

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – APRIL 27, 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 5:39 p.m., with three members present (Fasana and Reyes arrived during the Workshop).

ADOPTION OF AGENDA Gaston moved, Paras-Caracci seconded to adopt the Agenda, as amended to adjourn to the Budget Workshop, Tuesday, May 4, 2010, at 4:00 p.m., and carried unanimously.

WORKSHOP
Five-year capital improvement program Steve Esbenshade, Engineering Division Manager, presented an overview of the City’s five-year capital improvement program, provided information about capital improvement funds from fiscal year 2010/11 through 2014/15, and discussed the importance of prioritizing and ranking projects for consideration by the City Council at the Budget Workshop and future meetings.

CLOSED SESSION
1) Conference – Legal Counsel
Existing Litigation
2) Conference – Legal Counsel
Anticipated Litigation Slater stated the first Closed Session is pursuant to Government Code Section 54956.9(a); Existing litigation; KUA Industry, Inc., a California corporation; U.S. Kuil, Inc., a California corporation, Petitioners and Plaintiffs v. City of Duarte, a California municipality; City Council of the City of Duarte, specifically “John Fasana, Margaret Finlay, Tzeitel Paras-Caracci, Lois Gaston, and Phil Reyes;” City of Duarte Redevelopment Agency, an agency of a California municipality; and Does 1 – 500; inclusive, Respondents and Defendants; Los Angeles County Superior Court, Case No. BS123299. The second Closed Session is pursuant to Government Code Section 54956.9(c); Anticipated litigation/Initiation of litigation; Number of potential cases: 1 (Project in City of Azusa entitled “Azusa Rock Quarry: Modification to C-89-20, Development Agreement, and Revised Reclamation Plan, SCH No. 2009051056” and associated Environmental Impact Report). The Closed Sessions concluded at 6:55 p.m. The meeting was reconvened at 7:15 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 Tamala Kelly led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

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

PUBLIC REPORT OF CLOSED SESSION Slater stated during the first Closed Session, City Council/Agency Board received a status report from legal counsel, with no reportable action taken. During the second Closed Session, the City Council conferred with legal counsel and discussed items related to a potential lawsuit, with no reportable action taken.

ANNOUNCEMENTS Tamala Kelly announced Girl Power self-esteem program on May 22 at the Monrovia Community Center.
Reed Strege, Duarte Library, announced Cinco de Mayo event on May 1, and Memorial Day film event on May 22.
Dorothy Smith, Duarte Community Service Council, announced Harlem Ambassadors event on April 30, and provided information about the services offered by the non-profit group.

Nita Norgard, Friends of the Duarte Library, thanked the City for the community movie night, stated they gave away many books, and thanked Councilmember Gaston for book donations received through the Contract Cities Association.

Mayor Finlay stated she received a letter from the County Librarian indicating a \$39 million shortfall, and stated there will be no cuts to the Duarte Library hours because Duarte residents voted to pay a library tax some years ago.

Luis Gutierrez, YMCA, introduced himself and staff members, and provided information about outreach, tutoring, and mentoring programs.

Karen Herrera announced a number of upcoming community events and programs in the months of April and May.

SPECIAL ITEMS

Presentation – Andres Duarte
Black History Month Program

Third-grade students from Andres Duarte Elementary School presented a musical performance of a portion of their Black History Month Program.

Presentation by ALADS

Steve Remige, Association for Los Angeles Deputy Sheriffs, presented a plaque to the City in appreciation of ongoing support of quality public safety programs.

Presentation – Public Safety
Department monthly update

Brian Villalobos, Director of Public Safety Services, provided the Public Safety Department’s monthly update.

Presentation – Strategic Planning

City Manager George presented an update on the status of the City’s strategic plan and efforts to implement its components, and discussed three-year goals and accomplishments during the past year.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.
Victor Lopez – Meeting with staff, property, fines.
Steve Hernandez – Azusa Council Meeting, Wilderness Day.

CONSENT CALENDAR

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

RESOLUTION NO. 10-10
SGV Energy Wise Partnership

Item D– Council Bill 10-R-10 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, SUPPORTING, AND PARTICIPATING IN, THE SAN GABRIEL VALLEY ENERGY WISE PARTNERSHIP

ITEM REMOVED (Item G)
Performance Nissan
Sign Agreement

Item G– Approval of Lease and Regulatory Agreement and Declaration of Covenants, Conditions, and Restrictions between the Redevelopment Agency of the City of Duarte and Group 1 Realty, Inc. (dba Performance Nissan), and authorization for Executive Director and Agency Counsel to make final technical/clerical modifications to form of agreement, and for Executive Director to sign agreement on behalf of the Agency.

Reyes inquired about how “community use” would be defined. Fasana inquired if videos and pictures could be shown on the sign. Gaston inquired about the procedures for use of the sign.

Item G approved

Reyes moved, Gaston seconded to approve the agreement, and carried unanimously, with direction to staff to bring back to the Council details about how the City/Agency’s 20% usage of the reader board portion of the sign would be allocated.

BUSINESS ITEM
Lowe Enterprises – Extend ENA
Transit Oriented Development

It was determined that the Business Item would be considered prior to the Public Hearing.

Craig Hensley, Director of Community Development, presented

a staff report about the request for a 12-month extension to the Exclusive Negotiation Agreement with Lowe Enterprises, and provided information about proposed milestones.

Thomas Wulf, Lowe Enterprises, presented information about the proposed TOD (transit oriented development) for the Duarte Gold Line Transit Station, including background, conceptual master plan, development opportunities, schedule, and actions.

Michael Massie, Jamboree Housing Corporation, stated his firm is part of the team with Lowe Enterprises, discussed opportunities to access affordable housing and resident services for lower income families, seniors, and those with special needs, and displayed examples of completed projects.

Ken Ryan, KTGy, stated his firm provides architectural design and planning services for TOD, residential, retail, mixed use, and planned communities, discussed sustainable development, and showed examples of completed projects.

There was discussion about LEED certification, linking the development to the rest of the community, similar projects, bike trail, finance and economics, social consciousness, jobs, and progress updates.

Reyes moved, Gaston seconded to approve Amendment No. 3 to the Exclusive Negotiation Agreement between the Redevelopment Agency and Lowe Enterprises Real Estate Group-West, Inc., extending the negotiation period to May 6, 2011, and to authorize the Executive Director to sign the Amendment on behalf of the Agency, and carried unanimously.

PUBLIC HEARING
Council Bill 10-R-12
Royal Oaks Park Building
Rental Fee

Mayor Finlay announced this was the time and place set for a public hearing to consider the reclassification of the Royal Oaks Park Building rental fee structure.

Slater read by title Council Bill 10-R-12:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, RECLASSIFYING THE ROYAL OAKS PARK BUILDING RENTAL FEE STRUCTURE TO BE THE SAME AS THE FEE STRUCTURE FOR THE "ONE-HALF OF THE COMMUNITY CENTER AUDITORIUM" CATEGORY

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

Donna Georgino, Director of Parks and Recreation, presented a staff report regarding the proposed fee reclassification, and answered questions from City Councilmembers.

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

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

RESOLUTION NO. 10-12

Fasana moved, Paras-Caracci seconded to adopt Resolution No. 10-12, and carried unanimously.

RESOLUTION
Council Bill 10-R-11
Intent to levy assessments
2010/11 Landscape/Lighting
Zones 5, 6, 8, and 9
Public Hearing Set – 6/22/10

Slater read by title Council Bill 10-R-11:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2010-11 IN THE EXISTING ZONES 5, 6, 8, AND 9 OF THE CITYWIDE LANDSCAPING

AND LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR AN INCREASE IN THE ANNUAL LEVY IN EACH OF THE ZONES, AND COLLECTION OF ASSESSMENTS FOR SAME ZONES PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING TO HEAR OBJECTIONS THERETO

Dominic Milano, City Engineer, discussed the process for the proposed assessments in Zones 5, 6, 8, and 9, and answered questions from Councilmembers pertaining to providing information to residents, ballot process, and possible service cuts.

Gaston requested a presentation be made at the next Council Meeting. Fasana suggested the presentation be posted on the City's website.

RESOLUTION NO. 10-11

Fasana moved, Gaston seconded to adopt Resolution No. 10-11, and carried unanimously.

ORAL COMMUNICATIONS
(Continuation)

The following spoke on items not on the Agenda:
Daniel Mossbarger – E-waste drop-off.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

REYES: Asked that Dial-A-Ride be added to the City's strategic planning goals and requested a report within 60 days about how this service can be provided to our seniors, and asked that the meeting be adjourned in memory of Mary Hernandez.

FASANA: Congratulated Councilmember Gaston on her successful tenure as President of Contract Cities, attended Foothill Transit meeting, noted public hearings will be held about potential cuts and fare increases, the Metro Board approved the 30/10 plan in concept, and thanked and congratulated staff for the good work on Wilderness Day and for adapting to the situation when Vulcan blocked our access to the falls.

SLATER: Provided an update on the CRA lawsuit filed against the State, and stated a decision is expected on or before May 4.

GEORGE: Stated the meeting will be adjourned to the Budget Workshop on Tuesday, May 4, 2010, at 4:00 p.m.

PARAS-CARACCI: Congratulated Councilmember Gaston for serving as President of Contract Cities, attended the Mother's Day event at the Senior Center, stated the Foothill Unity Center in Monrovia was on American Idol, and she looks forward to the new website.

GASTON: Thanked the Mayor and staff for the apology that was printed in the newspaper about Wilderness Day, thanked all who attended the Azusa City Council meeting, appreciates the Public Safety Newsletter, there is online voting for a school in Lawndale to have the President speak at its commencement, announced opportunities to serve on the Steering Committee and Governing Board of the SGVCOG Homeless Services Council, asked that a congratulatory certificate be prepared for the installation of the new Pastor of First Baptist Church, announced Foothill Unity Center's 30th anniversary event on June 3, received a letter from an Upland student complimenting her service to the community, attended Community Mediation Team meeting, and thanked all who made the Contract Cities meeting special for her and the Friends of the Duarte Library.

FINLAY: Thanked staff for the Wilderness Day event under less than desirable circumstances, ran in the Ragnar relay with Donna Georgino on the weekend, provided an update of school news and announced school transportation meeting on May 5, attended the Youth and Family Master Plan meeting and the Senior Tea, and stated the Sanitation Districts' 2010 Director's Facility Tour will be on June 2.

ADJOURNMENT

Gaston moved, Reyes seconded to adjourn the meeting at 10:02 p.m., in memory of Mary Hernandez, to the Budget Workshop, Tuesday, May 4, 2010, at 4:00 p.m., and carried unanimously.

Mayor Margaret Finlay

ATTEST:

City Clerk