

MINUTES

**CITY COUNCIL OF THE CITY OF DUARTE
REGULAR MEETING – APRIL 26, 2005**

At 5:30 p.m., a reception was held to honor sponsors and participants of the Duarte International Friendship Committee's visit to China.

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

- PLEDGE TO THE FLAG** Dave Stewart led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION** A silent moment of reflection was observed.
- FITNESS WARM-UP** Fasana led the group in a series of warm-up exercises.
- RECORDATION OF ATTENDANCE** The following were in attendance:
PRESENT: Fasana, Gaston, Paras, Reyes, Finlay
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater
- ADOPTION OF AGENDA** Gaston moved, Reyes seconded to adopt the Agenda, and carried unanimously.
- ANNOUNCEMENTS** Karen Herrera announced Fish Canyon Trail will be open for the next three Saturdays from 8:00 a.m. until noon.

Pui-Ching Ho, Duarte Library, thanked Councilmember Gaston for being a guest storyteller, and invited all to a special play at the library on April 27, 3:00 p.m., during TV Turn-Off Week.

Elisa Clifford, Southern California Edison Company, introduced herself as the new representative to the City.

Robert Cuite thanked the City Council for adjourning the last meeting in the memory of his brother.
- FISCAL AFFAIRS** Gaston moved, Reyes seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.

Fasana moved, Gaston seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS**
Introduction/Oath of Office
New Commissioners Mayor Finlay introduced Economic Development Commissioners Lorraine Perez and Lyn Cross, Planning Commissioners Bill Lawrence and Robert Cuite, and presented them with Certificates of Appointment. The Oath of Office was administered to the newly appointed City Commissioners, and congratulations were extended.
- Recognition – Ezequiel Lopez** Mayor Finlay introduced and thanked Ezequiel Lopez for his years of military service, and congratulated him on receiving his medals at a special presentation at the Duarte Senior Center.
- Recognition – Dave Stewart** Mayor Finlay introduced Dave Stewart, Cal-Am Water Company, presented him with a framed Certificate in appreciation of his 35 years of service with Cal-Am Water Company, and congratulated him on his recent retirement.
- Recognition – Cristina Madrid** Mayor Finlay thanked Cristina Madrid for her twelve years of service and dedication to the city of Azusa, and stated since Ms. Madrid was not able to attend the meeting, her certificate would be sent to her.

Presentation – Vulcan Materials

Jim Gore, Vulcan Materials, made a visual presentation to illustrate the impact of Vulcan’s proposed 80-acre expansion from two Duarte locations, Greenbank/Conata Street, and Mt. Olive/Huntington Drive, with a view simulation of existing conditions, pre-reclamation conditions, and post-reclamation conditions.

Karl Uhlig felt the City should obtain an interest in the property, and discussed the need to prevent this from happening, class action lawsuit, recoup of loss of property value, and concern about particulate matter.

Gary Nawa discussed amount of time for reclamation, existence of Fish Canyon after mining, giving up of City’s history and environment, testing parameters, and accuracy of report.

Daniel Hyke stated the mountains add to property values, this has already hurt Azusa and will now hurt Duarte, and suggested all cities in the San Gabriel Valley boycott Azusa economically.

Susan Buchanan expressed concern about air particulate, smog, aesthetics, and number of truck trips, and stated cancer and asthma causing particulate affects the entire San Gabriel Valley.

Ernie Martinez stated Vulcan has never complied with the dust mitigation requirements, and expressed concerns about quality of life, visual impact, and number of tons of hillside taken away.

Dede Stokes expressed concern about air quality, noise, traffic, and flood control, stated Vulcan cannot reclaim the stream, and requested they cease operations and donate the land for a park.

City Council discussed environmental concerns, visual impact, EIR process, the need for active involvement, effect on the San Gabriel Valley as a whole, working with the AQMD, the need to be considerate of neighbors, scarring of mountains in Azusa, and use of the Angeles National Forest by Los Angeles County residents. Mr. Gore answered questions from City Council pertaining to timeline for reclamation process, when the plan will be submitted to Azusa, the environmental process, and Vulcan’s entitlement through 2038.

Robert Person, Azusa Assistant City Manager, provided a recap of discussions held between the city of Azusa and Vulcan, and discussed components that comprise the application.

Gaston moved, Reyes seconded to receive and file the presentation by Vulcan Materials, and carried unanimously.

PUBLIC HEARING
MCA 05-1 – Title 19
Planning and Zoning
(Continued to 5/10/05)

Mayor Finlay announced this was the time and place set for a Public Hearing to consider Municipal Code Amendment 05-1, a City-initiated request to amend Title 19 “Planning and Zoning” of the Duarte Municipal Code by adding Chapter 19.68 to establish an Inclusionary Housing Ordinance. Inclusionary Housing Regulations and an In-Lieu Fee are also proposed to be adopted by Resolution. Slater stated staff recommendation is to open the Public Hearing and continue the Hearing to the regular City Council Meeting of May 10, 2005, with public testimony to be taken on May 10, 2005.

Fasana moved, Reyes seconded to open the Public Hearing, and continue the Hearing to the City Council Meeting of May 10, 2005, and carried unanimously.

CONSENT CALENDAR
(Items Added)

Fasana moved, Gaston seconded to add the following Conference Attendance items to the Consent Calendar, and carried unanimously.

1) League of California Cities Legislative Action Days, May 11, 2005; 2) Chamber Installation Dinner, May 13, 2005; 3) Foothill Unity Center Heart in Hand Humanitarian Award Dinner, June 3, 2005; and 4) San Gabriel Valley Economic Partnership dinner on May 7, 2005.

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

Approve Items A, B.

Receive and File Items C, D, E.

COUNCIL BILL

Council Bill 05-R-08

Mosquito/Vector Control/West Nile Virus Awareness Week

Mayor Finlay read by title Council Bill 05-R-08:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DESIGNATING APRIL 25 – MAY 1, 2005, AS “MOSQUITO AND VECTOR CONTROL AND WEST NILE VIRUS AWARENESS WEEK”

RESOLUTION NO. 05-08

Fasana moved, Paras seconded to waive further reading and adopt Resolution No. 05-08, and carried unanimously.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda:

Ron Rouhana – Andres Duarte School trash pick-up, rail and mural on bridge.

Mary Ann Ur – Fiddler musical, Wilderness Day hike, skateboarders at Royal Oaks Park.

Chris Russo – Evening with the Stars event.

ITEMS FROM COUNCIL

Appointment to Ad Hoc Downtown Duarte Advisory Committee (Gaston)

Fasana moved, Paras seconded to concur with Gaston’s appointment of Patricia De Rose to the Ad Hoc Downtown Duarte Advisory Committee. Gaston asked that the motion also include the recommendation that Robert Cuite be an ex officio member of the Committee.

Robert Cuite stated he would prefer to attend the meetings as a regular attendee.

Paras moved, Fasana seconded to amend the motion to appoint Patricia De Rose only. The original motion to appoint Patricia De Rose to the Ad Hoc Downtown Duarte Advisory Committee carried unanimously.

GASTON: 1) Commended staff for the Contract Cities dinner, and congratulated Finlay on her year as President; 2) Congratulated the entire Fiddler musical cast, and thanked all volunteers; 3) Thanked staff for the recognition she received as Community Service Award recipient from CPRS; 4) Congratulated Ed Houle-marde for being named honorary service award recipient for Monrovia/Duarte PTA Council, and thanked Mary Houle-marde for her service to the PTA; 5) Stated Royal Oaks Park is the only place for young ones to skate on the sidewalks; 6) Provided information to George about demolition at Attalla project starting at 6:30 a.m.; and 7) Stated Mickey Oviatt is ill, and asked that the possibility of turning the kitchen at the Senior Center into a full-service kitchen be looked into, perhaps at the budget workshop.

REYES: 1) Thanked all involved in the Fiddler musical, and stated it was outstanding; 2) Thanked staff and sponsors for their support and assistance with the China delegation; 3) Stated the Contract Cities dinner was great, and congratulated Finlay for doing a great job as President; and 4) Asked that mentors be invited to a City Council Meeting to receive recognition.

FASANA: 1) Congratulated all who participated in the Fiddler musical; 2) Congratulated Finlay for a great year as President of Contract Cities; 3) Thanked staff for the Rebuilding Together event this past weekend, and requested program sponsors be recognized at an upcoming City Council Meeting; and 4) Requested an update about fundraising efforts for the Andres Duarte statue.

PARAS: 1) Suggested a sign could be posted at Royal Oaks Park indicating where skateboarding is and is not allowed and referring skaters to the skate park; 2) Congratulated Andres Duarte School for winning the Jr. Olympics Track Meet; 3) Congratulated and thanked Finlay for serving as President of Contract Cities; 4) Congratulated the newly appointed Commissioners; 5) Thanked all involved with the Fiddler musical, and expressed appreciation for the kudos; and 6) Asked that an Arts Advisory Committee be looked into to define what arts mean to the City, and to include a discussion of the possibility of a one percent tax to new businesses to help fund projects that support the arts.

FINLAY: 1) Stated the Fiddler musical was great, thanked all involved, and announced Pam Kawasaki won the drawing for the Hawaii trip to raise funds for the Francisco Martinez scholarship; 2) Invited all to visit the Beardslee School Egyptian project this week in the sixth grade class; 3) Congratulated Gaston for becoming the Director-at-Large for Contract Cities; 4) Stated CDBG funds are still on track; 5) Announced Allied Veterans Council Memorial Day Program at Live Oak Park; 6) Congratulated Andres Duarte School for winning the track meet; and 7) Regarding Vulcan, stated City Council will be following this, and when the paperwork is submitted to Azusa, they will pursue all avenues to let our voice be heard.

RECESS

Mayor Finlay called a Recess at 9:08 p.m. for the Redevelopment Agency Meeting. Council reconvened at 9:10 p.m., with all members present.

CLOSED SESSION Public Employee Performance Evaluation

City Attorney Slater called a Closed Session at 9:10 p.m., pursuant to Government Code Section 54957(b)(1) – Public Employee Performance Evaluation; Title of Position: City Manager. City Council reconvened at 9:40 p.m., with all members present. Slater stated no public report is required by the Brown Act for this item, the City Council evaluated the City Manager and discussed that evaluation with the City Manager, and no action was taken.

ADJOURNMENT

Reyes moved, Fasana seconded to adjourn the meeting at 9:41 p.m., to the Budget Workshop, May 3, 2005, 5:00 p.m., and carried unanimously.

Mayor Margaret Finlay

ATTEST:

City Clerk