

MINUTES

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE
ADJOURNED REGULAR MEETING AND
SPECIAL MEETING OF DUARTE CITY COMMISSIONS – OCTOBER 9, 2007**

The City Council/Redevelopment Agency of the City of Duarte met in an adjourned regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. At 4:30 p.m., three Closed Sessions were held (as stated below). Mayor Gaston called the meeting to order at 4:33 p.m., with four members present (Fasana arrived during the Closed Sessions).

ADOPTION OF AGENDA

Reyes moved, Paras-Caracci seconded to adopt the Agenda, as amended to add the names of the entire City Council to both events on Consent Calendar Item 5.F (Conference Attendance), and carried unanimously.

CLOSED SESSIONS

- 1) Conference with Legal Counsel
- 2) Anticipated Litigation
- 3) Real Property Negotiations

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: 2. The second Closed Session is pursuant to Government Code Section 54956.8; Real property negotiations; Property: 1400 Mountain Avenue (APN 8530-12-01); Negotiating parties: Redevelopment Agency of the City of Duarte and F. E. Saumer and M. A. Saumer, Trustees of the Francis E. Saumer Trust; Agency negotiators: Darrell George and Ed Cox; Under negotiation: Price and terms of payment. The third Closed Session is pursuant to Government Code Section 54956.8; Real property negotiations; Property: 2444 Huntington Drive (APN 8604-12-23); Negotiating parties: Redevelopment Agency of the City of Duarte and Hae W. and Jung Y. Park; Agency negotiators: Darrell George and Ed Cox; Under negotiation: Price and terms of payment. The Closed Sessions concluded at 5:40 p.m.

CONSENT CALENDAR

It was noted that the names of the entire City Council were added to both events on Consent Calendar Item 5.F. Reyes moved, Fasana seconded to approve the Consent Calendar as amended, as follows, and carried unanimously.

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

ORDINANCES/RESOLUTION
Council Bill 07-O-07
Video Franchise Fees
(First Reading)

Slater stated Council Bills 07-O-07, 07-O-08, and 07-R-26 were related, and read them by title:

07-O-07 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING TITLE 5, "BUSINESS LICENSE AND REGULATIONS," OF THE DUARTE MUNICIPAL CODE TO ADD CHAPTER 5.10, "VIDEO FRANCHISE FEES, CUSTOMER SERVICE, AND OTHER VIDEO-RELATED MATTERS" (First Reading)

Council Bill 07-O-08
(First Reading)

07-O-08 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING SUBDIVISION (d) OF SECTION 16.34.020 OF THE DUARTE MUNICIPAL CODE PERTAINING TO CABLE TELEVISION SYSTEMS (First Reading)

Council Bill 07-R-26

07-R-26 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING THE DUARTE MAJOR UTILITY PROJECT REVIEW POLICY

Petersen provided a staff report about the proposed Ordinances and Resolution, and stated a copy of the report was forwarded to Charter Communications, they were invited to the meeting, and they did not see the need to attend.

	Fasana moved, Finlay seconded to introduce Council Bills 07-O-07 and 07-O-08 for first reading, and carried unanimously.
RESOLUTION NO. 07-26	Fasana moved, Reyes seconded to adopt Resolution No. 07-26, and carried unanimously.
RECESS	Paras-Caracci moved, Reyes seconded to call a Recess at 6:08 p.m. until the Special Meeting at 6:30 p.m., and carried unanimously.
	The City Council/Redevelopment Agency of the City of Duarte reconvened at 6:34 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	Mary Ann Ur led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS WARM-UP	Finlay 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 the status of the anticipated litigation with legal counsel, and received an update, with no further action taken. During the second Closed Session, the Agency Board discussed potential price and terms, and unanimously directed staff to take further action related to investigation of the property's condition and report back, with no further action taken. During the third Closed Session, the Agency Board discussed price and terms, and unanimously directed staff to proceed with a further review of the property and report back the findings, with no further action taken.
ANNOUNCEMENTS	Jan Wight, Duarte Chamber of Commerce, announced Good Morning Duarte on October 16, School Board Candidate Forum on October 22, Assemblymember Portantino business visits on October 24, Joint Mixer on October 25, and Hats Off to Duarte on November 14. Tara Sellers, Duarte Hawks Football and Cheer Organization, announced Homecoming Celebration on October 14, and introduced Duarte Hawks Boardmember Tiffany Johnson. Karen Herrera announced City of Hope Neighborhood Meeting on October 10 and 5K Leisure Walk on October 28, City survey about investing \$45 million in CDBG funds, access to Fish Canyon Falls on October 13, Household Hazardous Waste Roundup on October 13, and Duarte's Promise College Prep Seminar on October 18. Robert Cuite, Duarte Education Foundation, announced Wild West Dinner on October 13 at 6:00 p.m. Mayor Gaston announced Waterfest at Arcadia County Park on October 13.
JOINT/SPECIAL MEETING CITY COMMISSIONS	Slater asked the Commission Chairs in attendance to call their Commissions to order to determine if there was a quorum for each Commission.
CALL TO ORDER	Chair Forintos called the Planning Commission Special Meeting to order at 7:00 p.m. Present: Bautista, Cuite, Lawrence, Reyes, Forintos Absent: None

Chair Bjornsen called the Traffic and Safety Commission Special Meeting to order at 7:03 p.m.

Present: Glatky, Kirchner, Wenrick, Bjornsen

Absent: Starratt-Thorpe

At 7:07 p.m., after the arrival of enough members to comprise a quorum, the Economic Development Commission Special Meeting was called to order (Vice Chair Houlemarde).

Present: Cross, Patel, Staller, Houlemarde

Absent: Bright, Perez

The Parks and Recreation Commission was not called to order due to the lack of a quorum.

Present: McLaurin

Absent: Bell, Cahir, Carbajal, Houghton, Nielsen, Pinones

The Community Services Commission was not called to order due to the lack of a quorum.

Present: Brooks-Washington, Ur

Absent: Arcaro, Causey

DISCUSSION

Number, structure, functions, organization, consolidation, and creation of City Commissions

Slater stated the Planning, Traffic and Safety, and Economic Development Commissions met their quorum requirements and were now in session in the Joint Meeting with the City Council and Redevelopment Agency. Slater stated Commissioners from a Commission with a quorum were able to speak without completing a speaker request card, and Commissioners from a Commission without a quorum who wished to speak would need to complete a speaker's card.

George provided a brief staff report about the background of the review of Commissions, and options for consideration. Herrera provided an overview of each Commission, including date/time of meetings, number of Commissions, number of upcoming vacancies, duties, and suggested options.

There was Council discussion about other options, combination of options, public safety issues, concepts addressed by the Traffic and Safety Commission, number of Commissioners, interview dates, and the need for input from Commissioners, as well as their expertise.

The following Commissioners with a quorum spoke:

Ed Houlemarde stated he was concerned with this method, he would like a workshop-type forum where all are on the same level ground, Council could ask questions and Commissioners could provide ideas, and stated that would be less formal.

Rick Forintos stated at the General Plan workshop, there was a facilitator, the idea of melding Planning and Traffic/Safety has pros and cons, he thinks this Planning Commission has done a good job and made tough decisions, he feels it could take on more tasks such as urban design, community standards, and public art, and stated sitting down with a facilitator is a better way to get comments.

Bill Lawrence stated a fourth option is a combination of the options presented, if the Commissions are maintained as is, they could be given more to do, the Planning Commission can spend time updating ordinances, and he would like to see more public hearings about things such as DDAs before they are set in stone.

Winston Bautista stated he researched the last four years of Planning Commission agendas and found the items discussed were 21 in 2004 and 7 in 2007, he feels there are less items on the agenda because there is a close similarity with the work the ARB does, thanked Council for the opportunity to serve as a Commissioner for 12 years and stated this is his last year, and stated some cities appoint citizens in the architect, engineering, and landscape design professions to serve on the ARB.

Tonette Reyes stated this is her last year on the Planning Commission, she has served 15 years, serving on the Commission

started out exciting, lately there are not a lot of items, she feels the Planning Commission is not being utilized, ARB handles many items that the Planning Commission used to, thanked City Council for the opportunity to serve, and stated the Planning Commission can and should be utilized more.

Manoj Patel stated he has gone through the ARB process, in some cities the developer works with the ARB, some ARBs are comprised of police, planning, and building, in Duarte, the developer works with staff first, he does not believe the ARB should be the Planning Commission, and stated it is critical for the developer to present its project to the ARB.

Ed Houlemarde stated the question to be asked is if staff can support the Commissions.

Neil Bjornsen stated Traffic/Safety is one of the Commissions that handles regular items, Commissions are a cushion for City Council, the definition of the word "safety" has never been resolved, when safety issues are brought to the Commission, they must be referred to the Public Safety Department, in the past the Sheriff's representative regularly attended meetings, however recently, he has not attended, the Commission tries to be proactive with issues, he feels the Commission could add issues pertaining to the Duarte Transit System, and stated they rarely have a "no agenda" meeting.

Jim Kirchner stated when developments build to the parking ratio in the code, there is not enough on-site parking, he thinks we need to look at the Code, Traffic/Safety Commission cannot do that, it must be the Planning Commission, he would like compact parking spaces eliminated from the Code, there is a gray area between Traffic/Safety and Public Safety, staff's suggestion to have a regular Commission update as an Agenda item is a great idea, community assets are not marketed enough, suggested including a School District administrator on the Commission that would deal with marketing of assets, and regarding combining Traffic/Safety with the Planning Commission, stated when Commissions meet in a small room around a table, it is easier for residents to talk in that forum, as a larger forum could be more intimidating.

Manoj Patel stated Traffic/Safety has an important influence on projects, he thinks we need to look at the process and Codes, stated Ed Houlemarde helped formulate internal goals of the Economic Development Commission, and stated he thinks the Commission would be a better vehicle for City Council if its goals were stated.

Mayor Gaston invited audience members who were not part of a Commission with a quorum to speak.

Anita Malave-Arevalo stated traffic issues she spoke about at the Traffic/Safety Commission meeting in 2005 are still there, she feels the Commission is ineffective, residents are not included in the discussion and are not welcome at the meetings, the safety concerns on Fernley are not taken into consideration, and she recommends Option 2.

Lino Paras stated City Council uses the Commissions as a buffer, he did not apply to be on a Commission because he can speak freely without being insubordinate to the City Council, the Agenda says Joint Meeting but it is not a meeting, regarding consolidation of Commissions, he was told the City Council never said why this is being done, the Planning Commission is the only Commission that has a decision making function and is mandated by law, and when he attended Traffic/Safety Commission meetings, he was discouraged.

Slater clarified that the City must designate a planning agency, the City Council can declare itself to be that agency, and there is no requirement for a Planning Commission.

Steve Hernandez stated he does not think combining Commissions is a good idea, feels there is a conflict if Traffic/Safety is combined with Economic Development or Planning as the purpose could be circumvented, the Commissions need people from all parts of the City, more work should be given to Commissions and they need to address new issues faced with growth, traffic issues need to be handled by a Commission, and we need some type of oversight group to make sure Commissions are doing what they are supposed to do.

Johnny McLaurin stated the Parks/Recreation Commission has a lot of good things going on, he has served on the Commission for three years, he feels the unincorporated County area is left out of the benefits provided by the City, the County residents need to enjoy things the City provides, and stated he is concerned with youth, and they need to be involved.

Neil Bjornsen noted a Traffic Engineer was engaged in June to study the Fernley situation, and the review will be provided at the November meeting.

During public input, City Council directed questions to various speakers and discussed a workshop forum with facilitator, citizen input on ARB, and Commission reports at City Council meetings. There was further City Council discussion about another opportunity for Commissioners' feedback and valuable input, possible Town Council and Citrus College appointees, broadening the public safety approach, addressing how to deal with undeniable future growth, not folding Traffic/Safety into any other Commission, discussion with everyone sitting on the same level in a more informal session, representation from all facets of the community, extension of Commissioners' terms, list of all services to be covered, consideration of comments by Commissioners, and inclusion of arts.

Fasana moved, Paras-Caracci seconded to extend the terms of the Commissioners that were to expire on December 31, 2007, to April 7, 2008, and carried unanimously.

Slater asked the Commission Chairs to adjourn their meetings.

Lawrence moved, Bautista seconded to adjourn the Planning Commission Special Meeting at 9:08 p.m. to the next regularly scheduled meeting, and carried unanimously.

Houlemarde moved, Patel seconded to adjourn the Economic Development Commission Special Meeting at 9:08 p.m. to the next regularly scheduled meeting, and carried unanimously.

Bjornsen moved, Kirchner seconded to adjourn the Traffic and Safety Commission Special Meeting at 9:08 p.m. to the next regularly scheduled meeting, and carried unanimously.

Slater stated the minutes of the Parks and Recreation and Community Services Commissions would reflect that their Special Meetings were cancelled due to the lack of a quorum.

ADJOURNMENT OF SPECIAL MEETINGS

ORAL COMMUNICATIONS (Continued)

The following spoke on items not on the Agenda.

Mark Montgomery – Ted Hansen.

Rigo Ramirez – Vanpool parking, park and ride.

Steve Hernandez – Commissions, parking, City Manager.

Lino Paras – Meeting time, 50th anniversary sponsors.

ITEMS FROM CITY COUNCIL/ CITY MANAGER

FASANA: Congratulated the Chamber on its new facilities and its successful grand opening, congratulated all involved in the Author's Festival, and asked that the meeting be adjourned in memory of Jules Sandford.

PARAS-CARACCI: Attended the Author's Festival, attended the Summit for Youth Education and Families in San Antonio where she made a presentation about our collaborative effort with the School District, inquired if the curb on Royal Oaks

Drive at the end of the school could be painted red further from the crosswalk, and asked that at a future meeting after the 50th anniversary celebration, a report to the community be provided about sponsorships on banners and materials so that there is an understanding about the City Council, City Manager, and volunteer organizations, and to enlighten the situation.

FINLAY: Stated the College Fair is a great function for all San Gabriel Valley cities, stated the Author's Festival was fabulous, asked if there was any chance the City can participate in the All America Cities event this year, stated the community is ready for a new library, and the County Librarian would like to see us work on a new library, perhaps a joint library and public safety building, and stated she will be speaking at the National League Conference in New Orleans in November regarding the collaborative relationship between the City and School District.

GASTON: Displayed a Certificate of Appreciation from the Chamber and encouraged all to visit its new location, stated she, the City Manager, and Councilmember Reyes attended the Contract Cities meeting in Riverside where there was a presentation on gangs, attended Contract Cities Executive Board Meeting and will also attend the Joint Meeting with the League and ICA on October 17, attended League meeting at the new cathedral downtown, stated she was a guest of Manuel Ortiz at the Mayor's Cup at Irwindale Raceway, and asked that the meeting be adjourned in memory of Phillip Freeman, Jules Sandford, Phillip Marcellin, and Ted Hansen.

REYES: Stated the Festival of Authors was a great event and collaboration, attended Contract Cities meeting in Riverside where conservation efforts and gangs were discussed, visited with Marina Tse, former School District teacher and appointee to the Department of Labor, and talked about bringing job training efforts to the City, asked that a joint School Board/City Council meeting be conducted to discuss an upcoming grant opportunity pertaining to students' learning a new language, and announced School Board candidates forum on October 22 at the Community Center, and on October 18 at Westminster Gardens.

ADJOURNMENT

Finlay moved, Paras-Caracci seconded to adjourn the meeting at 9:42 p.m., in memory of Phillip Freeman, Jules Sandford, Phillip Marcellin, and Ted Hansen, and carried unanimously.

Mayor Lois Gaston

ATTEST:

City Clerk