

## MINUTES

### JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE ADJOURNED REGULAR MEETING – FEBRUARY 10, 2009

At 5:00 p.m., a Joint Meeting was held with the Planning Commission as stated below. Mayor Pro Tem Finlay called the meeting to order at 5:13 p.m., with four members present (Fasana arrived during the Joint Meeting).

#### ADOPTION OF AGENDA

Gaston moved, Paras-Caracci seconded to adopt the Agenda, as amended to change Item 4.B (Closed Session) to “Number of potential cases: 2,” and to add Item 16.G (Council Bill 09-R-03), and carried unanimously.

#### JOINT MEETING WITH PLANNING COMMISSION Zoning/Subdivision Code update

The City Council/Redevelopment Agency of the City of Duarte met in a Joint Meeting with the Planning Commission to discuss issues related to the preparation of the City’s new Development Code (Zoning and Subdivision Code update), with a presentation by the City’s consultant Laura Stetson, Hogle-Ireland, Inc. The Joint Meeting concluded at 6:26 p.m.

#### CLOSED SESSIONS

- 1) Anticipated Litigation
- 2) Real Property Negotiations

At 6:30 p.m., two Closed Sessions were held. Slater stated the first Closed Session is pursuant to Government Code Section 54956.9(c); Anticipated litigation/Initiation of litigation; Number of potential cases: 2. The second Closed Session is pursuant to Government Code Section 54956.8; Conference with real property negotiators; Agency negotiators: Darrell George, Karen Herrera; Negotiating parties: Redevelopment Agency of the City of Duarte and Fountainhead Development; 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 Closed Sessions concluded at 6:58 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 Fasana called the meeting to order at 7:15 p.m.

#### RECORDATION OF ATTENDANCE

The following were in attendance:  
PRESENT: Finlay, Gaston, Paras-Caracci, Reyes, Fasana  
ABSENT: None  
ADMINISTRATIVE STAFF PRESENT: City Manager  
George, City Attorney Slater

#### PLEDGE TO THE FLAG

Ulises Gutierrez led the Pledge of Allegiance to the Flag.

#### MOMENT OF REFLECTION

A moment of reflection was observed.

#### FITNESS/MENTAL WARM-UP

Finlay and Paras-Caracci provided the warm-up.

#### PUBLIC REPORT OF CLOSED SESSION

Slater stated during the first Closed Session, the City Council received an update on the first potential initiation of litigation item, with no action taken. With regard to the second potential initiation of litigation item, the City Council unanimously directed staff to place a Closed Session item on the next Agenda. During the second Closed Session, the City Council discussed whether to continue the DDA, and unanimously directed staff to send a 30-day notice of termination of the DDA to Fountainhead Development to allow the Redevelopment Agency to negotiate with any other party including Fountainhead.

#### ANNOUNCEMENTS

Miguel Mejia, DYAC, announced Opening Day ceremonies on February 28, and stated Mayor Fasana and former Mayor Montgomery will throw out the first pitches.

Karen Herrera announced Farmer's Market every Saturday, tire recycling event on February 21, hazardous waste event on March 7, Duarte Library family program on March 5, Fresh & Easy grand opening on February 18, Black History Month event on February 22, stated Fish Canyon Trail is open on February 21, Job Shadow Day was a success, and announced César Chávez volunteer day event on March 21.

Kay Perlman, Duarte Library, announced Valentine programs on February 11 and 14, and Astronomy Program on March 5.

Finlay asked that the meeting be adjourned in memory of Eunice Holcomb.

Paras-Caracci asked that the meeting be adjourned in memory of Concepcion McCravey.

**SPECIAL ITEMS**  
Extreme Dance FX

Mayor Fasana introduced Extreme Dance FX members Melissa Houlemarde and Heather Gonzalez, and presented them with Certificates of Appreciation for being one of the top ten finalists on "America's Got Talent."

Proclamation – Ralph Hargrove

Mayor Fasana presented a Proclamation to Ralph Hargrove, TNT Fireworks, and introduced new sales representative Maria Ortiz.

**ORAL COMMUNICATIONS**

The following spoke on items not on the Agenda:  
Darrell George – Introduced Teen Center Supervisor Marilyn Mays.  
Sgt. Debra Herman – Update on Millbrae shooting.  
Brian Villalobos – Task force, investigations.

**CONSENT CALENDAR**

Finlay moved, Paras-Caracci seconded to approve the Consent Calendar, as follows, and carried unanimously.  
Approve Items A, B, C, D, E, I, J, K, M.  
Receive and File Items F, G, H, L.

**TRAFFIC SAFETY COMM.**  
3200 Block – Royal Oaks Drive

Steve Esbenshade, Engineering Division Manager, provided a staff report about the Traffic Safety Commission recommendation for parking restrictions on Royal Oaks Drive.

There was discussion about cost, restricted parking times, consistency with other neighborhoods, parking on the south side of the street, and residents' concern about the riverbed.

Finlay moved, Fasana seconded to approve the Traffic Safety Commission recommendation to approve the request concerning parking restrictions on the north side of the 3200 block of Royal Oaks Drive, to be reviewed after six months, with the suggestion that the Traffic Safety Commission look at overall parking restrictions and provide consistency recommendations at a later date, and carried unanimously.

**BUSINESS ITEMS**

Mayor Fasana stated Items 16.B (Mid-year budget report) and 16.C (State budget) will be considered after Item 16.G.

KIK/Enough is Enough event

Obi Dillibe stated KIK/Enough is Enough wants to provide a venue for people to come together and bring peace to the community, and requested the City's co-sponsorship of the event.

Terrence Blanchard, Enough is Enough, stated he is available to answer questions.

Laura Orozco, Five Acres, stated at last year's peace rally, all ages came together, healing needs to continue, and she supports the effort.

There was discussion about concern with recent events, security, hostility, tension, possibility of changing the date of the festival,

focus on the march, number of people expected to attend, City's liability, and collaboration with Monrovia Police Department and Duarte officers.

Terrence Blanchard stated he is leaning towards not having the festival at this time.

Gaston moved, Finlay seconded to support the City of Duarte's co-sponsorship of a Peace March on February 21, 2009, and a Unity Festival, with the understanding that the date for the Unity Festival will be determined and scheduled at a later date, and carried unanimously.

Declaration of Covenant  
Duarte-Jacobsen – Pylon sign

Steve Esbenshade presented a staff report about the Declaration of Covenant and Indemnification Agreement for the pylon sign at the Best Buy Commercial center.

Reyes moved, Finlay seconded to approve the Declaration of Covenant and Indemnification Agreement between Duarte-Jacobsen Family Holdings I, LLC, and the City of Duarte for the encroachment of the pylon sign within the public right-of-way, and authorize the City Manager and City Attorney to make minor adjustments to the agreement as necessary prior to recordation of the document, and carried unanimously.

Burrtec Waste Services  
Amendment No. 3

George provided a staff report about the proposed amendment to the Burrtec agreement.

Reyes moved, Gaston seconded to approve Amendment No. 3 to the Agreement between the City of Duarte and Burrtec Waste Services, LLC, for municipal solid waste, recyclables, and green waste collection, transportation, disposal, composting, and processing, and carried unanimously.

Award of bid  
America West Landscape, Inc.  
Encanto Park Nature Walk

Reyes moved, Finlay seconded to award the bid for Encanto Park Nature Walk to America West Landscape, Inc., and to approve Amendment No. 1 to the contract, authorize execution by the City Manager, per staff recommendation, and carried unanimously.

Council Bill 09-R-03  
Assistant City Attorney  
(Added to Agenda)

Slater read by title Council Bill 09-R-03:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DESIGNATING AN ADDITIONAL ASSISTANT CITY ATTORNEY

RESOLUTION NO. 09-03

Reyes moved, Paras-Caracci seconded to adopt Resolution No. 09-03, and carried unanimously.

2008/09 mid-year budget report  
and amendments

Petersen provided a detailed staff report about the 2008/09 mid-year budget, including projected general fund revenues and expenditures, increases and decreases, other funds, redevelopment funds, general fund reserves, summary, and future projections, and discussed a number of recommended budget amendments.

There was discussion.

Gaston moved, Paras-Caracci seconded to approve an additional \$4,000 for a Strategic Planning Retreat, and carried by the following Roll Call vote:

AYES: Gaston, Paras-Caracci, Reyes, Fasana

NOES: Finlay

Gaston moved, Paras-Caracci seconded to approve an additional \$7,000 for a Youth and Family Master Plan, and carried by the following Roll Call vote:

AYES: Gaston, Paras-Caracci, Reyes, Finlay, Fasana

NOES: None

Gaston moved, Finlay seconded to receive and file the 2008/09 mid-year budget report, and to approve the budget amendments as outlined in the staff report, per staff recommendation, and carried unanimously.

Update – State budget

Petersen provided an update on the State budget, and discussed proposed legislation to increase revenue, including sales tax, gas tax, VLF, personal income tax, and proposed layoffs.

Gaston requested a chart be prepared that shows the amount of money the City has spent that is to be repaid by the State, and how much the State owes us.

ORAL COMMUNICATIONS  
(Continuation)

The following spoke on items not on the agenda.  
Mark Montgomery – Budget crisis, library hours.

ITEMS FROM CITY COUNCIL/  
CITY MANAGER

SLATER: Stated on March 6 in Sacramento, there will be a hearing of the CRA lawsuit against the State regarding the ERAF shift.

GEORGE: Stated Fresh & Easy will open on February 18.

PARAS-CARACCI: Congratulated Mayor Fasana on the State of the City, and asked that the meeting be adjourned in memory of Concepcion McCravey.

GASTON: Announced Best Buy Job Fair February 23-March 24, congratulated Mayor Fasana on the State of the City, requested staff to look into the pros and cons of the MRF planned by Irwindale and opposed by Baldwin Park, congratulated Councilmember Finlay on her appointment as Chair of the NLC International Council, asked that a resolution be agendized in support of the proposed NFL stadium (Slater stated Majestic Realty has been invited to make a presentation at an upcoming Council Meeting, and that item will be on the same meeting's Agenda), attended Edison's Black History event and First Baptist Church's 125<sup>th</sup> anniversary luncheon, stated it was a tough decision to ask KIK/Enough is Enough to delay their venture, and thanked law enforcement for recent efforts.

REYES: Announced Fresh & Easy grand opening on February 18, attended Mesa Association dinner, requested a report on the traffic calming devices on Fernley (Steve Esbenshade stated the Traffic Safety Commission recommendation and presentation by the consultant are on the next Agenda), thanked the Chinese Times for the article about our City, met with Phil Dunn regarding youth employment, thanked the Foothill Workforce Investment Board for the gang summit, appreciated the Chamber utilizing the services of the SGV Small Business Development Center, attended NLC conference in Los Angeles where the financial crisis was discussed, stated Mayor Fasana did a great job with the State of the City, thanked staff for the public safety breakfast with the deputies and Groundhog Job Shadow Day, stated Sheriff Baca's press conference related to Part 1 Crimes being down in the San Gabriel Valley, and attended Santa Teresa Hospital's dedication/Day of Healing event and NAACP's 100-year celebration.

FINLAY: Stated Mayor Fasana did a great job with the State of the City, attended Tai Chi classes at the Senior Center, stated we have the best Senior Center with incredible programs, and provided information to the City Manager from a program she attended about making youth employment programs work for gang diversion and intervention.

FASANA: Announced San Gabriel Valley Energywise Partnership Launch event on March 25, requested a proclamation for Denim Day 2009 at a future meeting as a consent item, received a letter from the County Public Health Department about First 5 LA funds for water fluoridation, received a letter from Baldwin Park regarding the proposed MRF and stated he is open to discussion, attended the First Baptist Church's 125<sup>th</sup> anniversary luncheon, stated Fox Sports has chosen City of Hope for its philanthropic program, thanked and commended the Sheriff's Department for its work and leadership, congratulated all involved with Groundhog Job Shadow Day, stated there was a great turnout for the Regional Teen Collaborative, attended the Mesa Association's event, and asked that the meeting also be adjourned in memory of Miguel Sanchez.

ADJOURNMENT

Finlay moved, Reyes seconded to adjourn the meeting at 10:35 p.m., in memory of Eunice Holcomb, Concepcion McCravey, and Miguel Sanchez, and carried unanimously.

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Mayor John Fasana

ATTEST:

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City Clerk