

## MINUTES

### JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – SEPTEMBER 9, 2008

At 6:30 p.m., a Closed Session was held (as stated below). Mayor Reyes called the meeting to order at 6:35 p.m., with four members present (Finlay was absent).

#### ADOPTION OF AGENDA

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

#### CLOSED SESSION

##### Public Employee Evaluation

Lino Paras stated he is satisfied with the performance of Mr. George, he has done a lot of good things, and he thinks this should be done in full Council.

Slater stated the Closed Session is pursuant to Government Code Sections 54957(b)(1) and 54957.6(a); Public Employee Performance Evaluation; Title of Position: City Manager; Designated Representative: Dan Slater, City Attorney. The Closed Session concluded at 6:57 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 7:07 p.m.

#### RECORDATION OF ATTENDANCE

The following were in attendance:

PRESENT: Fasana, Gaston, Paras-Caracci, Reyes

ABSENT: Finlay

ADMINISTRATIVE STAFF PRESENT: City Manager  
George, City Attorney Slater

#### PLEDGE TO THE FLAG

Jonathan Marquez led the Pledge of Allegiance to the Flag.

#### MOMENT OF REFLECTION

A moment of reflection was observed.

#### FITNESS WARM-UP

Rodney Jefferson led the group in a series of warm-up exercises.

#### PUBLIC REPORT OF CLOSED SESSION

Slater stated during the Closed Session, the City Council began the process of the City Manager's evaluation, and will continue the process in Closed Session at the first meeting in October, with no action taken.

#### ANNOUNCEMENTS

Nita Norgard announced Casino Night on September 13 at the Duarte Senior Center.

K. C. Caracci announced Parade and Picnic on September 20, and stated the Community Grand Marshal is Victor Valenzuela.

Karen Herrera announced Honor Among Ashes event on September 11 at Andres Duarte School, Edison information booth at the Picnic, Community Development Department Housing Element Community Workshop on September 29, College Fair on September 30, College Prep Seminar on October 8, Water Fest on October 4, Hazardous Waste event on October 11 at City of Hope, and Rose Float Committee Golf Tournament on November 6.

Lino Paras stated Parade signs will be posted around the City, and a number of superheroes will be in the Parade.

#### SPECIAL ITEMS

##### Ad Hoc Downtown Duarte Committee members

Mayor Reyes introduced and presented Certificates to members of the Ad Hoc Downtown Duarte Committee, and thanked them for their service to the City of Duarte.

##### Summer ROP Recreation Leader Students

Donna Georgino introduced Recreation Supervisor Teesha Tarr, and described the recreation leader training program. Mayor Reyes presented Certificates to the students, and congratulations were extended.

Summer Youth Employment  
and Training Students

Brian Villalobos and Aida Torres introduced Youth Services Coordinator Erik Araisa, and described the summer youth employment and training program. Mayor Reyes thanked the youth participants and Sirius Gearheads for their commitment to youth, and presented them with Certificates of Appreciation.

Presentation – “A” Game  
Fundamentals Basketball

Lino Paras commented on the popularity of basketball.

Gaston stated photos of the Basketball Clinic participants will be displayed at Applebee’s in Monrovia, KTLA Morning News featured the Clinic on August 4, and Jasmine Gordon was recruited for basketball skills she developed with the help of Mr. Jefferson.

Rodney Jefferson, “A” Game Fundamentals Basketball, made a PowerPoint presentation about the Clinic that was held August 4-8, including mission statement, aspects of program, cost, life skills training, health and nutrition, high school and college preparation, lunch sponsors, celebrity guest speakers, accomplishments, and alumni success stories.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda:  
Alan Heller – Access to older foot trail.

ITEMS ADDED TO CONSENT

Gaston moved, Fasana seconded to add Gaston’s expense items for August 2008 to Item 12.B (Warrant Register), and to add the following items to the Consent Calendar as Item 12.D for City Council attendance, and carried unanimously: Pasadena NAACP Awards Banquet, September 11, 2008, Pasadena; and Amigos de los Rios Emerald Necklace Gala, October 3, 2008, El Monte.

CONSENT CALENDAR

Fasana moved, Paras-Caracci seconded to approve the Consent Calendar, as amended as follows, and carried unanimously.  
Approve Items A, B, C, D.

JOINT PUBLIC HEARING  
Agency Bill RA-376  
Council Bill 08-R-24  
Fourth Addendum – OP/DDA  
Duarte-Jacobsen Family  
Holdings I, LLC

Mayor Reyes announced this was the time and place set for a Joint Public Hearing to consider the Fourth Addendum to the Owner Participation and Disposition and Development Agreement with Duarte-Jacobsen Family Holdings I, LLC.

Slater read by title Agency Bill RA-376 and Council Bill 08-R-24:

RA-376 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE APPROVING THE FOURTH ADDENDUM TO THE OWNER PARTICIPATION AND DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AND DUARTE-JACOBSEN FAMILY HOLDINGS I, LLC

08-R-24 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE FOURTH ADDENDUM TO THE OWNER PARTICIPATION AND DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AND DUARTE-JACOBSEN FAMILY HOLDINGS I, LLC

George provided a detailed staff report about the proposed Fourth Addendum to the Owner Participation and Disposition and Development Agreement.

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. Mayor Reyes 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.

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

RESOLUTION NO. RA-376

Gaston moved, Fasana seconded to adopt Agency Resolution No. RA-376, and carried unanimously.

RESOLUTION NO. 08-24

Gaston moved, Fasana seconded to adopt City Resolution No. 08-24, and carried unanimously.

#### PUBLIC HEARINGS

Conditional Use Permit 08-4  
2333 High Mesa Drive

Mayor Reyes announced this was the time and place set for a Public Hearing to consider Conditional Use Permit 08-4, an application to exceed 18' (but less than 25') in height in the R-1D Zone pursuant to DMC Section 18.32.050(e)(2) for a two-story home with a building height of 23'-11" at 2333 High Mesa Drive (Applicant: Jimmy Lee on behalf of property owners Pamela and Garrett Gomez).

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. Mayor Reyes asked if any written communications had been filed in the matter. Akana stated a letter from Joan Fuoco was submitted at tonight's Council Meeting, and copies were provided to the City Council.

Rebecca Ramirez, Assistant Planner, provided a staff report about Conditional Use Permit 08-4, displayed an overview of the topography/site plan, cross-sections, and elevations, and stated staff's recommendation is that City Council approve the Addendum to the Mitigated Negative Declaration, make the required five findings indicated in the staff report, and approve Conditional Use Permit 08-4, subject to the 23 conditions of approval indicated in the staff report.

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

Harb Thind stated he thinks it is time the applicant gets to build the house, it does not overshadow anyone's view, and requested that City Council approve the project.

Gary Barta read a letter from Joan Fuoco stating the new house will tower above her home, she will not have any privacy from her front yard to her backyard, her driveway and front door will be constantly exposed to second-story windows and balconies, and asked that the windows of bedroom #2, glass doors and balcony railing of the loft/media room, and glass doors with a balcony railing of the retreat room be modified to prevent views looking down on her house.

Fred Klumb stated he made drawings of the modifications in Ms. Fuoco's letter, proposes the modifications can be made by raising the windows in the bedroom and modifying the two balconies by raising the railing, and urged City Council to include these conditions.

Lino Paras stated he is in favor of the concept of the project, the concern seems to be reasonable, the Council is not in full Council tonight, he would like the full Council to decide this, and congratulated Mr. George for the compromise by all parties.

Alan Heller stated when he was on the Planning Commission, a second story was being built next to his home, it was done without notification, it looks down on his property, he is concerned about privacy, and he hopes City Council can do something to mitigate it.

Jimmy Lee stated he has carefully designed the house, he has

provided many exhibits for review, he has done everything he can for the neighbor's privacy issue, stated the wall can be made solid with a window for air flow and that would satisfy the neighbor's privacy issue, and stated he hopes the project could be approved tonight.

There was discussion about additional conditions of approval, modifying windows in the second bedroom, requiring a solid wall instead of open railing on the balconies, flexibility, and spirit of compromise.

Jimmy Lee stated the additional conditions that were discussed could be met.

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

Fasana moved, Paras-Caracci seconded to approve the Addendum to the Mitigated Negative Declaration, make the required five findings indicated in the staff report, and approve Conditional Use Permit 08-4, subject to the 23 conditions of approval indicated in the staff report, per staff recommendation, as well as the added Condition #24, "The window to Bedroom #2 on the east side of the structure shall be translucent glass, and the two balconies on the east side of the structure shall be surrounded with solid panels rather than railings, or equivalents for these three areas to the satisfaction of the Community Development Director, that similarly impedes views down onto the property immediately to the east from those three points," and carried unanimously.

Council Bill 08-O-10  
Adopts 2008 County Fire Code  
(First Reading)

Council Bill 08-O-11  
Designates Very High Fire  
Hazard Severity Zones  
(First Reading)

Mayor Reyes announced this was the time and place set for a Public Hearing to consider adopting the 2008 Los Angeles County Fire Code and designating the very high fire hazard severity zones within the City.

Slater read by title Council Bills 08-O-10 and 08-O-11:

08-O-10 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING BY REFERENCE THE 2008 LOS ANGELES COUNTY FIRE CODE, TITLE 32 (First Reading)

08-O-11 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DESIGNATING THE VERY HIGH FIRE HAZARD SEVERITY ZONES (AND WILDLAND URBAN INTERFACE AREAS) WITHIN THE CITY (First Reading)

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

Silvia Hurtado provided a staff report about the two proposed ordinances, introduced J. Lopez, Deputy Forester, Prevention Bureau, Forestry Division, and Bryan Batiste, Fire Prevention Division, Codes and Ordinances Unit Division, and stated they were available to answer further questions.

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

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

Fasana moved, Paras-Caracci seconded to introduce Council Bill 08-O-10 and Council Bill 08-O-11 for first reading, and carried unanimously.

BUSINESS ITEMS

Memorandums of Understanding  
SEIU Local 721

Lino Paras stated overall he is pleased with the progress of the Assistant City Manager and Human Resources Manager, they are no longer part of the Union, they are critical management people, he feels they should not be part of the Union, feels the City Clerk position reports to Council and is entrusted with confidential documents, and stated the cost savings for the transition to private insurance could be added to the base salary of employees at the time of the savings.

Fasana moved, Gaston seconded to approve the Memorandums of Understanding between the City of Duarte and SEIU Local 721 Management and Professional Employees and General Employees for Fiscal Years 2008/09–2010/11, and carried unanimously.

Foothill Transit JPA expansion

Fasana moved, Gaston seconded to send a response to Foothill Transit that the City of Duarte approves the addition of the city of Pasadena as a member agency of the Foothill Transit JPA, and approves the proposed structure change to the Foothill Transit Governing Board, and carried unanimously.

Council Bill 08-R-23  
Mayor's Youth Council  
(Amends membership)

Slater read by title Council Bill 08-R-23:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING AND RESTATING RESOLUTION NO. 08-04 ESTABLISHING THE MAYOR'S YOUTH COUNCIL

RESOLUTION NO. 08-23

Gaston moved, Fasana seconded to adopt Resolution No. 08-23, and carried unanimously.

Appointments to Mayor's  
Youth Council

Gaston moved, Fasana seconded to appoint Harold Saravia and Brandon Katz to the Mayor's Youth Council for terms ending June 30, 2009, and carried unanimously.

RESOLUTIONS

Slater read by title Council Bills 08-R-20, 08-R-21, and 08-R-22:

Council Bill 08-R-20  
Healthcare Contribution

08-R-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

Council Bill 08-R-21  
Unrepresented Employees

08-R-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING A SALARY SCHEDULE AND COMPENSATION PLAN FOR UNREPRESENTED REGULAR EMPLOYEES

Council Bill 08-R-22  
Part-Time Employees

08-R-22 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING AN HOURLY RATE SCHEDULE FOR PART-TIME TEMPORARY EMPLOYEES

RESOLUTION NO. 08-20  
RESOLUTION NO. 08-21  
RESOLUTION NO. 08-22

Fasana moved, Gaston seconded to adopt Resolution No. 08-20, Resolution No. 08-21, and Resolution No. 08-22, and carried unanimously.

ORDINANCES

Council Bill 08-O-12  
Pilot Programs – Parking  
(First Reading)

Slater read by title Council Bill 08-O-12:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING CHAPTER 11.13 OF THE DUARTE MUNICIPAL CODE AUTHORIZING THE ESTABLISHMENT BY THE CITY COUNCIL OF PILOT PROGRAMS FOR RESTRICTED ALL NIGHT STREET PARKING ON DESIGNATED STREETS OR IN DESIGNATED TRACTS (First Reading)

Fasana moved, Gaston seconded to introduce Council Bill 08-O-12 for first reading, and carried unanimously.

PUBLIC SERVICES  
COMMISSION  
DCTV Funding

Alan Heller stated there are two new DCTV Board Members, DCTV has new ideas and is asking to be brought up to speed with a one-time only payment to upgrade equipment, DCTV has created a prototype website and is getting prepared for the digital age, and there is still a need for cameras, editing equipment, and basic ongoing equipment.

There was discussion about Verizon, fiber optics, internet connectivity, previous recommendation from consultant, and State budget situation.

Manoj Patel stated he is the Chamber representative to DCTV, when he hosted the Chamber Spotlight, he used his personal camera until cameras could be purchased, technology is changing, \$64,000 is seed money, DCTV can be part of internet telecasting, and stated the residual value is high.

Robert Anaya, Jr., stated he is a senior at Duarte High School, he attends DCTV training to learn about production and hopes to work at a television show, the equipment used is old, DCTV still uses VHS instead of DVDs, and stated he attended class all through the summer.

Fasana moved, Gaston seconded to approve a one-time expenditure of \$64,000 to DCTV for new production equipment, and a \$5,000 increase to the ongoing annual funding for DCTV, with the disbursement to be made within one month, and with the understanding that staff can bring this item back to City Council for consideration if the State budget issue causes a significant problem, and carried unanimously.

ORAL COMMUNICATIONS  
(Continued)

The following spoke on items not on the Agenda:  
Lino Paras – Microphone, sound system.

ITEMS FROM CITY COUNCIL/  
CITY MANAGER

FASANA: Received a request from Set for Life to use the PAC for its Black History Month tribute, provided a letter to the City Manager from the County of Riverside regarding its healthcare system, attended the inauguration of Citrus College President Dr. Geraldine Perri with the City Manager, attended the League Division Meeting where the assessor's report on property values was presented, discussed Western Cities magazine article about challenges for the next generation of leaders, and asked that the meeting be adjourned in memory of Fairfield Councilmember Matt Garcia and Ed Justice, Sr.

GASTON: Provided information about Ed Justice's services, stated she received a number of calls about the power outages and inquired about the financial impact on Duarte High School, stated Sgt. Wyche will be leaving and thanked him for reaching out and connecting with the community, stated she is looking forward to Mr. Fasana's celebration, attended Contract Cities Executive Board Meeting and the wedding of the Mayor of Pico Rivera, stated Contract Cities will ask member cities about what projects would be in jeopardy should the State take Agency funds, and provided information to the City Manager about the Love Our Children Program and stated she would like to recognize them.

PARAS-CARACCI: Suggested information or a schedule about street-cleaning days be included on the City's website, stated she and her neighbors have concerns about homeless persons in our community and inquired about resources, thanked staff for

keeping the parks clean and emptying trash cans after parties, and asked that the meeting be adjourned in memory of Matthew Aydelott and Jose Rizal San Diego.

Fasana stated the San Gabriel Valley COG has completed a study on homelessness, it will be ready in one month, and when it comes forward, we should bring it to City Council. Gaston stated Foothill Unity Center is a service provider for the homeless, it donates personal products, and has referrals for shelters.

GEORGE: Stated he attended the Integrated Waste Management Board Meeting in Sacramento, the Board approved the City's application for a \$750,000 grant to cover half of the work associated with the golf course, and the full Board will hear the item next week.

REYES: Requested a report from the Public Safety Office about the homeless issue, requested a report about youth employment programs, requested a Teen Center report and presentation to include the boxing program, requested a report on activities at the Senior Center including trips and the refund policy, stated the youth boxers will be recognized at the County Fair, attended the Monrovia-Duarte Classic annual football game and appreciated the message about taking leadership and ownership, inquired about the date for the Commissioner Workshop, stated he is concerned about the impact of power outages on residents and businesses, and announced Parade and Picnic on September 20, City of Hope community meeting on October 1, Temple Station Booster Club golf tournament on October 6, and Mayor's Teen Liaison luncheon on October 2.

Gaston suggested that Allan Cook be invited to the next Mayor's Business Connection to discuss his plan to be self-contained in the event of a power outage, and also suggested conducting a workshop to help businesses.

ADJOURNMENT

Fasana moved, Paras-Caracci seconded to adjourn the meeting at 10:38 p.m., in memory of Jose Rizal San Diego, Matthew Aydelott, Ed Justice, Sr., and Matt Garcia, and carried unanimously.

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Mayor Phillip R. Reyes

ATTEST:

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City Clerk