

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – JUNE 13, 2006

At 5:00 p.m., two Closed Sessions were held (as stated below). Mayor Paras-Caracci called the meeting to order at 5:12 p.m.

- ADOPTION OF AGENDA** Finlay moved, Reyes seconded to adopt the Agenda, as amended to remove Item 10.A (Special Item – Eagle Scouts), and carried unanimously.
- CLOSED SESSIONS** Slater announced the following two Closed Session items: 1) Pursuant to Government Code Section 54957.6, Conference with Labor Negotiators; Designated City Representatives: Darrell George, Steve Filarsky, Dan Slater; Employee Organization: Service Employees International Union (SEIU) Local 347. 2) Pursuant to Government Code Section 54956.9(c), Conference with Legal Counsel; Initiation of Litigation; One potential case. The Closed Sessions concluded at 6:45 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 7:04 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** Mayor Paras-Caracci 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.
- PUBLIC REPORT OF CLOSED SESSIONS** Slater 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 (not present), Dan Slater; Employee Organization: Service Employees International Union (SEIU) Local 347. The City Manager updated the City Council about the union negotiations. The City Council received the report and took no action pending further input from SEIU Local 347. With regard to the second Closed Session item held pursuant to Government Code Section 54956.9(c), Conference with Legal Counsel; Initiation of Litigation; One potential case, Slater stated Fasana did not participate in the second Closed Session due to a declared conflict of interest. The City Council unanimously (with Fasana absent) authorized Legal Counsel to seek settlement of the issues, and if no settlement is successful, to initiate litigation in that matter. If litigation ensues, a further public report will be provided.
- ANNOUNCEMENTS** Rodney Jefferson announced Sixth Annual “A” Game Fundamental Basketball Clinic, and stated KTLA will be attendance.
- FISCAL AFFAIRS** Fasana moved, Finlay seconded to approve Fiscal Affairs, and carried unanimously.
- SPECIAL ITEMS** Donna Georgino and Cesar Monsalve provided information about the Duarte Junior Olympics Track Meet, the San Gabriel Valley Municipal Athletic Association Track Meet, and the Southern California Municipal Athletic Federation Track Meet. Mayor Paras-Caracci presented Certificates to the track meet participants, and congratulations were extended.

People Helping People

Javiar Diaz and Jose Florentino provided an overview of the People Helping People Program. Mayor Paras-Caracci presented Certificates to the volunteers, and congratulations were extended.

RECESS

Mayor Paras-Caracci called a Recess at 7:34 p.m. City Council reconvened at 7:39 p.m., with all members present.

PUBLIC HEARING
Council Bill 06-O-04
Zone Change 05-1
Duarte Garden Specific Plan
(First Reading)

Mayor Paras-Caracci stated this was the time and place set for a Public Hearing to consider Environmental Impact Assessment #211, Zone Change 05-1, and Tentative Tract Map 062319.

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 stated Condition of Approval #30 for Tentative Tract Map #062319 should be amended to read "Covenants, Conditions, and Restrictions," described the findings recommended to be made related to the tract map and zone change, and read Council Bill 06-O-04 by title, as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REVISING THE DUARTE MUNICIPAL CODE BY CHANGING THE ZONING OF THREE PARCELS OF LAND FROM C-2 (GENERAL COMMERCIAL) TO DUARTE GARDEN SPECIFIC PLAN (ZONE CHANGE 05-1) (First Reading)

Ed Cox, Director of Community Development, presented a staff report about the proposed zone change and tentative tract map, and answered questions from Councilmembers pertaining to guest parking, Fire Department turn-around, sale price of property, inclusionary housing fee, and access to park, and stated a provision of the Disposition and Development Agreement is that Bowden Development would be the builder.

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

Neil Bjornsen stated he is concerned about guest parking, and stated the berm on the west side of the driveway could be converted into three parking spaces, and other spaces could be added on the City-owned property.

Bill Lawrence stated he has no problem with the density, the circulation does not work with the Fire Department, there will be more than two cars per unit, it is standard-looking, and stated although this meets minimum standards, our standards need to be brought up-to-date.

Scott Yang stated he is with the design project team, he is proud of the project, the amount of guest parking is sufficient, buyers of this type of unit are generally young couples, large yards are not as important to them, larger families look for bigger homes, it would be good for residents to have access to the park, and stated the traffic engineer is available to answer questions.

James Thompson stated he hopes City Council does not put up with minimal standards, he is concerned with parking, he and his wife have three cars, the parking code is 20 years old, cars will be parked on Huntington Drive, and he thinks the density is too small.

Rick Forintos stated it is not a good idea to have the park in front, he would rather have that area be used for parking, feels these are four-bedroom homes, our parking requirement is too low, home sales are at an all-time low, and he feels City Hall may be used as a parking lot.

Fred Bowden, Bowden Development, stated several cities have the same standards as Duarte, this has been approved by the Los Angeles Fire Department, he would like to have a gate at the back for access to the park, the Duarte Courts project has a similar setting with a courtyard effect, he wants this to be a step above that project with more amenities, thanked Council for considering the project, and answered questions from Councilmembers pertaining to unit size, density, red curbing, aesthetics, and pedestrian access to the park.

Richard Tipping, Bowden Development, discussed parking at Duarte Courts, stated guest parking is not for use by the units, 80% of Bowden's projects are similar to this one, and stated most families who move into these units are young professionals and empty nesters.

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

There was discussion about parking, enforcement of CCR's, access to the park, and the current parking requirement ratio.

Environmental Impact
Assessment #211

Fasana moved, Reyes seconded to approve Environmental Impact Assessment #211, and carried unanimously.

Council Bill 06-O-04 (Introduced)

Fasana moved, Finlay seconded to make the required findings pertaining to Zone Change 05-1, and waive further reading and introduce Council Bill 06-O-04 for first reading, and carried unanimously.

Tentative Tract Map 062319

Fasana moved, Finlay seconded to make the required findings and approve Tentative Tract Map 062319, subject to the conditions outlined in the staff report, as amended per the City Attorney, and carried unanimously.

City Council requested that staff report back to Council about pedestrian access to the park in terms of land use issues.

RECESS

Mayor Paras-Caracci called a Recess at 9:03 p.m. for the Redevelopment Agency Meeting. City Council/Agency Board reconvened at 9:05 p.m. for a Joint Public Hearing.

JOINT PUBLIC HEARING
Council Bill 06-R-20
DDA – 1605 Huntington, LLC

Mayor Paras-Caracci announced this was the time and place set for a Joint Public Hearing to consider a proposed Disposition and Development Agreement between the Redevelopment Agency of the City of Duarte and 1605 Huntington, LLC. Chairperson Reyes 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 Paras-Caracci asked if any written communications had been filed in the matter. Akana stated there were none.

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

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

Slater read by title Council Bill 06-R-20:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AND 1605 HUNTINGTON, LLC

RESOLUTION NO. 06-20

Finlay moved, Fasana seconded to waive further reading and adopt Resolution 06-R-20, and carried unanimously.

CONSENT CALENDAR

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

Approve Items A, B, C, E.
Receive and file Items D, F.

(Consent Item C – 06-R-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ESTABLISHING AN APPROPRIATIONS LIMIT PURSUANT TO THE PROVISIONS OF ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION)

CITY MANAGER
Vehicular access – Westvale Road

Cox provided a staff report about vehicular access from Westvale Road for a proposed subdivision in the city of Bradbury.

Lino Paras stated the Council serves the interests of Duarte residents first, Duarte residents can privatize their road, and discussed future access.

Milan Garrison, MG Resolutions, stated access was previously granted, the request is appropriate and aesthetically pleasing, this is common between cities that border each other, this will provide an adequate buffer, denying access could landlock the parcel, and asked that access be granted, as there will be no negative impacts on the City of Duarte.

David Meyer, City Planner, City of Bradbury, discussed the development process and programs in place, stated there is a Public Hearing next Tuesday where the specific plan and tract map will be considered, invited Duarte residents to attend and provide input, and stated the Bradbury Planning Commission and City Council take neighborhood planning programs and input from surrounding residents very seriously.

Bob/Linda Reid stated they are opposed to a gate as it sends a negative message to residents, they would have no problem with access if the condition were made that there be no gate, and they love the environment of their neighborhood.

James Brainard stated when he moved in four years ago, he thought there would be no access, there is no need for a gate, and asked whether a gate could be built if access was granted now and the ownership changed later.

There was discussion about setbacks, whether a gate is necessary, Bradbury's jurisdiction, the difficulty to condition a prior approval, residents' right of action to challenge a decision, and the effect on the City of Duarte.

Fasana moved, Gaston seconded to ratify the action of the prior City Council taken on February 28, 1995, approving vehicular access from Westvale Road to the city of Bradbury property, on the condition that any gate be set at least 50 feet back from Westvale Road to eliminate concerns about queuing, and to go on record on behalf of our residents and request that a gate not be included.

Mr. Garrison and Mr. Meyer answered additional questions from City Councilmembers pertaining to gate placement, setbacks, sewer connections, and upcoming Bradbury Public Hearings.

Finlay moved, Paras-Caracci seconded a substitute motion to postpone the decision for two weeks, and failed by the following Roll Call vote:

AYES: Finlay, Paras-Caracci

NOES: Fasana, Reyes, Gaston

The main motion to ratify the action of the prior City Council taken on February 28, 1995, approving vehicular access from Westvale Road to the city of Bradbury property, on the condition that any gate be set at least 50 feet back from Westvale Road to eliminate concerns about queuing, and to go on record on behalf of our residents and request that a gate not be included, carried by the following Roll Call vote:

AYES: Reyes, Gaston, Fasana

NOES: Finlay, Paras-Caracci

Award of Contract
Cape Seal Phase II and III Streets
All American Asphalt

Fasana moved, Reyes seconded to award the contract to All American Asphalt for Cape Seal Phase II and III Streets, per staff recommendation, authorize execution by the Mayor, and carried unanimously.

Award of Contract
Asphalt Concrete Pavement
Repair Program Phase III
Sully-Miller Contracting Co.

Fasana moved, Reyes seconded to award the contract to Sully-Miller Contracting Company for Asphalt Concrete Pavement Repair Program Phase III, per staff recommendation, authorize execution by the Mayor, and carried unanimously.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda:
Harb Thind – Law and order.

ITEMS FROM COUNCIL

FASANA: 1) Provided notes received at the SGVCOG retreat outlining its goals for the upcoming year, and announced Jack Phillips award reception on June 22; 2) Stated the 710 Connection Tunnel Assessment study is open for review; 3) Stated there is a need to work with Vector Control and the flows of the river to get black flies in check; and 4) Stated AB 2987 raises concerns about the future of DCTV.

REYES: 1) Thanked staff for the meeting at Beardslee School relating to the General Plan, and was disappointed that not many attended; and 2) Welcomed Brian Villalobos to the City.

FINLAY: 1) Stated AB 2987 would be a huge disservice to the community, and provided information to the City Manager that she received from the League. Slater stated the City is on record opposing AB 2987; and 2) Stated she was in Washington D.C. and Maryland to attend the annual NLC Finance Committee Meeting, where the finances for the National League were discussed, and the Small Cities Council Steering Committee Meeting, where the future of small cities was discussed, and she participated in National Small Cities Day.

GASTON: 1) Thanked the volunteers and those responsible for the Volunteer Recognition Dinner; 2) Stated the Chamber Installation was well organized; 3) Attended the retirement dinner for Duarte teacher Nancy Washington; 4) Provided Councilmembers with copies of letters from the second grade class at Valley View; and 5) Asked that the meeting be adjourned in memory of Martha Butler.

PARAS-CARACCI: 1) Asked that Michael Curtis be invited to a Council Meeting to show a portion of the video for the Every 15 Minutes program; 2) Thanked Live Oak Memorial Park for the Memorial Day event; 3) Attended a meeting with the Tournament of Roses Board of Directors, and hopes to continue working with them; 4) Attended the Volunteer Recognition Dinner; 5) Stated two students will be receiving scholarships from Duarte's Promise at the Duarte High School Senior Breakfast; 6) Asked when the Hearthstone parking item would be on the Agenda. George stated that would be in July or August; 7) Stated Code Enforcement needs to be familiar with our City, and stated residents on Las Lomas waited 45 minutes for a report to be taken; 8) Announced Concerts in the Park on Wednesday evenings; and 9) Asked that the meeting be adjourned in memory of Archalous Tavitian.

ADJOURNMENT

Finlay moved, Fasana seconded to adjourn the meeting at 10:28 p.m., in memory of Martha Butler and Archalous Tavitian, and carried unanimously.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk