

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – AUGUST 23, 2011

RECEPTION – City of Duarte’s 54th Anniversary Celebration At 6:00 p.m., a reception was held in celebration of the City of Duarte’s 54th Anniversary of incorporation.

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 7:06 p.m.

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

ADOPTION OF AGENDA Fasana moved, Gaston seconded to add a Closed Session pertaining to existing litigation prior to Item 6 (Announcements), and carried unanimously. Reyes moved, Fasana seconded to adopt the Agenda, as amended, and carried unanimously.

PLEDGE TO THE FLAG Dr. Kelly Buckley led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.
George and Finlay provided the warm-up.

FITNESS/MENTAL WARM-UP
CLOSED SESSION Existing Litigation
There was no public input. Slater announced the 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 Closed Session concluded at 7:24 p.m.

PUBLIC REPORT OF CLOSED SESSION Slater stated a privileged and confidential closed session was held pursuant to Government Code Section 54956.9(a) concerning conference with legal counsel on existing litigation, *City of Duarte v. City of Azusa, et al., Azusa Rock, Inc, et al., Real Parties in Interest, California Court of Appeal Case No. B235097,* and reported that in closed session the City Council unanimously agreed for the City to participate in the Court of Appeal’s voluntary mediation program concerning the case, and that the City of Azusa and Azusa Rock also had agreed to participate in the mediation.

ANNOUNCEMENTS Joanna Gee, Duarte Library, announced story time programs, and Festival of Authors on October 8.

Aaron Saenz announced San Gabriel Valley Pride event on October 8.

Joanne Montgomery announced dedication of the new student services building at Citrus College on September 13.

Sister Rosario Therese, Santa Teresita, announced concert on September 11 at Madonna Hall.

Lisa Magno announced parade, car show, and picnic on September 24, stated Frank Haynes and Dorothy Smith are the community grand marshals, and the firefighters who helped in New York on 9/11 will be honored.

Karen Herrera announced upcoming community events in the months of August, September, and October.

SPECIAL ITEMS Mayor Paras-Caracci invited School Superintendent Nichols and members of the School Board to the podium to introduce Dr. Kelly Buckley, the new Maxwell Elementary School Principal.

Introduction – Dr. Kelly Buckley
Maxwell Elementary Principal

Presentation – Public Safety Update
Presentation – Strategic Planning Update

Sergeant Tony Haynes introduced Lieutenant Mike White, and presented the monthly Public Safety update.

ORAL COMMUNICATIONS

City Manager George provided the monthly Strategic Planning update, including goals and objectives.

The following spoke on items not on the Agenda.
Allen Field – Group taking over Woodland Court.
Jack Ochoa – Freedom of speech, video of meeting.
Lillian Jefferson – Signal, parking, 1st Baptist Church.
Rodney Jefferson – 1st Baptist Church, senior members, parking.
Roy Torres – Drivers near high school, citations.
Lino Paras – Public safety, website.

ITEM ADDED TO CONSENT
CONSENT CALENDAR

Reyes moved, Gaston seconded to add attendance at the Foothill Unity Center Golden Plate Awards, September 22, 2011, Arcadia, to Consent Item 10.J, and carried unanimously.

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

ITEMS REMOVED
Item D – Santa Fe Basin Gateway Project

Karen Herrera provided a staff report about the status of the Santa Fe Basin Gateway Project. There was discussion about the project's important linkage for our community.

Item D – Receive and File

Fasana moved, Finlay seconded to receive and file the Santa Fe Basin Gateway Project status report, with direction for staff to coordinate a meeting with all parties, and carried unanimously.

Item G – Agency Bill RA-395
Enforceable Obligation Payment

Slater read by title Agency Bill RA-395:
A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE APPROVING AND ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE, PURSUANT TO THE PROVISIONS SET FORTH IN HEALTH AND SAFETY CODE SECTION 34169 (AB 1X 26)

Kristen Petersen presented a staff report about the enforceable obligation payment schedule, stay on the court case, and filing requirements.

Lino Paras stated the City previously had a utility tax, he does not like redevelopment, and discussed Prop 22.

Item G – Approved
RESOLUTION NO. RA-395

Finlay moved, Reyes seconded to adopt Agency Resolution No. RA-395, and carried unanimously.

Item H – Council Bill 11-O-08
Voluntary Alternate
Redevelopment Program
(Second Reading)

Slater read by title Council Bill 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 (Second Reading)

Lino Paras stated he thinks there should be information about this item.

Petersen provided a staff report about the voluntary alternative redevelopment program.

Item H – Approved
ORDINANCE NO. 833

Fasana moved, Reyes seconded to adopt Ordinance No. 833, and carried unanimously.

ITEM I – Council Bill 11-R-37
Grocery Store Negotiations

Slater read Council Bill 11-R-37 in its entirety. The title is:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

DUARTE, CALIFORNIA, URGING THE GROCERY STORE CHAINS AND GROCERY STORE WORKERS TO CONTINUE NEGOTIATIONS TO REACH A SATISFACTORY AGREEMENT FOR ALL PARTIES INVOLVED

John Sotelo, UFCW, representing clerks at Ralphs, stated the companies and unions are going back to the negotiating table, thanked the City Council for its consideration, and noted the contract has been expired for over six months.

Item I – Approved
RESOLUTION NO. 11-37

Reyes moved, Fasana seconded to adopt Resolution No. 11-37, as amended to change the word “four” to “six” in the second paragraph, and to include the words “for all parties” between the words “agreement” and “is” in the fifth paragraph, and carried unanimously.

PUBLIC HEARING AND
JOINT PUBLIC HEARING
(Continued from August 9, 2011)

Slater announced the Public Hearing and Joint Public Hearing were continued from the Council Meeting of August 9, 2011, the two Agenda items will be considered together, and the Public Hearing is open.

Council Bill 11-O-05
General Plan Amendment
(First Reading)

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

Council Bill 11-O-06
Zone Change 11-2
(First Reading)

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-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 CONFORMS 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, presented the staff report about the general plan amendment, zone change, planned development permit, site plan, and design review application, provided details of the project including property management, transit, resident services, amenities, affordable housing requirements, housing element requirements, and redevelopment set-aside funds, stated this is not a Section 8 project, it is a family affordable project, and discussed Abode Communities projects, the Town Center Concept Plan developed in 2003, property values, parking, financial assistance package, and incorporation of sustainable development practices.

Robin Hughes, President, Abode Communities, provided information about the background of Abode Communities, mission, history, core values, developments, awards received, resident services programs, onsite amenities, and planned investment in Duarte.

Jack Ochoa inquired about the RFP, RFQ, and bid process, stated the developer is listed as number 50 out of 50 on a website, the staff report says they are 33 parking stalls short, 16 are tandem, they are 49 stalls short, and San Fernando stipulates that two-bedrooms are required to have two stalls, and three-bedrooms are required to have two and a half stalls.

Harb Thind stated he is against the project, not against Abode, he does not want the project on this piece of land, and read the letter he submitted to City Council requesting the project not be approved.

Liz Reilly stated the location is ideal for business, this is not smart growth, it will be one less location to develop a downtown, attract business, and raise revenues, and it is time to invest in Duarte.

Aaron Saenz stated he lives behind this vicinity, he has a great view of the City of Hope, his property value went down, a four-story building would further drive down his property value, he has a view of the Big Lots parking lot, and we need jobs not housing.

Irma Hamilton stated the development is made to sound wonderful, she is tempted to rent one, she does not believe anything, and in the long-term, the city will lose money when good citizens move out.

Louis Hughes stated he opposes this, this is Route 66, asked if other properties are like this on Huntington Drive, it is not what it seems to be, asked why not put it on Buena Vista, asked if five adults in a two-bedroom and seven in a three-bedroom would only have one car, they will park on Cotter where he lives, inquired about handicap parking, asked if we will need more police and fire, and it does not belong on Route 66.

Pat Starratt read a document from Neil Bjornsen stating the project is not adequate to serve the needs of the Duarte community, it is out of place at the proposed location, it can turn into a potential eyesore, and suggested it not be approved and a re-assessment be made; and read a statement from Mark Romejko stating the project has merit, he is concerned about losing sight of the big picture, there will be traffic congestion, suggested a comprehensive study to determine levels of congestion and to include neighboring cities, and suggested the project be rejected and other sites considered.

Sarah Torres stated everybody has two cars, parking will be an issue, she does not think property values will not go down, she lives behind this in a lease-to-own, if approved, she will not buy a condo behind a low-income housing project, PhDs and MDs that come into the City of Hope do not want to live in Duarte, and people with six-figure salaries will not come if this is built.

Eduardo Cisneros asked about the vacant building that used to house floats, there is other property where this can be done, the project is fantastic, it is trying to be built in the wrong place, City Council represents us, and the decision has to include residents.

Henry Baltazar stated this was not part of the Vision 2000 plan, asked why put low-income housing on prime land that could be better served as a downtown, Huntington Drive looks like a housing project, the chair of the Planning Commission objected and resigned because of this, other cities attract people to spend money there, Route 66 is being destroyed, Duarte is losing its identity, and asked that the item be tabled until after the election.

Rich Pransky stated in the presentations he did not see where this benefits the citizens of Duarte, he is scared he will not find a parking spot, he lives across the street, and he is scared of 300 more cars fighting for parking spots around his house.

Bill Lawrence stated this project has been railroaded, this has been in the works for a year, it was done behind closed doors, nobody on the Planning Commission knew this was coming, he presented pictures in July of the Pasadena project, the building is built shoddily, the community center and programs have been reduced, this is not a quality builder, and they must not have anybody to check on them.

Luz Carbajal stated she has to go to Monrovia or Pasadena to eat, there is only fast food here, this development is not for Huntington Drive, she does not agree with the development, and asked that it not be approved.

Greg Mennie stated the developers are not community partners, they are landlords, surrounding communities have a downtown area, this is not about low-income housing, people are making money on both sides, home prices have dropped, impoverished level rates of \$50,000 or lower tend to have more children, and asked what is the impact on the schools.

Sandi Mejia stated she is committed to the city in helping to make Duarte a destination, she is not opposed to housing, she is opposed to not meeting the parking standard, she does not think the studies about cars per unit are accurate, tenants in Pasadena are not happy, small cities have failed because of projects like this, an RFP may be another option, she likes the idea of Route 66, it is the highway that shows the face of Duarte, residents do not want to have to travel outside the city, and she hopes that we look into it deeper and find other options.

Diana Lai Sowers stated she owns a home near the site, asked how she can be sure the project will not increase crime, and asked how she can be sure it will not hurt property values.

Rodney Jefferson stated he is in support of this, the dynamics and cultures have changed, people do not have the avenues to own homes, a downtown was proposed three to four years ago, asked citizens what caused it not to go through, there are quiet voices of another generation in the city, and a lot of them will appreciate having affordable housing in the city.

Carlos Bafiera stated there have been a lot of improvements and new homes, Duarte is a clean town, he likes the downtown area, he does not want people moving here with low income, apartments should be built behind Duarte Road, do not touch the north, touch the south, he does not like low-income people, and he wants better class people.

Bryan DiPane stated he owns apartments on Cotter, his residents can look down in the parking lot, he is concerned with the possibility of 372 tenants with 99 parking spaces, there are not enough laundry facilities onsite, asked if they will steal shopping carts to take their laundry to Buena Vista and Huntington, there are only 12 guest parking spaces, it will cause traffic on Hunt-

ington Drive, asked how many more school buses will be needed, we will need more police and firemen, they will not pay property taxes, they will get a government subsidy and damage our property values, the property owners and city will not gain any revenues, this property should stay commercial, and 99% of the people speaking are against it.

Roy Torres stated he neither supports nor objects to the project, he lives in Montebello, his children live in Duarte, Duarte is unique, it is a cross-section of America, there was a similar project in Monterey Park that was out of place, he cannot see it having a place in this city particularly on Huntington Drive, and stated Duarte High School spends their money in Monrovia.

Jean Pransky stated people look for a small quiet city, she loves this city, she looks at the project like trash, asked to give an opportunity for Chinese, they will bring income, and suggested looking for a further vision.

Donna Langley stated we have a great city, this plan replaces the heart of our city, we have a valuable town, she is not against low-income homes, she is against the location, this is monumental, the parking cannot possibly accommodate the families, and she wants a heart in Duarte, otherwise 66 lucky families take over.

Andrew Torres stated some governmental agencies do not respect what youth have to say, maybe more time and thought should be put in the project, just because he is not of voting age does not mean he does not have a voice, and asked to think about not only the short-term.

Yvonne Gallegos stated she owns a townhome behind the proposed construction, she is not for or against affordable housing, there is an issue with parking, she is part of the new generation of Duarte, there is a wall that will separate the housing parking lot from the townhomes on Third, youth and others may jump the wall to get to the Big Lots parking lot, there are already some issues that had to be addressed by the Sheriff's Department, and she wonders if populating that area with more residents is a good idea.

Luz Carbajal stated she consciously buys products in Duarte, in 10 years there have been improvements in Azusa and nothing in Duarte, and in 15 years only a few handicap ramps were put on streets with sidewalks in her neighborhood.

Lino Paras stated he wants to emphasize parking because of the Las Brisas situation, affordable housing and low-income people are not undesirable, they are an asset to the community, we should help people in need, there are deadlines, Council should consider the consequences of postponing, asked what is the definition of downtown, and he supports the project in concept.

Dilip Tiwari stated there is a perception of people who work at the City of Hope, if you want to have high income people living in the city, this is not going to help them move into the city, Asians are coming in, we need money and prestigious houses, this will not help with inviting people from other countries to come here, and he hopes Council says no to the project.

Lisa Magno stated businesses in this town are hurting, there are a lot of places in the downtown designated area, stores are closing, she helped bring a farmer's market to town that was not here for six months as it was not supported, suggested residents go to the little shops, and stated Duarte residents do not support their businesses.

Mayor Paras-Caracci called a Recess at 9:50 p.m. City Council reconvened at 11:05 p.m. with all members present.

Eduardo Cisneros stated we have to think about the technological revolution.

RECESS

Jack Ochoa asked about the Architectural Review Board and stated they are promoting this project.

Robin Hughes responded to questions raised, stated residents are usually from the local community, there is a preference for people who live and work in Duarte, preference is given to residents with one car for a two-bedroom apartment and two cars for a three-bedroom apartment, spaces will be designated, a lease will be signed with an agreement for the number of cars, violation is a cause for eviction, in/out traffic will be reduced from the amount for Burger King, and this site is identified in the housing element for housing and was purchased with redevelopment dollars specifically for housing.

There was City Council discussion concerning maintenance, parking ratio, total number of parking spaces, parking enforcement, covenant agreement, property management plan, insuring number of occupants per unit, number of laundry rooms, building of a downtown, downtown document developed in 2002 by MIG, support of affordability, non-support of this location for affordable housing, and Planning Commission recommendation.

Reyes moved to deny and reject all Council Bills. The motion died for lack of a second.

There was further discussion about the site, absentee landlords, marketing the intersection, subsidies, sales tax, major transportation corridor, fiscal planning, project labor agreement, DDA, smart land use, illegality of requiring rental to Duarte residents only, parking, laundry rooms, modifications so as not to impact the City negatively, availability of housing funds, covenant agreement, language changes to Section 10.3 and Section 10.4 of the Regulatory Agreement and Declaration of Covenants and Restrictions, and cameras in parking lot.

Council Bill 11-O-05
(Introduced for First Reading)

Council Bill 11-O-06
(Introduced for First Reading)

RESOLUTION NO. 11-34

RESOLUTION NO. 11-35

RESOLUTION NO. 11-H-08

RESOLUTION NO. 11-36

BUSINESS ITEM
Appointments to Planning
Commission

Fasana moved, Gaston seconded to introduce Council Bill 11-O-05 for first reading, introduce Council Bill 11-O-06 for first reading, adopt City Resolution No. 11-34, adopt City Resolution No. 11-35, adopt Duarte Housing Authority Resolution No. 11-H-08, and adopt City Resolution No. 11-36, with amendments as stated by the City Attorney (includes language changes to Sections 10.3 and 10.4 of the Regulatory Agreement and Declaration of Covenants and Restrictions, attached as Attachment No. 11 to the DDA, that were read into the record by the City Attorney/Authority Counsel to address the Authority's review and approval of the on-site parking requirements and allocation of parking spaces to units as part of the Property Management Plan to be reviewed and approved by the Authority, to provide that Owner's failure to comply with the Property Management Plan is an event of "Gross Mismanagement," and that a default due to a failure to promptly correct any Gross Mismanagement matter could subject Owner to a claim for damages by the Authority or City), and carried by the following Roll Call vote:
AYES: Fasana, Finlay, Gaston, Paras-Caracci
NOES: Reyes

George provided the staff report concerning vacancies on the Planning Commission and request for City Council direction.

There was discussion. It was determined that the vacancies would temporarily be filled, staff would contact current Commissioners to see if they are interested in serving on the Planning Commission for the next few months, provide those names for consideration/appointment at the next City Council meeting, and fill the vacancies through December 2011.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.
Andrew Torres – Civics lesson.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

REYES: Requested consideration of a project labor agreement, and requested consideration of the Mayor rotation every 9.6 months, instead of every year.

FASANA: Stated there is confusion with the Mayor rotation every 9.6 months, and the annual rotation is consistent.

GASTON: Thanked all who supported the Foothill Unity back-to-school event, attended the Teen Center Mardi Gras, and stated Parks After Dark is an amazing program.

ADJOURNMENT

Finlay moved, Reyes seconded to adjourn the meeting at 12:57 a.m. (August 24, 2011), and carried unanimously.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk