

## MINUTES

### CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – JUNE 14, 2005

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 7:11 p.m.

- PLEDGE TO THE FLAG Anne Larson 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: Gaston, Paras, Reyes, Fasana, Finlay  
ABSENT: None  
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater
- ADOPTION OF AGENDA Reyes moved, Paras seconded to adopt the Agenda, as amended to remove Item 11.A (Minutes) from the Consent Calendar, to consider Item 13.E after Item 7.C, and to consider Item 16 after Item 13.E, and carried unanimously.
- ANNOUNCEMENTS Pui-Ching Ho announced Duarte Library summer reading program and activities from June 28 through August 8.
- FISCAL AFFAIRS Paras moved, Reyes seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.  
Gaston moved, Fasana seconded to approve the remainder of Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS  
John Guyer – 80<sup>th</sup> Birthday Donna Georgino introduced John Guyer, and presented him with a cake in celebration of his 80<sup>th</sup> birthday. Mayor Finlay presented him with a Certificate of Congratulations.
- SCMAF Jr. Olympics Track Meet Cesar Monsalve and Jasmine Klinton provided information about the Duarte Junior Olympics Track Meet and the San Gabriel Valley Municipal Athletic Association Track Meet. Mayor Finlay presented Certificates to the track meet participants, and congratulations were extended.
- People Helping People Cynthia Castillo, Program Coordinator, provided an overview of the People Helping People Program. Mayor Finlay presented Certificates of Participation to the volunteers, and congratulations were extended.
- RECESS Mayor Finlay called a Recess at 7:47 p.m. Council reconvened at 7:55 p.m., with all members present.
- CITY MANAGER  
Fireworks permit application George presented a staff report concerning the two letters received from the High School Booster Club, one dated May 26 requesting withdrawal of the original fireworks permit, and one dated June 7 requesting a change of the names of the officers.  
Mike Sims, Duarte High School, stated if the permit were withdrawn, the youth would be the losers, asked that the two groups be allowed to work together, and thanked those who had worked the booth in the past.  
Aaron Dover, Duarte High School, stated the fireworks fundraiser has helped students with college goals, all are deeply committed to working cooperatively together, and asked that the permit not be withdrawn.

Fabian Velazquez stated he is the new Duarte Falcon Booster President, and requested the City Council let the two groups work together as a team to raise money for all the students at the high school.

Terry Nichols, Duarte High School Principal, stated the focus is a collaborative effort to raise money to assist the children, asked that City Council reconsider withdrawing the permit and to allow the permit to stand, and assured Council he would be continually involved.

George Chapjian, parent, stated it is positive that the Booster Club wants to work with the Athletic Department, he hopes the partnership is equal, stated he would like the Booster Club to have open meetings, and asked that City Council allow the Athletic Department to take the lead.

There was discussion about attendance at the required Public Safety meeting, importance of compliance with laws pertaining to fireworks, use of funds, participation of all clubs on campus, collaboration efforts, City Council's previous approval of the organization's application, incomplete information about new officers, and by-laws of the Booster Club.

Reyes moved, Paras seconded to approve the ratification of the original Application to Sell Fireworks received from the Duarte Falcon Booster Club, noting the new officers and the continued involvement and coordination of the prior Chairperson with the current leadership, subject to two of the new officers' attendance at a meeting with the Public Safety Department, and carried unanimously.

There was further discussion. Gaston called for the question. The motion carried unanimously.

CLOSED SESSION  
Conference with Legal Counsel

Mayor Finlay called a Closed Session at 8:52 p.m. City Attorney Slater stated the Closed Session is pursuant to Government Code Section 54956.9(b); Conference with Legal Counsel; Anticipated Litigation; Potential number of cases: Two.

Waleed Shindy, Rim Road, stated there has been damage to the hillside from heavy rains due to a storm drain, discussed correspondence he has sent and received from the City, displayed photos of erosion, stated he does not think it is due to saturation, he thinks the road storm drain needs to be addressed, and stated although he does not want to pursue legal action, he has retained legal counsel.

City Council reconvened at 9:38 p.m., with all members present. Slater stated City Council unanimously directed staff to continue investigating and pursuing the securing of funding from FEMA and other potential funding sources to address the problem, and to report the results back to City Council in the near future.

JOINT PUBLIC HEARING  
Council Bill 05-R-16  
Acquisition of Property  
1229 Pops Road

Mayor Finlay announced this was the time and place set for a Joint Public Hearing to consider the acquisition of real property located at 1229 Pops Road. Chairperson Gaston called the Redevelopment Agency into session for the Joint Public Hearing, and noted all members were present.

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

George provided a staff report about the acquisition of real property for public use in conjunction with the development of a publicly owned facility.

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

Harb Thind stated he does not like the outside appearance of the proposed library, suggested redoing the architecture, and stated he approves of buying this property.

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

Slater read by title Council Bill 05-R-16:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE CONSENTING TO THE PAYMENT BY THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE FOR THE COSTS OF THE CITY'S ACQUISITION OF REAL PROPERTY AT 1229 POPS ROAD, CITY OF DUARTE, FOR A PUBLIC USE IN CONJUNCTION WITH THE DEVELOPMENT OF A PUBLICLY OWNED FACILITY, AND APPROVING A PURCHASE AND SALE AGREEMENT AND A LEASE IN CONNECTION THEREWITH

RESOLUTION NO. 05-16

Fasana moved, Gaston seconded to waive further reading and adopt Resolution No. 05-16, and carried unanimously.

CONSENT CALENDAR

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

Approve Item B.

Deny Item C.

Receive and File Item D.

Remove Item A.

(Item Removed)  
Minutes of 5/24/05

Gaston moved, Paras seconded to approve the Minutes of May 24, 2005, and carried with Fasana abstaining.

COUNCIL BILLS  
Council Bill 05-R-15  
Holiday Schedule

05-R-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AUTHORIZING A HOLIDAY SCHEDULE FOR CITY EMPLOYEES FOR FISCAL YEAR 2005-06

RESOLUTION NO. 05-15

Fasana moved, Reyes seconded to waive any reading and adopt Resolution No. 05-15, and carried unanimously.

Council Bill 05-17  
Calls Election 11/8/05

Slater read by title the following Council Bills:

Council Bill 05-18  
Requests consolidation with  
County

05-R-17 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2005, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

Council Bill 05-19  
Candidate's Statements

05-R-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2005, WITH THE DUARTE UNIFIED SCHOOL DISTRICT ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

05-R-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE'S STATEMENTS SUBMIT-

TED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2005

RESOLUTION NO. 05-17  
RESOLUTION NO. 05-18  
RESOLUTION NO. 05-19

Fasana moved, Reyes seconded to waive further reading and adopt Resolutions No. 05-17, 05-18, and 05-19, and carried unanimously.

CITY MANAGER  
2005-2006 Budget

Mike Yelton, Assistant City Manager, provided a detailed staff report about the 2005-2006 City and Redevelopment Agency Budgets, and noted a presentation about specific follow-up items requested by City Council would follow this Agenda item.

Lino Paras stated landscape and lighting enhances the City, and feels the website needs revisiting.

Fasana moved, Paras seconded to approve the Fiscal Year 2005-2006 City of Duarte Budget, and carried unanimously.

Budget Workshop follow-up

Kristen Petersen made a detailed presentation about the thirteen items on which City Council had requested additional information and follow-up, identified three potential items for possible action at this meeting, and answered questions from City Council pertaining to arts grants and budget amendments.

Gaston moved, Fasana seconded to bring back three items to the next meeting as formal budget amendments, with no vote taken.

Fasana moved, Reyes seconded to make a finding that a necessity arose after the posting of the Agenda to add a budget amendment to this Agenda to approve an allocation of \$3,000 for DCTV to purchase a broadcasting computer, and carried unanimously.

Fasana moved, Gaston seconded to allocate \$3,000 from the current budget to DCTV for the purchase of a broadcasting computer, and carried unanimously.

Reyes stated he would like City Council to consider bus service on Sundays.

GAPP and SCSP Agreements  
L. A. County Probation Dept.

Fasana moved, Reyes seconded to approve the 2005-2006 Gang Alternative Prevention Program (GAPP) and School Crime Suppression Program (SCSP) Services Agreements with Los Angeles County Probation Department, effective July 1, 2005 – June 30, 2006, per staff recommendation, and carried unanimously.

Reyes asked that a presentation be made at a future City Council Meeting about the impacts of the GAPP and SCSP programs.

Appointment – Traffic and  
Safety Commission  
(Continued from 5/24/05)

Reyes moved, Gaston seconded to appoint Chris Russo to the Traffic and Safety Commission, for a term ending December 31, 2005, and carried unanimously.

ITEMS FROM COUNCIL

GASTON: 1) Asked that the Council Meeting be adjourned in memory of James Blount; 2) Thanked the New Hope Church of God in Christ for the excellent memorial wall; 3) Congratulated the Friends of the Library on the successful Judy Collins event; and 4) Asked that a Certificate of Appreciation be presented to the Jurin family at the next City Council Meeting.

PARAS: 1) Stated the allocation of \$3,000 to DCTV will make sure the cable channel is running; 2) Stated the IHOP grand opening was a great event; 3) Stated the Memorial Day event was wonderful; 4) Attended the Community Service Council's Installation Dinner at IHOP, and noted Dorothy Smith will continue as its president; 5) Stated the senior volunteer dinner was

a great event; 6) Congratulated Reyna Diaz for being the recipient of the Heart in Hand award; 7) Attended the State of the School District event; 8) Stated there was a good turnout at the community meeting at Santa Teresita; and 9) Congratulated the Duarte businesses honored at the LARA luncheon.

FASANA: 1) Congratulated the Friends of the Library on the Judy Collins event; 2) Announced the COG is sponsoring a workshop on the Brown Act on June 29 in Rosemead; 3) Announced tenth anniversary celebration of the COG on June 16; and 4) Stated he and Karen Herrera had gone to Washington, D.C. to continue to pursue funding for transportation projects.

FINLAY: 1) Announced open house farewell party for the Jurin family on June 25 at the LDS Church; 2) Congratulated Reyna Diaz for receiving the Heart in Hand award; 3) Stated the Sanitation District tour is an excellent example of how to take care of sight problems; 4) Stated the dog water fountain on the bike path is cool; 5) Thanked all who attended the community meeting at Madonna Hall, and thanked Santa Teresita for hosting the meeting; 6) Congratulated those involved with the softball opening day; 7) Stated the senior volunteer dinner was great; and 8) Stated she would like to see what numbers are involved for Dial-A-Ride versus fixed route transit. Georgino stated Dial-A-Ride information would be included in the report about the Senior Center.

ADJOURNMENT

Reyes moved, Paras seconded to adjourn the meeting at 11:20 p.m., in memory of James Blount, and carried unanimously.

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Mayor Margaret Finlay

ATTEST:

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City Clerk