

## MINUTES

### JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – JANUARY 26, 2010

**CALL TO ORDER** 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 Finlay called the meeting to order at 5:05 p.m., with three members present (Reyes arrived at 5:20 p.m., and Fasana arrived at 7:14 p.m.).

**ADOPTION OF AGENDA** Gaston moved, Paras-Caracci seconded to adopt the Agenda, and carried by a vote of 3-0-2.

**WORKSHOP**  
Proposed Speed Table Policy for City Streets Steve Esbenshade, Engineering Division Manager, provided information about a proposed speed table policy for City streets, and answered questions from the City Council and members of the public. Reyes moved, Paras-Caracci seconded to bring back a policy to City Council within 45 days with a Resolution for consideration, and carried by a vote of 4-0-1, with Fasana absent from the vote. The Workshop concluded at 5:55 p.m.

**CLOSED SESSION**  
1) Property Negotiations  
2) Conference – Legal Counsel Slater stated the first Closed Session was pursuant to Government Code Section 54956.8; Conference with Real Property Negotiators; Acquisition of real property interest in a portion of property at the northeast corner of Buena Vista Street and Central Avenue, and addressed as 1434 Buena Vista Street, Duarte; Agency negotiators: Darrell George and Craig Hensley; Negotiating parties: Redevelopment Agency of the City of Duarte and Performance Nissan; Under negotiation: Price and terms of payment. The second Closed Session was 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 7:05 p.m. The meeting was reconvened at 7:12 p.m.

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

**PLEDGE TO THE FLAG** Lisa Magno led the Pledge of Allegiance to the Flag.

**MOMENT OF REFLECTION** A moment of reflection was observed.

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

**PUBLIC REPORT OF CLOSED SESSION** Slater stated during the first Closed Session, the City Council/Agency Board received a report from the negotiators on price and terms, and directed that the negotiations continue. During the second Closed Session, City Council received information on one of two potential cases, and City Council provided direction, with no further action taken. The second potential case will be discussed in a Closed Session later in the meeting.

**ANNOUNCEMENTS** Reed Strege, Duarte Library, announced teen greeting card workshop on February 8, film showing on February 10, and SAT/ACT practice test on February 27.  
Lisa Magno, Joe's Place, announced American Cancer Society Relay for Life kickoff on February 9.  
Karen Herrera announced upcoming community events for the months of January and February.

**SPECIAL ITEMS**  
Recognition – Tim Estes Donna Georgino introduced Tim Estes from Fiesta Parade Floats, congratulated him on winning the Past President's Trophy for

the City of Duarte/City of Hope float, and presented him with a certificate from the Duarte Float Committee. Mayor Finlay presented a Certificate of Appreciation to Mr. Estes for his role in producing the City's award-winning float "Harvesting Good Health," and congratulations were extended.

Presentation – Duarte's Biggest Loser Program

Donna Georgino presented information about Duarte's Biggest Loser Program, an 8-week contest from February 1 – March 29.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.  
Victor Lopez – Property on Melcanyon.

CONSENT CALENDAR

Gaston moved, Reyes seconded to approve the Consent Calendar, as follows, and carried unanimously.  
Approve Items A, B, C, D, E, F, G, H.

CLOSED SESSION  
(Continued from earlier in the meeting)

It was determined that the Closed Session would be conducted. Slater stated this item was a continuation of the Closed Session held earlier in the meeting, 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 began at 7:50 p.m. and concluded at 8:10 p.m. Slater stated City Council received an update from Legal Counsel on the status of one potential case, provided direction, and no reportable action was taken.

BUSINESS ITEMS

It was determined that Items 16.D and 17 would be heard next and considered together, followed by Item 15, and the balance of Item 16.

Update – Foothill Regional Bear Task Force

Brian Villalobos provided an update on the Foothill Regional Bear Task Force meeting, stated the consensus was to meet quarterly and share information, and discussed model ordinances and development of a regional plan.

Council Bill 10-O-2  
Trash Receptacle Placement  
(First Reading)

Slater read by title Council Bill 10-O-02:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 6.08 OF THE DUARTE MUNICIPAL CODE TO MODIFY THE PERMITTED TIME FOR TRASH RECEPTACLE PLACEMENT BY OWNERS AND OCCUPANTS OF PROPERTY IN PORTIONS OF THE FISH CANYON AND HEARTHSTONE AREAS OF THE CITY (First Reading)

Karen Herrera presented a staff report about the Public Services Commission recommendation to adopt an Ordinance to include portions of the Fish Canyon and Hearthstone areas in the special refuse collection time parameters currently applicable to the Mesa.

Gaston Valdovinos stated he supports the resolution, he thinks it falls short, it segregates certain sections, and thinks it should be for all residents.

Don and Stacy Westlein stated they have received letters from the school about bears on the campus, they do not think the time trash is put out will deter bears, a bear has come over their fence to get trash, they support the relocation of bears, they cannot put trash cans out later as he leaves for work at 4:00 a.m., and there are also raccoons.

Mark Wood stated bears come during all days of the week and at all times of the day, this will not solve the problem, bears come into back yards, this is a reaction not a solution, urged Council not to pass the ordinance, and stated fences do not matter as the bears climb over the fences.

Robert Cuite asked how the boundaries were determined, stated in the 10 years he has lived here, he has never seen a bear, he has a three-foot wall and his cans have never been knocked over, he thinks the trash can cost should be shared by Burrtec, and stated the bears are looking for food.

Neil Bjornsen stated he lives in the Fish Canyon area and has never seen a bear on trash day or on a non-trash day, he has seen skunks and coyotes, he leaves for work at 6:00 a.m., asked that the time structure be reviewed, and suggested 5:00 a.m.

Teresa Roberti stated bears come on all days, the ordinance is moot, bears come into her garage, trash is not the issue, they come in her yard two or three times a week, Monrovia's trash cans are supposed to be cheaper and better, the bears will move to other neighborhoods, and asked about the Mesa's incident rate after its time was changed.

Jamie Berridy stated bears do not have a time schedule, they come out at all times for food, when the homes were built the bear population was there already, and he thinks changing the time for putting out trash cans will not take care of the problem.

There was discussion about trash being the initial attractant for bears, need for a better container, cost of container, fines, calls for service, bears in pools, damage to containers from automated truck, bear-resistant receptacles, purposely feeding bears, pull-out service, bears leaving when the food goes away, need for additional study of the situation, doing nothing is not an option, and the need to make it tougher for bears to get to the food sources. Staff responded to questions from City Councilmembers and residents. City Council thanked the Public Services Commission for its report.

Richard Nino, Burrtec, provided information and answered questions from City Councilmembers pertaining to collection times, bear-deterrent receptacles, warranties, pilot program, and fees.

Reyes moved, Paras-Caracci seconded to receive and file the update report on the Foothill Regional Bear Task Force, and carried unanimously.

Reyes moved, Fasana seconded to further study the matter about the permitted time for trash receptacle placement in portions of the Fish Canyon and Hearthstone areas of the City before making a decision, and carried unanimously.

Councilmember Reyes left the meeting at 9:25 p.m.

COUNCIL BILL  
Council Bill 10-O-01  
Additional Member to EDC  
(Second Reading)

Slater read by title Council Bill 10-O-01  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE ADDING SECTION 2.27.060 TO THE DUARTE MUNICIPAL CODE TO TEMPORARILY ADD AN ADDITIONAL MEMBER TO THE ECONOMIC DEVELOPMENT COMMISSION (Second Reading)

ORDINANCE NO. 819

Fasana moved, Finlay seconded to adopt Ordinance No. 819, and carried by a vote of 4-0-1.

BUSINESS ITEMS (Continued)  
Harlem Ambassadors event

George presented a staff report about the request from the Duarte Community Service Council for City co-sponsorship of the Harlem Ambassadors event.

Fasana moved, Gaston seconded to approve the request from the Duarte Community Service Council for City co-sponsorship of the Harlem Ambassadors event to be held on April 30, 2010, and carried by a vote of 4-0-1.

Mid-Year Personnel Adjustments

Marcella Marlowe provided a staff report about the proposed adjustments to three personnel positions.

Paras-Caracci moved, Gaston seconded to approve the mid-year personnel adjustments as outlined in the staff report, per staff recommendation, and carried by a vote of 4-0-1.

2010-2011 CDBG Projects and Allocation of Funds

Craig Hensley presented a staff report about the recommendations from the CDBG Advisory Committee for fiscal year 2010-2011.

Fasana moved, Paras-Caracci seconded to approve the proposed fiscal year 2010-2011 Community Development Block Grant (CDBG) projects and allocation of funds as recommended by the CDBG Advisory Committee, and carried by a vote of 4-0-1.

ITEMS FROM CITY COUNCIL/  
CITY MANAGER

GASTON: Stated the Mentor program was outstanding and inquired about recruitment (Georgino responded), stated Sonic is a winner, County funding is available for the homeless, the needs in Haiti are great, there was an increase in the number of families served by Foothill Unity Center, she received calls and emails about mining in the foothills and encouraged attendance at the Azusa Planning Commission meeting on January 27, provided copies of information discussed at the DMT meeting to City Councilmembers, and invited all to attend the Community Meeting at Maxwell School on February 2.

PARAS-CARACCI: Stated she is excited that residents are enjoying Sonic, it is a pleasant addition to the community, and noted many were there in the pouring rain.

GEORGE: Announced Duarte Gold Line Station billboard unveiling on January 30, provided possible dates and consultants for the Strategic Planning Workshop, and stated the first meeting of the Gold Line Regional Transportation Ad Hoc Advisory Committee was held last week, and it went well.

FASANA: Congratulated all involved with Sonic, thanked staff for providing useful information at the meeting at Andres Duarte School, looks forward to the meeting at Maxwell School, and stated with regard to the Strategic Planning Workshop, he is fine with the status quo.

FINLAY: Encouraged all to attend the Azusa Planning Commission meeting and stated there will be another meeting on February 10, met with Cal-Am and its new president regarding rate hikes, announced Gold Line billboard unveiling on January 30, and stated the Mentor program is great and she would not want to cut it, as many youth are being positively impacted.

ADJOURNMENT

Gaston moved, Paras-Caracci seconded to adjourn the meeting at 9:57 p.m., in memory of Ian Brooks and Maylon Drake, to the Joint City Council/School Board Meeting, February 9, 2010, 5:00 p.m., with the regular City Council Meeting to follow, and carried by a vote of 4-0-1.

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Mayor Margaret Finlay

ATTEST:

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City Clerk