

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – AUGUST 26, 2008

At 5:30 p.m., four Closed Sessions were held (as stated below). Mayor Reyes called the meeting to order at 5:37 p.m., with four members present (Paras-Caracci arrived during the Closed Sessions).

ADOPTION OF AGENDA

Finlay moved, Fasana seconded to add a discussion/direction item regarding a letter to the Governor requesting a veto of AB 2427 as Item 15.D, and carried unanimously. Gaston moved, Fasana seconded to adopt the Agenda, as amended, and carried unanimously.

CLOSED SESSIONS

- 1) Conference with Labor Negotiators
- 2) Conference with Real Property Negotiators
- 3) Conference with Real Property Negotiators
- 4) Conference with Legal Counsel –Threatened Litigation

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 (not present); Negotiating parties: Redevelopment Agency of the City of Duarte and Fountainhead Shrugged, LLC; Under negotiation: Price and terms of payment; Concerning Agency-owned property at 1263 Huntington Drive, Duarte (Vacant lot at northwest corner of Huntington Drive and Buena Vista Street). The third Closed Session is pursuant to Government Code Section 54956.8; Conference with Real Property Negotiators; Agency negotiators: Darrell George, Karen Herrera (not present); Negotiating parties: Redevelopment Agency of the City of Duarte, and Mike Krasowski and GS Trs M. Krasowski; Under negotiation: Price and terms of payment; Property: 1305 Huntington Drive, APN 8530-004-094. The fourth Closed Session is pursuant to Government Code Section 54956.9(b)(1); Conference with legal counsel; Anticipated/Threatened litigation; Number of potential cases: 1. The Closed Sessions concluded at 6:00 p.m.

RECEPTION – City of Duarte’s 51st Anniversary Celebration

At 6:00 p.m., a reception was held to celebrate the City of Duarte’s 51st 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 Reyes called the meeting to order at 7:05 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

Brianna Thomas-Ruiz led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION

A moment of reflection was observed.

FITNESS WARM-UP

Villalobos 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 received an update on the status of the confirmation of the MOU, with no further action taken. During the second Closed Session, the Agency Board received a report on negotiations, and the City Manager was unanimously directed to continue negotiations with the developer, with no further action taken. During the third Closed Session, the Agency Board received a report on the counter-offer received for the acquisition of the

subject property, and unanimously directed the negotiators to continue negotiations with Mr. Krasowski and the Krasowski Trust, with no further action taken. During the fourth Closed Session, the status of potential litigation was discussed, and the City Attorney received unanimous direction on its handling, with no further action taken.

SPECIAL ITEMS

Presentation of Plaques to Outgoing Commissioners

Mayor Reyes presented plaques to outgoing City Commissioners in attendance, Lyn Cross, Winston Bautista, and Ed Nielsen, and congratulations were extended. Outgoing Commissioners not in attendance were Dianne Cahir, Ed Houlemarde, Donna-Marie Bright, Rocky Wenrick, and Wendy Glatky.

Recognition – Life After High School program

Brian Villalobos described the Life After High School program, and thanked the participants and chaperones. Certificates were presented by the Deputies to the students, and Mayor Reyes presented Certificates of Appreciation to the chaperones.

Introduction – William Ihrke
New Assistant City Attorney

Dan Slater introduced William Ihrke, the new Assistant City Attorney. City Council welcomed Mr. Ihrke to the City.

Presentation by Edison Company

Elissa Clifford, Edison Company Region Manager, made a presentation about circuit improvements and service reliability, including Duarte characteristics, history of outages, recent improvements, future work on the Honeywell circuit, and long-term plans. Gary Schockley described circuit reconditioning.

ITEMS ADDED TO CONSENT

Fasana moved, Finlay seconded to add the following items to the Consent Calendar as Item 12.E for City Council and City Manager attendance, and carried unanimously: California Contract Cities 28th Annual Fall Seminar, October 17-19, 2008, San Luis Obispo; League of California Cities General Membership Dinner Meeting, September 4, 2008, Los Angeles; and California JPIA Annual Risk Management Conference, November 5-7, 2008, Indian Wells.

CONSENT CALENDAR

Fasana moved, Gaston seconded to approve the Consent Calendar, as amended as follows, and carried unanimously.
Approve Items A, B, C, E.
Receive and file Item D.

PUBLIC HEARINGS

45-day Moratorium Report
Council Bill 08-O-08
Extends Moratorium–Exceed 18’
in R-1D Zone (Urgency)

Mayor Reyes announced this was the time and place set for a Public Hearing to consider receiving and filing Government Code Section 65858(d) 45-day moratorium report, and extending a moratorium pertaining to height restrictions in the R-1D zone.

Silvia Hurtado provided a staff report about the 45-day moratorium report and proposed urgency ordinance.

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

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934, 36937, AND 65858, EXTENDING 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

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

Mayor Reyes asked if there was anyone in the audience who wished to be heard on the matter.

Fred Klumb stated he and his wife support the moratorium, felt the City's negotiation for 2333 High Mesa was with the people, not the house, stated with the moratorium, none of the other houses can apply for a CUP, and stated he thinks it is not fair to others.

Slater responded to questions from City Councilmembers about the effect of the moratorium in the event the property owner at 2333 High Mesa sells the home during the moratorium period.

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

Fasana moved, Paras-Caracci seconded to receive and file the Government Code Section 65858(d) 45-day moratorium report pertaining to height restrictions in the R-1D zone, and carried unanimously.

ORDINANCE NO. 805
(Urgency)

Fasana moved, Paras-Caracci seconded to adopt Ordinance No. 805, and carried unanimously.

45-day Moratorium Report
Council Bill 08-O-09
Extends Moratorium – Massage,
Acupressure, Similar Uses
(Urgency)

Mayor Reyes announced this was the time and place set for a Public Hearing to consider receiving and filing Government Code Section 65858(d) 45-day moratorium report, and extending a moratorium pertaining to massage, acupressure, and similar uses.

Silvia Hurtado provided a staff report about the 45-day moratorium report and proposed urgency ordinance.

Slater read by title Council Bill 08-O-09:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934, 36937, AND 65858, EXTENDING 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

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

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

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

Gaston moved, Fasana seconded to receive and file the Government Code Section 65858(d) 45-day moratorium report pertaining to massage, acupressure, and similar uses, and carried unanimously.

ORDINANCE NO. 806
(Urgency)

Gaston moved, Paras-Caracci seconded to adopt Ordinance No. 806, and carried unanimously.

BUSINESS ITEMS
Mayor's Youth Council

There was discussion about increasing the number of members of the Mayor's Youth Council to include the two students who were interviewed but not appointed.

Finlay moved, Fasana seconded to add the two applicants to the Mayor's Youth Council who were previously interviewed but not appointed, and carried unanimously. Slater stated he would need to prepare a resolution to that effect for consideration at the following City Council Meeting.

Future public library

There was discussion about the community's interest in a public library, factors that have changed during the past years, possibility of a bond and working with the School District and the County, grants, matching funds, ad hoc committee, options, other uses for the library, need for multi-uses rather than traditional library, collaboration with School District and County, need for discussion in the future, job training, need for external funding, life-long learning center, need for creativity, and benefits for the entire community.

Set Public Hearing – 9/9/08
L.A. County Fire Code

Fasana moved, Gaston seconded to set a Public Hearing for September 9, 2008, to consider an ordinance titled "An Ordinance of the City Council of the City of Duarte, California, adopting by reference the 2008 Los Angeles County Fire Code, Title 32, as the Fire Prevention Code of the City of Duarte, Chapter 15.04 of the Duarte Municipal Code," and carried unanimously.

Letter to Governor
Request to veto AB 2427

Gaston moved, Finlay seconded to authorize the Mayor to sign and send a letter to Governor Schwarzenegger requesting a veto of AB 2427 pertaining to professions and vocations, and carried unanimously.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda:
Mark Montgomery – Engineer Bill's passing.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GASTON: Attended Contract Cities Executive Board Meeting in Long Beach and General Meeting at the Arboretum, attended the League dinner where Joe Garcia was installed, stated the Adventure Club is outstanding and perfectly timed, and stated Councilmember Paras-Caracci is featured in the current issue of Western Cities magazine.

PARAS-CARACCI: Thanked all involved with the boxing show tournament event, stated the Community Grand Marshal for the Route 66 Parade is Victor Valenzuela, other Grand Marshals will be announced at a later date, clarified that although the Economic Development Commission meets every other month, they are able to meet in-between should the need arise, discussed Olympics events and athletes, stated her cousin played in the Little League World Championship, and stated residents need to be aware of bees and wasps, in addition to mosquitoes and flies.

FINLAY: Attended and enjoyed the boxing match, stated the first case of West Nile Virus was responsible for the death of a person in Buena Park, provided copy of a Report to the Community from Rexburg, Idaho, to the City Manager, stated it is a great communication tool and suggested our City can use it with the support of sponsors, and asked that the meeting be adjourned in memory of Robert Pike.

FASANA: Stated the boxing event was excellent and congratulated all the participants, and stated he attended the Transportation Summit meeting with the Mayor.

GEORGE: Attended the boxing event, stated the fences are up around Fresh & Easy, it is planned to open in January, and stated Best Buy plans to open in March.

REYES: Inquired about the results of the speed bump survey on Fernley, stated he would like the Neighborhood Watch Block Captains to receive the State of the City update, requested an

update on youth employment through the Workforce Investment Board, requested information about the refund policy for senior trips, requested an accounting of the Boxing Show, thanked all who helped with the Boxing Show, and invited all to the Parade and Picnic on September 20.

ADJOURNMENT

Finlay moved, Fasana seconded to adjourn the meeting at 9:33 p.m., in memory of Robert Pike and Engineer Bill Stulla, and carried unanimously.

Mayor Phillip R. Reyes

ATTEST:

City Clerk