

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE
REGULAR MEETING – NOVEMBER 23, 2010**

MINUTES

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 5:40 p.m., with four members present (Fasana arrived during the Closed Session).

ADOPTION OF AGENDA

Reyes moved, Gaston seconded to add a Closed Session Item (Conference with Legal Counsel; Anticipated litigation/significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1)), and carried unanimously. Gaston moved, Paras-Caracci seconded to adopt the Agenda, as amended, and carried unanimously.

CLOSED SESSION

- 1) Conference – Real Property
1000 Las Lomas
- 2) Conference – Legal Counsel
Existing Litigation – KUA
- 3) Conference – Real Property
1415, 1423-1437 Huntington
- 4) Conference – Legal Counsel
Anticipated Litigation/Initiation
- 5) Conference – Legal Counsel
Significant Exposure

There was no public input. Slater stated the first Closed Session is pursuant to Government Code Section 54956.8; Conference with Real Property Negotiators; City/Agency negotiators: Darrell George, Kristen Petersen; Negotiating parties: City of Duarte, Redevelopment Agency of the City of Duarte, and AMG Duarte LLC; Under negotiation: Price and terms of payment; Concerning acquisition of easement interests on and over a portion of the real property located at 1000 Las Lomas Road, Duarte, APN 8604-009-015. The second Closed Session is pursuant to Government Code Section 54956.9(a); Conference with Legal Counsel; Existing litigation; KUA Industry, Inc., a California corporation; U.S. Knit, 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 54956.8; Conference with Real Property Negotiators; Agency negotiators: Darrell George, Craig Hensley; Negotiating parties: Redevelopment Agency of the City of Duarte and Abode Communities, a California nonprofit corporation; Under negotiation: Price and terms of payment; Concerning property at 1415, 1423-1437 Huntington Drive, APNs 8530-004-900, 901, and 069. The fourth Closed Session is pursuant to Government Code Section 540956.9(c); Conference with Legal Counsel; Anticipated litigation/initiation of litigation; Number of potential cases: 2. The fifth Closed Session is pursuant to Government Code Section 54956.9(b)(1); Conference with Legal Counsel; Anticipated litigation/significant exposure to litigation. The Closed Sessions concluded at 7:00 p.m. The meeting was reconvened at 7:16 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

Robert Finlay led the Pledge of Allegiance to the Flag.

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 discussed price and terms of payment, with no action taken, and stated this item will be considered in open session on the Consent Calendar. During the second Closed Session, the City Council/Agency Board received a report on the

outcome of a court motion, and stated the City was awarded an additional \$30,000 in attorney's fees and the litigation is now concluded. During the third Closed Session, the Agency Board discussed price and terms of payment and received a report from the negotiating parties, with no action taken, and the item will be considered in open session on the Consent Calendar. During the fourth Closed Session, a report was received from legal counsel pertaining to one case of potential litigation, with no action taken (Fasana was not present during the discussion). The full Council was present to receive a report from legal counsel pertaining to a second potential case, with no action taken. During the fifth Closed Session, the City Council received a report from the City Attorney on issues related to potential litigation, with no action taken.

ANNOUNCEMENTS

Reed Strege, Duarte Library, announced movie day on November 27, teen program on November 30, and holiday decoration program on December 11.

K. C. Caracci introduced Nick Collins, Santa Anita YMCA, and announced Duarte Elks Club Hoop Shoot on December 18-19.

Kristi Lopez, Assemblymember Portantino's office, announced Open House on December 7 in Pasadena.

Karen Herrera announced a number of upcoming community events and programs in the months of November and December.

Brad Finlay announced the Southern California Mormon Choir Christmas Program on December 11 in Arcadia.

Lillie Tucker, Second Baptist Church, announced Black History Community Celebration during the last week of February 2011.

Craig Hensley stated the City of Duarte was a finalist for one of the most business-friendly cities, and showed the video that was presented at the Eddy Award event.

SPECIAL ITEMS Reorganization

Mayor Finlay stated she enjoyed her year as Mayor, thanked staff, her colleagues, her family, and the community, and highlighted a number of projects that have been completed during the past year.

Election of Mayor/Chairperson

City Manager George assumed the chair and announced that nominations were open for Mayor/Chairperson.

Finlay moved, Fasana seconded to nominate Tzeitel Paras-Caracci for Mayor/Chairperson. Gaston moved, Reyes seconded to close nominations.

Mayor Tzeitel Paras-Caracci

The motion to elect Tzeitel Paras-Caracci as Mayor/Chairperson carried by the following Roll Call vote:

AYES: Gaston, Reyes, Fasana, Finlay, Paras-Caracci
NOES: None

Election of Mayor Pro Tem/Vice Chairperson

Mayor Paras-Caracci assumed the chair and announced that nominations were open for Mayor Pro Tem/Vice Chairperson.

Finlay moved, Reyes seconded to nominate Lois Gaston for Mayor Pro Tem/Vice Chairperson. Fasana moved, Finlay seconded to close nominations.

Mayor Pro Tem Lois Gaston

The motion to elect Lois Gaston as Mayor Pro Tem/Vice Chairperson carried by the following Roll Call vote:

AYES: Reyes, Fasana, Finlay, Paras-Caracci, Gaston
NOES: None

RECESS

Mayor Paras-Caracci called a Recess at 7:55 p.m. City Council reconvened at 8:10 p.m., with all members present.

Recognition – Bill Baca

It was determined that Business Item 15 (Appointments to Youth and Family Committee) would be considered after Special Items.

Mayor Paras-Caracci introduced Bill Baca, and presented him with a framed certificate of appreciation for serving as Senior Field Representative for Senator Gloria Romero from 2001-2010.

Recognition – Outgoing City of Duarte Commissioners

Mayor Paras-Caracci presented a plaque to Joelle DeBrest in recognition of her service as an Economic Development Commissioner from June 2009-October 2010. Outgoing Traffic Safety Commissioner William Riordan was not in attendance to receive his plaque for his service from July 2008-October 2010.

BUSINESS ITEM
Appointments to Youth and Family Committee

Donna Georgino provided a staff report about the review committee's recommended slate of Youth and Family Committee members.

Gaston moved, Fasana seconded to approve the review committee's recommendation, and appointed Eddie Howard, Vincent Castro, Cynthia Davis, Nick Lopez, Irvin Perez, Yasmine Ochoa, Andrew Torres, Damon Colaluca, Elsa Moreno, Lillian Cabral, Lupe Valerio, and Pattie Dalessandro to the Youth and Family Committee, and carried unanimously.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Jack Ochoa – Royal Oaks Drive, Tacos Ensenada Restaurant.
Lino Paras–Finance Department, filming, Calpers, legal services.
Harb Thind – Business-friendly city, progress, brainstorming.
Andrew Torres – Youth and Family Committee.

CONSENT CALENDAR

Fasana moved, Gaston seconded to approve the Consent Calendar, as follows, and carried with Finlay abstaining from Item A (Minutes).

Approve Items A, B, C, D, E, H, I, J.
Receive and File Item F.
Remove Item G.

RESOLUTION NO. 10-41
Business Friendly Principles

ITEM E – Council Bill 10-R-41 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, SUPPORTING “BUSINESS FRIENDLY PRINCIPLES” AS PART OF SCAG’S DEVELOPMENT OF A SOUTHERN CALIFORNIA ECONOMIC GROWTH STRATEGY

ITEM REMOVED
Item G – Abode Communities

Craig Hensley provided a staff report about the proposed loan agreement and exclusive negotiation agreement with Abode Communities pertaining to properties located at 1415 and 1423-1437 Huntington Drive.

There was discussion about affordable housing, 12-month negotiating period, lack of renderings and models, cost per unit, risks, benefits, and other Abode projects.

Item G – Approved

Gaston moved, Fasana seconded to approve the Loan and Exclusive Negotiating Agreement with Abode Communities for the properties located at 1415 and 1423-1437 Huntington Drive, and a budget amendment to the Redevelopment Agency's Affordable Housing Fund of \$1,012,540 for provision of a loan to Abode for property purchase of 1415 Huntington Drive, and carried by the following Roll Call vote:

AYES: Finlay, Fasana, Gaston, Paras-Caracci
NOES: Reyes

COUNCIL BILLS
Council Bill 10-O-06 – Development Code (Second Reading)

Slater read by title Council Bills 10-O-06 and 10-O-07:

10-O-06 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING THE

DUARTE MUNICIPAL CODE BY REPEALING TITLE 18 (SUBDIVISIONS) AND TITLE 19 (ZONING) AND ADOPTING NEW TITLE 19 (DEVELOPMENT CODE) (Second Reading)

Council Bill 10-O-07 – Zoning Map (Second Reading)

10-O-07 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING VARIOUS CITYWIDE ZONING MAP AMENDMENTS IN ASSOCIATION WITH APPROVAL AND ADOPTION OF THE CITY'S NEW DEVELOPMENT CODE (ZONE CHANGE 10-1) (Second Reading)

ORDINANCE NO. 822
ORDINANCE NO. 823

Fasana moved, Reyes seconded to adopt Ordinance No. 822 (Development Code) and Ordinance No. 823 (Zoning Map), and carried with Finlay absent from the vote.

Council Bill 10-R-40
San Gabriel Basin WQA Board

Slater read by title Council Bill 10-R-40:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, CASTING ITS TWO VOTES FOR _____ TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY

Slater stated the City Council must determine which nominee it wishes to support for inclusion in the Resolution.

Reyes moved to cast the City's votes for South El Monte Mayor Luis Aguiñaga. The motion failed for lack of a second.

RESOLUTION NO. 10-40
(Margaret Clark)

Fasana moved, Gaston seconded to cast the City's votes for Rosemead Councilmember Margaret Clark, and carried by the following Roll Call vote:

AYES: Fasana, Finlay, Gaston, Paras-Caracci
NOES: Reyes

Gaston stated she would like the representative from the Board of the San Gabriel Basin Water Quality Authority to be invited to a Council Meeting to tell us about the agency.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GEORGE: Congratulated Mayor Paras-Caracci, and stated prior to tonight's meeting, there was a tragic accident on Huntington Drive, and he will be working with Public Safety staff to look into the incident.

REYES: Congratulated Mayor Paras-Caracci and Mayor Pro Tem Gaston, and wished all a wonderful Thanksgiving.

FASANA: Asked that staff work with DCTV regarding medical services and the ability to get staffing through the students, as it may affect public access and the work that we do, thanked Bill Baca and the Senator, thanked Councilmember Finlay for her tremendous efforts over the past year, congratulated new Mayor Paras-Caracci and Mayor Pro Tem Gaston, and stated he has received comments about a sight distance or lighting issue on southbound Mt. Olive near the bike trail, as pedestrians on the bike trail cannot be seen in the evening hours.

FINLAY: Congratulated Mayor Paras-Caracci and Mayor Pro Tem Gaston, received a letter from the School District thanking all who worked hard on Measure E, wished all a happy Thanksgiving, and congratulated Mayor Paras-Caracci for being a finalist for the NLC leadership award.

GASTON: Congratulated Mayor Paras-Caracci, asked that the meeting be adjourned in memory of Jannice Rashad, asked that

Luis Sedano and Jacobo Velasco be invited to a Council Meeting to be recognized for representing us at the boxing tournament in Tahiti, she extended her stay at the Contract Cities Fall Conference to attend the JPIA Conference and there are additional hotel expenses for two extra nights, she will respond to emails from residents soon, thanked staff for the Veteran's Day event and asked that the names of veterans be posted on our website, thanked Councilmember Finlay for her good job as Mayor, appreciates the City Council's trust in allowing her to be Mayor Pro Tem, and wished all a happy Thanksgiving.

PARAS-CARACCI: Thanked friends and family who attended the meeting tonight, she appreciates Councilmember Finlay's leadership, it is an honor and privilege to serve with the City Council, she will arrive at the NLC Conference later than expected so she can attend the City's tree lighting ceremony, thanked the YMCA for allowing her to continue her work with the City, and invited all to attend the Mayor's Prayer Breakfast.

ADJOURNMENT

Gaston moved, Fasana seconded to adjourn the meeting at 9:10 p.m., in memory of Francisco Diaz and Jannice Rashad, and carried unanimously.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk