MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY OF THE CITY OF DUARTE
REGULAR MEETING – SEPTEMBER 27, 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 Pro Tem Gaston called the meeting to order at 6:05 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana, Finlay, Gaston, Reyes (left at 11:25 p.m.), Paras-Caracci (arrived at 6:06 p.m.) ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater
ADOPTION OF AGENDA	Reyes moved, Finlay seconded to adopt the Agenda, and carried unanimously.
CLOSED SESSION Public Employee Performance Evaluation – City Manager	There was no public input. Slater announced the Closed Session is pursuant to Government Code Sections 54957(b)(1) and 549-57.6(a); Public Employee Performance Evaluation; Title of Position: City Manager; Designated Representative: Dan Slater, City Attorney. The Closed Session concluded at 7:02 p.m. City Council reconvened at 7:11 p.m., with all members present.
PLEDGE TO THE FLAG	Lillie B. Lee Jefferson led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Reyes and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION	Slater stated during the Closed Session, City Council conducted the annual evaluation of the City Manager and concluded it, with no reportable action taken.
ANNOUNCEMENTS	Joanna Gee, Duarte Library, announced SAT prep course on October 15, coffee workshop on October 22, and lecture on October 26. Yasmine Ochoa announced 9th Annual Fantasia Festival at Santa Teresita on November 20. Aaron Saenz announced San Gabriel Valley Pride event on October 8 and life works conference on October 15. Karen Herrera announced upcoming community events in the months of September, October, and November.
SPECIAL ITEMS Recognition – Lillie Jefferson 80th Birthday	Donna Georgino introduced Lillie B. Lee Jefferson, and presented her with a cake in celebration of her 80th Birthday. Mayor Paras-Caracci presented Mrs. Jefferson with a Certificate, and congratulations were extended.
Recognition – Parade Committee	Mayor Paras-Caracci presented Certificates of Appreciation to the Parade Committee for making the "Get Your Groove on Route 66" 2011 Duarte Parade a success, and presented Parade Chair Lisa Magno with a bouquet of flowers.
Presentation – Parks After Dark	Eduardo Cordero, L.A. County Probation, presented information about the 2nd Annual Parks After Dark program at Pamela Park, including activities, participants, resource fair, and services, and provided a photo journal to City Councilmembers.
Presentation by AQMD Air Quality Update	Michael Cacciotti, AQMD, presented an air quality update, including challenges, health impacts, funding incentives, and lawn mower exchange program, and showed a portion of the documentary "The Right to Breathe."

Presentation – Public Safety Update	Brian Villalobos presented the monthly public safety update, including crime statistics, trends, and transfer of prisoners from local jails. Gaston suggested public benches be patrolled.
ORAL COMMUNICATIONS	The following spoke on items not on the Agenda. Jack Ochoa – Conflict of interest, ARB, Commissions, bids. Carol Ciminelli – Dam safety procedures, newspaper ad. Doug Brown – Agenda.
CONSENT CALENDAR	Fasana moved, Finlay seconded to approve the Consent Calendar, as follows, and carried unanimously. Approve Items A, B, C, D, H. Receive and File Items E, F. G.
BUSINESS ITEMS Options – Abode Communities	Slater stated this item includes a number of alternatives for consideration concerning the proposed Abode Communities affordable housing project on Huntington Drive, and read by title the following Council Bills and Housing Authority Bill:
Council Bill 11-O-05 General Plan Amendment 11-3 (Second 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) (Second Reading)
Council Bill 11-O-06 Zone Change 11-2 (Second 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) (Second Reading)
Council Bill 11-R-41 Amends Housing Element 1415, 1423-1437 Huntington Dr.	11-R-41 A JOINT RESOLUTION OF THE CITY OF DUARTE AND THE DUARTE HOUSING AUTHORITY DIRECTING CITY AND AUTHORITY STAFF TO INITIATE AN AMENDMENT TO THE DUARTE HOUSING ELEMENT THAT WOULD REMOVE THE PROPERTIES AT 1415, 1423-1437 HUNTINGTON DRIVE FROM THE LIST OF SITES FOR REZONING FOR AFFORDABLE HOUSING, AND REPLACE THE NECESSARY REZONING OF AFFORDABLE HOUSING SITES WITH A PORTION OF THE GOLD LINE STATION TRANSIT ORIENTED DEVELOPMENT AREA
Authority Bill 11-H-0 Amends Housing Element 1415, 1423-1437 Huntington Dr.	11-H-09 A JOINT RESOLUTION OF THE CITY OF DUARTE AND THE DUARTE HOUSING AUTHORITY DIRECTING CITY AND AUTHORITY STAFF TO INITIATE AN AMENDMENT TO THE DUARTE HOUSING ELEMENT THAT WOULD REMOVE THE PROPERTIES AT 1415, 1423-1437 HUNTINGTON DRIVE FROM THE LIST OF SITES FOR REZONING FOR AFFORDABLE HOUSING, AND REPLACE THE NECESSARY REZONING OF AFFORDABLE HOUSING SITES WITH A PORTION OF THE GOLD LINE STATION TRANSIT ORIENTED DEVELOPMENT AREA
	George read the following statement into the record: "Before the Community Development Director provides his staff report, I'd like to say a few words about the project and respond to some of the comments and concerns expressed over the past month. First, the terms "section 8 housing," "the projects," and "housing for the homeless" have been used to define this project. In no way, shape, or form do these terms reflect what this project is. As has been stated numerous times, the family income level to qualify as a resident is between $25,000 and $50,000 dollars. An award winning developer that has built and managed suc-

cessful affordable projects all over Los Angeles County is proposing the project. The housing units they have built and manage are occupied by folks working in a whole range of occupations, including teachers, cashiers, accounting clerks, truck drivers, and nurses aides. The facts associated with this project often contradict the myths.

Secondly, I have heard many comments stating that the City has abandoned the "Downtown Duarte City Center Plan," and that we lack vision. Again this is not the case. The City has actively marketed the sites adjacent to Buena Vista and Huntington Drive for the past seven years, if not longer. The downtown that has been discussed so often recently, started with community input. Back in 2003, the Downtown Committee recommended a dense, mixed-use downtown area that included housing as a major component. That plan even discussed affordable housing. Staff has met with each of the multiple property owners numerous times during this period and has analyzed a number of proposals submitted by private developers interested in creating a downtown Duarte. By the way, every development proposal the City has ever received for a "downtown Duarte" development has included an affordable housing component, including plans by the team of Olsen-Land Capital and one submitted by a local car wash owner. Ultimately, they never reached the City Council because they needed much more subsidy than the City had available. While we have continued to pursue a "downtown" over the years, one of the biggest impediments has been the fact that there are five different absentee landlords who for the most part have been uninterested in selling or participating in any form of redevelopment or revitalization project. They have either demanded an exorbitant purchase price or expressed complete opposition to any partnership. Even with these multiple roadblocks, staff has and will continue to pursue a downtown Duarte.

Along with the multiple property ownership challenges, the economy as we all know has been mired in a recession. The usual downtown commercial and retail tenants have been shying away from new locations and expansion rather than committing to new development. The struggling economy along with the current situation with redevelopment in California, where the agency has written upwards of $5 million dollars in checks to the State over the past several years, and are now are facing complete elimination, has made the downtown plan even more challenging. One of the foremost independent economic analysts in Southern California with over 30 years of experience in analyzing potential commercial, office, and residential projects, estimated that it would take approximately $50 million dollars just in public subsidy alone to make the Downtown Duarte plan, as originally envisioned, be economically viable.

The final point I would like to make is one that doesn't seem to be discussed much, and that is the City (every city in California) is legally required to provide for affordable housing. In Duarte's case, our housing element was adopted back in April of 2011 and identified sites and zoning mechanisms that would assist in producing an adequate supply of affordable housing in order to meet our Regional Housing Needs Assessment (RHNA) allocation. The ultimate penalty should the City not meet this requirement, is that the State can come in and build affordable housing on the City's behalf without our input. In addition to requirements under the housing element, the City's Redevelopment Agency receives tax dollars of which 20% are legally required to be set-aside for affordable housing. Every City with an Agency has the same state mandated requirement. If these dollars are not spent in a timely manner, they can be used for affordable housing development in the City without City control over the development.

I will now turn the floor over to the Community Development Director to outline possible project alternatives."

Craig Hensley, Director of Community Development, presented a staff report describing the subject property, Downtown Duarte city center plan, 2003 town center concept plan, need for affordable housing in community, RHNA (Regional Housing Needs Assessment), and provided detailed information pertaining to the alternatives.

There was discussion about affordable housing sites identified in the Housing Element, regulatory control, potential for other uses, the Gold Line Station Transit Oriented Development Area (TOD), impacts, location, economics, housing funds, legal contract with Abode, and RHNA numbers.

Aaron Saenz urged Council to vote in favor of Option 3 or C, stated there is no coverage or data, it doesn't fit physically, economically, or logistically, the speed limit is 40 m.p.h., and we need jobs.

Sheryl Lefmann stated this is not Section 8 housing, it is in keeping with the General Plan, it is mandated, her concern is the parking ratio, it has to go somewhere, Montebello has to pay back $31 million, $12.5 million was not spent for low-cost homes, and she does not want our City to be penalized.

Lisa Preston stated she is against 4-story and 3-story, against any housing on this site, it is zoned for commercial, we need businesses and jobs, need to vote no on the contract and rescind zoning laws, and she cares about the community.

Sarah Torres stated if you do not remove this project from Huntington Drive, she will serve a recall petition, and read the notice of recall petition for Mayor Paras-Caracci.

Doug Brown stated he opposes the project, that intersection is the hub of the community, he envisions a town center as in the cities of Monrovia and Montrose, and he is not opposed to low-income housing, just not at that location.

Michael Winterrowd stated home prices have dropped, he does not want low-income housing, it will lower the value of homes, people with money will not want to come in this area because of the negative aspects, he pays taxes, he does not like the idea of people not having to pay taxes, and he likes Part C.

Donna Langley stated she against having the development at the current location, the only possible consideration is Option C, we will not get property tax wherever it is done, she does not want to lose the vision of a town center, there are concerns about traffic, hopes Council supports Option C as an alternative, her first concern is location, and asked that the properties be kept.

Alfred Comi stated he is opposed to putting anyone of any class distinction together in class housing, asked why are we selling Duarte out as a low-income friendly town, and asked how could it benefit the existing housing market here.

Vilas Tiwari stated he opposes the location of the project, feels there should not be housing in a commercial area, there will be 122 cars, they will park on the street, traffic will be slower, this housing will be an eyesore, and Alternate C looks to be a good one.

Anil Gunaratne stated he is opposed to the project, the location is not the right place, Council should consider Option C, and if City Council continues to do that, he thinks Duarte residents should vote them out.

Liz Reilly asked how can this be a green project, asked about greenhouse gases and air pollution, asked for CEQA documents, EIR, and notice of preparation, and stated noise, air, traffic and

will have an impact on the community.

Henry Baltazar suggested there are other areas where this could be built, Duarte has a large majority of its population close or below poverty level, we do not need more housing, we need businesses and retail, nobody in Duarte wants this project, and asked to remove this from the Agenda and rescind the zoning change.

Rich Pransky stated he supports downtown Duarte, his concern was parking, thought it was handled inadequately, he has not found constituents that support this project, and inquired if senior housing qualifies as affordable housing.

Bryan DiPane stated the project does nothing for our City, we do not benefit from it in any way, asked to bring income and businesses to the City, he wants it killed now, and if you do not remove the property from the site and rezone it, he will serve a recall petition for Margaret Finlay.

Harb Thind read the definition of democracy, stated speakers have objected to this project for the past three meetings, he owns property within 400 feet of the project, and stated these people are not welcome in this town.

Rebecca Pransky stated she is not against low-income housing, she thinks the location is essential, she would rather see stores there, she would love to walk downtown, she supports Option C, and that would be a great location.

Marian Nedelchev stated he supports downtown Duarte, he would love to see something like Monrovia has, and he would love more restaurants.

Lino Paras stated in 2001 the town center and downtown Duarte were part of the election, the City has no control over the media, suggested Council decide on the basis of the best information and not be persuaded by the threat of recall, they should consider Option C, and he hopes the people support it.

RECESS

Mayor Paras-Caracci called a Recess at 10:20 p.m. City Council reconvened at 10:27 p.m., with all members present.

There was discussion about moving the legal entitlement to Duarte Road, liability to Abode, and relocating the requirement to rezone the properties.

Fasana moved, Gaston seconded to adopt Resolution No. 11-41 and Resolution No. 11-H-09, and direct staff to not bring back Council Bills 11-O-05 and 11-O-06 for second reading.

There was discussion about other developments, demographic patterns, rezoning for TOD, ad hoc committee, location, challenges, and vision for downtown. Gaston requested an item be on the next Agenda about an ad hoc committee attached to the Economic Development Commission to include input from citizens and to encourage residents to serve. Finlay suggested the ad hoc committee include people from the City of Hope, businesses, and residents.

RESOLUTION NO. 11-41
RESOLUTION NO. 11-H-09

The motion to adopt Resolution No. 11-41 and Resolution No. 11-H-09, and to direct staff to not bring back Council Bills 11-O-05 and 11-O-06 at any future City Council meeting, carried by the following Roll Call vote:
AYES: Reyes, Fasana, Finlay, Gaston, Paras-Caracci
NOES: None

Preliminary Draft Recognized Obligation Payment Schedule Redevelopment Agency

Slater stated this item does not require a resolution for approval, and a revised spreadsheet has been prepared and distributed.

Fasana moved, Finlay seconded to approve the Preliminary Draft

Recognized Obligation Payment Schedule (revised), and authorize the City Manager to process pursuant to AB1x26, per staff recommendation, and carried with Reyes absent from the vote.

Seating Arrangement on Dais

There was discussion about the seating arrangement on the dais, perception, and non-elected officials.

Anil Gunaratne stated City Council speaks to each other during the meetings, and thinks unelected officials should not be up there.

Donna Langley stated the mission statement is about transparency, she frequently sees side conversations, it seems discourteous, and it would be logical to separate them with microphone access.

Lino Paras stated he thinks Mr. Slater and Mr. George should be separated from City Council, they can be addressed through the microphone, and it makes the Councilmember be more prepared.

There was discussion about the new PA system, comments relating to parliamentary issues/procedures, camera angles, name plates, and podium. Fasana asked for a report back about options for the seating arrangement on the dais. Council concurred.

ORAL COMMUNICATIONS (Continued)

The following spoke on items not on the Agenda:
Donna Langley – Abode, location.
Lino Paras – Mayor, protocol, City Attorney.

ITEMS FROM CITY COUNCIL/ CITY MANAGER

FASANA: Congratulated Maryvale on its first annual dinner, stated the Boxing Show was a success, saluted the Route 66 Parade Committee, regarding Abode, stated many different reasons were given for not supporting the project, and gave kudos to the Foothill Unity Center on its fundraising event.

FINLAY: Thanked Abode for its professional attitude, provided an update on the invasive Asian Tiger mosquito found in the San Gabriel Valley, thanked staff for submitting the City's application for an Economic Development Award, and asked for an update report on the Woodland Court situation.

GASTON: Thanked staff and residents for staying for the entire meeting, complimented the Kirchner family on their younger son becoming a minister, attended Santa Teresita groundbreaking, attended HIV/AIDS summit at City of Hope hosted by Anthony Portantino, thanked Neil Earle for inviting her to welcome the Bengali Evangelical Association at the Elks Lodge, the Duarte Woman's Club had an outstanding BBQ, displayed an ad in the local newspaper about the School District, attended the League Conference and stated resolutions that were voted on are listed on the League's website, and stated Duarte was featured at the Contract Cities Expo Booth.

PARAS-CARACCI: Attended Foothill Unity Center event and congratulated the honorees, attended the Business Life Awards Women Achiever's Luncheon, thanked residents and her colleagues for staying through the entire meeting, stated November 8 is election day, and she hopes everyone votes and the candidates bring their best game forward.

ADJOURNMENT

Fasana moved, Finlay seconded to adjourn the meeting at 11:42 p.m., and carried unanimously.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk