

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – JUNE 22, 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 (Fasana arrived prior to the Closed Session, and Reyes arrived during the Closed Session).

ADOPTION OF AGENDA Gaston moved, Paras-Caracci seconded to adopt the Agenda, and carried unanimously.

CLOSED SESSION
1) Conference – Legal Counsel Anticipated Litigation
2) Conference – Legal Counsel Existing Litigation
3) Public Employee Performance Evaluation

Lino Paras stated with regard to the City of Azusa item, he does not think the City should sue them, this can be used for public relations, and the City will go broke. With regard to the performance evaluation, he suggests there be no consideration of a salary increase due to the economy and the City's passing on of expense to the people.

Slater stated the first 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. 2009-051056" and associated Environmental Impact Report). The second 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 third Closed Session is pursuant to Government Code Section 54956(b)(1); Public employee performance evaluation; Annual evaluation of City Manager; Designated City representative: Dan Slater, City Attorney. The Closed Sessions concluded at 6:55 p.m. The meeting was reconvened at 7:07 p.m.

RECORDATION OF ATTENDANCE The following were in attendance:
PRESENT: Fasana, Gaston, Paras-Caracci, Reyes (left at 8:55 p.m.), Finlay
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater

PLEDGE TO THE FLAG Bill Lawrence 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 received an update from legal counsel, and provided direction, with no reportable action taken. On the second item, the City Council received a report from legal counsel on the status of the litigation, with no reportable action taken. On the third item, the City Council performed the evaluation, and unanimously voted to add an additional year to the City Manager's contract term, amending the date from September 26, 2012, to September 26, 2013. Slater noted that the formal amendment will be brought to the next meeting in open session.

ANNOUNCEMENTS

Jim Kirchner, Duarte Chamber, announced Installation of Officers on July 9 at 6:00 p.m.

Kay Pearlman, Duarte Library, announced summer reading program and upcoming entertainment programs.

Karen Herrera announced a number of upcoming community events in the months of June, July, and August.

Mayor Finlay stated she received notification from the League of California Cities that the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010 qualified for the November 2010 ballot.

Gaston announced the Monrovia-Duarte Black Alumni Association picnic on June 26, where there will be an opportunity to pay respects to the family of JoAnn Brooks-Washington.

PUBLIC HEARING

Special Benefit – Zones 5, 6, 8, 9
Citywide Landscaping/Lighting
Maintenance District

Mayor Finlay announced this was the time and place fixed for the Public Hearing relating to the Special Benefit of existing Zones 5, 6, 8, and 9 of the Citywide Landscaping and Lighting Maintenance District to consider increasing the annual assessments to finance the costs of the maintenance in accordance with Resolution No. 10-11 adopted on April 27, 2010. Any and all persons having any objections to the work or intent of the assessment district may appear and show cause why said work should not be done or carried out, or why said assessments should not be levied. The City Council will consider all oral and written protests. The notice of Public Hearing was given in the manner and form as required by law. No written protests were filed in the matter.

City Engineer Dominic Milano provided a description of the ballots and voting process.

Mayor Finlay asked if there was anyone in the audience who wished to speak.

Allen Field asked when the votes would be counted. Slater stated they would be counted after public comments.

Bill Lawrence inquired about the bidding process. Steve Esben-shade stated the project went out to bid in February, the bid was awarded in April, and ValleyCrest was the lowest bidder.

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

It was noted that the City Clerk designated the Deputy City Clerk and the City Engineer to tabulate the assessment ballots that were received from the owners of properties in Zones 5, 6, 8, and 9. After the ballots are tabulated, the results will be reported to the City Council later in the meeting.

SPECIAL ITEMS

Recognition – Virginia Schmahl
100th Birthday

Donna Georgino introduced Virginia Schmahl and presented her with a cake in recognition of her 100th Birthday. Mayor Finlay presented Mrs. Schmahl with a Certificate, and congratulations were extended.

Recognition – Westminster
Gardens – 60th Anniversary

Mayor Finlay presented a framed Certificate to Carol Weaver and Mike Orosco in recognition of Westminster Gardens' 60th Anniversary.

Presentation – Public Safety
Monthly Update

Brian Villalobos provided an update on monthly activities related to the Public Safety Department, and introduced Liaison Lt. Kerry Carter.

Presentation – Strategic Planning
Update

George provided an update on the strategic planning goals and objectives, and highlighted items that have been completed and are on target.

ORAL COMMUNICATIONS	The following spoke on items not on the Agenda. Harb Thind – Azusa project, City Council participation. Mr. Govjian – Pollution from mining, plants that use less water.
ITEMS ADDED TO CONSENT	Reyes moved, Gaston seconded to add City Council attendance at the Chamber Installation on July 9, 2010, and the League of California Cities Conference from September 15-17, 2010, in San Diego to Item 13.L, and carried unanimously.
CONSENT CALENDAR	(Item A) Lino Paras questioned the minutes pertaining to the Burrtec item, and stated Petersen did not give a report. Reyes moved, Gaston seconded to approve the Consent Calendar, as amended as follows, and carried unanimously. Approve Items B, C, D, E, F, G, J, L. Receive and File Item H. Remove Items A, I, K.
RESOLUTION NO. 10-20 Designated FPPC positions	Item D– Council Bill 10-R-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING THE LIST OF DESIGNATED POSITIONS FOR FILING STATEMENTS OF ECONOMIC INTEREST AND CONFORMING THE APPLICABLE DISCLOSURE CATEGORIES TO REQUIREMENTS OF THE STATE OF CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
RESOLUTION NO. 10-21 Intent to Levy Assessments 2010-11 Citywide Landscape and Lighting District	Item E–Council Bill 10-R-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2010-2011 WITHIN THE CITYWIDE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT, PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972; AND FIXING A TIME AND PLACE FOR THE PUBLIC HEARING TO HEAR OBJECTIONS THERETO
RESOLUTION NO. 10-22 Part-Time Hourly Rate Schedule	Item F–Council Bill 10-R-22 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. 10-23 Salary Schedule – Unrepresented Employees	Item G–Council Bill 10-R-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RESCINDING RESOLUTION NO. 09-25 AND ESTABLISHING A SALARY SCHEDULE AND COMPENSATION PLAN FOR UNREPRESENTED EMPLOYEES
ITEMS REMOVED (Item A) Minutes of 6/8/10 Item A approved	Gaston moved, Fasana seconded to amend the minutes of June 8, 2010, to read “Petersen provided a written staff report,” and to approve the minutes as amended, and carried unanimously.
(Item I) Royal Oaks Park Basketball Courts Improvements Item I approved	Steve Esbenshade provided a staff report about the project. Paras-Caracci requested an update on the construction of cell towers. Fasana moved, Gaston seconded to award the contract for Royal Oaks Park Basketball Courts Improvements Project in the amount of \$119,532.70 to the low bidder E. C. Construction, and carried unanimously.
(Item K) Co-Sponsorship of Unity and Peace Concert Item K approved	Robert Moreno, Man-E Moreno Foundation, provided information about previous events and the proposed Unity and Peace Concert, and requested City co-sponsorship of the event. Paras-Caracci moved, Reyes seconded to approve the request from Man-E Moreno Foundation for City of Duarte co-sponsorship of the Unity and Peace Concert to be held on August 28, 2010, at the Duarte Performing Arts Center, and carried unanimously.

BUSINESS ITEMS
Chamber Agreements

It was determined that the Chamber of Commerce Agreements would be considered prior to the Ordinance. George presented a brief staff report, and introduced Jim Kirchner, Duarte Chamber of Commerce CEO.

There was discussion about the style and format of the insert for community news, and use of the City logo.

Gaston moved, Fasana seconded to approve the 2010-11 Services Agreement and 2010-11 Building Lease Agreement with the Duarte Chamber of Commerce, and carried unanimously.

ORDINANCE
Council Bill 10-O-04
Massage Establishments
(First Reading)

Slater read by title Council Bill 10-O-04:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING CHAPTERS 5.56, 19.52, AND 19.66 OF THE DUARTE MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS (First Reading)

Fasana moved, Reyes seconded to introduce Council Bill 10-O-04 for first reading, and carried unanimously.

BUSINESS ITEMS (continued)
Appointments to Mayor’s Youth Council

There was discussion about the eligibility requirements to serve on the Mayor’s Youth Council. Paras-Caracci requested that the application process for the Mayor’s Youth Council be placed on a future Agenda for discussion.

Paras-Caracci moved, Gaston seconded to appoint Elgin King, Christian Reed, Zachary DeBrest, Emely Carrillo, Celeste Espinosa, Kyle Garza, Chrystiana Howard, Merari Aquino, Renee Estephan, and Natasha Martinez to the Mayor’s Youth Council, for terms ending June 30, 2011, and carried unanimously.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.
Dan Mossberger – Unpaved sidewalk, Poppy Bake Shop.
Lino Paras – Street sweeping, legal fees.

TABULATION OF VOTES
Assessment District Special Benefit Zones

City Engineer Milano announced the following results relating to the Special Benefit ballots that were counted:

<u>Zone</u>	<u>Ballot</u>	<u>Total</u>	<u>In Favor</u>	<u>Opposed</u>	<u>Result</u>
#5	#1	47	19	28	Majority Protest
#5	#2	46	20	26	Majority Protest
#6	#1	45	13	32	Majority Protest
#6	#2	46	15	31	Majority Protest
#8	#1	20	17	3	Pass
(Ballot #2 not counted, as “yes” votes exceeded “no” votes.)					
#9	#1	109	34	75	Majority Protest
#9	#2	109	41	68	Majority Protest

Gaston moved, Paras-Caracci seconded to receive and file the results of the tabulation of votes, and carried with Reyes absent from the vote.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GASTON: Congratulated Sandi Mejia for being named Small Business Woman of the Year, the Chamber on its 89th anniversary, all graduates, scholarship recipients, and donors, Mrs. Schmahl for her 100th birthday, and Doug Edwards on his promotion, thanked all who voted pertaining to the landscape and lighting district, stated the Parks and Recreation summer programs and the Zumba class are outstanding, thanked Field Services for removing a rock, and announced fireworks sales begin on June 28 at noon.

PARAS-CARACCI: Attended awards ceremony at the YMCA

and asked that the PowerPoint shown at the DART/YMCA graduation banquet be presented at a future Council meeting, attended the National League of Cities Task Force meeting in Boston, and stated she served with Susan Burgess on the NLC Board of Directors, and appreciates the Council adjourning in her name.

FASANA: Announced Gold Line Extension groundbreaking on June 26 in Arcadia, stated the Upper San Gabriel Valley Municipal Water District will have a free class on smart gardening on June 30 in Baldwin Park, asked the City Manager to describe the trash fee increase for street sweeping that was on the last City Council Meeting Agenda, and wished all a safe and sane 4th of July.

George stated the residential rate increase is \$1.35 per month, and the commercial rate increase is \$2.61 per month. Slater added that this is under the franchise agreement with Burrtec, and as it is not a City-imposed, collected, or retained fee, it is not subject to Proposition 218.

FINLAY: Congratulated all high school graduates, attended the Rotary installation and congratulated Basil Kruger as the new president, congratulated Victor Valenzuela on his induction into the California Boxing Hall of Fame, and announced Azusa City Council Meeting on July 6.

ADJOURNMENT

Fasana moved, Gaston seconded to adjourn the meeting at 9:40 p.m., in memory of JoAnn Brooks-Washington, Brian Straley, and Susan Burgess, and carried unanimously.

Mayor Margaret Finlay

ATTEST:

City Clerk