

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE ADJOURNED REGULAR MEETING – JULY 22, 2008

INTERVIEWS At 5:30 p.m., the Duarte City Council conducted interviews for City Commissions. Mayor Reyes called the meeting to order at 5:35 p.m., with three members present (Paras-Caracci and Fasana arrived prior to the interviews).

ADOPTION OF AGENDA Finlay moved, Gaston seconded to adopt the Agenda, with the Consent Calendar removed for consideration during the meeting, and carried unanimously.

CLOSED SESSIONS At 6:00 p.m., three Closed Sessions were held. Slater stated the first Closed Session is 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 721. The second Closed Session is pursuant to Government Code Section 54956.8, Conference with Real Property Negotiators; Agency negotiators: Darrell George, Karen Herrera; Property: Northeast corner of Buena Vista/Huntington Drive, Duarte; Under negotiation: Price and terms of payment; Negotiating parties: Redevelopment Agency of the City of Duarte and M. Jorjezian Investments, Inc., RetailPlus Commercial Real Estate & Lake Development Group, Inc., Lowe Enterprises, Florence and Joseph Deverman et al, 1415 Huntington Drive, APN 8530-004-069; Alex Romo Inc., 1405 Huntington Drive, APN 8530-004-070, 8530-004-071; Gair, George and Saman Diab, 1303 Huntington Drive, APN 8530-004-072; Old Town Inc., 1307, 1309, 1311, 1313, 1315, 1317, 1319 Huntington Drive, APN 8530-004-074; Rite Aid Surplus Real Estate Dept Store #36069, 1335 Huntington Drive, APN 8530-004-078; Old Town Inc., 1337 Huntington Drive, APN 8530-004-079; Old Town Inc., 1338 Huntington Drive, APN 8530-004-080; Old Town Inc., 1345 Huntington Drive, APN 8530-004-081; Dunn Properties, (Parking Lot Strip), APN 8530-004-082; Hemine Hovsepi, 1355 Huntington Drive, APN 8530-004-083; Consolidated Stores, Inc., 1325 Huntington Drive, APN 8530-004-091, 8530-004-092, 8530-004-093; Mike Krasowski and GS Trs M. Krasowski, 1305 Huntington Drive, APN 8530-004-094; Redevelopment Agency of the City of Duarte, 1423 Huntington Drive, APN 8530-004-900; Redevelopment Agency of the City of Duarte, 1437 Huntington Drive, APN 8530-004-901. The third Closed Session is pursuant to Government Code Section 54956.9(b); Conference with legal counsel; Anticipated litigation/Threatened litigation; Number of potential cases: 2. The Closed Sessions concluded at 7:05 p.m.

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. Mayor Reyes called the meeting to order at 7:10 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 Haley Battice led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

FITNESS WARM-UP Slater led the group in a series of warm-up exercises.

PUBLIC REPORT OF
CLOSED SESSION

Slater stated during the first Closed Session, the City Manager provided an update on the status of the discussions with the Union, City Council received information, and no action was taken. During the second Closed Session, the Agency Board discussed potential prices for property acquisition, and unanimously provided direction to the Agency negotiators to continue negotiations with the property owners and developers, with the exception of Lowe Enterprises who withdrew its interest in that site. During the third Closed Session, the City Council received information from the City Attorney about the status of two potential cases, and the City Attorney received direction, with no reportable action taken.

ANNOUNCEMENTS

Rodney Jefferson, A Game Fundamentals Basketball, announced skills clinic August 4-8, stated Corie Blount made a donation to the clinic, and scholarships are available.

Karen Herrera stated basketball clinic scholarship applications are available at City Hall, announced Concert in the Park on July 23, Hazardous Waste events on July 26 and August 16, Duarte's Promise back-to-school event on August 21 at Santa Anita Race Track, Public Safety Commission vacancy, Cal-Am Water community meeting on July 28, City of Hope Blood Drive on July 23, performance of Oklahoma at the PAC Center on July 24-26, and provided an update on the recent Edison outage.

Finlay announced Household Hazardous Waste and e-waste event on October 11 in Duarte.

George stated he and the Mayor will be meeting with Edison to discuss the recent power outages.

Lupe Valerio, Duarte Employees Community Group, announced the members are available for fundraising services, and are volunteering with Foothill Unity Center and the Community Services Council in providing services to the City.

SPECIAL ITEMS

Oaths of Office – Commissioners

The Oath of Office was administered to the newly appointed Traffic Safety, Public Services, Public Safety, and Economic Development Commissioners in attendance. Mayor Reyes presented them with Certificates of Appointment and congratulations were extended. It was noted those Commissioners not in attendance would take the Oath of Office prior to their Commission meeting.

Mayor's Youth Council

Mayor Reyes and Councilmember Paras-Caracci introduced and presented Certificates of Appointment to the members of the Mayor's Youth Council, and thanked them for their willingness to serve the community.

Recognition – DHS program participants

Mayor Reyes introduced and presented Certificates of Appreciation to participants in the Duarte High School Swim, Baseball, Softball, and Tennis programs, and students participating in ROP, and congratulations were extended.

Recognition – Tino Dominguez

Mayor Reyes presented a Certificate of Appreciation to Tino Dominguez, Silver Medalist, Heavyweight Boxing Division of the 2008 Junior Olympic National Championships, and also introduced participants and volunteers in the Desert Showdown and Boxing program, and announced Boxing Tournament on August 24 at Duarte High School gym.

Proclamation
National Night Out

Mayor Reyes read and presented the Proclamation for National Night Out to Brian Villalobos, who described planned events for National Night Out on August 5.

Fourth of July Report

Brian Villalobos presented the Public Safety Department Fourth of July Report highlighting fireworks suppression and citations, and displayed photos of illegal fireworks that were confiscated.

SGV Small Business Development Center presentation

Daniel Morales, San Gabriel Valley Small Business Development Center, provided a PowerPoint presentation including target market, outreach, collaboration with partners, core services, and results and achievements. Gaston suggested Mr. Morales make the presentation to the Economic Development Commission. Finlay suggested an update be presented every six months.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda:
Bob Reid and John Wallace – Development in Bradbury, pads should be level with retaining wall, large amount of dirt blows off trucks into homes.
Nita Norgard – Facility advisory, library programs, fundraiser.
Lino Paras – City’s website, power outage.
City Council requested that staff look into the concerns about the development in Bradbury, and report back.

CONSENT CALENDAR
Items Added

Fasana moved, Paras-Caracci seconded to add the following to Item D of the Consent Calendar, and carried unanimously: Finlay to attend Contract Cities Dinner on 8/20/08 and League Dinner on 8/7/08; Paras-Caracci and Reyes to attend League Dinner on 8/7/08, San Gabriel Valley Economic Partnership Gala on 9/12/08, and Annual League Conference 9/24-27/08.
Gaston moved, Fasana seconded to approve the Consent Calendar, as follows, and carried unanimously.
Remove Item A.
Approve Items B, C, D (as amended above).

Item Removed

Item A. – Minutes of July 8, 2008. Paras-Caracci stated she would like to clarify regarding the appointment of the slate of nominees for the Traffic Safety Commission that she supported the appointment of William Riordan and Neil Bjornsen, and she was opposed to Jim Kirchner’s appointment. Finlay stated her concern was that she thought Jim Kirchner would be better on another Commission. Slater stated those comments would be noted in the current minutes. Finlay moved, Paras-Caracci seconded to approve the minutes, as corrected to reflect the vote for William Lawrence’s appointment to the Planning Commission as unanimous, and carried unanimously.
Lino Paras stated he thought he spoke at the previous Closed Session, and felt speakers’ comments are too brief.

PUBLIC HEARING
Council Bill 08-R-16
Orders levy of assessments
2008-09 Landscape/Lighting

Mayor Reyes announced this was the time and place set for a Public Hearing to consider the levy and collection of assessments for fiscal year 2008-09 within the Citywide Landscape and Lighting Maintenance District, and read by title Council Bill 08-R-16:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008-2009 WITHIN THE CITYWIDE LANDSCAPE AND LIGHTING DISTRICT PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972
Notice of the hearing had been given, the affidavit was on file, and no written communications had been filed in the matter.
Dominic Milano, City Engineer, provided a staff report about the proposed assessments to be levied, and responded to a question pertaining to the public hearing notice.
Mayor Reyes asked if there was anyone in the audience who wished to be heard on the matter.

Harb Thind discussed the hedges on the easterly side of Vineyard, and stated all areas should be inspected.

Lino Paras inquired about street maintenance for Encanto Parkway and \$75,000 increase in the General Fund. Milano and Petersen responded.

Gaston moved, Paras-Caracci seconded to close the Public Hearing, and carried unanimously.

RESOLUTION NO. 08-16

Fasana moved, Gaston seconded to adopt Resolution No. 08-16, and carried unanimously.

ORDINANCES

Council Bill 08-O-06
Moratorium – Exceed 18’ in
R-1D Zone (Urgency)

Mayor Reyes read by title Council Bill 08-O-06:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934, 36937, AND 65858, ADOPTING A MORATORIUM ON THE GRANTING, UNDER DUARTE MUNICIPAL CODE SECTION 19.32.050(e)(2), OF CONDITIONAL USE PERMITS FOR BUILDINGS OR STRUCTURES TO EXCEED EIGHTEEN FEET IN HEIGHT IN THE R-1D SINGLE FAMILY RESIDENTIAL ZONE (20,000) OF THE CITY (Urgency)

George provided a staff report about the proposed urgency ordinance.

Fred Klumb stated he and his wife support the moratorium, and stated he had previously circulated a petition that 78% of the homes supported to keep the height at 18 feet.

There was discussion about the areas that were included, the exclusion of 2333 High Mesa, and the clarification that the exclusion is for the property, not the person.

ORDINANCE NO. 803
(Urgency)

Fasana moved, Finlay seconded to adopt Ordinance No. 803, and carried unanimously.

Council Bill 08-O-07
Moratorium – Massage,
Acupressure, Similar Uses

Slater read by title Council Bill 08-O-07:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934, 36937, AND 65858, ADOPTING A MORATORIUM ON THE GRANTING OF CONDITIONAL USE PERMITS UNDER CHAPTER 19.70 OF THE DUARTE MUNICIPAL CODE FOR MASSAGE, ACUPRESSURE, AND SIMILAR TYPES OF USES (Urgency)

George provided a staff report about the proposed urgency ordinance.

ORDINANCE NO. 804
(Urgency)

Gaston moved, Fasana seconded to adopt Ordinance No. 804, and carried unanimously.

BUSINESS ITEMS
City Commission appointments
Economic Development
Commissioner

Fasana moved, Gaston seconded to nominate Samuel Kang as Business Owner/Operator Representative to the Economic Development Commission for a term ending December 31, 2009. Fasana moved, Gaston seconded to close nominations. Gaston moved, Fasana seconded to appoint Samuel Kang as stated above, and carried unanimously.

Planning Commissioner

Gaston moved, Finlay seconded to nominate William Moore to the Planning Commission for a term ending December 31, 2009. Gaston moved, Paras-Caracci seconded to close nominations. Gaston moved, Fasana seconded to appoint William Moore as stated above, and carried unanimously.

Settlement Agreement/Release
Garrett and Pamela Gomez

George provided a staff report about the proposed Settlement Agreement and Release between the City of Duarte and Garrett and Pamela Gomez pertaining to the City's denial of a CUP.

Fasana moved, Paras-Caracci seconded to approve the Settlement Agreement and Release.

Slater responded to questions from Councilmembers pertaining to a new CUP application, new evidence, future project details, and due process.

Gary Barta stated this appears to put pressure on the City Council to approve the CUP, and it seems one-sided toward the Gomezes.

Lino Paras stated he feels City Council is using its best judgment to minimize potential claims, the decision was weak at the time, and it is Council's responsibility to think on an overall basis.

Harb Thind stated there are several houses there that are two-story and over 18' high, the neighbor that is complaining has a two-story home, and he thinks the restriction is not logical.

The motion to approve the Settlement Agreement and Release carried unanimously.

Royal Oaks Park Building
Reject all bids

Fasana moved, Finlay seconded to reject all bids for the Royal Oaks Park Building, and carried unanimously.

Youth Master Plan

There was discussion about the Youth Master Plan report, scope of work, partnerships, and other foundations. Paras-Caracci clarified that the Youth Master Plan should be called the Youth and Families Master Plan, noted the National League of Cities will be providing a tool kit for the project, and suggested this item be discussed by the Mayor's Youth Council and/or Parks and Recreation Commission for feedback. Fasana stated he would support some level of funding. The Youth Master Plan staff report was received and filed.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GASTON: Stated she was a guest speaker at the National Association of Colored Women's Club in Torrance, thanked Mayor Reyes for following up on strategic plan items, suggested Mr. Morales make his presentation to the Economic Development Commission, thanked all who focus on youth and suggested inviting the press when youth are recognized, suggested a letter be sent to Dr. Geraldine Perri, new superintendent/president of Citrus College, as well as Mr. Eric Barba, the new principal of Duarte High School to welcome them to our team, requested a letter or certificate be sent to South El Monte in celebration of its 50th Anniversary, asked that the meeting be adjourned in memory of Arthur Jones, and stated at the Goldline JPA Meeting in Arcadia, the cities along the Goldline voted not to support a tax increase if definitive language was not included.

PARAS-CARACCI: Thanked the Mayor for including her in the presentations to the Mayor's Youth Council, attended NLC Board of Directors Meeting in Alabama where representatives from the McCain and Obama camps spoke, attended the Maryvale groundbreaking ceremony, and displayed a certificate she received for participating in Irwindale's parade.

FINLAY: Stated the trees cut down by the Fitness Center will be replaced with trees that will not damage the concrete, stated we need to make sure everyone in the Hearthstone tract is contacted about the public hearing, noted she receives questions about soundwalls and would like periodic updates about them, announced hazardous and e-waste event in Duarte on October 11, invited attendance at the production of Oklahoma at the

PAC Center, and thanked LULAC for having former students who received scholarships speak about life challenges, pitfalls, and provide good advice to youth.

FASANA: Congratulated Maryvale on its new project and stated it is a powerful presence and will provide good services to young people, stated Azusa talked about making a public interest-type video about not going into the river, asked if they have done it and if we can do it to expand the education effort, and stated Metro will decide on July 24 if the half-cent sales tax item will be on the November ballot.

REYES: Stated he and the City Manager will be meeting with Edison officials about recent outages, stated the bathrooms at Andres Duarte Park, Otis Gordon Park, and the upper and lower fields at Duarte Park are dirty and we need to talk to the company to change them more frequently, and stated the Maryvale facility is phenomenal and its goal is to serve 1,000 families in the next three years.

GEORGE: Stated he and Councilmember Gaston will attend a press conference with a number of other cities on July 24 in Downey to express concerns about the State budget and the State taking cities' monies.

ADJOURNMENT

Finlay moved, Fasana seconded to adjourn the meeting at 10:10 p.m., in memory of Arthur Jones and Raymond Martin, to August 12, 2008, 5:30 p.m. (City Commission interviews), and carried unanimously.

Mayor Phillip R. Reyes

ATTEST:

City Clerk