

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – OCTOBER 23, 2007

At 5:00 p.m., two Closed Sessions were held (as stated below). Mayor Gaston called the meeting to order at 5:03 p.m., with three members present (Fasana and Finlay arrived at 5:10 p.m.).

ADOPTION OF AGENDA

Paras-Caracci moved, Reyes seconded to adopt the Agenda, and carried unanimously.

CLOSED SESSIONS

- 1) Anticipated Litigation
- 2) Existing Litigation

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 54956.9(a) Conference with Legal Counsel; Existing Litigation; The Cities of Arcadia, Bellflower, Carson, Cerritos, Claremont, Commerce, Downey, Duarte, Gardena, Glendora, Hawaiian Gardens, Irwindale, Lawndale, Monterey Park, Paramount, Santa Fe Springs, Signal Hill, Vernon, Walnut, West Covina, and Whittier, municipal corporations; and Building Industry Legal Defense Foundation, a non-profit corporation, as Petitioners/Plaintiffs, v. The State Water Resources Control Board; The California Regional Water Quality Control Board, Los Angeles Region; and DOES 1 through 50, inclusive, as Respondents/Defendants; Case No. 06CC02974, Orange County Superior Court, Dept CX-104. The Closed Sessions concluded at 5:25 p.m.

WORKSHOP

Huntington Drive/Buena Vista

At 5:30 p.m., a Workshop was conducted and a presentation was made by DenCity, Inc., (The Olson Company) regarding the proposed project at the Northeast corner of Huntington Drive and Buena Vista.

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

Lerna Kayserian 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 the status of potential litigation, and unanimously directed Legal Counsel to continue to pursue the avoidance of litigation, with no further action taken. During the second Closed Session, the City Council unanimously directed staff and Legal Counsel to continue the City of Duarte's participation in this lawsuit, with no further action taken.

ANNOUNCEMENTS

Jan Wight, Duarte Chamber of Commerce, announced business drive with Assemblymember Portantino on October 24, Mixer on October 25, and Hats Off on November 14.

Pui-Ching Ho, Duarte Library, announced Halloween party on October 26, teen movie on October 27, and invited teens to participate in the opinion survey.

Karen Herrera announced Duarte's Promise Holiday of Promise kickoff this week, Congressmember Solis' Domestic Violence Awareness Forum on October 26, Rebuilding Together volunteer event on October 27, Assemblymember Portantino's Identity Theft Conference on November 3, Veterans' Day ceremony on November 12, Mayor's Prayer Breakfast on November 21, and Community Cleanup Day on October 27.

Nita Norgard, Friends of the Duarte Library, provided a detailed recap of the Festival of Authors event held on October 6.

SPECIAL ITEMS

Presentation – Assemblymember Portantino – State of the State

Assemblymember Anthony Portantino presented a Proclamation congratulating the City on its 50th Anniversary, presented a Certificate of Appreciation to Mayor Gaston for being named Distinguished Citizen of the Year by the NAACP, and presented the State of the State address, including current and pending State legislation.

Recognition – Steve Majors

Brian Villalobos, Director of Public Safety Services, introduced and thanked Steve Majors for his twenty years of dedication and code enforcement service to the City of Duarte. Mayor Gaston presented Mr. Majors with a plaque, and congratulations were extended.

Proclamation – Red Ribbon Week

Mayor Gaston read and presented the Proclamation for Red Ribbon Week to Public Safety Coordinator Aida Torres, who provided information about the events scheduled for the week.

Presentation – Edison Company

Elisa Clifford, SCE Region Manager, and Mike Perez, District Manager, provided an update of damages caused by the recent California wildfires, presented information about the August 2007 heat storm and circuit outages, and discussed overhead service vs. underground service, outages in the City of Duarte, system challenges, and SCE response and future plans.

Fasana left the room due to a potential conflict.

James Causey, Community Services Commissioner, stated he experienced seven outages in three months, and inquired about the condition of the equipment, money spent in Duarte, and comparison of outages in other cities.

George read an email from Jim Arcaro, Community Services Commissioner, regarding annual transformer explosions at Las Lomas and Huntington, Duarte power service in general, the number of outages, need for more transformers, study of usage, and comparison of past same-period efforts of Edison upgrades.

Mr. Perez answered a number of questions from City Councilmembers, and stated he would not be able to provide information about other cities' outages.

Fasana returned to the room and resumed his chair on the dais.

ITEMS ADDED TO CONSENT

Finlay moved, Fasana seconded to add the following items for attendance approval: Monrovia-Duarte Black Alumni Dinner on November 10; San Gabriel Valley NAACP Awards Banquet on November 3; Big League Dreams Grand Opening on October 27 (no charge); and Fantasia Dinner on November 18 (Finlay), and carried unanimously. It was noted that the events were approved for attendance; however, the City Councilmembers who planned to attend must call or email Becky Evans, and must complete and sign the Advance Request form.

CONSENT CALENDAR

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

Approve Items A, B, C, H, I.

Receive and file Items D, E, F, G.

<p>ORDINANCES Council Bill 07-O-07 Video franchise fees, etc. (Second Reading)</p>	<p>Slater read by title Council Bill 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" (Second Reading)</p>
<p>ORDINANCE NO. 794</p>	<p>Fasana moved, Reyes seconded to adopt Ordinance No. 794, and carried unanimously.</p>
<p>Council Bill 07-O-08 Cable television systems (Second Reading)</p>	<p>Slater read by title Council Bill 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 (Second Reading)</p>
<p>ORDINANCE NO. 795</p>	<p>Fasana moved, Reyes seconded to adopt Ordinance No. 795, and carried unanimously.</p>
<p>Council Bill 07-O-09 Recovery of attorneys' fees (First Reading)</p>	<p>Slater read by title Council Bill 07-O-09: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 1.08 TO ADD SECTION 1.08.140, AMENDING CHAPTER 9.32 TO ADD SECTION 9.32.080, AND AMENDING CHAPTER 9.33 TO ADD SECTION 9.33.160, OF THE DUARTE MUNICIPAL CODE TO PROVIDE FOR RECOVERY OF ATTORNEYS' FEES IN ADMINISTRATIVE CITATION HEARINGS, PROCEEDINGS, AND ACTIONS, AND IN NUISANCE ABATEMENT ACTIONS AND PROCEEDINGS (First Reading)</p> <p>Fasana moved, Finlay seconded to introduce Council Bill 07-O-09 for first reading, and carried unanimously.</p>
<p>RESOLUTION Council Bill 07-R-27 Assistant City Attorney</p>	<p>Slater read by title Council Bill 07-R-27: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DESIGNATING AN ADDITIONAL ASSISTANT CITY ATTORNEY</p>
<p>RESOLUTION NO. 07-27</p>	<p>Reyes moved, Fasana seconded to adopt Resolution No. 07-27, and carried unanimously. Mayor Gaston asked for a list of designated representatives from the City Attorney's office.</p>
<p>BUSINESS ITEMS Voting Delegate/Alternate NLC Conference</p>	<p>Fasana moved, Reyes seconded to designate Councilmember Paras-Caracci as the voting delegate, and Councilmember Finlay as the voting alternate for the National League of Cities Annual Business Meeting, November 17, 2007, in New Orleans, and carried unanimously.</p>
<p>Sewer system management plan</p>	<p>Fasana moved, Reyes seconded to approve the schedule for the development of the City's Sewer System Management Plan, as outlined in the staff report, and carried unanimously.</p>
<p>Agreement-Savannah Tech, LLC Public works inspection services</p>	<p>Fasana moved, Paras-Caracci seconded to approve the professional services agreement with Savannah Tech, LLC, for public works inspection services, effective July 1, 2007-June 30, 2008, per staff recommendation, and carried unanimously.</p>
<p>CDBG Advisory Committee</p>	<p>Fasana moved, Finlay seconded to appoint Councilmember Paras-Caracci to serve on the Community Development Block Grant (CDBG) Citizen Advisory Committee for the 2008-09 fiscal year, and to appoint Councilmember Reyes as the alternate, and carried unanimously.</p>

ITEMS FROM CITY COUNCIL/
CITY MANAGER

REYES: Thanked Duarte's Promise for the College Prep Seminar, and suggested the next Joint School Board/City Council agenda include a discussion about how to increase attendance at the event; thanked the Chamber and Westminster Gardens for hosting the School Board candidates events; noted there will be an election on November 6; and stated Robert Prado was a quiet leader and will be greatly missed, Abe Ohanian lived in Duarte for 40 years and helped those who faced housing discrimination, and George Cole was a hero of his, a retired minister, and civil rights leader.

FASANA: Congratulated the Duarte Ed Foundation on the Wild West event; attended the Foothill Pregnancy Resource Clinic dinner on October 14; and stated Robert Prado served with dignity, and his love for nature came through in his poems.

FINLAY: Attended the Academic Decathlon in Washington, D.C., with the Duarte High School students, stated they were a great representation of the school district, and thanked sponsors.

PARAS-CARACCI: Thanked parade committee members for a successful parade; encouraged all to vote on November 6 in the School Board election; and stated she honors those who have committed their time and heart to the community.

GASTON: Received notes of thanks from the Nakauchi family, the Marcellin family, and the Davis Addition Reunion Committee; announced Rose Float Golf Tournament deadline, thanked all who participated in e-waste collection at the Pavilion, stated she is concerned with teen employment and that may be looked into at the NLC; attended Contract Cities and ICA meeting in Pico Rivera; and stated a copy of what she wrote for Abe Ohanian will be given to Councilmembers.

ADJOURNMENT

Finlay moved, Fasana seconded to adjourn the meeting at 9:58 p.m., in memory of Burdell Sanderson, Robert Prado, George Cole. Sr., Mikel Husband, and Abe Ohanian, and carried unanimously.

Mayor Lois Gaston

ATTEST:

City Clerk