

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – SEPTEMBER 8, 2009

CALL TO ORDER Mayor Fasana called to order the Joint City Council/Redevelopment Agency meeting at 5:36 p.m., with four members present (Paras-Caracci arrived prior to the commencement of the Closed Session).

ADOPTION OF AGENDA Finlay moved, Paras-Caracci seconded to add Closed Session Item 3.E (as stated below), and to add Consent Item 12.J (withdrawing the rejection of claim approved at the April 28, 2009, City Council Meeting), and carried unanimously. Finlay moved, Reyes seconded to adopt the Agenda, as amended, and carried unanimously.

CLOSED SESSIONS

- 1) Real Property Negotiation
- 2) Existing Litigation
- 3) Performance Evaluation
- 4) Threatened Litigation

City Attorney Slater stated the first Closed Session is pursuant to Government Code Section 54956.8; Conference with real property negotiators; Agency negotiators: Darrell George and Craig Hensley; Negotiating parties: Redevelopment Agency of the City of Duarte, Duarte-Jacobsen Family Holdings I, LLC, and Mountain Vista Plaza; Under negotiation: Price and terms of payment; Concerning approximately 2,000 square feet located at the southwest corner of Parcel 1 of Parcel Map No. 17549. The second Closed Session is pursuant to Government Code Section 54956.9(a); Existing litigation; Remedial Civil Constructors, Inc. v. City of Duarte, Los Angeles County Superior Court Case No. BC419997. The third Closed Session is pursuant to Government Code Sections 54956(b)(1) and 54957.6(a); Public employee performance evaluation; Title of position: City Manager; Designated representative: Dan Slater, City Attorney. The fourth Closed Session is pursuant to Government Code Section 54956.9(b)(1); Conference with legal counsel; Threatened/Anticipated litigation; Number of potential cases: 1. The Closed Sessions concluded at 6:55 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 7:15 p.m.

RECORDATION OF ATTENDANCE The following were in attendance:
PRESENT: Finlay, Gaston, Paras-Caracci, Reyes (left at 10:20 p.m.), Fasana
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater

PLEDGE TO THE FLAG Elliot Cuite and Matthew Rapkin led the Pledge of Allegiance.

MOMENT OF REFLECTION A moment of reflection was observed.

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

PUBLIC REPORT OF CLOSED SESSION Slater stated during the first Closed Session, the City Council/Agency Board held a discussion regarding acquisition of an easement, and unanimously gave direction on further negotiations with the negotiating parties. During the second Closed Session, the City Council received a report regarding a lawsuit that was filed as listed on the Agenda, with further follow-up to be provided as the case proceeds. During the third Closed Session, the City Manager's performance evaluation that commenced at the last meeting was continued to the next meeting, with any amendment to be considered in open session. During the fourth Closed Session, information was received about a claim filed against the City by Los Angeles County that was

rejected by the City Council on April 28, 2009, and withdrawn by the County. Consent Item 12.J has been added to the Agenda, withdrawing the City's claim rejection since the County withdrew its claim.

ANNOUNCEMENTS

Xilonin Cruz-Gonzalez announced Save Our Canyon community meeting on September 24 at Valley View School.

Robert Cuite announced Duarte Ed Foundation Pennies for Progress fundraiser kick-off on September 19.

Kay Pearlman, Duarte Library, announced back-to-school open house on September 10.

K. C. Caracci, Route 66 Parade, announced Casino Night on September 12, thanked the Parade sponsors, and displayed the 2009 Parade T-shirts.

Eileen Penson, Duarte Library, announced free SAT/ACT college prep test on September 26.

Karen Herrera announced a number of upcoming City and community events in the months of September and October.

Donna Georgino announced the City is seeking Advisory Committee members for the Youth and Family Master Plan.

Brian Villalobos provided an update on the Station Fire.

SPECIAL ITEMS

Recognition – Matthew Rapkin

Mayor Fasana introduced Matthew Rapkin, and presented him with a congratulatory Certificate in recognition of his receiving the rank of Eagle Scout.

Recognition – ROP Recreation Leader students, summer youth employment participants

Donna Georgino and Teesha Tarr described the summer ROP Recreation Leader program and Parks and Recreation summer youth employment program. Mayor Fasana presented Certificates to the program participants and thanked them for their many hours of service.

Recognition – Library reading program volunteers

Kay Pearlman and Eileen Penson described the summer reading program and introduced the "volunteens." Mayor Fasana presented Certificates to the teen volunteers.

Recognition – Rosalie Zesati
Outgoing Public Safety Comm.

Mayor Fasana presented a plaque to outgoing Public Safety Commissioner Rosalie Zesati in recognition of her service to the community from June 2008 – August 2009.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.
Pastor C. L. Bennett – Water conservation plan.

ITEMS ADDED TO CONSENT

Slater stated Item J was added to the Consent Calendar when the Agenda was adopted, as follows:

J. Withdrawal of rejection of claim. Withdrawing City Council's April 28, 2009, rejection of a claim filed by the County of Los Angeles and the Los Angeles County Flood Control District, dated March 11, 2009, with a cover letter dated March 12, 2009, and received by the City on March 16, 2009, pertaining to a purported claim for indemnity allegedly arising from that certain lawsuit entitled Natural Resources Defense Council Inc. et al. v. County of Los Angeles, et al., United States District Court, Central District of California, Case No. CV08-01467 AHM (PLAx), and authorization and direction to the City Clerk and City Attorney to send notice to legal counsel for County and District of the City Council's withdrawal of its April 28, 2009, Rejection of Claim.

Finlay moved, Gaston seconded to add to Item I attendance for all Council at Santa Teresita's 80th Anniversary Gala, and to remove Item A (Minutes), and carried unanimously.

CONSENT CALENDAR

Finlay moved, Gaston seconded to approve the Consent Calendar, as amended as follows, and carried unanimously.
Approve Items B, C, D, E, F, I, J.
Receive and File Items G, H.

RESOLUTION NO. 09-31
Approves CUP 09-2 (Alcohol)
1525 Huntington Drive

(Item D.) 09-R-31 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST TO ALLOW THE ON-SITE SALE OF BEER, WINE, AND DISTILLED SPIRITS (LICENSE TYPE 47, ON-SALE GENERAL, EATING PLACE) AT 1525 HUNTINGTON DRIVE MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE MUNICIPAL CODE 19.70.120, AND APPROVING CONDITIONAL USE PERMIT 09-2 WITH RESPECT TO THE ON-SITE SALE OF BEER, WINE, AND DISTILLED SPIRITS ONLY

RESOLUTION NO. 09-32
Approves CUP 09-2
(Entertainment) 1525 Hunt. Dr.

09-R-32 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST TO ALLOW ENTERTAINMENT AT 1525 HUNTINGTON DRIVE MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE MUNICIPAL CODE 19.70.120, AND APPROVING CONDITIONAL USE PERMIT 09-2 WITH RESPECT TO ON-SITE ENTERTAINMENT OF LIVE MUSIC AND BELLY DANCING ONLY

ITEM REMOVED (Minutes)
Approved

Reyes moved, Paras-Caracci seconded to approve the Minutes of August 25, 2009, as amended to read on the first page "Reyes arrived during the Closed Session," and on the second to last page "Gaston thanked the Parks and Recreation Department for the Nature Camp and Adventure Camp," and carried unanimously.

BUSINESS ITEMS
Report – Vulcan EIR process

Craig Hensley, Community Development Director, presented a staff report about City staff's continued monitoring of the Environmental Impact Report process associated with the Vulcan project. Gaston moved, Reyes seconded to receive and file the staff report, and carried unanimously.

Discussion/Action
Formation of ad hoc committee
Gold Line

George provided a staff report about the request concerning the formation of a Regional Transportation Ad Hoc Committee to facilitate the ongoing education of the entire community about the impacts of the Metro Gold Line Foothill Extension Phase II.

Tom Bea stated he would like to be part of the ad hoc committee.

Dave Campbell gave a definition of ad hoc, asked if attorneys will be hired, suggested an open forum or town hall meeting, and asked if there were any expenses.

Liz Reilly stated she is concerned about Council spending money on a proposed ad hoc committee, communicating with the public should be done to get their opinions, and this is not smart growth.

Henry Baltazar stated it is ridiculous to put a committee together, the facility is a jail-like structure, City funds should not be used, and the facility will be more active and brighter than Long Beach.

Eddie Howard stated he is chairperson of a committee formed by the community, the community was not informed when the project was conceived, he has concerns with City Council's facts, the community has spoken in opposition for months, and there were no facts given to ease the concerns.

Tom Reyes stated he is in opposition to the maintenance rail site, it is not smart growth, asked how the committee would be formed and how information would be disseminated, and felt it is a waste of taxpayer dollars.

Anita Malave-Arevalo stated we are a small community, felt the City Council wants to put money into something and have other people talk for them, and stated she is against this and will stay firm until it is a non-issue.

Gonzalo Lozano stated he opposes the proposed MTA rail maintenance yard at Mt. Olive, it is an inconvenience to students, and asked if the students deserve this.

Rosalie Zesati stated the ad hoc committee comes close to the election, the community was not informed, it shows little vision to support the study of a rail station, it is likely to decrease home values and increase crime, and stated there is a need for new leadership.

Michael Stanton stated he opposes the rail yard, he is on the committee chaired by Mr. Howard, and only one Councilmember asked their opinions and concerns.

Lino Paras stated he supports the formation of an ad hoc committee, it should be for more than one issue and should look into the overall benefits or any disadvantages for Duarte, the proposed rail yard is not in Duarte, and the MTA can do whatever it wants.

There was discussion about the need to discuss more than the rail yard, Measure R, clearing up misconceptions, the make-up of the committee to include a cross-section of persons, pros and cons of the Gold Line, number of persons on the committee, number of proposed rail maintenance yards, statements made at the MTA Board meeting, committee to reflect the entire community at-large, and Monrovia's recent interest in the rail yard.

Reyes moved, Paras-Caracci seconded to establish a Regional Transportation Ad Hoc Committee and identify members, with no meetings held until after December 1, 2009.

There was further discussion about the composition of the committee and appointment structure.

Gaston moved, Paras-Caracci seconded a substitute motion to establish a Regional Transportation Ad Hoc Committee comprised of 15 members, with two appointments made by each City Councilmember, two appointments recommended by the School District and confirmed by City Council, and three appointments recommended by the Chamber of Commerce and confirmed by City Council, and to agendize the appointments for the first meeting in October 2009.

There was additional discussion, with an explanation by the City Attorney pertaining to the Brown Act, minutes, quorum issues, FPPC requirements, and the Political Reform Act.

The substitute motion to establish a Regional Transportation Ad Hoc Committee comprised of 15 members, with two appointments made by each City Councilmember, two appointments recommended by the School District and confirmed by City Council, and three appointments recommended by the Chamber of Commerce and confirmed by City Council, and to agendize the appointments for the first meeting in October 2009, carried by the following Roll Call vote:

AYES: Gaston, Paras-Caracci, Finlay, Fasana

NOES: Reyes

Discussion/Action
Informational piece – Metro
Gold Line

George provided a staff report about the proposed informational piece pertaining to the issues surrounding the proposed Metro Gold Line called "Gold Line Through Duarte Update."

Tom Reyes stated this was a great idea and he would like the ad hoc committee to approve it before it went out to the community.

Anita Malave-Arelo discussed the ad hoc committee and draft document, stated Mr. Reyes is not in support of this, she voted for Measure R and not for a maintenance yard, and City Council

has a duty to the community.

Rosalie Zesati stated the community does not want a maintenance yard, and encouraged City Council to oppose it.

Lino Paras stated there are better ways Mr. Bea's site can be used, he opposes the City spending \$800 for the piece, and suggested letting the political process settle it.

Tom Bea stated it does not show sites other than his, he does not want a picture of his family's facility in the piece, he spent \$1.4 million to improve his facility, and the piece also shows his neighbor's property.

Gaston moved, Fasana seconded to approve the informational piece called "Gold Line Through Duarte Update," as amended to eliminate the pictures and to keep the map, and carried by the following Roll Call vote:

AYES: Gaston, Paras-Caracci, Finlay, Fasana

NOES: Reyes

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda:
Sylvia Brister – Facility site in Irwindale.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

Mayor Fasana stated the names of Charles Cosgrove and Dr. Marshall Welles will be added to the adjournment.

GASTON: Requested that the meeting also be adjourned in memory of Victoria Staller and Mark Dickson, attended the Black Alumni Monrovia-Duarte Football Classic, congratulated Joy Christian Church on its event, noted band and sound stages were placed on the northwest side of Encanto Park near resident's homes, and suggested the sound be moved away from homes in the future, stated Evan Finlay and Bob and Julie Davey will be leaving the City, thanked all for their care and concern about Mr. Cosgrove, asked that letters of congratulations be sent to the incoming president of the Los Angeles Division of the League and the incoming president of the Independent Cities Association, congratulated the School District for restoring bus transportation, stated there is an uneven surface on the Bike Trail at Mt. Olive Drive, received a request from the Senior Center for reserved parking signs, congratulated Mr. Margiloff and Reverend Earle on the book about Duarte, and thanked the Route 66 Parade Committee for their hard work.

PARAS-CARACCI: Stated there are many upcoming community events, and she is thankful for the people who work hard to make them successful.

FINLAY: Announced Employment Workshop on September 29 and stated it is timely, the County Fire Department has wild-fire action planning information in its "Ready Set Go" booklet, the hazardous waste event in August served over 3,000 households and will hold an event on October 10 in Duarte, stated the hillside landscaping in the Sunnydale area looks bad, and asked if plants could be placed there until someone buys the property.

FASANA: Suggested putting an assessment on the parcel in the Sunnydale area, attended a briefing by the County Federation of Labor regarding the economic situation, and attended City of Hope's health care forum, Representative Chu's oath of office ceremony, and the City Selection Committee Meeting.

ADJOURNMENT

Paras-Caracci moved, Gaston seconded to adjourn the meeting at 10:28 p.m., in memory of Los Angeles County Fire Captain

Tedmund Hall, Firefighter Specialist Arnaldo Quinones, Charles Cosgrove, Dr. Marshall Welles, Victoria Staller, and Mark Dickson, and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk