

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – APRIL 11, 2006

- CLOSED SESSION At 5:00 p.m., a Closed Session was held pursuant to Government Code Section 54957.6, Conference with Labor Negotiators; Designated City Representatives: Darrell George, Steve Filarsky; Employee Organization: Service Employees International Union (SEIU) Local 347. The Closed Session concluded at 6:40 p.m.
- The City Council of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Paras-Caracci called the meeting to order at 7:08 p.m.
- RECORDATION OF ATTENDANCE The following were in attendance:
PRESENT: Fasana, Finlay, Gaston, Reyes, Paras-Caracci
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater
- PLEDGE TO THE FLAG J. P. Harris led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION A silent moment of reflection was observed.
- FITNESS WARM-UP Mayor Paras-Caracci led the group in a series of warm-up exercises.
- ADOPTION OF AGENDA Reyes moved, Gaston seconded to adopt the Agenda, as amended to consider the Redevelopment Agency Meeting after Item 6 (Announcements), and carried unanimously.
- PUBLIC REPORT OF CLOSED SESSION George stated the City Council met in a Closed Session at 5:00 p.m. pursuant to Government Code Section 54957.6, Conference with Labor Negotiators; Designated City Representatives: Darrell George, Steve Filarsky; Employee Organization: Service Employees International Union (SEIU) Local 347. Presentations of issues were made, with no action taken.
- ANNOUNCEMENTS Jan Wight, Duarte Chamber of Commerce, announced grand opening of the Great Onion on April 12, MAD Mixer on April 20, and State of the School District on May 3.
- Rainbow Yeung, SCAQMD, provided an update on recent programs and activities, announced Ultrafine Particle Conference from April 30-May 2, lawn mower exchange program on June 3 in South Pasadena, and calendar contest for 2007.
- Pui-Ching Ho, Duarte Library, announced Easter story time on April 13 and 14.
- J.P. Harris, Route 66 Parade Committee, stated parade volunteers are needed, the Hoop Challenge was a successful event, and announced Second Baptist Church sunrise service at 5:00 a.m.
- Nita Norgard, Friends of the Library, announced the book selected for the community reading event is "Reading Lolita in Tehran" by Azar Nafisi, and the children's selection is "Narnia."
- Karen Herrera, Duarte's Promise, announced National Youth Service Day on April 25, vaccination fair on May 6 at Maxwell School cafeteria, and stated applications are being accepted at the high school for Red Wagon Scholarships.
- Christine Vasquez introduced soccer team members from Northview Junior High.

RECESS

Mayor Paras-Caracci called a Recess at 7:26 p.m. for the Redevelopment Agency Meeting. Council reconvened at 8:47 p.m., with all members present.

FISCAL AFFAIRS

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

PUBLIC HEARING
Council Bill 06-R-13
General Plan Amendment 06-1

Council Bill 06-O-03
Zone Change 06-1
(First Reading)

Mayor Paras-Caracci stated this was the time and place set for a Public Hearing to consider Environmental Impact Assessment No. 214, and Mitigated Negative Declaration and Mitigation Monitoring Program for General Plan Amendment 06-1 and Zone Change 06-1 (1414-1452 Mountain Avenue, 1402-1412 Park Rose Avenue, and 900 block of Central Avenue).

Slater read by title Council Bills 06-R-13 and 06-O-03:

06-R-13 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 SIX PARCELS OF LAND (APN’S 8530-012-025, 026, 045, 046, 047, AND 067) FROM LOW DENSITY RESIDENTIAL TO GENERAL COMMERCIAL (General Plan Amendment 06-1)

06-O-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REVISING THE DUARTE MUNICIPAL CODE BY CHANGING THE ZONING OF SIX PARCELS OF LAND FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL); THREE PARCELS OF LAND FROM MOUNTAIN COMMERCIAL SPECIFIC PLAN TO C-2 (GENERAL COMMERCIAL); AND SIX PARCELS OF LAND FROM R-3 (MULTIPLE RESIDENTIAL – MEDIUM DENSITY) TO C-2 (GENERAL COMMERCIAL) (Zone Change 06-1) (First Reading)

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

Slater noted City Council was provided with the following replacements: Pages 3 and 4 of the Mitigation Monitoring Program (Mitigation Measure “TC1”); Page 13 of the Environmental Impact Assessment (Mitigation Measure “TC1”); and Excerpt for Planning Commission Minutes of March 20, 2006.

Ed Cox, Director of Community Development, presented a staff report about the proposed General Plan Amendment and Zone Change.

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

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

Fasana moved, Finlay seconded to approve the Mitigated Negative Declaration and Mitigation Monitoring Program for General Plan Amendment 06-1 and Zone Change 06-1 with the amendments, and carried unanimously.

RESOLUTION NO. 06-13

Gaston moved, Reyes seconded to waive further reading and adopt Resolution No. 06-13, and carried unanimously.

Finlay moved, Fasana seconded to waive further reading and introduce Council Bill 06-O-03 for first reading, and carried unanimously.

CONSENT CALENDAR

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

COUNCIL BILLS
Council Bill 06-O-02
Zone Change 04-1

Slater read by title Council Bill 06-O-02:
AN ORDINANCE OF THE CITY OF DUARTE, CALIFORNIA, REVISING THE DUARTE MUNICIPAL CODE BY CHANGING THE ZONING OF EIGHT PARCELS OF LAND FROM C-2 (GENERAL COMMERCIAL) AND R-4 (MULTIPLE RESIDENTIAL – HIGH DENSITY) TO R-3 (MULTIPLE RESIDENTIAL – MEDIUM DENSITY) (Zone Change 04-1)

ORDINANCE NO. 782

Finlay moved, Gaston seconded to waive further reading and adopt Ordinance No. 782, and carried unanimously.

Council Bill 06-R-14
Opposes AB 2015 (Lieu)
Expand AQMD Board

Slater read by title Council Bill 06-R-14:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, OPPOSING ASSEMBLY BILL 2015 (LIEU) TO EXPAND THE SIZE OF THE AQMD GOVERNING BOARD

Bea LaPisto-Kirtley, representing AQMD, stated the proposed increase on the AQMD Board would not benefit air quality and would create divisiveness between the Inland Empire and Los Angeles County.

Fasana stated when the SGVCOG opposed this bill, he voted against it, as he feels there is a governance issue. Gaston stated she voted along with Contract Cities in opposition, and is supportive of the statements made by Ms. LaPisto-Kirtley.

RESOLUTION NO. 06-14

Finlay moved, Paras-Caracci seconded to waive further reading and adopt Resolution No. 06-14, and carried by the following Roll Call vote:
AYES: Finlay, Reyes, Paras-Caracci
NOES: Fasana
ABSTAIN: Gaston

CITY MANAGER
2006 Fireworks Applications

George provided a staff report and stated five applications for fireworks were received, all five organizations meet the residency requirements, representatives from each charitable group attended the required Public Safety meeting, and the applications are on the Agenda for City Council consideration and approval of up to four licenses.

Christine Vasquez, Duarte Soccer League, stated she wants to start a soccer clinic and asked for use of a practice field. Mayor Paras-Caracci suggested she talk with Donna Georgino.

The following spoke in support of Duarte Falcon Booster Club: Liz Reilly. The following spoke in support of Duarte Falcon Foundation/DYAC: Anne Larson, Chris McMahan, Nick Lemus, George Chapjian, Teri Stute, Theresa Sims, Lisa Burnett, Gloria Leyba, Brad Smith. Lino Paras stated he supports fireworks fundraising and competition is good.

There was discussion about the benefits to youth, the possibility of issuing five permits, disappointment with disunity between the two high school groups, and this being an internal problem within the School District.

Finlay moved, Fasana seconded to issue a total of four fireworks permits to Duarte Community and Education Foundation, Kiwanis Club of Duarte, L.U.L.A.C., and one permit for the Duarte Falcon Booster Club and Duarte Falcon Foundation/DYAC, with Duarte Falcon Foundation/DYAC taking the lead role, since the Booster Club took the lead role last year, and to look at possibly having five booths next year.

Paras-Caracci moved, Reyes seconded a substitute motion to approve three fireworks permits for Duarte Community and Education Foundation, Kiwanis Club of Duarte, and L.U.L.A.C., and failed by the following Roll Call vote:

AYES: Reyes, Paras-Caracci

NOES: Fasana, Finlay, Gaston

The main motion to issue a total of four fireworks permits to Duarte Community and Education Foundation, Kiwanis Club of Duarte, L.U.L.A.C., and one permit for the Duarte Falcon Booster Club and Duarte Falcon Foundation/DYAC, with Duarte Falcon Foundation/DYAC taking the lead role, since the Booster Club took the lead role last year, and to look at possibly having five booths next year, failed by the following Roll Call vote:

AYES: Fasana, Finlay

NOES: Reyes, Gaston, Paras-Caracci

Gaston moved, Paras-Caracci seconded to approve three fireworks permits for Duarte Community and Education Foundation, Kiwanis Club of Duarte, and L.U.L.A.C., and to direct staff to refer the two applications from Duarte Falcon Booster Club and Duarte Falcon Foundation/DYAC to the School District to work out a solution, with a report brought back at the next City Council meeting, and carried by the following Roll Call vote:

AYES: Fasana, Reyes, Gaston, Paras-Caracci

NOES: Finlay

Vehicular access from
Westvale Road

Cox provided a staff report about the proposed residential development in Bradbury, located west of Sunnydale Drive and Westvale Road in the City of Duarte, and the request for approval of a 52-foot wide street extension for access rights to allow ingress and egress to the proposed residential subdivision.

Michele Armtzen stated three years ago, the wall was knocked down, a gate was put in, the developer wants to put in two swinging gates, and she is opposed to the gates.

John Wallace stated a construction project would bring equipment to the area, if this project is allowed, it would change the nature of the neighborhood, and stated he has traffic concerns.

James Brainard stated he wants low traffic, the city of Bradbury told him this would not be developed, and stated he does not want them to have access.

Bob/Linda Reid stated they are opposed to a gate, and there is an alternate route above Property #1.

Matthew Chew stated when he moved in, there was a brick wall, and stated the property should be accessed through Bradbury, as this would disrupt his lifestyle.

Lino Paras stated he is opposed to the gate, and the City does not have to grant access.

Harb Thind stated legally, access cannot be denied, and it is a public right-of-way.

Ed Wong, Project Consultant, stated there is no other reasonable access, Sunnydale on the north side does not reach the property, the slope on the west portion is too steep to drive to the proposed area, two gates are required to meet the width requirement for access, and stated he has met with the city of Bradbury to address their concerns.

There was discussion about reconfiguring the plot plan, talking with Bradbury, looking at the greenbelt, possibility of the gate being recessed out of view, and the need for more information.

Fasana moved, Finlay seconded to hold this item over to a subsequent meeting until more information can be obtained, and carried unanimously.

Informational Item – Citywide
Landscape/Lighting Ballots

Lino Paras stated City Council should be neutral in public and he opposes this, as there is not an oversight committee.

Greg Ghironzi, Managing Director of NBS, apologized for the clerical error on the original ballots mailed to property owners, stated revised ballots have been delivered for mailing, different titling and colored paper have been used for the revised ballots, a letter from his firm taking responsibility for the error has been included, his firm is assuming all costs, and thanked Council for the opportunity to offer his apologies.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda:

Harb Thind – Labor unions.

Pat Wood – Safety of youth, Megan’s Law.

Lino Paras – Notification of community.

ITEMS FROM COUNCIL

REYES: Stated he has received complaints about the home on the northeast corner of Greenbank and Royal Oaks.

FASANA: 1) Asked that Gerald Delker be invited to a Council meeting in recognition of his installation with the Duarte Elks Club; 2) Congratulated staff on the Emergency Preparedness event; and 3) Commended Friends of the Library on the book sale.

FINLAY: 1) Requested that a resolution supporting Prop 81, the 2006 California State Library Construction Bond, be on the next Agenda; and 2) Asked that the meeting be adjourned in memory of Bernard Anderson.

GASTON: 1) Asked that the meeting be adjourned in memory of Eric Buckley, stated Supervisor Antonovich has offered a \$10,000 reward for information to solve this crime, and thanked Bob Margett for closing the Senate meeting in Mr. Buckley’s memory; and 2) Congratulated team members who played at the Hoops Challenge for the Foothill Unity Center event.

PARAS-CARACCI: 1) Stated there are potholes on Mt. Olive from the rain; 2) Stated during 1:40 p.m. traffic, cars are parked on the south side of Royal Oaks Drive, and suggested the possibility of redlining the curb; 3) Stated there are a number of large leasing signs that are placed close together that do not look good, and stated the Bradbury Pointe sign is getting worn out; 4) Thanked the Foothill Unity Center and the L.A. Food Bank for the Hoops event, and asked that the Duarte team be invited to a future Council Meeting for recognition; and 5) Congratulated Gerald Delker on his appointment with the Elks.

At the Council’s request, City Attorney Slater briefly responded to the remarks made by Pat Wood during Oral Communications, and stated the City acted appropriately and consistent with legal requirements, and that improper dissemination of certain information can result in potentially significant civil liability.

ADJOURNMENT

Finlay moved, Gaston seconded to adjourn the meeting at 12:02 a.m., April 12, 2006, in memory of Bernard Anderson and Eric Buckley, and carried unanimously.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk