MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY OF THE CITY OF DUARTE
REGULAR MEETING – SEPTEMBER 13, 2011

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 6:57 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	Gaston moved, Reyes seconded to adopt the Agenda, and carried unanimously.
CLOSED SESSION Conference – Legal Counsel 1) Anticipated Litigation 2) Real Property Negotiating	There was no public input. Slater announced the first Closed Session is pursuant to Government Code Section 54956.9(c); Conference with Legal Counsel; Anticipated litigation/initiation of litigation; Number of cases: 1. The second Closed Session is pursuant to Government Code Section 54956.8; Conference with Real Property Negotiators; Property: Parcel of approximately 26,000 square feet at 1415 Huntington Drive, Duarte, APN 8530-004-069; Agency negotiators: Darrell George and Craig Hensley; Negotiating Parties: Redevelopment Agency of the City of Duarte, Duarte Housing Authority, and Abode Communities; Under negotiation: Price and Terms of Payment. The Closed Sessions concluded at 7:17 p.m. City Council reconvened at 7:22 p.m., with all members present.
PLEDGE TO THE FLAG	Vince Pena led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Gaston and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION	Slater stated during the first Closed Session, City Council discussed the matter, and unanimously authorized Rutan & Tucker to initiate litigation, with further information to be provided at a future City Council meeting. During the second Closed Session, City Council discussed whether to proceed with the acquisition of the Burger King parcel located at 1415 Huntington Drive, and voted 4-1 (with Reyes dissenting) to proceed with the acquisition.
ANNOUNCEMENTS	Joanna Gee, Duarte Library Manager, announced SAT prep test on October 14, and lecture on October 16. Kay Pearlman, Duarte Library, announced after school story time beginning October 11, and K-12 bookmark contest. Aaron Saenz announced San Gabriel Valley Pride Festival on October 8, and Models of Pride Conference. Sandi Mejia, Duarte Chamber, announced City Council and School District candidates' forum on October 20, mixer on September 21, Methodist Hospital open house on September 17, and City of Hope health fair on October 6. Vivian Vivero, Renee Estephan, and Yvette Estephan, Duarte Swim Team, stated the pool does not have starting blocks. Karen Herrera announced upcoming community events in the months of September and October. Roy Torres announced College Fair on September 15. Donna Georgino announced Duarte Boxing Show on September 17, and City Parade and Picnic on September 24.

SPECIAL ITEMS
Recognition – Richard Forintos

Mayor Paras-Caracci stated Mr. Forintos was not in attendance, and displayed the plaque that will be provided to him in appreciation of his service as a Planning Commissioner from January 2006 through August 2011.

Recognition – Library Volunteers

Kay Pearlman, Duarte Library, described the library teen volunteer summer reading program. Mayor Paras-Caracci presented certificates of appreciation to the teen volunteers.

Presentation – Arcadia Methodist Hospital – Stroke Program

Christy Benbel, Arcadia Methodist Hospital, made a presentation about the FAST-MAG Stroke Program that is available at the hospital, introduced the Fire Department first responders from the community, and announced Open House on September 17.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.
David Gallavan – Vulcan mining.
Aaron Saenz – Against proposed housing project.
Lisa Preston – Against proposed housing project.
Dawn Hughes – Against proposed housing project.
Louie Hughes – Against proposed housing project.
Sarah Torres – Against proposed housing project.
Allen Field – Woodland Court.
Angie Ysassi – Against proposed housing project.
Louis Ysassi – Against proposed housing project.
Doug Brown – Against proposed housing project.
Brian DiPane – Against proposed housing project.
Harb Thind – Against proposed housing project.
Anna Douzadjian – Against proposed housing project.
Dolores Ortiz – Against proposed housing project.
Tom DiPane – Against proposed housing project.
Roy Torres – Gaston's NAACP award, Mr. Y, traffic.
Lino Paras – Public hearing process.
Henry Baltazar – Against proposed housing project.
Donna Langley – Against proposed housing project.
Mr. Prakashan – Against proposed housing project.

CONSENT CALENDAR

Fasana moved, Finlay seconded to approve the Consent Calendar, as follows, and carried unanimously.
Approve Items A, B, C, D, E, F.

BUSINESS ITEMS
Appeal – Mr. Ramesham and Mrs. Sarala Rajeshuni
205 Westvale Road
Council Bill 11-R-38
Uphold Planning Commission Determination

Jason Golding, Senior Planner, provided a detailed staff report regarding the appeal request by Mr. Ramesham and Mrs. Sarala Rajeshuni regarding 205 Westvale Road, and presented an overview of the background, neighborhood profile, property description, project description, analysis, required findings, Planning Commission denial, and staff recommendation.

Nitya Rajeshuni stated everyone has a right to a second story home, the neighbors who object own a livable two-story home, there are two 10,000 square-foot homes behind them, and life is about compromise.

Rajeshuni Ramesham stated he has revised the drawings several times, it has been denied by the Planning Commission, ARB, and City Council, presented information about code compliance, it is not blocking any views on the south side except from the master bedroom, it is not increasing the footprint of the house, and asked Council to consider this.

Carlo Paciulli, representing the applicants, stated the project was redesigned for architectural compatibility, the footprint does not change, it is a challenging terrain, it is a split-level home not a third story addition, the Duarte Development Code does not prohibit room additions from blocking views, views from 201 Westvale will be preserved, they do not want neighbors looking in their windows, the neighbor's extended patio looks on the cli-

ent's back yard, it is a denial of fundamental property rights, there is no other design alternative, it results in spot zoning, the letter from the Ohanians is offensive and based on racial stereotypes, and asked City Council to approve the project.

Don Eagles stated he is a neighbor, he encouraged the applicant to proceed, and it does not hurt the neighborhood.

Raffi Ohanian stated he opposes the proposed development, the development code protects neighborhoods, asked that the code be followed, it is already the largest home in the community, it will be an eyesore and destroy the beauty and continuity, it will look like a three-story and have a towering effect, there is no inherent right to build as you please, and it will destroy his view.

Carlo Ohanian presented exhibits of the proposed project showing violations of the development code, stated the 10,000 square-foot homes are in Bradbury not Duarte, and asked Council to deny the proposed construction.

Sona Ohanian read letters from Michael and Michele Arntzen and James and Jill Brainard opposing the proposed project.

John Diramarian inquired if Mr. Ramesham would allow Mr. Ohanian to build a wall.

Art Ohanian presented exhibits of the Sunnydale tract, stated 201 Westvale has a 180-degree view of the valley, 50% of the roof already obstructs the view, you have to follow the code, and he followed the code of the City.

There was discussion about code violation, height and set-back standards, Planning Commission decision, architectural guidelines, spot zoning, and mass.

Fasana moved, Gaston seconded to affirm the findings of the Planning Commission, and adopt Resolution No. 11-38.

11-R-38 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED PROJECT SUBMITTED BY MR. RAMESHAM AND MRS. SARALA RAJESHUNI FOR A 754 S.F. SECOND FLOOR ADDITION AT 205 WESTVALE ROAD DOES NOT MEET THE REQUIRED FINDINGS UNDER DUARTE DEVELOPMENT CODE SECTION 19.122.050(E) AND DOES NOT CONFORM TO APPLICABLE STANDARDS IN THE DUARTE DEVELOPMENT CODE SECTIONS 19.122.040 AND 19.44.010, UPHOLDING THE DETERMINATION BY THE PLANNING COMMISSION AND DENYING THE PROPOSED PROJECT

There was further discussion about a potential bedroom behind the garage, compatibility with neighbors, topographical challenges, mass all over the City, two-story homes that do not fit in neighborhoods, and the right to build on one's property.

Reyes moved a substitute motion to approve the appeal. The motion died for lack of a second.

RESOLUTION NO. 11-38

The motion to affirm the findings of the Planning Commission and adopt Resolution No. 11-38 carried by the following Roll Call vote:
AYES: Fasana, Finlay, Gaston, Paras-Caracci
NOES: Reyes

League Resolutions

George presented a staff report about the six resolutions that will be voted on at the League Conference in San Francisco, and stated Mayor Pro Tem is the City's voting delegate.

Fasana moved, Finlay seconded to determine that Mayor Pro Tem Gaston would appropriately vote on the City's behalf, and carried unanimously.

Appointment – Temporary Planning Commissioners

George provided a staff report about the two vacancies on the Planning Commission, and stated four responses were received from other Commissioners.

James Arcaro and Ana Lisa Hernandez

Fasana moved, Finlay seconded to appoint James Arcaro and Ana Lisa Hernandez to temporarily serve on the Planning Commission for terms ending December 31, 2011, and carried unanimously.

RESOLUTIONS
Council Bill 11-R-39
Remittance Agreement

Agency Bill RA-396
Remittance Agreement

Council Bill 11-R-40
Cooperation/Funding Agreement

Agency Bill RA-397
Cooperation/Funding Agreement

Slater read by title the following Council/Agency Bills:

11-R-39 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING A REMITTANCE AGREEMENT BY AND BETWEEN THE CITY OF DUARTE AND THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE, PURSUANT TO THE AUTHORITY SET FORTH IN HEALTH AND SAFETY CODE SECTION 34194.2 (AB 1X 27)

RA-396 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE APPROVING A REMITTANCE AGREEMENT BY AND BETWEEN THE CITY OF DUARTE AND THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE, PURSUANT TO THE AUTHORITY SET FORTH IN HEALTH AND SAFETY CODE SECTION 34194.2 (AB 1X 27)

11-R-40 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING A COOPERATION AND FUNDING AGREEMENT FOR PAYMENT OR REIMBURSEMENT OF ADMINISTRATIVE EXPENSES BY AND BETWEEN THE CITY OF DUARTE AND THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE

RA-397 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE APPROVING A COOPERATION AND FUNDING AGREEMENT FOR PAYMENT OR REIMBURSEMENT OF ADMINISTRATIVE EXPENSES BY AND BETWEEN THE CITY OF DUARTE AND THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE

Kristen Petersen presented a staff report about the four proposed resolutions pertaining to the City's opting in to continue the operation of the Redevelopment Agency.

RESOLUTION NO. 11-39
RESOLUTION NO. RA-396
RESOLUTION NO. 11-40
RESOLUTION NO. RA-397

Finlay moved, Fasana seconded to adopt City Resolution No. 11-39, Redevelopment Agency Resolution No. RA-396, City Resolution No. 11-40, and Redevelopment Agency Resolution No. RA-397, and carried unanimously.

ORAL COMMUNICATIONS (Continued)

The following spoke on items not on the Agenda.
Landon Ysassi – Housing project.

ITEMS FROM CITY COUNCIL/ CITY MANAGER

REYES: Announced Boxing Program at Duarte High School, thanked staff for the 9/11 memorial event, requested a presentation by Elias Cortez be made about the Cortez Systems foreclosure program, inquired about riding a vehicle in the parade (Gaston responded), asked about the scope of the project on Duarte Road and stated the oleanders look explosive, asked for a study of the cost of Dial-A-Ride for senior transportation, asked that an item be considered about a project labor agreement and provided information to City Council, stated the Duarte Park restrooms need servicing more, the movie at the park was well done, thanked Donna Georgino for her years of work, and congratulated her on her retirement.

FASANA: Congratulated Mayor Pro Tem Gaston for receiving the Ruby McKnight Williams award, attended San Gabriel Valley Economic Partnership event, congratulated the good work at

Mt. Olive with the gardens and bike program, requested a presentation be made about the Mt. Olive bike program, requested an agenda item about the range of options available pertaining to the Abode item and a repeal of the first reading of zoning ordinances, and requested a discussion item about the implications in terms of RHNA, inclusionary housing, and the other sites in the housing element.

FINLAY: Inquired about including service men and women on banners, displayed Mayor Pro Tem Gaston's photo in the paper for receiving the Ruby McKnight Williams award and congratulated her, congratulated Steve Baker for receiving the award from the Santa Anita YMCA, announced Education Foundation dinner on October 9, requested looking at the biotech plan that was presented about 10 years ago and why it was shot down, the blanket statement made that crime is rampant and there is nothing to do in Duarte is not true, crime rates are down and there are many Parks and Recreation activities, and stated she appreciates the proclamation for Family Day on September 26, as eating dinner with your children is very important and has long-term effects.

GASTON: Thanked residents for speaking in a controlled community-oriented manner, the 9/11 event at Andres Duarte was touching and timely, the President of the Elks Lodge hosted a patriotic dinner, Set for Life presented an excellent health symposium, attended Contract Cities Executive Board Meeting where the City of Duarte was given kudos for its crime prevention efforts, regarding her receiving the award, she believes there is an obligation to bring people together rather than divide, thanked all for their support, and asked that the meeting be adjourned in memory of Velma Bourne, Laurant Van Den Bossche, and Elaine Kirchner.

PARAS-CARACCI: Participated in Maryvale's strategic planning process, requested letters of recognition or certificates be prepared for Eagle Scouts and provided information to the City Manager, attended 9/11 commemorative event, congratulated her parents on their 40th anniversary, announced Duarte Education Foundation dinner and recognitions on October 9 and requested Angelica Salazar be invited to a Council Meeting to present her story, congratulated Mayor Pro Tem Gaston for receiving the Ruby McKnight Williams award, attended the San Gabriel Valley Economic Partnership dinner, participated in the YMCA walking program in Pasadena, appreciated the joint City Council and School Board meeting earlier tonight and the collaboration and partnership, stated the Dial-A-Ride item has come back to Council several times and suggested previous reports be brought back, and requested an Agenda item to discuss options for the seating arrangement on the dais.

ADJOURNMENT

Fasana moved, Finlay seconded to adjourn the meeting at 11:13 p.m., in memory of Jesse Barba, Harold Funchess, Elaine Kirchner, Laurant Van Den Bossche, and Velma Bourne, and carried unanimously.

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Mayor Tzeitel Paras-Caracci

ATTEST:

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City Clerk