

MINUTES

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE
REGULAR MEETING – MARCH 11, 2008**

At 6:00 p.m., two Closed Sessions were held (as stated below). Mayor Reyes called the meeting to order at 6:09 p.m., with all members present.

- ADOPTION OF AGENDA** Gaston moved, Fasana seconded to adopt the Agenda, and carried unanimously.
- CLOSED SESSIONS**
Conference with Legal Counsel
A) Anticipated Litigation
B) Real Property Negotiations
- Slater stated the first Closed Session is pursuant to Government Code Section 54956.9(b)(1); Conference with Legal Counsel; Anticipated Litigation; Number of potential cases: 1. The second Closed Session is pursuant to Government Code Section 54956.8, Conference with real property negotiators; Agency negotiators: Darrell George, Ed Cox, Karen Herrera; Negotiating parties: Redevelopment Agency of the City of Duarte and Mike Krasowski and GS Trs M. Krasowski, 1305 Huntington Drive, APN 8530-004-094; George Grair and Saman Diab, 1303 Huntington Drive, APN 8530-004-072; Under negotiation: Price and terms of payment. The Closed Sessions concluded at 6:50 p.m.
- 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 Reyes called the meeting to order at 7:01 p.m.
- RECORDATION OF ATTENDANCE**
- The following were in attendance:
PRESENT: Fasana, Finlay, Gaston, Paras-Caracci, Reyes
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater
- PLEDGE TO THE FLAG** Brian Villalobos led the Pledge of Allegiance to the Flag.
- MOMENT OF REFLECTION** A moment of reflection was observed.
- FITNESS WARM-UP** Gaston led the group in a series of warm-up exercises.
- PUBLIC REPORT OF CLOSED SESSION**
- Slater stated during the first Closed Session, the City Council/Agency Board heard a report from legal counsel, and unanimously provided direction as to how to proceed to try to resolve the issues relating to the anticipated litigation. Slater stated during the second Closed Session, the Agency Board discussed potential price and terms, and unanimously directed the negotiators to proceed with the process to acquire the properties, including obtaining appraisals, with no further action taken.
- ANNOUNCEMENTS**
- Councilmember Finlay and Superintendent Conklin announced the Duarte High School Academic Decathlon Team placed first in the State championship for medium-size schools, placed 18th out of 54 overall, and is eligible to compete at the National level.
- SPECIAL ITEM**
Recognition – Reyna Diaz
- Mayor Reyes presented a Certificate of Appreciation to Reyna Diaz for being selected as the 57th Assembly District’s 2008 Woman of the Year, and congratulations were extended.
- ORAL COMMUNICATIONS**
- The following spoke on items not on the Agenda:
Mark Montgomery – Academic Decathlon.
- CONSENT CALENDAR**
- Fasana moved, Finlay seconded to approve the Consent Calendar as follows, and carried unanimously.
Approve Items A, B, C, D.

ORDINANCE
Council Bill 08-O-01
Public Nuisances (First Reading)

Slater provided a staff report about the proposed ordinance, and read by title Council Bill 08-O-01:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REPEALING CHAPTER 9.33 AND AMENDING CHAPTER 9.32 OF THE DUARTE MUNICIPAL CODE PERTAINING TO PUBLIC NUISANCES (First Reading)

Fasana moved, Finlay seconded to introduce Council Bill 08-O-01 for first reading, and carried unanimously.

CITY COUNCIL/AGENCY
City Commissions

Herrera presented a staff report and overview of input received at previous Council Meetings and the Commissioner Workshop, and described the recommendations for discussion.

There was discussion about the proposed structure of the various Commissions, reorganizing and/or establishing new Commissions and sunsetting others, how often meetings would be held, Brown Act requirements, the possibility of the Chamber of Commerce creating an economic development committee, and the possibility of establishing ad hoc committees in the future if the need arises.

Jim Kirchner, Chamber of Commerce President and Ad Hoc Downtown Duarte Advisory Committee Member, stated he feels the mission of the Downtown Duarte Advisory Committee has been fulfilled, the project is now at the Council level, and it is appropriate to sunset the Committee, and with regard to the possibility of an economic development committee created under the auspices of the Chamber, stated the committee would not be accountable to the City Council, and there would be staffing and funding issues involved.

The consensus of the City Council regarding the Planning Commission was to approve the proposed structure as outlined in the staff report, with the correction that ARB would add "applicant" participation, and with the understanding that two meetings per month would be scheduled, however if there was insufficient business or lack of a quorum, the second meeting would be cancelled.

Fasana moved, Finlay seconded to ask the Ad Hoc Downtown Duarte Advisory Committee for a final report about its accomplishments and outstanding goals within 90 days, and upon providing that final report and presentation to the City Council, the Committee would terminate, and to retain the Economic Development Commission, reduce its meetings to bi-monthly, increase the number of business representatives to three, and to continue with its original mission, and carried unanimously.

Fasana moved, Finlay seconded to approve the proposed structure for the Parks and Recreation Commission as outlined in the staff report, with the senior citizen representative designated as a user and participant in senior programs, and carried unanimously.

Fasana moved, Gaston seconded to approve the proposed structure for the Traffic and Safety (renamed Traffic Safety) Commission as outlined in the staff report, and to approve the proposed structure for the Community Services (renamed Public Services) Commission, and to reduce its meetings to bi-monthly, and carried unanimously.

Fasana moved, Gaston seconded to approve the following recommendations as outlined in the staff report, and carried unanimously:

#1 – Extend to June 30, 2008, the terms of Commissioners that are set to expire on April 8, 2008.

#2 – Reorganize, sunset, and establish new Commission titles and duties to existing Commissions as outlined in the staff report, and amend the proposed structures per the previous motions.

#3 – Create a nine-member Youth Commission as outlined in the staff report; however, amend the recommendation to include a student from Mt. Olive High School and a representative from the County.

#4 – Create a seven-member Public Safety Commission as outlined in the staff report.

#5 – Add a new section to the City Council Agenda titled “Staff update on activities of City Commissions.”

#6 – Direct the City Attorney to prepare the necessary ordinance or ordinances to implement the revisions, update the relevant code sections, and bring a draft ordinance or ordinances to City Council for consideration within 90 days.

#7 – Direct staff to initiate the 2008 Commission Interview and Appointment schedule (Attachment A of the staff report), with an adjustment to the interview dates so as not to interfere with the high school graduation schedule.

It was noted that should the City Council adopt the anticipated ordinance(s), the City Council will also take an action at that time ending the terms of all current Commissioners as of June 30, 2008, with the new appointments, including reappointments, taking effect July 1, 2008, with staggered expiration dates.

Appeal of Planning Commission
CUP 07-7 – 2333 High Mesa

Slater stated this item is an appeal of the Planning Commission decision concerning CUP 07-7, a request to exceed the 18’ height limit for a 4,271 square foot single-family home in the R-1D zone, 2333 High Mesa Drive, stated it is recommended that the City Council set the matter for a Public Hearing, and discussed the rights of due process.

Harb Thind stated 18’ for the height of a two-story house is not enough, and he has seen homes on High Mesa that are 25’ high.

Pamela Gomez, homeowner, stated they are dedicated to this project, they mean nothing but well for Duarte, they have followed every guideline, and she hoped that City Council would overturn the appeal tonight.

Fasana moved, Gaston seconded to set the matter for a Public Hearing at the earliest date possible, and carried unanimously.

City tree removal policy

Silvia Hurtado, City Planner, presented a staff report about the City’s tree removal and tree planting policy.

Fasana stated the American Sweet Gum tree drops pods that are a hazard and have caused tripping, and inquired if it should still be on the list.

Carmen Olivas stated she and her neighbors have fallen on pods from the tree, there are root problems, the trees are a nuisance, and she would like it removed from in front of her home.

There was discussion about the number of trees and tree species in the City, and the costs to remove and replace trees. The consensus was to have the City’s tree removal policy reviewed at the Commission level, with a discussion about a possible shared cost for tree removal, and a determination if the American Sweet Gum tree should remain on the list of approved trees. Fasana requested a report back within 60 days.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.
Carmen Olivas – Youth in Glenn Miller Park, roller hockey.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

FASANA: Noted there were new Brown Act requirements to be in effect July 1. Slater stated they have been implemented.

FINLAY: Attended Ethics Training, announced Community Health Fair on March 12 and Celebrity Waiter dinner on March 14, and stated she would discuss Prop 98/99 at a future meeting.

GASTON: Announced Talent Show on March 15 at 7:00 p.m., attended Ethics Training at the League Meeting, attended Contract Cities Executive Board Meeting, received an email from a 15-year old resident proposing a miniature golf course in the City, received a request from the coordinator of the golf program at Northview inquiring if golf can be part of the Parks and Recreation programs, and announced Duarte Mediation Team meeting on March 20 at 6:30 p.m.

Georgino stated in the past, Parks and Recreation offered a golf class, however, the golf course no longer wanted to participate. Gaston asked if staff or one of the Commissions could look into the matter.

PARAS-CARACCI: Stated it is great that youth are interested in the City and encouraged them to serve on the Youth Commission, attended NLC conference in Washington, D.C., where there were discussions about the economy and legislative priorities, and provided information about the National League of Cities.

GEORGE: Announced City Council Strategic Planning Workshop on March 25 at 8:00 a.m.

REYES: Requested that the public safety citizen volunteers be invited to a future Council Meeting for recognition, asked that a Commission look at the bus stop at Beckville/Mountain to determine if it should be relocated and to have the benches returned, stated the Business Connection newsletter invites participation in an informal roundtable and has a simple questionnaire, and wished his son Phillip a happy 29th birthday.

ADJOURNMENT

Fasana moved, Gaston seconded to adjourn the meeting at 9:30 p.m., to the Strategic Planning Retreat, Tuesday, March 25, 2008, 8:00 a.m., at Westminster Gardens, Fellowship Hall, 1420 Santo Domingo Avenue, and carried unanimously.

Mayor Phillip R. Reyes

ATTEST:

City Clerk