

MINUTES

**CITY COUNCIL OF THE CITY OF DUARTE
REGULAR MEETING – TUESDAY, AUGUST 24, 2004**

At 6:00 p.m., a reception was held in celebration of the Forty-Seventh Anniversary of the incorporation of the City of Duarte.

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 7:00 p.m.

- PLEDGE TO THE FLAG** Silvia Hurtado 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 Slater
- ADOPTION OF AGENDA** Reyes moved, Gaston seconded to adopt the Agenda, as amended to add a Closed Session (Government Code Section 54954.5(e) Public Employee Appointment – City Manager) prior to Adjournment, and carried unanimously.
- ANNOUNCEMENTS** Kristen Petersen, Assistant to the City Manager, announced Honor Among Ashes event on September 11, 9:00 a.m., at Beardslee School.
Jan Wight, Duarte Chamber of Commerce, announced MAD Mixer on August 25 at 5:30 p.m., Grand Opening of Flying Pizza on September 8 at noon, Grand Opening of We Pack It All on September 9 at noon, Route 66 Mixer on September 15 at Rancho Duarte Golf Course, and Legislative Action Committee quarterly luncheon on September 22.
Don Anderson, Duarte Rotary, announced Rotary Club’s 19th Annual Golf Tournament fundraiser on September 16 at Rancho Duarte Golf Course.
Mary Barrow announced Oak Avenue Bridge Party on September 9 at 5:45 p.m., Route 66 Parade and City Picnic on September 19, and Festival of Authors on October 2, 10:00 a.m., at Westminster Gardens.
- FISCAL AFFAIRS** Finlay moved, Reyes seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.
Finlay moved, Gaston seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- SPECIAL ITEM**
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 Fasana presented a blue star banner to the family of Scott Van Den Vryhoef, and congratulations were extended.
- PUBLIC HEARINGS**
Council Bill 04-R-23
General Plan Amendment 04-1 Mayor Fasana announced this was the time and place set for a Public Hearing to consider General Plan Amendment 04-1.
City Attorney Slater asked Acting City Clerk Cox if notice of the hearing had been given. Cox stated the notice had been given and the affidavit was on file.
Slater read by title Council Bill 04-R-23:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING THE LAND USE

POLICY MAP OF THE CITY'S GENERAL PLAN FOR CERTAIN PARCELS OF LAND FROM HIGH DENSITY RESIDENTIAL TO GENERAL COMMERCIAL (General Plan Amendment 04-1)

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

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

Duff provided a staff report about the proposed General Plan Amendment and Disposition and Development Agreement between the Redevelopment Agency of the City of Duarte and Los Angeles Orphan Asylum (Maryvale Childcare Center), and noted the staff report also includes City Council Agenda Item 8.A and Redevelopment Agency Item 5.A (Joint Public Hearing).

Ed Cox, Director of Community Development, provided an overview of the proposed General Plan Amendment, site plan, facility floor plan, elevations, and recommendations from the Planning and Traffic and Safety Commissions.

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

Anthony Perelli, representing owners Mr. and Mrs. Leong, stated the Leongs object to the general plan amendment as it would incorporate private property into another property owner's private use, they would like to develop the property on their own under the current zoning, asked that City Council consider not changing the zoning, and presented written statements from the property owners.

Dr. Vincent Castro, Director of Mental Health Programs for Maryvale, stated the intent is to offer counseling services to the community.

Brian Lister, Duarte, expressed concern about the traffic situation and notification of property owners.

Cox stated notices of the Planning Commission Public Hearing and the City Council Public Hearing were sent to residents within 600 feet of the subject property, and noted a traffic signal would be installed at Crestfield and Huntington Drive.

Cathy Sanchez Fitzgerald, parent of students, stated she will be a benefactor of the counseling, and stated the center is a support group for her family.

Michael Giron, Associate Executive Director for Maryvale, provided information about the history of Los Angeles Orphan Asylum, and asked City Council to consider approving the amendment.

Fred Wesley, architect, stated with regard to traffic, the school does not have a starting bell time, students arrive between 6:00 and 9:00 a.m., noted a County drainage easement runs through the center of the Leong's property, and stated on the site plan, the easement runs through the parking lot.

Bill Hyatt, Duarte, stated having a parking lot would be a great benefit, it is a lovely looking project, and it does not block the view from the houses behind it.

Harb Thind, Duarte, stated this is a humanitarian project, it addresses the needs of the community, and suggested the matter be settled with the Leongs before proceeding with the project.

Terry Kaveldo, Program Coordinator and owner of former Land of Oz, stated the children of Duarte need this, Maryvale has been a frontrunner of many youth programs, Maryvale works with many agencies and has served Duarte for over 20 years, and stated this is a positive change.

Dr. Trisha Hassle, psychologist and parent, stated benefits

include after school support and caring and loving caregivers, and stated this will beautify the City.

Micaela Flores, Duarte, stated this is important for children and the community, many families will benefit, and stated she hopes the City Council looks at the benefits to the entire community.

Sam Leong, property owner, stated he opposes the general plan amendment, his property is not for sale, he wants to use it for development, and asked that City Council reject the Maryvale project.

Mrs. Leong, property owner, stated she objected to this, it is not right to take her property for Maryvale Childcare Center, it is not for public use, felt they could make the parking lot smaller and use their own land for buildings, and stated she has her own plan for property next to her commercial building and wants to put condominiums on her lot.

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

RESOLUTION NO. 04-23

Reyes moved, Paras seconded to approve the Negative Declaration and adopt Resolution No. 04-23, and carried unanimously.

RECESS

Mayor Fasana called at Recess at 8:21 p.m. for the Redevelopment Agency meeting. City Council reconvened at 8:23 p.m. for the Joint Public Hearing.

JOINT PUBLIC HEARINGS
D.D.A. – L. A. Orphan Asylum
Council Bill 04-R-20

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 Los Angeles Orphan Asylum.

City Attorney Slater asked Acting City Clerk Cox if notice of the hearing had been given. Cox 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. Cox stated a letter was received August 16, 2004, from L. Richmond, and is included in the Agenda packet.

Slater read by title Council Bill 04-R-20:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AND THE LOS ANGELES ORPHAN ASYLUM

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

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

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

RESOLUTION NO. 04-20

Finlay moved, Reyes seconded to adopt Resolution No. 04-20, and carried unanimously.

D.D.A. – Emporium Family Trust
(Continued to 9/14/04)

Mayor Fasana announced this was the time and place set for a Joint Public Hearing to consider a proposed Disposition and Development Agreement between the Redevelopment Agency of the City of Duarte and Emporium Family Trust.

City Attorney Slater asked Acting City Clerk Cox if notice of the hearing had been given. Cox 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. Cox stated there were none.

City Attorney Slater stated this item was noticed as a Joint Public Hearing, and the recommendation from staff is to open the Joint Public Hearing and continue the item to September 14, 2004, with public testimony to be taken on September 14, 2004.

Mayor Fasana and Chairperson Paras opened the Joint Public Hearing, and asked if there was anyone in the audience who wished to be heard on this matter.

Harb Thind, Duarte, stated he attended a community meeting presented by Mr. Patel about this property, and was pleased that the project is a step higher and will take Duarte to a state of excellence.

Finlay moved, Gaston seconded to continue the Joint Public Hearing for this item to September 14, 2004, and carried unanimously.

RECESS

Mayor Fasana called a Recess at 8:32 p.m. to continue the Redevelopment Agency Meeting. City Council reconvened at 9:13 p.m., with all members present.

PUBLIC HEARING Council Bill 04-R-24 Housing Element

Mayor Fasana announced this was the time and place set for a Public Hearing to consider the City of Duarte Housing Element 2000-2005.

Mayor Fasana read by title Council Bill 04-R-24:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING THE GENERAL PLAN FOR THE CITY BY REVISING THE HOUSING ELEMENT

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

Cox introduced consultant Art Rangel, Economic Development Specialists, who provided an overview of the process, including the purpose for updating the Housing Element, State requirements, noticing and meeting process, as well as goals and policies within the draft document.

City Attorney Slater asked Acting City Clerk Cox if notice of the hearing had been given. Cox 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. Cox stated there were none.

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

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

Harb Thind, Duarte, stated he was impressed with the report and thinks it should be adopted, and inquired about credits for City-owned apartments that will be rehabilitated.

Art Rangel described the requirement for replacement housing. Slater provided additional information for obtaining credits under California Redevelopment Law.

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

Finlay moved, Paras seconded to approve the Negative Declaration and adopt Resolution No. 04-24.

Finlay requested a copy of the information in Mr. Rangel's presentation from the Institute for Local Self-Government.

Reyes and Gaston suggested a workshop about the Housing Element be conducted. Duff stated a workshop could be scheduled to discuss the goals and objectives identified in the document.

Mayor Fasana noted minor typographical errors on page 4-7.

RESOLUTION NO. 04-24 The motion to approve the Negative Declaration and adopt Resolution No. 04-24 carried by the following Roll Call vote:
 AYES: Gaston, Paras, Finlay, Reyes, Fasana
 NOES: None

CONSENT CALENDAR Finlay moved, Paras seconded to approve the Consent Calendar, as follows, and carried unanimously.
 Approve Items A, B, E.
 Receive and File Item C.
 Deny Item D.

COUNCIL BILLS Slater read by title Council Bill 04-O-04:
 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 (Second Reading)
 High-Rise Building Signage (Second Reading)
 Finlay moved, Reyes seconded to waive further reading, and carried unanimously.

ORDINANCE NO. 775 Finlay moved, Paras seconded to adopt Ordinance No. 775, and carried unanimously.

Council Bill 04-O-05 Slater read by title Council Bill 04-O-05:
 Dismissed handicapped parking citations fee 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 (Second Reading)
 (Second Reading)

ORDINANCE NO. 776 Finlay moved, Paras seconded to waive further reading and adopt Ordinance No. 776, and carried unanimously.

Council Bill 04-R-21 Slater read by title Council Bills 04-R-21 and 04-R-22:
 Council Bill 04-R-22 04-R-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE STATE URBAN PARKS AND HEALTHY COMMUNITIES PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION BOND ACT OF 2002 FOR ROYAL OAKS PARK BUILDING RENOVATION
 Grant Funds – Royal Oaks Park Building Renovation 04-R-22 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBANIZED AREA NEED-BASIS PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION BOND ACT OF 2002 FOR ROYAL OAKS PARK BUILDING RENOVATION

RESOLUTION NO. 04-21 Finlay moved, Paras seconded to waive further reading and adopt Resolutions 04-21 and 04-22, and carried unanimously.
 RESOLUTION NO. 04-22

CITY MANAGER Duff provided a staff report about the current sports field rental rates policy, as well as the proposed amendment to revise the policy as follows: Children that reside in the unincorporated Duarte County area that attend school within the Duarte Unified School District boundaries will be counted as residents for the purpose of calculating resident percentages.
 Sports Field Rental Rates Mayor Fasana suggested a meeting with youth groups, School District, and the City to discuss coordination issues such as sprinklers and lighting, and stated the Parks and Recreation Commission may be the forum to discuss these issues.
 Finlay moved, Paras seconded to approve the amendment to the

policy concerning sports field rental rates as stated above, and carried unanimously.

Prop A Fund Exchange
City of La Verne

Duff provided a staff report about the proposed exchange of funds with the city of La Verne for the purchase of Prop A funds.

Finlay moved, Gaston seconded to authorize the appropriation of \$182,500 in General Fund dollars for the purchase of Prop A dollars from the city of La Verne, and to authorize the City Manager to execute the necessary agreement, per staff recommendation, and carried unanimously.

ITEMS FROM COUNCIL

PARAS: 1) Thanked Becky Evans for the Concerts in the Park, and congratulated the participants and winner of Duarte Idol; and 2) Thanked Councilmember Finlay for bringing useful information to our attention regarding West Nile Virus.

FINLAY: 1) Stated West Nile Virus has hit close to home, Vector Control will be delivering information to households in the City, and provided information for prevention; 2) Attended the Public Safety Volunteer dinner, and thanked all volunteers, Neighborhood Watch members, and staff; and 3) Stated the Route 66 fundraiser dinner event was great.

GASTON: 1) Enjoyed the Duarte Idol competition, and thanked Becky Evans and sponsors; 2) Attended the Route 66 Parade Committee event, and thanked owners and management at Cabrera's and Route 66 Roadhouse; and 3) Stated the summer swim program exceeded her expectations.

FASANA: 1) Displayed a Certificate of Recognition presented by Assemblymember Liu for the City's 47th anniversary; 2) Stated he enjoyed the Route 66 fundraiser event; 3) Stated the Public Safety Volunteer dinner was a tremendous event and thanked all volunteers; 4) Attended City of Hope event recognizing Dr. Riggs; 5) Congratulated staff for the Concerts in the Park; 6) Stated he received a call from a resident on Santo Domingo next to the Alexander Catania Development who had mortar splashed on her walls and windows, and asked if a letter from the City Council is in order. Duff suggested this is a civil matter; and 7) Asked if staff could find out about the status of the closed recreation room in the senior housing on the southwest corner of Duarte Road and Buena Vista, and inquired about Direct TV in that building. Slater stated Direct TV is controlled by Federal law, and rules of placement cannot conflict with the law.

CLOSED SESSION

Mayor Fasana called a Closed Session at 10:22 p.m. pursuant to Government Code Section 54954.5(e) – Public Employee Appointment – City Manager. City Council reconvened at 10:39 p.m., with all members present. City Attorney Slater stated a discussion ensued regarding the public employee appointment for the City Manager. City Council gave direction to Mayor Fasana and Councilmember Paras to continue working with the consultant toward filling the position of City Manager.

ADJOURNMENT

Reyes moved, Paras seconded to adjourn the meeting at 10:40 p.m., and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk