

MINUTES

**CITY COUNCIL OF THE CITY OF DUARTE
REGULAR MEETING – JULY 12, 2005**

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 Paras called the meeting to order at 7:11 p.m.

- PLEDGE TO THE FLAG** Chris Russo led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION** A silent moment of reflection was observed.
- FITNESS WARM-UP** Councilmembers led the group in a series of warm-up exercises.
- RECORDATION OF ATTENDANCE** The following were in attendance:
PRESENT: Gaston, Paras, Fasana
ABSENT: Reyes, Finlay
ADMINISTRATIVE STAFF PRESENT: City Manager George, Assistant City Attorney Laymon
- ADOPTION OF AGENDA** Gaston moved, Fasana seconded to adopt the Agenda, and carried unanimously.
- ANNOUNCEMENTS** Pui-Ching Ho invited all to participate in the Duarte Library’s summer reading program called “Super Readers Super Heroes.”
- Jan Wight, Duarte Chamber of Commerce, announced MAD Golf Tournament on July 14 at California Country Club, Good Morning Duarte on July 19 at Cabrera’s, and asked that the City Council Meeting be adjourned in memory of John Crehan.
- Bill Baca, Senator Romero’s office, invited anyone needing the Senator’s assistance to call her office at 323-881-0100.
- Paras congratulated the City of Hope for being named one of America’s Top Ten Hospitals by U. S. News.
- Gaston announced Concerts in the Park on July 14 at 6:00 p.m.
- FISCAL AFFAIRS** It was noted that there were no Southern California Edison Company warrants. Fasana moved, Gaston seconded to approve Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS**
Introduction of Student Interns Donna Georgino described the Student Intern program, and introduced Student Interns Miguel Campos (Community Development), Juan Serna (Recreation), Daniel Spilsbury (Facility Maintenance) Joshua Wolf (Finance), Briseyda Serna (Public Safety), and Adrian Hernandez (Code Enforcement), and noted Paris Sayles (Administration) was not able to attend the meeting.
- Pride of Duarte and Excellence in Service to Duarte awards** Ed Houlemarde, Economic Development Commissioner, stated the Pride of Duarte award was presented to the Duarte Target Store at the Chamber Installation Dinner. Mr. Houlemarde introduced Marvin and Carol Sawyer, M. E. Sawyer Company, and presented them with the Excellence in Service to Duarte award, and congratulations were extended.
- PUBLIC HEARING**
Council Bill 05-R-23
Landscape/Lighting District
2005-2006 Assessments Mayor Pro Tem Paras announced this was the time and place set for a Public Hearing to consider the levy and collection of assessments for fiscal year 2005-06 within the Citywide Landscape and Lighting Maintenance District.
- Assistant City Attorney Laymon 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 Pro Tem Paras asked if any written communications had been filed in the

matter. Akana stated ballots were received pertaining to Zone 4 and Zone 8.

Laymon read by title Council Bill 05-R-23:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2005-2006 WITHIN THE CITYWIDE LANDSCAPE AND LIGHTING DISTRICT PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972

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

Ed Cox provided a staff report about proposed assessments to be levied for the Lighting and Landscape District, and noted ballots pertaining to an increase in the assessments for Zone 4 and Zone 8 would be tabulated following the close of the Public Hearing.

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

Harb Thind stated he hopes the property owners were notified about the public hearing.

Chris Russo asked if it included the landscaping along the wall on Las Lomas and Huntington. Cox stated it includes the landscaping in the interior of the project as well as landscaping adjacent to the curb between the right-of-way line and the private properties.

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

RECESS

Mayor Pro Tem Paras called a Recess at 7:45 p.m. for the tabulation of the ballots. Council reconvened at 8:10 p.m., with three members present, and Finlay and Reyes absent.

The tabulation of the ballots pertaining to an increase of the special benefit portion of Zone 4 was as follows: 70 ballots were received, five were not signed and not counted; of the 65 eligible ballots received, 52 votes were "yes;" 13 votes were "no." The increase passed.

The tabulation of the ballots pertaining to an increase of the special benefit portion of Zone 8 was as follows: 25 ballots were received, three were not signed and not counted; of the 22 eligible ballots received, 19 votes were "yes;" 3 votes were "no." The increase passed.

RESOLUTION NO. 05-23

Fasana moved, Gaston seconded to adopt Resolution No. 05-23, and carried unanimously.

CONSENT CALENDAR

Gaston stated she would like to make a notation for the record that at the June 28, 2005, City Council Meeting, Mr. Robert Prado gave copies of poems with pictures to each City Council-member.

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

CITY MANAGER
Update – Emergency Repairs

George provided an update on the status of emergency repairs pertaining to a portion of Rim Road between 2404 and 2412 Rim Road, stated the emergency circumstances of the project have not changed since the adoption of Resolution 05-22, staff is moving forward to implement the improvements to Rim Road, FEMA has indicated it will contribute significant financing for the project, and staff will be conducting a walk-through of the

proposed project with a number of potential contractors to perform the work.

Fasana moved, Gaston seconded to receive and file the report, and carried unanimously.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda:

Ryan Nevins – Save Van Tassel Ridge.

ITEMS FROM COUNCIL

GASTON: 1) Thanked Fasana for his efforts to help with transportation issues, as traffic problems need to be addressed; 2) Congratulated City of Hope on its new facility; 3) Stated she was pleased the family of David March attended the tribute event in our City; 4) Stated the Concerts in the Park are excellent, and thanked staff for moving the stage; 5) Stated the City survived another fireworks season without damage, and felt two people from each organization that had a fireworks booth could meet together as a group to share ideas as well as to discuss ways of fundraising without the sale of fireworks; 6) Attended the Brown Act seminar sponsored by COG, and stated it was enlightening; and 7) Stated there had been retaliatory acts of violence recently, and she would appreciate a follow-up to see how to prevent needless violence in Duarte and areas surrounding Duarte.

FASANA: 1) Stated the Brown Act seminar was a great forum, and noted City Attorney Slater also attended; 2) Thanked Gaston for her comments about transportation, stated Prop 42 will be helpful, the new L.A. Mayor is making transportation a high priority, and provided names of new MTA appointees; 3) Stated the Deputy March ceremony was moving, and it is great that he is recognized for his service in our community; 4) With regard to violence, stated we need to find ways to build trust, and there is a need for cooperation; and 5) Congratulated the Student Interns.

PARAS: 1) Stated she is confident the City Manager and staff will follow up on safety issues in the community, and suggested the possibility of setting up a meeting with Supervisor Antonovich; 2) Congratulated Kristen Petersen on her promotion to Deputy City Manager; 3) Thanked Fasana for his transportation efforts; 4) Announced 11th Anniversary of the Senior Center on July 20; 5) Stated the Senior Center needs eggshells for the City picnic; 6) Stated dogs without leashes have been noticed on the bike trail; 7) Congratulated Santa Teresita on its 75th Anniversary, and asked that Council attendance at the dinner on July 29 be placed on the next Consent Calendar; and 8) Congratulated the Student Interns.

CLOSED SESSION

Conference with Legal Counsel
Anticipated Litigation

Mayor Pro Tem Paras called a Closed Session at 8:35 p.m. Laymon stated the Closed Session is a conference with legal counsel pertaining to anticipated litigation, pursuant to Government Code Section 54956.9(b)(1) and (b)(3)(D), regarding 2404 and 2412 Rim Road, and City drainage easement; Potential number of cases: Two.

Harb Thind stated City Council must acquaint the audience about the problem.

The City Council reconvened at 8:55 p.m., with three members present, and Reyes and Finlay absent. Laymon stated the City Council held a privileged and confidential Closed Session to confer with legal counsel on threatened and anticipated litigation as previously stated. City Council discussed with legal counsel

the status of the threatened and anticipated litigation and issues related thereto. The City Council unanimously directed legal counsel and the City Manager to cease discussions with the property owners at 2404 and 2412 Rim Road concerning the apportionment of the City's cost to repair the drain in the City's easement areas, with no further action taken.

ADJOURNMENT

Gaston moved, Fasana seconded to adjourn the meeting at 8:55 p.m., in memory of John Crehan, and carried unanimously.

Mayor Pro Tem Tzeitel Paras

ATTEST:

City Clerk