager, presented a staff report about the six proposals received for independent auditor, and answered questions from City Council pertaining to cost, GASB 34, special services, public confidence, and length of contract.

Lino Paras, Duarte, stated staff making a recommendation has the appearance of a conflict of interest.

Reyes moved to award the contract for independent auditor to Teaman, Ramirez & Smith. The motion died for lack of a second.

Finlay moved, Gaston seconded to award a two-year contract for independent auditor to Edwards, Eichel & Beranek.

Paras moved a substitute motion to award the contract for independent auditor to Conrad and Associates. The motion died for lack of a second.

Mayor Fasana suggested a friendly amendment to the main motion that after two years, bids for independent auditor would again be submitted. The main motion to award a two-year contract for independent auditor to Edwards, Eichel & Beranek carried unanimously.

Onsite Wastewater Treatment
Systems – MOU

Duff provided a staff report about the proposed Memorandum of Understanding with the California Regional Water Quality Control Board.

Reyes moved, Finlay seconded to authorize the City of Duarte to enter into a Memorandum of Understanding (MOU) with the California Regional Water Quality Control Board, Los Angeles Region, designating the City of Duarte as the Qualified Local Agency for the implementation of applicable siting, permitting, construction, inspection, monitoring, and performance requirements for certain onsite wastewater treatment systems (septic tanks), per staff recommendation, and carried unanimously.

ORAL COMMUNICATIONS

The following spoke about items not on the Agenda:

Brian Lister – Rebate to encourage sewer hook-up.

Harb Thind – New sewer lines.

Nick Lopez – Rates for soccer field rental.

Jack Collins – Dog bags on trail, West Nile virus, street sweeping on Mt. Olive.

Mark Montgomery – Off-duty officer killed near Compton.

Lino Paras – Quarterly report crime statistics.

Duff stated the policy pertaining to sports field rental rates will be on the August 24 City Council Agenda.

ITEMS FROM COUNCIL
Voting Delegate/Alternate
League Conference

It was determined that Councilmember Gaston would be designated as the Voting Delegate and Councilmember Paras would be the Voting Alternate for the 2004 League of California Cities Annual Conference.

REYES: 1) Suggested working with the owners to correct the cracked walkway in Mike's Food Center, as it is a public safety hazard; 2) Stated he has received comments about homeless persons living under bridges of the riverbed area, and asked that it be looked into; and 3) Welcomed Donna Georgino back.

GASTON: 1) Stated the National Night Out event was outstanding; 2) Encouraged parents to use the improved DNA kit; 3) Enjoyed the Big Creek tour of the hydro-electric system; 4) Asked if there could be a second location for a banner to be displayed in the City; and 5) Inquired about the issue of shopping carts. Duff stated there is a program in place, and the phone number will be made available on the City's website and in the Duarte View.

FINLAY: 1) Regarding West Nile virus, encouraged getting rid of standing water, and noted Vector Control will spray pools if mosquitoes are breeding; 2) Stated our Neighborhood Watch is active, and is a tribute to the Public Safety Office; 3) Congratulated volunteers honored at the Public Safety Volunteer dinner; 4) Announced Household Hazardous Waste Round-Up at Santa Anita Race Track on August 14; 5) Announced Route 66 Parade fundraiser on August 21; and 6) Suggested a breakfast meeting with the Sheriff's Department. Duff stated staff is scheduling it.

PARAS: 1) Congratulated the City of Hope for receiving the award from U. S. News as one of 50 best hospitals, and congratulated the graduates of the Healthcare Occupations Program; 2) Stated National Night Out was a great event; and 3) Stated since the Traffic and Safety Commission does not deal with public safety issues, suggested looking into the possibility of a public safety commission or having the Traffic and Safety Commission address public safety.

FASANA: 1) Congratulated all who participated in the National Night Out event; 2) Welcomed Donna Georgino back; 3) Announced Day of Remembrance event at Beardslee School on September 11, 2004, 9:00 a.m.; 4) Stated the League forum in Monterey was timely, and there is some resolution of the State budget; 5) Announced Bridge Party to celebrate the restoration of the Oak Avenue Bridge on September 9, 5:45 p.m.; 6) Inquired about public notice advertising process for Public Hearings. Slater stated he will look into the matter; 7) Stated if there is a way to include crime hot tips on the City's website, it could be a good opportunity; and 8) Stated he will be presenting the proclamation recognizing Dr. Arthur Riggs at the City of Hope event on Thursday.

ADJOURNMENT

Finlay moved, Gaston seconded to adjourn the meeting at 10:07 p.m., in memory of Captain Michael Sparkes and Ann Ybarra, to a Special City Council Meeting, August 11, 2004, 11:00 a.m., and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk