

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – OCTOBER 25, 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 7:12 p.m.

RECORDATION OF ATTENDANCE

The following were in attendance:

PRESENT: Gaston, Paras, Reyes, Finlay

ABSENT: Fasana

ADMINISTRATIVE STAFF PRESENT: City Manager
George, City Attorney Slater

PLEDGE TO THE FLAG

Bill Lawrence led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION

A silent moment of reflection was observed.

FITNESS WARM-UP

Slater led the group in a series of warm-up exercises.

ADOPTION OF AGENDA

Gaston moved, Reyes seconded to adopt the agenda, and carried unanimously.

ANNOUNCEMENTS

Diane Drolet, American Red Cross, San Gabriel Valley Chapter, announced the amount of proceeds received at the concert to benefit Katrina victims was \$1285.

Wendy Wright, Duarte School District, announced Parents Institute on November 19, 8:30 a.m., at Duarte High School.

Pui-Ching Ho, Duarte Library, announced Halloween party on October 28 at 3:30 p.m.

Kristen Petersen announced Veteran's Day Event on November 10 at Thorsen Park, and stated applications for Commissions will be accepted through November 10.

FISCAL AFFAIRS

Reyes moved, Gaston seconded to approve Fiscal Affairs, and carried unanimously.

SPECIAL ITEMS Blue Star Banner

Kristen Petersen stated the Blue Star Banner Program salutes and honors the families of Duartean serving in the Armed Forces. Mayor Finlay presented a blue star banner to the family of Marc Leathers, and congratulations were extended.

Plaque – Steve Markman

Mayor Finlay presented a plaque to Steve Markman in recognition of his two years of service as the Chamber of Commerce representative on the Economic Development Commission.

Duarte Kiwanis presentation to Duarte's Promise

Bobbi Brzozowski, Duarte Kiwanis, presented a check for fireworks proceeds in the amount of \$3,610.29 to Karen Herrera, Duarte's Promise. Herrera introduced Jose Florentino, one of Duarte's new Promise Fellows.

PUBLIC HEARING Council Bill 05-O-03 Ban on spiked fences (First Reading)

Mayor Finlay announced this was the time and place set for a Public Hearing to consider amending the Duarte Municipal Code pertaining to a ban on spiked fences.

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.

Slater stated Section 3 of the Council Bill has been corrected to read "subdivision (l)" instead of "subdivision (e)."

Slater read by title Council Bill 05-O-03:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTERS 9.32, 19.74, AND 19.84 OF THE DUARTE MUNICIPAL CODE TO EXTEND TO THE HILLSIDE OVERLAY DISTRICT THE BAN ON FENCES CONSTRUCTED WITH POINTS, SPIKES, OR OTHER MATERIALS HAZARDOUS TO WILD-LIFE; TO DECLARE SUCH FENCES IN THE HILLSIDE OVERLAY DISTRICT A PUBLIC NUISANCE AND A NON-CONFORMING USE; AND TO MANDATE THE REPLACEMENT, RETROFITTING, OR REMOVAL OF SUCH FENCES WITHIN THE HILLSIDE OVERLAY DISTRICT WITHIN THREE YEARS (First Reading)

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

Steve Hernandez stated it is important to respect nature, and felt the City could help property owners meet the deadline.

Chris Russo stated he agrees with the proposed ordinance and thinks three years is enough time.

Lino Paras stated four Planning Commissioners voted against the proposed ordinance, it would include everything north of Royal Oaks, and stated the intent is good.

Ed Cox, Director of Community Development, provided a staff report about the proposed ordinance, the recommendation from the Planning Commission, and answered questions from City Councilmembers.

There was discussion about the number of homes affected, cost range, number of incidents involving wildlife in Duarte, variance procedures, notification of residents, what other foothill communities are doing about the issue, and the three-year deadline.

Continued to 11/8/05

Gaston moved, Paras seconded to continue the Public Hearing, with additional information pertaining to number of affected homes to be provided at the following Council Meeting, and carried unanimously.

CONSENT CALENDAR

Reyes moved, Paras seconded to approve the Consent Calendar, as follows, and carried unanimously.
Remove Item A.
Approve Item B.
Receive and file Items C, D.

(Item Removed)
Minutes

Paras moved, Gaston seconded to amend Page 6639 of the Minutes to add, "however, the voting delegates voted to overturn that position and support Prop 76," approve the Minutes as amended, and carried unanimously.

PLANNING COMMISSION
Appeal – CUP 05-03
Mobil Mini-Mart
Public Hearing set for 11/8/05

Steve Hernandez stated mini-marts are not competition to local businesses and the parking is not impacted.

Reyes moved, Gaston seconded to set a Public Hearing for the next City Council meeting to consider Conditional Use Permit 05-3, and carried unanimously.

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, and stated the City Manager, City Attorney, and Director of Community Development continue to work with the two property owners to finalize agreements.

Appointment – CDBG Citizen
Advisory Committee

Paras moved, Reyes seconded to appoint Gaston to serve on the CDBG Citizen Advisory Committee for the 2006-2007 fiscal year, and carried unanimously.

CITY ATTORNEY
City Manager evaluation

Slater described the evaluation process in detail, read portions of the Brown Act, and stated the City Manager's performance evaluation was in complete conformance with the Brown Act.

Steve Hernandez welcomed Mr. George to the City, and stated he looks forward to seeing his work.

Lino Paras stated this does not cure the deficiency in procedures, and read portions of the Brown Act.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda:

Chris Russo – Clock tower, Dial-A-Ride.

Steve Hernandez -Lena Valenzuela Park, Rosa Parks, Ed Roybal.

Harb Thind – AQMD meeting.

ITEMS FROM COUNCIL

PARAS: 1) Stated the meeting with Supervisor Antonovich was productive; 2) Stated the concert for Katrina victims was enjoyable; 3) Thanked the Public Safety Department for the Red Ribbon March, and noted there were over 80 youth participants; 4) Attended the grand opening of Lena Valenzuela Park, and stated it is a beautiful park; and 5) Asked that the meeting be adjourned in memory of Rosa Parks.

GASTON: 1) Thanked Save Van Tassel Committee for its presentation in Azusa; 2) Stated she will testify at a public hearing in support of the AQMD's efforts pertaining to railroads; 3) Stated the opening of Lena Valenzuela Park was an outstanding event, and asked the community to help identify other residents of Rock Town; 4) Congratulated Darrell George on his first year as City Manager; 5) Stated the League of Women Voters spoke at her church about the propositions; 6) Thanked John Greenwood for the outstanding performance, stated she purchased a survival kit at the concert, and urged staff to keep educating the community about preparedness; 7) Distributed copies of informational packets she received at Contract Cities concerning effectiveness; 8) Stated City Council and staff conform to the requirements of law when it comes to transparency; 9) Publicly invited Bill Ornelas to have lunch with her before he retires; 10) With regard to home repairs through CDBG funds, stated she would like staff to look into what Monrovia does to get work done through L.A. Works; 11) Stated she spoke with some cities who have the Dial-A-Ride program, and they have found it to be financially unsuccessful and are looking to replace it; and 12) Stated Rosa Parks has special meaning to her and is her role model.

REYES: Thanked staff for its foresight in the development of Lena Valenzuela Park, and stated the grand opening event was bittersweet.

FINLAY: 1) Stated it is great to see a number of youth playing at Lena Valenzuela Park; 2) Read a letter she received from a resident stating Burrtec is doing a good job; and 3) Asked that the Council Meeting be adjourned in memory of Anne Tiplady.

ADJOURNMENT

Reyes moved, Gaston seconded to adjourn the meeting at 9:16 p.m., in memory of Rosa Parks, Edward Roybal, and Anne Tiplady, and carried unanimously.

Mayor Margaret Finlay

ATTEST:

City Clerk