

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY  
OF THE CITY OF DUARTE  
REGULAR MEETING – AUGUST 9, 2011**

**MINUTES**

**CALL TO ORDER**

The City Council/Redevelopment Agency/Housing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Paras-Caracci called the meeting to order at 5:13 p.m., with four members present.

**RECORDATION OF  
ATTENDANCE**

The following were in attendance:

**PRESENT:** Fasana (arrived during Closed Session), Finlay,  
Gaston, Reyes, Paras-Caracci

**ABSENT:** None

**ADMINISTRATIVE STAFF PRESENT:** City Manager  
George, City Attorney Slater

**ADOPTION OF AGENDA**

Reyes moved, Finlay seconded to adopt the Agenda, as amended to consider Item 18 (Business Items) after the Consent Calendar, and carried unanimously.

**CLOSED SESSION**

Conference – Legal Counsel

- 1) Existing Litigation
- 2) Existing Litigation
- 3) Initiation of Litigation

There was no public input. Slater announced the first Closed Session is pursuant to Government Code Section 54956.9(a); Conference with Legal Counsel; *People of the State of California By and Through Authorized Relators George Brokate and Excaltibur Holdings, LLC, Plaintiffs, v. Doug Tessitor, Sam Pedroza, Ed Reyes, Keith Hanks, John Fasana, William Bogard, Michael Cacciotti, and Mary Ann Lutz, Defendants, and Pasadena Metro Blue Line Construction Authority, a.k.a. Metro Gold Line Foothill Extension Construction Authority, Los Angeles County Metropolitan Transportation Authority, City of Azusa, City of Claremont, City of Duarte, City of Glendora, City of Los Angeles, City of Monrovia, City of Pasadena, and City of South Pasadena, as Real Parties In Interest, and Application to California Attorney General for Leave to File Petition for Writ of Quo Warranto.* The second Closed Session is pursuant to Government Code Section 54956.9(a); Conference with Legal Counsel; Existing Litigation; *City of Duarte, California, v. City of Azusa, California, et al.; Azusa Rock, Inc., et al., Real Parties in Interest;* Los Angeles County Superior Court Case No. BS127709. The third Closed Session is pursuant to Government Code Section 54956.9(c); Conference with Legal Counsel; Initiation of Litigation; Number of cases: 2. The Closed Sessions concluded at 6:12 p.m.

City Council conducted interviews for one vacancy on the Youth and Family Committee. The interviews concluded at 6:35 p.m. City Council reconvened at 7:05 p.m., with all members present.

**PLEDGE TO THE FLAG**

Reyna Diaz led the Pledge of Allegiance to the Flag.

**MOMENT OF REFLECTION**

A moment of reflection was observed.

**FITNESS/MENTAL WARM-UP**

Petersen and Finlay provided the warm-up.

**PUBLIC REPORT OF  
CLOSED SESSION**

Slater stated during the first Closed Session, City Council received an update on the status of the litigation (Fasana did not participate), and that Councilmember Fasana was being represented by the MTA rather than the City on the matter, with no reportable action taken. During the second Closed Session, City Council received a status update on the litigation, and it was reported that the City of Duarte's appeal was formally filed on August 5, 2011. During the third Closed Session, City Council received a report on two potential cases (Fasana did not participate), with no reportable action taken.

**ANNOUNCEMENTS**

Joanna Gee, Duarte Library Manager, invited all to visit the library and take advantage of new library services.

SPECIAL ITEMS

Presentation to City – DYAC

Ed Houlemarde and Stafford Barker, Duarte Youth Athletic Club, presented plaques to Cesar Monsalve and Donna Georgino, Parks and Recreation Department, in appreciation of the successful partnership between DYAC and the City of Duarte, presented a baseball signed by all the players to the Mayor, and introduced new Commissioner Christina Cervantes.

Recognition – DUSD Retirees

Mayor Paras-Caracci presented Certificates of Appreciation to the 2011 Duarte Unified School District retirees in recognition of their years of dedicated service to our youth.

Recognition – Duarte PTA Council Officers

Mayor Paras-Caracci introduced Duarte PTA Council officers, and presented them with Certificates of Appreciation on their appointments.

Recognition – Reyna Diaz Nicaraguan Expo Honoree

Mayor Paras-Caracci introduced Reyna Diaz and presented her with a Certificate in recognition of her excellent service to the people of Nicaragua and the United States, and for being recognized by the Nicaraguan Ambassador at the recent Expo.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.  
Joy Smith – Military banners on Huntington Drive

CONSENT CALENDAR

Finlay moved, Reyes seconded to approve the Consent Calendar, as amended, as follows, and carried unanimously.

Approve Items A, B, C, D, E, G.  
Remove Item F.

ITEM REMOVED (Item F)

Agreement – Albert Grover and Associates – Traffic Signal

Craig Hensley provided a staff report about the Agreement for the design of a new traffic signal to be located on Huntington Drive at Town Center Drive/Calle Andres.

Item F Approved

Gaston moved, Reyes seconded to approve Consent Item F, authorizing the City Manager to execute a Professional Services Agreement with Albert Grover & Associates for professional traffic engineering services for the design of a new traffic signal at the intersection of Huntington Drive and Town Center Drive/Calle Andres in the amount of \$7,500, and carried unanimously.

BUSINESS ITEMS

Voting Delegate/Alternate League Conference

Finlay moved, Fasana seconded to designate Councilmember Gaston as the Voting Delegate, and Councilmember Reyes as the Alternate, for the League of California Cities Annual Conference, September 21-23, 2011, in San Francisco, and carried unanimously.

Appointment – Youth and Family Committee

Reyes moved, Gaston seconded to nominate Tamala Kelly to the Youth and Family Committee. Fasana moved, Finlay seconded to close nominations. Fasana moved, Gaston seconded to appoint Tamala Kelly to the Youth and Family Committee, and carried unanimously.

Discussion – Grocery Workers Strike

George presented a staff report, and discussed the sample resolution and adopt-a-store application.

Paul Edwards, United Food and Commercial Workers Union (UFCW), stated the union represents 62,000 workers throughout Southern California at Vons, Ralphs, and Albertsons, discussed increased health care costs, adopting stores, and grocery companies' profits, and requested support from the community.

Lino Paras suggested the other side be invited to present its side, and that Council take a neutral position.

Jesse Alvarez asked City Council to pass a resolution to stand behind the members if there is a strike, and stated the members need medical benefits.

Elvira Barragan stated she worked part-time for Albertsons for 16 years, she would have to pay \$11,000 a year for health insur-

ance, the companies made a five billion dollar profit last year, she is asking that they share part of their profit, and thanked all for their support.

There was discussion about adopting a store, supporting labor, other resolutions, support for the negotiation process, urging the parties to work together and negotiate fairly, supporting workers at Ralphs, the community's need for the Ralphs store, and the possibility of a strike.

Reyes moved to adopt the sample resolution, adopt the local Ralphs store, and send letters to the CEOs of the three grocery stores. The motion failed for lack of a second.

Finlay moved, Fasana seconded to have staff prepare a resolution for consideration at the next Council meeting that includes the first three "whereas" paragraphs of the sample resolution, the first two "resolved" paragraphs of the sample resolution, and urges the union and the stores to work together and negotiate fairly, as Ralphs is a valued member of the Duarte community and the workers are appreciated, and that a copy of the resolution be sent to the CEOs of the three grocery stores and the United Food and Commercial Workers Union, and carried unanimously.

Mayor Paras-Caracci announced this was the time and place set for a Public Hearing and Joint Public Hearing, to be considered together.

Slater read by title the following Council and Housing Authority bills:

11-O-05 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING THE DUARTE GENERAL PLAN LAND USE POLICY MAP BY CHANGING THE LAND USE DESIGNATION FROM CITY CENTER AND GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL FOR THREE PARCELS OF LAND GENERALLY LOCATED AT 1415, 1423-1437 HUNTINGTON DRIVE (GENERAL PLAN AMENDMENT 11-3) (First Reading)

Council Bill 11-R-34  
Planned Development Permit

Council Bill 11-R-35  
Site Plan/Design Review

Authority Bill 11-H-08  
DDA – Abode Communities

Council Bill 11-R-36  
DDA – Abode Communities

11-O-05 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING THE DUARTE GENERAL PLAN LAND USE POLICY MAP BY CHANGING THE LAND USE DESIGNATION FROM CITY CENTER AND GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL FOR THREE PARCELS OF LAND GENERALLY LOCATED AT 1415, 1423-1437 HUNTINGTON DRIVE (GENERAL PLAN AMENDMENT 11-3) (First Reading)

11-O-06 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REVISING THE DUARTE MUNICIPAL CODE BY CHANGING THE ZONING FROM G-C (GENERAL COMMERCIAL) ZONE TO R-4 (MULTIPLE-FAMILY RESIDENTIAL) ZONE FOR THREE PARCELS OF LAND GENERALLY LOCATED AT 1415, 1423-1437 HUNTINGTON DRIVE (ZONE CHANGE 11-2) (First Reading)

11-R-34 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, APPROVING PLANNED DEVELOPMENT PERMIT NO. 11-1 TO ALLOW CUSTOMIZED DEVELOPMENT STANDARDS FOR A 66 UNIT MULTI-FAMILY HOUSING PROJECT ON THREE PARCELS OF LAND GENERALLY LOCATED AT 1415, 1423-1437 HUNTINGTON DRIVE WHERE FLEXIBILITY IN STANDARDS WILL ACHIEVE A HIGHER QUALITY PROJECT REFLECTING EXCELLENCE OF DESIGN

11-R-35 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DETERMINING THAT THE PROPOSED 66-UNIT MULTI-FAMILY HOUSING PROJECT ON THREE PARCELS OF LAND GENERALLY LOCATED AT 1415, 1423-1437 HUNTINGTON DRIVE MEETS THE REQUIRED FINDINGS UNDER DUARTE DEVELOPMENT CODE SECTION 19.122.050 (E) AND CON-FORMS TO APPLICABLE STANDARDS IN THE DUARTE DEVELOPMENT CODE SECTIONS 19.122.040 & 19.44.010 (SITE PLAN AND DESIGN REVIEW (ARB) APPLICATION 11-1)

11-H-08 A RESOLUTION OF THE DUARTE HOUSING AUTHORITY APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE DUARTE HOUSING AUTHORITY AND ABODE COMMUNITIES

11-R-36 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE DUARTE HOUSING AUTHORITY AND ABODE COMMUNITIES

Craig Hensley, Director of Community Development, stated it was realized that residents within a 600-foot radius of the proposed project did not receive notice of the Public Hearings.

It was determined that the Public Hearing/Joint Public Hearing would be opened, public input would be received, and the Public Hearing/Joint Public Hearing would be continued to the meeting of August 23, 2011.

Mayor Paras-Caracci asked if there was anyone in the audience who wished to speak on the item.

Lino Paras stated City Council should have a script, and he will defer his comments.

Bill Lawrence stated he will postpone his comments.

Harb Thind requested the notice be sent in advance.

Jack Ochoa provided the City Council with a written list of questions pertaining to the proposed project.

Finlay moved, Gaston seconded to continue the Public Hearing and the Joint Public Hearing to the Council Meeting of August 23, 2011, and carried unanimously.

Public Hearing/Joint Public Hearing (Continued to 8/23/11)

#### ORDINANCES

Council Bill 11-O-07 – Urgency  
Comply with Alternative  
Redevelopment Program

Council Bill 11-O-08  
Comply with Alternative  
Redevelopment Program  
(First Reading)

Slater read by title Council Bills 11-O-07 and 11-O-08:

11-O-07 AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE (Urgency)

11-O-08 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE (First Reading)

Kristen Petersen presented a detailed staff report about the proposed urgency ordinance and companion regular ordinance, and answered questions from Councilmembers pertaining to opting out, remittance payment, and litigation.

Lino Paras stated the State took redevelopment money for education, there was a utility tax, he is opposed to redevelopment agencies, and he supports staff's recommendation.

Fasana moved, Gaston seconded to adopt Urgency Ordinance No. 832, and carried unanimously.

Fasana moved, Reyes seconded to introduce Council Bill 11-O-08 for first reading, and carried unanimously.

ORDINANCE NO. 832

ITEMS FROM CITY COUNCIL/  
CITY MANAGER

REYES: Thanked all involved with National Night Out, hopes we do something more for veterans, asked that we look at the components of the economic strategy adopted last month, have a luncheon or breakfast and invite all the stakeholders in the community, and share the plan to see how we can collaborate more as it relates to our goals and objectives, he is disappointed there was no action on the housing issue as he had a planned vacation for the next meeting, and hopes it can be postponed.

FASANA: Stated at the Metro Gold Line Board Meeting, the contract was awarded for Phase 2 which is to open in 2015, inquired about postponing the Public Hearing/Joint Public Hearing item (Hensley responded), stated the Commissions are there as representatives of the public to receive and provide input, suggested when questions are raised at Commission meetings, information be provided to help the discussion, stated there were previous discussions about the possibility of a resident serving on the Architectural Review Board, and asked for a report back on the structure of the ARB.

FINLAY: Presented an update on West Nile Virus, attended "A" Game Fundamental Basketball Clinic's final day, appreciated the help for the Mayor's Youth Council party, and attended the Housing Community and Economic Development meeting where regional housing needs assessments were discussed.

GASTON: Congratulated Tamala Kelly for being appointed to the Youth and Family Committee, thanked the Parks and Recreation Department for all the programs, National Night Out was great, the "A" Game event was wonderful, congratulated all who participated at the Northview gym, thanked staff for the information about the housing project, asked that the meeting be adjourned in memory of Angel Robles, and thanked Councilmember Finlay for the Mayor's Youth Council party.

GEORGE: Attended the County Board of Supervisors meeting regarding redistricting where he spoke on behalf of Duarte and requested that the Board minimize disruption of the district, and asked that the Council Meeting be adjourned in memory of Eric Middleton.

PARAS-CARACCI: Stated National Night Out was fabulous, thanked Councilmember Finlay for hosting the Mayor's Youth Council, stated the final filing date for the School Board and City Council election is August 12 at 5:00 p.m., meetings are able to be run with a quorum when business needs to get done, Council should be available to the public on the second and fourth Tuesdays at 7:00 p.m., and she hopes those who run understand the commitment and compassion needed.

ADJOURNMENT

Finlay moved, Fasana seconded to adjourn the meeting at 9:46 p.m., in memory of Angel Robles and Eric Middleton, and carried unanimously.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk