

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – JULY 14, 2009

CALL TO ORDER	Mayor Fasana called to order the Joint City Council/Redevelopment Agency meeting at 6:07 p.m., with three members present (Finlay and Reyes arrived prior to the Closed Session).
ADOPTION OF AGENDA	Gaston moved, Paras-Caracci seconded to adopt the Agenda, and carried unanimously.
CLOSED SESSION Anticipated Litigation	<p>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: 2. The Closed Session concluded at 6:45 p.m.</p> <p>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 7:07 p.m.</p>
RECORDATION OF ATTENDANCE	<p>The following were in attendance: PRESENT: Finlay, Gaston, Paras-Caracci, Reyes, Fasana ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater</p>
PLEDGE TO THE FLAG	Steve Warner led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Mr. Ellis and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION	Slater stated during the Closed Session, City Council discussed two potential anticipated litigation cases and received an update from the City Attorney, and directed the City Attorney to continue to monitor the situation and report back at a future Council meeting, with no further action taken.
ANNOUNCEMENTS	<p>Reed Strege, Duarte Library, announced summer reading programs, art program on July 17 and 24, teen program on July 20, and bingo day on July 20.</p> <p>Tina Carey, Route 66 Parade Committee, announced fundraiser on August 12 at the Elks Club.</p> <p>Beulah Jones announced her residential care facility will soon be open.</p> <p>Karen Herrera announced Farmer's Market every Saturday, hazardous waste event on July 18, Metro Rail yard tours, summer concert on July 22, Foothill Unity Center back-to-school distribution on August 20, Duarte's Promise school supplies collection sites, float golf tournament on November 6, and displayed a commendation received from Supervisor Antonovich for the Unity and Peace Concert.</p> <p>Gaston announced on October 2, Lisa Magno will receive the Outstanding Small Businesswoman award for our region from Assemblymember Portantino, and asked that she be recognized at a future City Council meeting.</p>
SPECIAL ITEMS Recognition – Irwindale	Mayor Fasana introduced Irwindale Mayor Larry Burrola and Assistant City Manager Camille Diaz, and thanked them for the City of Irwindale's outstanding work on the Foothill Boulevard improvement project.
Recognition – Senior Center Softball Teams	Cesar Monsalve, Recreation Superintendent, provided information about the Pasadena Senior Olympics and the two Duarte

	teams. Mayor Fasana presented Certificates and photos to the Duarte 66ers and Duarte D-Crew players for being silver and gold medalists, and congratulations were extended.
Introduction – Oaths of Office Economic Development Comms.	Mayor Fasana introduced Economic Development Commissioners Mitrah Rasti and Joelle DeBrest, who were administered the Oath of Office and presented with Certificates of Appointment.
Recognition – Outgoing Mayor’s Youth Council	Mayor Fasana introduced the outgoing members of the Mayor’s Youth Council, and presented them with Certificates in appreciation of their service.
Introduction – Mayor’s Youth Council	Mayor Fasana introduced the new members of the Mayor’s Youth Council, presented them with Certificates of Appointment, and congratulations were extended.
Retiring DUSD employees	Mayor Fasana introduced the retiring employees of the Duarte Unified School District, presented them with Certificates in appreciation of their years of dedicated service to our youth, and congratulated them on their retirement.
Presentation – Living with Bears	Biologist Kevin Brennan, California Department of Fish and Game, provided guidelines and tips about living with black bears, stated the problem is preventable by using bear-proof trash containers, removing unused fruit from trees, and not leaving pet food outside, and answered questions from Councilmembers. Nita Norgard stated the problem persists, and there was a bear in her garage. There was discussion about bears’ aggressiveness, the possibility of mandatory bear-proof containers, and cans that do not work correctly. Mayor Fasana asked staff to follow up with Burrtec and the Department of Fish and Game about bear-proof trash containers. Paras-Caracci suggested the issue about bear-proof trash containers be referred to the Public Services Commission for review and input, and suggested Burrtec may want to have a pilot program in our City.
Presentation – Strategic Planning Goals update	George provided an update on the City’s six-month strategic planning goals and objectives, described the five major goals for the next three years, and discussed a number of completed goals.
ORAL COMMUNICATIONS	The following spoke on items not on the Agenda: Tom Bea – Irwindale opposed rail yard facility. Lino Paras – No City position on yard, sales tax, LA Times. Tom Reyes – Irwindale opposed rail yard construction.
CONSENT CALENDAR Items Added	Gaston moved, Paras-Caracci seconded to add Reyes’ attendance at the World Amateur Boxing Tournament, July 17, in Indio, and at the Binational Mayor’s Summit, July 23-25, in Ensenada, and carried unanimously. Reyes moved, Paras-Caracci seconded to approve the Consent Calendar, as amended to add the above to Item H and to remove Item D, as follows, and carried unanimously. Approve Items A, B, C, E, F, G, H. Remove Item D.
ITEM REMOVED Item D – Proclamation Item D approved	(Proclamation–Family Day–A Day to Eat Dinner Your Children) Finlay discussed the benefits and positive impacts to the family of eating dinner with children. Finlay moved, Paras-Caracci seconded to approve Item D, and carried unanimously.
PUBLIC HEARING Council Bill 09-O-03 Urgency – Extends Moratorium Height – R-1D zone	Mayor Fasana announced this was the time and place set for a Public Hearing to consider an urgency ordinance extending a moratorium pertaining to structure height in the R-1D zone.

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

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

Silvia Hurtado, City Planner, presented a staff report regarding the proposed moratorium extension.

Mayor Fasana 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 extension of the moratorium, and volunteered to work with the consultant and staff to help move this along.

William Norgard stated his main concern is additional parked cars on the street, streets are 30 feet wide, and when cars are parked on both sides, there is less space to drive.

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

Reyes inquired about the initial adoption of the moratorium, the delay, and the timeline. Slater stated it was initially adopted on July 22, 2008, and this is the final extension allowable by law. Hensley stated the Development Code is not completed, it is on schedule, overall progress is being made, it will be discussed by the Planning Commission in September, and the goal is have it completed by the end of this calendar year.

ORDINANCE NO. 816

Gaston moved, Finlay seconded to adopt Urgency Ordinance No. 816, and carried by the following Roll Call vote:

AYES: Gaston, Paras-Caracci, Finlay, Fasana

NOES: Reyes

Council Bill 09-O-04
Urgency – Extends Moratorium
Massage, Acupressure

Mayor Fasana announced this was the time and place set for a Public Hearing to consider an urgency ordinance extending a moratorium pertaining to massage, acupressure and similar uses.

Slater read by title Council Bill 09-O-04:

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

Silvia Hurtado, City Planner, presented a staff report regarding the proposed moratorium extension, and discussed SB 731 which will become effective September 1, 2009.

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

John Niepoetter, X's Acupuncture and Herbs, stated his team is tops in the United States, and discussed the possibility of proceeding prior to SB 731 and September 1, 2009.

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

There was discussion about SB 731 protecting the City against illegal activities, impact of delays on small businesses, zoning and business license policies, and limiting the chance for someone to open an illegal business.

ORDINANCE NO. 817

Finlay moved, Reyes seconded to adopt Urgency Ordinance No. 817, and carried unanimously.

Council Bill 09-O-05
Shopping/Laundry Carts
(First Reading)

Mayor Fasana announced this was the time and place set for a Public Hearing pertaining to the abatement of shopping carts and laundry carts, and providing for fines and penalties for failure to comply with the requirements.

Slater read by title Council Bill 09-O-05:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADDING CHAPTER 9.70, "ABATEMENT OF SHOPPING CARTS AND LAUNDRY CARTS," TO TITLE 9, "PUBLIC PEACE AND SAFETY," OF THE DUARTE MUNICIPAL CODE, PROVIDING PROCEDURES FOR THE ABATEMENT OF ABANDONED SHOPPING CARTS AND LAUNDRY CARTS, DECLARING THAT ABANDONED CARTS ARE A PUBLIC NUISANCE, AND PROVIDING FOR FINES AND OTHER PENALTIES FOR THE FAILURE TO COMPLY WITH THE REQUIREMENTS OF SAID CHAPTER (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 Fasana asked if any written communications had been filed in the matter. Akana stated there were none.

Brian Villalobos, Director of Public Safety Services, presented a staff report about the proposed ordinance.

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

Finlay moved, Reyes seconded in introduce Council Bill 09-O-05 for first reading, and carried unanimously.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda:
Beulah Jones – Trash cans, street sweeper.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

REYES: Thanked the City of Irwindale for opposing the proposed rail yard, thanked staff for the concerts and movie night, thanked outgoing and incoming Mayor's Youth Council members, attended the Chamber installation and Unity Festival, and congratulated the Boxing Program coaches and boxers, and wished them good luck at the tournament.

FINLAY: Appreciates the new Commissioners, stated the results of today's election for a new Congress person will be known tomorrow, congratulated Terry Nichols for being selected as the new superintendent for Claremont, attended Vector Control District meeting and discussed West Nile and the H1N1 viruses, congratulated the graduates of the Technical Redeployment Program, attended Royal Oaks Park Building grand opening, community movie night, and the Chamber installation dinner, and announced Sanitation District research boat tours are available.

SLATER: Stated Sacramento has indicated there may be some resolution to the State budget within the next two weeks.

GEORGE: Asked Brian Villalobos for a brief recap of the 4th of July weekend activities. Villalobos stated it was a quiet 4th of July, with less units, and less deputies than in previous years.

PARAS-CARACCI: Appreciated the residents cleaning up after the 4th of July, attended Royal Oaks Park Building grand opening, movie night, and Chamber installation, received a call from a resident on Westvale regarding a vehicle access gate in Bradbury which will be discussed at Bradbury's meeting on July 22, and stated the concerts have been great and well-attended.

GASTON: Stated there was a vehicle burglary at Encanto Park parking lot last week, stated the Education Foundation fireworks booth did well with revenue generated and thanked volunteers, thanked all who helped with and entertained at the Unity and Peace Concert, stated limited parking is a problem at the park concerts, and perhaps Target can let people park in its lot, and we can shuttle them to the concerts, Dr. Yancey of UCLA complimented Duarte for its physical fitness item on the Agenda, attended movie night, Chamber installation dinner, meetings with the City Manager regarding Sheriff's contract negotiations, and census training, stated this City Council did not approve the MTA rail maintenance yard, it agreed to get additional information, encouraged anyone interested to go on a Metro tour, and asked that the meeting be adjourned in memory of Robert Myers and Lance Cpl. Joshua Whittle.

FASANA: Attended Royal Oaks Park Building event, Duarte Chamber installation, movie night, Unity and Peace concert, Concert in the Park, and City of Irwindale City Council Meeting, stated he asked Irwindale not to take a position on the rail maintenance yard and to allow the environmental process to proceed, and stated the City of Duarte did not oppose nor support the rail maintenance facility, it took no position, and addressed specific concerns.

ADJOURNMENT

Gaston moved, Paras-Caracci seconded to adjourn the meeting at 10:20 p.m., in memory of Robert Myers, Lance Cpl. Joshua Whittle, Charlie Rike, and Tony Hill, and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk