

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – AUGUST 28, 2007

At 5:00 p.m., two Closed Sessions were held (as stated below). Mayor Gaston called the meeting to order at 5:08 p.m., with three members present (Fasana and Finlay arrived during the Closed Sessions).

- ADOPTION OF AGENDA** Paras-Caracci moved, Reyes seconded to adopt the Agenda, and carried unanimously.
- CLOSED SESSION**
Anticipated Litigation
Performance Evaluation Slater stated the first Closed Session is pursuant to Government Code Section 54956.9(b) Conference with Legal Counsel; Anticipated litigation/Significant exposure to litigation; Number of potential cases: 1. The second Closed Session is pursuant to Government Code Sections 54957(b)(1) and 54957.6(a); Public Employee Performance Evaluation; Title of position: City Manager; Designated representative: Dan Slater, City Attorney. The Closed Sessions concluded at 5:55 p.m.
- Reception – 50th Anniversary At 6:00 p.m., a courtyard reception was held to celebrate the City of Duarte’s 50th Anniversary.
- The City Council/Redevelopment Agency of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Gaston called the meeting to order at 7:16 p.m.
- RECORDATION OF ATTENDANCE** The following were in attendance:
PRESENT: Fasana, Finlay, Paras-Caracci, Reyes, Gaston
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater
- PLEDGE TO THE FLAG** Frank Figueroa led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION** A moment of reflection was observed.
- FITNESS WARM-UP** George led the group in a series of warm-up exercises.
- PUBLIC REPORT OF CLOSED SESSIONS** Slater stated during the first Closed Session, the City Council/Agency Board discussed issues regarding potential litigation and unanimously directed staff to continue to discuss potential settlement of that anticipated litigation, with no further action taken. During the second Closed Session, the City Council continued its discussion concerning the City Manager’s performance evaluation, and unanimously voted to continue this item to the meeting of September 11, 2007, with no further action taken.
- ANNOUNCEMENTS** Pui Ching-Ho, Duarte Library, announced wireless internet access will be available beginning August 30, 2007.
- Karen Herrera announced Honor Among Ashes event on September 11, College Fair on October 2, College Prep Seminar on October 18, and Hazardous Waste Event on September 22.
- Mayor Gaston thanked the Promise Fellows and all involved for making the back-to-school event a success.
- Fasana announced Household Hazardous Waste Round-Up on October 13 at the Buena Vista Pavilion.
- Jim Kirchner, Duarte in Bronze, provided a financial recap, and presented a check to the City for the balance of donations.
- Finlay announced Duarte Ed Foundation dinner on October 13 at the Community Center.

SPECIAL ITEMS

Robert Prado – Poet Laureate

Outgoing Poet Laureate Robert Prado read his poem in honor of the City of Duarte’s 50th Anniversary. Mayor Gaston presented him with a framed Certificate in recognition of his service to the City as Poet Laureate from August 2005 to August 2007.

Rodney Jefferson – Basketball Clinic

Mayor Gaston presented Rodney Jefferson with a Certificate in recognition of his dedication to youth and in appreciation of the “A” Game Fundamentals Basketball Clinic.

Rotary Youth Exchange Students
Marketa Hezinova / Samuel Hora

Councilmember Finlay introduced Rotary Youth Exchange students Marketa Hezinova and Samuel Hora. Mayor Gaston presented the students with Certificates welcoming them to the City of Duarte.

China Delegation – Committee and Sponsors

Mayor Gaston invited former Choir Director Bill Moore to lead the youth choir in a musical selection, and presented Certificates to the students in appreciation of their representing the City of Duarte during their visit to China, and to the Steering Committee and sponsors for their service youth.

General Plan Committees

Silvia Hurtado, City Planner, thanked Art Rangel and members of the General Plan Steering and Ad Hoc Advisory Committees. Mayor Gaston presented Certificates to the General Plan Committee members in recognition and appreciation of their service to the community.

CONSENT CALENDAR

Fasana moved, Paras-Caracci seconded to approve the Consent Calendar as follows, and carried unanimously.

Approve Items A, B, C, E, F.

Receive and File Item D.

PUBLIC HEARINGS

Council Bill 07-R-23
Congestion Mgmt. Program

Mayor Gaston announced this was the time and place set for a Public Hearing to consider adopting the Congestion Management Program (CMP) Local Implementation Report. Notice of the hearing had been given, the affidavit was on file, and no written communications had been filed in the matter

Slater read by title Council Bill 07-R-23:

A RESOLUTION OF THE CITY OF DUARTE, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

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

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

RESOLUTION NO. 07-23

Fasana moved, Finlay seconded to adopt Resolution No. 07-23, and carried unanimously.

Council Bill 07-O-05
Restaurant Letter Grading
(First Reading)

Mayor Gaston announced this was the time and place set for a Public Hearing to consider amending Title 6 of the Duarte Municipal Code regarding restaurant letter grading.

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

Slater read by title Council Bill 07-O-05:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING TITLE 6, “HEALTH AND SANITATION,” OF THE DUARTE MUNICIPAL CODE TO

ADD CHAPTER 6.22, "RESTAURANT AND FOOD ESTABLISHMENTS," TO INCORPORATE BY REFERENCE COUNTY OF LOS ANGELES ORDINANCE NO. 97-0071 AND ADDITIONAL PROVISIONS OF THE COUNTY OF LOS ANGELES CODE, AND TO PROVIDE FOR ADDITIONAL REMEDIES FOR VIOLATIONS THEREOF (First Reading)

Mayor Gaston if there was anyone in the audience who wished to speak on the matter.

Marc Trummel stated it is time the City implemented the program, provided Duarte restaurant statistics from the County's website, and stated he hopes City Council takes positive action.

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

Fasana moved, Finlay seconded to introduce Council Bill 07-O-05 for first reading, and carried unanimously.

ORDINANCES
Council Bill 07-O-06
Zone Change 07-1
1414 Mountain Avenue
(First Reading)

Slater read by title Council Bill 07-O-06:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REVISING THE DUARTE MUNICIPAL CODE BY CHANGING THE ZONING OF ONE PARCEL OF LAND FROM R-3, MULTIPLE RESIDENTIAL (MEDIUM DENSITY) TO C-2, GENERAL COMMERCIAL (1414 Mountain Avenue, APN 8530-012-005) (Zone Change 07-1) (First Reading)

Public Hearing – 9/11/07

Fasana moved, Finlay seconded to introduce Council Bill 07-O-06 for first reading, and carried unanimously. It was noted that the Public Hearing would be September 11, 2007.

CITY COUNCIL ITEM
Award of contract
Geotivity – Sanitary Sewer Flow
Monitoring Project

Fasana moved, Reyes seconded to approve the contract with Geotivity for the sanitary sewer flow monitoring project in the amount of \$14,900, per staff recommendation, and authorize the City Manager to execute the contract on behalf of the City, and carried unanimously.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

FASANA: Congratulated the library for the wireless internet, and stated it would be good to let residents know where those services are located in Duarte; asked that the Council Meeting be adjourned in memory of Edith Brothers; and stated the MTA is getting ready to review its long-term plan, and there will be a challenge with the State's transportation funding.

FINLAY: Reported on the Sanitation District meeting, stated the Puente Hills Landfill will close in 2013, and discussed tipping fees; stated West Nile Virus has increased and provided information about how to avoid it; noted Councilmember Paras-Caracci's picture is on the National League's mailer; and stated the City of Hope needs African-American and Hispanic bone marrow donors.

PARAS-CARACCI: Stated it is important for City Councilmembers to report what is discussed and learned at conferences; and stated the anniversary event prior to the Council Meeting was wonderful, and there is a lot to look forward to in the next 50 years.

REYES: Announced volunteers are needed for the Parade and Car Show on September 22; thanked Public Safety for the volunteer recognition dinner; attended the Davis Addition reunion at Encanto Park, and stated it was a wonderful event; requested an update about the Duarte Mediation Team and a discussion about

creating or restructuring the City Commissions to include a Youth and Families Commission be on a future Agenda; and stated the 50th Anniversary events have been wonderful and he is happy to be part of the community.

GASTON: Noted there was a Los Angeles Times article about the danger of West Nile Virus and vacant homes with pools; attended the Contract Cities Meeting at Cal-State and toured the forensic science building; heard the boxing tournament was terrific and congratulated the winners; thanked volunteers for the back-to-school event at Santa Anita Race Track; attended the Davis Addition picnic and stated it was outstanding; congratulated Councilmember Fasana on the marriage of his daughter, and noted she officiated at the wedding; stated early detection of diseases is important; stated the City Manager will meet with Cal-Am regarding water pressure concerns; provided information to the City Manager she had received from the Census Bureau; thanked all who attended and participated in the City's anniversary celebrations; thanked Councilmember Finlay for sponsoring the Rotary students, and Mary Barrow for her services; and welcomed Lara Laramendi as District Director to Senator Romero.

ADJOURNMENT

Fasana moved, Paras-Caracci seconded to adjourn the meeting at 9:02 p.m., in memory of Paul Yelton and Edith Brothers, and carried unanimously.

Mayor Lois Gaston

ATTEST:

City Clerk