

MINUTES

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE
REGULAR MEETING – SEPTEMBER 23, 2008**

At 5:30 p.m., a Closed Session was held (as stated below). Mayor Reyes called the meeting to order at 5:33 p.m., with three members present (Paras-Caracci and Fasana arrived during the Closed Session).

ADOPTION OF AGENDA Finlay moved, Gaston seconded to adopt the Agenda, and carried unanimously.

CLOSED SESSION
Anticipated/threatened litigation Slater stated the Closed Session is pursuant to Government Code Section 54956.9(b)(1); Anticipated/threatened litigation; Number of potential cases: 1. The Closed Session 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 7:07 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 Telesforo Barreto led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

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

PUBLIC REPORT OF CLOSED SESSION Slater stated during the Closed Session, the City Council discussed the issues surrounding the potential litigation, and unanimously decided to not take action at this time.

ANNOUNCEMENTS Nita Norgard announced Festival of Authors on October 4 at Westminster Gardens, and thanked sponsors.

Karen Herrera announced Tire Recycling event on September 27, Hazardous Waste event on October 11 at City of Hope, Community Development Department Housing Element Community Workshop on September 29, College Fair on September 30, College Prep Seminar on October 8, Rose Float Committee Golf Tournament on November 6, provided specific information about the limited planned power outage on September 25, and announced City of Hope/City of Duarte community meeting on October 1.

Robert Cuite announced Duarte Education Foundation dinner on October 25 where Wishing Well Grants will be announced.

K. C. Caracci introduced the Route 66 Parade Committee members, thanked the City for its support, and presented T-shirts to City Councilmembers. Mayor Reyes presented Certificates to the Committee Members in appreciation of their service.

RECESS Mayor Reyes called a Recess at 7:40 p.m. City Council reconvened at 7:50 p.m., with all members present.

SPECIAL ITEMS
Mayor's Youth Council Mayor Reyes congratulated the two new members of the Mayor's Youth Council, Harold Saravia and Brandon Katz, and presented them with Certificates of Appointment.

Recognition – Sgt. Bobby Wyche Mayor Reyes presented a plaque to Sgt. Bobby Wyche, and thanked him for his excellent service to the residents of Duarte.

ORAL COMMUNICATIONS	The following spoke on items not on the Agenda: Lupe Valerio – Mayor’s Youth Council. Telesforo Barreto – Membership changes to Youth Council. Fonter Loera – Mayor’s Youth Council application deadline. Lino Paras – Parade certificates and refreshments. Cesar Cardenas – County Planning Department business hours.
ITEMS ADDED TO CONSENT	Finlay moved, Gaston seconded to add Fasana’s attendance at the League of California Cities Los Angeles Division breakfast meeting, September 26, 2008, Long Beach, and all City Council-member’s attendance at the Duarte Kiwanis Club Installation of Officers and Directors, September 30, 2008, Duarte, and carried unanimously.
CONSENT CALENDAR	Finlay moved, Fasana seconded to approve the Consent Calendar, as amended as follows, and carried unanimously. Approve Items A, B, D, E. Receive and File Item C.
ORDINANCES Council Bill 08-O-10 Adopts 2008 County Fire Code (Second Reading)	Slater read by title Council Bill 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 (Second Reading)
ORDINANCE NO. 807	Gaston moved, Fasana seconded to adopt Ordinance No. 807, and carried unanimously.
Council Bill 08-O-11 Designates Very High Fire Hazard Severity Zones (Second Reading)	Slater read by title Council Bill 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 (Second Reading)
ORDINANCE NO. 808	Fasana moved, Finlay seconded to adopt Ordinance No. 808, and carried unanimously.
Council Bill 08-O-12 Pilot Programs – Parking (Second 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 (Second Reading)
ORDINANCE NO. 809	Fasana moved, Paras-Caracci seconded to adopt Ordinance No. 809, and carried unanimously.
PUBLIC HEARING Council Bill 08-R-27 Pilot Parking Program (Hearthstone Tract)	Mayor Reyes announced this was the time and place set for a Public Hearing to consider establishing a pilot restricted parking program in the Hearthstone Tract and establishing fees. Paras-Caracci excused herself from the discussion and left the building on the recommendation of the City Attorney, since she lives within 500 feet of the area being discussed. Slater read by title Council Bill 08-R-27: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ESTABLISHING A PILOT OVERNIGHT RESTRICTED PARKING PROGRAM IN THE HEARTHSTONE TRACT AND ESTABLISHING VARIOUS FEES RELATED TO THE PILOT PROGRAM 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 in addition to the letter received from Connie Lang that is included in the Agenda packet, written correspondence was received from Craig and Cecilia Doolittle (letter), Claudette (email from Kristen Petersen), Jorge Suarez (letter), and Maribel Reyes (letter).

Kristen Petersen provided a staff report about the proposed pilot parking program in the Hearthstone Tract, and discussed the background, description of the program, and cost estimates for tags, signage, posts, and additional street sweeping days, and answered questions from Councilmembers.

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

John Maurey stated he objects to the potential program, it is against the CCRs, it lowers house values and endangers small children, it creates a hazard for drivers and undermines public transportation initiatives, it increases clutter and pollution, and street parking studies show there are safety concerns.

Allen Field stated interchangeable means tags can be switched, the sticker should be affixed to the car, there is nothing about enforcement, enforcement is important, the ordinance is good the way it is, people are parking in the street where they should not be, and his street is swept every second Wednesday.

Mark Miller stated there is mud in front of his house, his kids are not on the street between 3-6 a.m., 10-20 permits seems insignificant, the ordinance would affect a few people, revenue from night parking citations in South Pasadena is \$800,000 a year, the cost of permits would be a 20% increase in taxes to utilize property bought, and stated the appropriate fee would be to charge no more than you pay to park in front of your house.

Frank Haynes stated it costs him \$180 a year, the increase does not make sense, in his case, if the tags are not interchangeable, he would have to make sure who is parked in what position, certain cars have to park in certain spots, it is cheaper for him to get tickets and get temporary permits when he remembers and is in town to do it, he has trouble getting his street swept, it doesn't seem to be tied to street sweeping, and the original pilot project was presented with an annual fee of \$50, and this is a tenfold increase.

Connie Lang inquired if permits would be issued for parking in front of their homes or if they could park anywhere, stated the older section is like a parking lot, cars are parked and left for three to five days, cars are shuffled, inquired if the street sweeping would be changed in all of Duarte or just in the Hearthstone tract, inquired about the less expensive pass, and asked if everything proposed will be enforced and if neighbors will continue to park in front of her house. Slater and Petersen responded.

Harb Thind stated he buys 10-day permits at a nominal cost, he takes pride in his neighborhood and cleans his gutters daily, if this is implemented, there will be many cars stacked on the other side of street that is swept, there will be added costs, the program should be left as it is, and owners should be required to keep the front of their houses clean.

John Crum stated Hearthstone homes are designed for four registered vehicles, with two in the garage and two in the driveway, the fifth and sixth vehicles are in the street, the current law doesn't need to be touched, the temporary permit process is fine, those who have items in their garage have chosen not to

park vehicles in the garage, that needs to be addressed, cars are parked in front of his and his neighbor's homes for 3-6 days, it is not fair, this program will accommodate people with things in their garages other than a car, security is important, criminals can hide behind vehicles parked overnight, dirty cars parked in front of homes decrease property values, stated he wants measurable criteria as to what is a successful pilot, and stated this needs to be fully funded before signs are printed.

Harry Heflin stated one of his neighbors pays \$35 per car to park on the street while another one pays more, it does not seem fair, if a person has a woodworking shop in the garage and has to park cars on the street, it is not the City's concern to send Code Enforcement out to count spaces and judge if they can park a car on the street, San Francisco charges \$70 per year for a parking permit, this seems an unfair burden to a minority of the City, he is in favor of the test, we need to decouple street sweeping and parking, and stated if people cleaned the gutters, the problem would go away.

Roger Rittenhouse stated he disagrees with the proposed change, about 8-10 people at the Commission meeting were concerned, out of 450 homes, 40-50 people may use the process, he collected 40 signatures of people who agree with him, the current law is good, people should clean out their garages, some are asking for a change for less than 10% of the tract, asked how this can be reversed once it is in effect, the tract was meant for single-family residences and designed for four cars, and stated he disagrees with allowing two additional permits for every resident in that tract, as they could park in front of his house.

Drake Jasso stated he did not buy his house so people he does not know can park in front of it, neighborhood areas where there is no overnight parking are nice, he doesn't want the neighborhood devalued because people cannot put their garages in order, he does not want a test, there is a process for the few who want to park on the street, we should maintain that, and stated it looks cruddy to have cars parked on the street.

Russell Duke stated his concern is the safety and value of his property, he bought the house because of the neighborhood and because there were not cars parked through the night, if we charge \$500, 40 people will not pay for the cost of it, and if we do not charge at least \$500, stored vehicles will be parked in driveways, and cars and RVs will spill over to the street.

John Crum stated he counted 15 cul-de-sacs in the tract, 11 have five homes each, there is no parking in front of the homes in the cul-de-sacs, 14% have to park in front of their neighbors, inquired about measurable criteria for what is a pilot program success and failure, stated minimum funding has to be in place before signs are printed, it is fine now, street sweeping should be addressed separately, vehicle is not defined in the resolution, he doesn't want to see trailers in front of his home, and inquired about the cost should this be determined a failure.

Mary Haynes stated she wants to park in front of her own home, she parks her trailer in storage, she would rather pay more parking tickets than \$500 a year, and she is not asking to park in front of other people's homes.

John Maurey stated he would pay \$1,000 a year not to have to clean his garage and to turn it into a workshop or den.

Judith Miller stated she has four vehicles already, two cars are parked in the garage, asked where college students are supposed to park when they come home, and stated she needs extra space.

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

There was discussion about how the program would be qualified as a success or failure, tracking parking tickets, possibility of an advisory vote, street cleaning, rates in other cities, and the possibility of an annual temporary permit.

Gaston moved, Fasana seconded to deny the pilot parking program for the Hearthstone Tract, and to leave the process as it is for now.

There was discussion about postponing action, cost issues, cul-de-sacs, challenge with parking throughout the City, looking at zoning and parking issues in the next months, the need to define measureable criteria, and decoupling street sweeping.

(Resolution 08-27 not adopted)

The motion to deny the pilot parking program for the Hearthstone Tract, and to leave the process as it is for now, carried by a vote of 3-1-1, with Reyes objecting, and Paras-Caracci absent from the vote.

Fasana stated he would like to see this come back in the next few months, and address some of the cost issues. Paras-Caracci returned to the building and resumed her seat on the dais.

BUSINESS ITEM
Fireworks Permits for 2009

George stated this item is on the Agenda for discussion and City Council direction in anticipation of the 2009 fireworks permitting process.

There was discussion about whether a fifth site is certain and if it would be ready for next year, options of a lottery or float pavilion model plan, discussion, suggestions, and preferences from non-profit groups, application deadline, fireworks contracts signed one year in advance, City Council's responsibility, requirements for changing ordinance, and possibility of a coordinating body as an umbrella organization.

Fasana moved, Paras-Caracci seconded to direct the City Attorney to prepare an Ordinance for the next City Council Meeting that would increase the number of fireworks permits issued from four to five, require that fireworks applications be submitted to the City Clerk by January 15, 2009, to otherwise leave the current ordinance intact for 2009, to put in place a lottery system if more than five applications are submitted, to have staff look at other ideas and options for 2010, and to bring those ideas back to the City Council in February/March 2009.

There was further discussion about a lottery system, sites not being transferable, and the success of the float pavilion concept.

Gaston moved, Paras-Caracci seconded to amend the motion to keep the number of fireworks permits issued at four, and failed by the following Roll Call vote:

AYES: Gaston, Paras-Caracci

NOES: Finlay, Reyes, Fasana

Fasana moved, Paras-Caracci seconded to amend the motion to withdraw the lottery system reference.

The motion, as amended, to direct the City Attorney to prepare an Ordinance for the next City Council Meeting that would increase the number of fireworks permits issued from four to five, require that fireworks applications be submitted to the City Clerk by January 15, 2009, to otherwise leave the current ordinance intact for 2009, to have staff look at other ideas and options for 2010, and to bring those ideas back to the City Council in February/March 2009, carried by the following Roll Call vote:

AYES: Fasana, Finlay, Paras-Caracci, Reyes

NOES: Gaston

RESOLUTIONS

Council Bill 08-R-25
Restricted Parking – Tract 52867
Sienica Trail Manors

Slater read by title Council Bill 08-R-25:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DESIGNATING ALL STREETS IN TRACT 52867 (SIENICA TRAIL MANORS) FOR RESTRICTED ALL-NIGHT STREET PARKING

RESOLUTION NO. 08-25

Fasana moved, Paras-Caracci seconded to adopt Resolution No. 08-25, and carried unanimously.

Council Bill 08-R-26
Opposes Measure R
MTA one-half percent sales tax

Slater read by title Council Bill 08-R-26:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, OPPOSING MEASURE R ON THE NOVEMBER 4, 2008 BALLOT (LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY ONE-HALF PERCENT SALES TAX INCREASE)

RESOLUTION NO. 08-26

Fasana moved, Finlay seconded to adopt Resolution No. 08-26, and carried unanimously.

PUBLIC SERVICES
COMMISSION
Tree Removal/Replacement

Petersen provided a staff report about the recommendation from the Public Services Commission pertaining to the City's tree removal policy, and discussed tree replacement funding.

Fasana moved, Finlay seconded to approve the removal of the American Sweet Gum tree from the City's approved curbside tree list, to amend Section 1 of the City's tree policy to change a 15-gallon to a 24-inch box, and to restate Sections 4 and 5 of the City's tree policy as shown in Attachment A of the staff report, per staff recommendation.

Finlay moved, Paras-Caracci seconded an amendment to the motion to add \$1,000 to the budget for tree replacement, and carried unanimously.

The motion, as amended, to approve the removal of the American Sweet Gum tree from the City's approved curbside tree list, to amend Section 1 of the City's tree policy to change a 15-gallon to a 24-inch box, to restate Sections 4 and 5 of the City's tree policy as shown in Attachment A of the staff report, per staff recommendation, and to add \$1,000 to the budget for tree replacement, carried unanimously.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda:
Harry Heflin – Attalla property development.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GEORGE: Stated he saw the Field Services Department's new wood chipper and thanked City Council for including it in the budget, and noted the Strategic Planning update will be continued to the following meeting.

FASANA: Attended the installation and recognition dinner at the Pasadena NAACP, congratulated all involved with the parade, stated Casino Night was a success, and attended the Chamber breakfast where Cal-Am Water provided an update on the aquifer in the San Gabriel Valley.

FINLAY: Congratulated Councilmember Fasana on receiving the award from the San Gabriel Valley Economic Partnership, noted three Councilmembers will be at the National League Meeting in November, and suggested the November 11 Council Meeting be changed to November 18. City Council concurred.

PARAS-CARACCI: Congratulated Councilmember Fasana on receiving the San Gabriel Valley Economic Partnership Community Service Award, stated Casino Night was fabulous, stated the participants in the parade did a great job, attended the Pasadena Elks Lodge event recognizing U. S. Attorney Thomas O'Brien, and stated she will attend the tactics and survival

training program with the Sheriff's Department.

GASTON: Stated Councilmember Fasana's recognition event was outstanding, the parade was great and the picnic was outstanding, noted some suggested food booths be allowed near the car show, asked that Iris Silveria be recognized, attended Contract Cities meeting at the County Fire Department Museum in Bellflower, visited the Citrus College campus, stated she and Parks and Recreation Commissioner Thaller met with persons at the Senior Center where she received a request to look at the Foothill Transit bus stop, as it is too far away from the Senior Center, requested certificates be prepared so she can present them to the sponsors of the African American Breast Cancer Research event at City of Hope on October 4, and thanked the Parade Committee for the T-shirts.

REYES: Attended Citrus College tour and thanked Dr. Perri and Dr. Ortell, stated they discussed education, skill development, job training, and collaboration, met with LA Works about education and job training focusing on at-risk youth, thanked all involved with the parade and picnic, attended Hawks games at Duarte High School, and announced Community Meeting with the City of Hope on October 1 at 5:30 p.m.

ADJOURNMENT

Finlay moved, Paras-Caracci seconded to adjourn the meeting at 11:05 p.m., to October 14, 2008, 5:30 p.m., and carried unanimously.

Mayor Phillip R. Reyes

ATTEST:

City Clerk