

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – JUNE 23, 2009

CALL TO ORDER Mayor Pro Tem Finlay called to order the Joint City Council/Redevelopment Agency meeting at 6:06 p.m., with four members present (Fasana arrived at 6:08 p.m.).

ADOPTION OF AGENDA Gaston moved, Paras-Caracci seconded to adopt the Agenda, as amended to consider Items 17.A and 17.B (Business Items) after Item 11 (Oral Communications), and carried unanimously.

INTERVIEWS At 6:10 p.m., the Duarte City Council held interviews for the Mayor's Youth Council. The interviews concluded at 6:30 p.m.

CLOSED SESSION
Anticipated Litigation At 6:30 p.m., a Closed Session was held pursuant to Government Code Section 54956.9(c); Conference with Legal Counsel; Anticipated Litigation/Initiation of Litigation; Number of potential cases: 1. The Closed Session concluded at 7:00 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 Fasana reconvened the meeting at 7:12 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 Dr. Alexandra Levine led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

FITNESS/MENTAL WARM-UP Finlay and Gaston provided the warm-up.

PUBLIC REPORT OF CLOSED SESSION Slater stated during the Closed Session, City Council discussed the anticipated litigation item, and unanimously directed and authorized the City Manager to enter into a Tolling Agreement to forestall litigation until August 31, 2009, to allow for continued negotiations, with no further action taken.

ANNOUNCEMENTS Tina Carey, Route 66 Parade, announced Unity Concert on July 11, 7:00 p.m., at the PAC Center.

Reed Strege, Duarte Library, announced summer reading program, and SAT Workshop on July 8.

Karen Herrera announced free summer lunch program, grand opening of Royal Oaks Park building on June 25, Summer Concerts beginning June 24, Summer Toy Program on July 2, Special Election on July 14, Community Movie Night on July 10, Teen Talk Program on July 12, Basketball Clinic on July 13, and Moonlight Basketball and Farmer's Market every Saturday.

SPECIAL ITEMS
Recognition – Dr. Levine Mayor Fasana presented a framed certificate to Dr. Alexandra Levine, City of Hope, and congratulated her for being elected to the prestigious level of Master of the American College of Physicians.

Recognition – Paola Arana Mayor Fasana presented a certificate to Paola Arana for placing second in the Nation at the USA Boxing National Championship Finals, and also presented a certificate to her on behalf of Senator Gloria Romero.

Presentation – First 5 LA Water Fluoridation Don Rhodes and Dr. Conrado Burzaga, First 5 LA, presented information about the funding program available through Oral Health and Community Development, requested a resolution to

encourage the water company to fluoridate water and apply for funding, and provided additional information about the benefits of fluoridated water and operating costs.

Mayor Fasana asked that a resolution concerning water fluoridation be brought to City Council at a future meeting, with a staff report to include comparative cost figures. Gaston asked that the staff report include a comprehensive plan and a complete review.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda:

Gordon Klassen – ARB denied approval of deck.

Reed Strege – Prop 1A.

Elissa Clifford – Tehachapi Renewable Transmission Project.

Gonzalo Murillo – Water fluoridation.

Michael Stanton – Immaculate Conception priests, tap water.

BUSINESS ITEMS

Appointments to Economic Development Commission and Mayor's Youth Council

Reyes moved, Finlay seconded to appoint Mitrah Rasti to the Economic Development Commission for a term ending December 31, 2011, and to appoint Joelle DeBrest as the business representative to the Economic Development Commission for a term ending December 31, 2009, and carried unanimously.

Paras-Caracci moved, Finlay seconded to appoint Merari Aquino, Erica Christianson, Lauren Christianson, Zachary Brackman-DeBrest, Daniel Flores, Faith Franco, Kyle Garza, Chrystiana Howard, Elgin King, Charles Merida, and Natasha Martinez to the Mayor's Youth Council for terms ending June 30, 2010, and carried unanimously.

It was determined that Item 15.A (Public Hearing) would be heard at this time.

PUBLIC HEARING

Council Bill 09-R-20
Revenue Bonds – SCPH

Mayor Fasana announced this was the time and place set for a Public Hearing to consider approving the issuance of California Statewide Communities Development Authority revenue bonds.

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

Slater read by title Council Bill 09-R-20:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE ISSUANCE OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY REVENUE BONDS (SOUTHERN CALIFORNIA PRESBYTERIAN HOMES), SERIES 2009A IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$85,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE CAPITAL EXPENDITURES AT ONE OR MORE CONTINUING CARE FACILITIES, WHICH ARE, OR WILL BE, OPERATED BY SOUTHERN CALIFORNIA PRESBYTERIAN HOMES OR WESTMINSTER GARDENS, CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATIONS

George presented a staff report about the revenue bonds pertaining to Southern California Presbyterian Homes.

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

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

RESOLUTION NO. 09-20

Gaston moved, Reyes seconded to adopt Resolution No. 09-20, and carried unanimously.

BUSINESS ITEMS

Metro – Rail Maintenance Yard

Shahrzad Amiri and Lynda Bybee, Los Angeles County Metropolitan Transportation Authority (Metro), provided information about Metro's rail needs assessment, possible yard sites, and stated there have been no activities to date, Metro will advertise for an environmental analysis, acquisition of property cannot occur prior to an environmental study, and a formal process will follow to address the community's concerns.

Tom Bea, Mt. Olive Storage owner, stated his site does not meet the best case scenario, he is unwilling to sell, he has over 1800 tenants and operates under a strict CUP issued by the City of Irwindale, and asked that Mt. Olive be removed from the list as a potential site.

Tom Reyes read a statement from his neighbor regarding fences, social impacts, and being a good neighbor, and stated he wants the Gold Line, but does not want a 24-hour maintenance facility.

Henry Baltazar stated there was an incident where rail cars crashed into homes, this will have an impact on residents, the environmental report will be at taxpayers' expense, and asked that Duarte be removed from the list.

Michael Stanton stated there are nine sites, take Duarte off the list, he received signatures on a petition, and asked that money not be spent on an environmental report.

Gonzalo Murillo stated this belongs in an industrial area not residential, take Duarte off the list, other sites are available in Irwindale, and the site is part of a Duarte neighborhood.

Lino Paras stated the presentation was not sufficient, information is necessary, this is preliminary, and studies are needed.

Fasana moved, Paras-Caracci seconded to restate Duarte's support for construction of the Gold Line Foothill Extension to Citrus College and ultimately to Montclair; support the simultaneous construction of the Foothill Extension to Citrus College, and environmental clearance and construction of a maintenance facility; work with Metro, the Metro Gold Line Foothill Extension Construction Authority, and cities along the Gold Line Foothills Extension to identify suitable sites for a light-rail vehicle maintenance facility; request that if the site adjacent to the Andres Duarte Elementary School and surrounding neighborhood is included among sites in the environmental review, that ingress and egress be east of Las Lomas Road in order to prevent traffic within the above neighborhood and adjacent to Andres Duarte Elementary School; ratify support for the April 20, 2009, letter from the City Manager to the CEO of the Metro Gold Line Foothill Extension Construction Authority and request that this letter be forwarded to Metro; and request the City Manager to report back no later than January 2010 on the progress of Metro's environmental review and any recommended modifications to this direction.

There was discussion about Measure R, need for facts and information, economic regional benefits of the Gold Line, and removing this site from the list.

Reyes moved, Finlay seconded a substitute motion to support the first two clauses of the main motion, to amend the third clause by adding "not to include Mt. Olive Storage," to strike the fourth and fifth clauses, and to support the sixth clause.

There was further discussion about seeing a maintenance facility in person, size, configuration, and mitigation measures.

Lynda Bybee, Metro, stated tours of current facilities could be provided.

Brian Lister discussed barrier pipes, and stated he hopes the City Council votes against the rail maintenance yard.

Paras-Caracci moved, Finlay seconded to table the substitute motion and defer action to allow City Councilmembers and residents to take a tour of a rail maintenance facility, and failed by the following Roll Call vote:

AYES: Paras-Caracci, Finlay

NOES: Gaston, Reyes, Fasana

The substitute motion failed by the following Roll Call vote:

AYES: Reyes, Finlay

NOES: Gaston, Paras-Caracci, Fasana

Paras-Caracci moved, Finlay seconded to table the main motion, and failed by the following Roll Call vote:

AYES: Paras-Caracci, Finlay

NOES: Gaston, Reyes, Fasana

The main motion carried by the following Roll Call vote:

AYES: Gaston, Paras-Caracci, Finlay, Fasana

NOES: Reyes

RECESS

Mayor Fasana called a Recess at 9:45 p.m. City Council reconvened at 9:55 p.m., with all members present.

CONSENT CALENDAR Items Added

Finlay moved, Reyes seconded to add City Council attendance at the Chamber Installation on July 10 and the Unity Concert on July 11, and carried unanimously.

Gaston moved, Paras-Caracci seconded to approve the Consent Calendar, as amended to add the above to Item P and to remove Item D, as follows, and carried unanimously.

Approve Items A, B, C, E, F, G, H, I, J, K, L, M, O, P.

Receive and File Item N.

Remove Item D.

RESOLUTION NO. 09-22 Opposes State seizure of funds

E. 09-R-22 A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AND THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE OPPOSING THE SEIZURE BY THE STATE OF CALIFORNIA OF THE CITY OF DUARTE'S STREET MAINTENANCE FUNDS AND THE REDEVELOPMENT AGENCY'S TAX INCREMENT FUNDS, AND AUTHORIZING THE CITY ATTORNEY/ AGENCY COUNSEL TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, THE CALIFORNIA REDEVELOPMENT ASSOCIATION, AND OTHER CITIES, COUNTIES, AND REDEVELOPMENT AGENCIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY THE STATE GOVERNMENT OF THE CITY OF DUARTE'S STREET MAINTENANCE FUNDS AND THE REDEVELOPMENT AGENCY'S TAX INCREMENT FUNDS

RESOLUTION NO. 09-23 Holiday Schedule 2009-10

F. 09-R-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING A HOLIDAY SCHEDULE FOR CITY EMPLOYEES FOR FISCAL YEAR 2009-2010

RESOLUTION NO. 09-24 Part-Time Salary Schedule

G. 09-R-24 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. 09-25 Unrepresented Employees Salary Schedule

H. 09-R-25 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RESCINDING RESOLUTION 08-28 AND ESTABLISHING A SALARY SCHEDULE AND COMPENSATION PLAN FOR UNREPRESENTED REGULAR EMPLOYEES

RESOLUTION NO. RA-381
Acquisition–Affordable housing

I. RA-381 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE APPROVING THE TRANSFER OF CERTAIN FUNDS FROM THE AFFORDABLE HOUSING ACCOUNT TO THE REDEVELOPMENT ACCOUNT RELATED TO EXPENDITURES FOR THE ACQUISITION OF THREE AFFORDABLE HOUSING SITES

ITEM REMOVED
Item D – Lease

George stated the Lease between the City of Duarte and Mountain Vista Plaza Partnership for the Public Safety Department office located at 1042 Huntington Drive also includes a 4% cost-of-living per year for the five-year period.

Lino Paras stated this would be a 15% increase for five years, and there are vacant spaces in other areas.

Item D approved

Gaston moved, Reyes seconded to approve Item D, and carried unanimously.

Gaston moved, Reyes seconded to rescind the approval of the Consent Calendar.

Lino Paras inquired about the Assistant City Manager’s salary (Item G), the Chamber Agreement (Item K), and exclusive use of Encanto Park (Item O). Staff responded.

Reyes moved, Finlay seconded to approve the Consent Calendar, and carried unanimously.

PUBLIC HEARING (Continued)
Agency Bill RA-382
Council Bill 09-R-21
Amend OP/DDA–Traffic Signal
Duarte-Jacobsen

Mayor Fasana announced this was the time and place set for a Joint Public Hearing to consider an amendment to the Owner Participation and Disposition and Development Agreement with Duarte-Jacobsen Family Holdings 1, LLC pertaining to the cost of installing a traffic signal.

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

Slater read by title Agency Bill RA-382 and Council Bill 09-R-21:

RA-382 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE APPROVING AN AMENDMENT 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 AND APPROVING THE USE OF AGENCY FUNDS FOR PAYMENT OF THE COST OF INSTALLING A TRAFFIC SIGNAL

09-R-21 A RESOLUTION OF THE CITY OF DUARTE APPROVING AN AMENDMENT 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 AND APPROVING THE USE OF AGENCY FUNDS FOR PAYMENT OF THE COST OF INSTALLING A TRAFFIC SIGNAL

George presented a staff report about the proposed Fifth Addendum, and answered questions from City Council/Agency Board members pertaining to funding source.

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

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

RESOLUTION RA-382	Gaston moved, Reyes seconded to adopt Resolution No. RA-382, and carried by the following Roll Call vote: AYES: Reyes, Gaston, Paras-Caracci, Finlay NOES: Fasana
RESOLUTION NO. 09-21	Gaston moved, Reyes seconded to adopt Resolution No. 09-21, and carried by the following Roll Call vote: AYES: Reyes, Gaston, Paras-Caracci, Finlay NOES: Fasana
ITEM FROM COMMISSION Parks/Recreation Commission Lena Valenzuela Park	<p>Donna Georgino, Director of Parks and Recreation, presented a staff report about the Parks and Recreation Commission recommendation regarding Lena Valenzuela Park.</p> <p>Commissioner Sagar Desai discussed concerns of the residents who attended the Commission meeting.</p> <p>Phillip Montanez stated he supports closing the entrance on Citrusview, residents asked that there be no gate, people walk through the park at night, dogs have gotten into the park, some access the park as a shortcut, and suggested the gate be closed with no access to Citrusview.</p> <p>Reyes moved, Finlay seconded to approve the Parks and Recreation Commission recommendations regarding Lena Valenzuela Park, as outlined in the staff report, and asked that the item be brought back to the City Council on July 28, 2009, with additional staff input pertaining to wall treatments, funding source, and possibility of solar lighting, and with input from the Public Safety Commission, and carried unanimously.</p>
BUSINESS ITEM (Continued) Access Acquisition Agreement Duarte-Jacobsen	<p>George provided a staff report about the proposed Access Acquisition Agreement related to the Mountain-Central Shopping Center.</p> <p>Gaston moved, Reyes seconded to approve the Access Acquisition Agreement between the City of Duarte and Duarte-Jacobsen Family Holdings 1, LLC, related to a condition of Parcel Map 70190, and carried unanimously.</p>
ORAL COMMUNICATIONS (Continued)	The following spoke on items not on the Agenda: Lino Paras – MTA, Brown Act, Closed Session.
ITEMS FROM CITY COUNCIL/ CITY MANAGER	<p>GASTON: Attended senior breakfast, Maxwell sixth-graders' tea, noted there have been numerous retirements from the School District and she would like to acknowledge their service, participated in press conference with Sheriff Baca, attended Contract Cities and Independent Cities Association meetings, asked that the City Manager acquire information about the Gas Company's rebate and service programs, attended Teen Space reception, met with 2010 census group, and announced census meeting on June 29 at the Elks Lodge and Parade fundraiser concert on July 11.</p> <p>PARAS-CARACCI: Congratulated the grads and dads, attended Friends of the Library scholarship dinner, toured two MTA rail maintenance yards, attended the recognition dinner for part-time employees, and participated in the initial panel interview of consultants for the Youth and Families Master Plan.</p> <p>GEORGE: Stated there would be a vote tomorrow concerning the State budget, discussed gas tax and redevelopment dollars, and encouraged all to make calls to Sacramento.</p> <p>FINLAY: Stated in addition to the State taking money from cities, it has taken money from the Sanitation District, inquired</p>

if the State could take money from our reserves (Petersen stated it could not), congratulated Duarte High School graduates, attended scholarship breakfast, and noted a survey conducted by the Pasadena Star News about suggestions for the State budget indicated that the readers want cuts made now.

REYES: Attended the senior breakfast and high school graduation ceremonies, noted there was a record amount of graduates, congratulated Kevin Morris and staff at Mt. Olive, attended the Vulcan community meeting, Marcia Hazelton's retirement dinner, and Father Ramirez' event, will attend NALEO Conference in Hollywood, asked that all who recently retired from the School District be recognized for their service, asked that the meeting be adjourned in memory of Adan Bayon, and thanked staff for getting rid of the rail cars on Duarte Road.

FASANA: Spoke at Westminster Gardens about community activities, attended Friends of the Library dinner, Duarte Elks dinner in honor of the military, Teen Space dedication, and part-time employees recognition, stated the Metro postponed action on its long-range transportation plan to July, attended meeting about Vulcan by Save Our Canyon, and provided correspondence to the City Manager from Supervisor Antonovich regarding an Alcoholics Anonymous business in Duarte.

ADJOURNMENT

Gaston moved, Finlay seconded to adjourn the meeting at 11:20 p.m., in memory of Adan Bayon, and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk