

MINUTES

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY
OF THE CITY OF DUARTE
REGULAR MEETING – DECEMBER 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 Pro Tem Reilly called the meeting to order at 6:05 p.m.

RECORDATION OF ATTENDANCE

The following were in attendance:

PRESENT: Finlay, Fasana (arrived during Closed Session), Paras-Caracci, Reilly, Reyes (6:07 p.m.)

ABSENT: None

ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater

ADOPTION OF AGENDA

Finlay moved, Paras-Caracci seconded to adopt the Agenda, and carried unanimously.

CLOSED SESSION

- 1) Anticipated Litigation Significant Exposure
- 2) Anticipated Litigation Threatened

Lino Paras asked what information is available to the public regarding Item 3.C. Slater stated all the information that can be provided is listed on the Agenda.

Slater announced the first Closed Session is pursuant to Government Code Section 54956.9(b)(1) and (b)(3)(A); Anticipated litigation/significant exposure to litigation; Number of cases: 1. The second Closed Session is pursuant to Government Code Section 54956.9(b)(1) and (b)(3)(E); Anticipated litigation/threatened litigation; Number of cases: 1. The Closed Sessions concluded at 6:27 p.m.

INTERVIEW OF APPLICANTS FOR CITY COMMISSIONS

City Council conducted interviews of applicants for the various City of Duarte Commissions. The interviews concluded at 6:51 p.m. City Council reconvened at 7:00 p.m., with all members present.

PLEDGE TO THE FLAG

Moses Pegues led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION

A moment of reflection was observed.

FITNESS/MENTAL WARM-UP

George and Finlay provided the warm-up.

PUBLIC REPORT OF CLOSED SESSION

Slater stated during the first Closed Session, City Council received a report from the City Attorney about potential litigation, with no reportable action taken. During the second Closed Session, City Council received a report from the City Attorney on the status of threatened litigation, direction was received, and no reportable action was taken.

**SPECIAL ITEMS
Review – Local Emergency**

George stated on December 5, 2011, the City Council adopted Resolution No. 11-47 declaring a local emergency due to the wind storm that began at approximately 2:00 a.m. on December 1, 2011. Since that morning, City crews and contractors have responded to the local emergency by clearing main streets, including Huntington Drive, of downed trees, performing interim fixes of sidewalks, and taking other actions in response to the damage to public property caused by this wind storm of extraordinary magnitude. City crews and contractors continue to perform work in response to the wind storm and anticipate that such work will continue in the weeks ahead. The City Council, in approving this agenda item, effects a review of the conditions leading to the local emergency, and finds and determines that the conditions relating to the local emergency are continuing, and that the declaration of local emergency set forth in Resolution No. 11-47 should remain in effect. Staff provided an overall report and PowerPoint presentation, including information about current efforts being undertaken by City crews.

Steve Hernandez stated he had a power outage, no damage, and he was impressed with staff's immediate clearing of streets.

Carol Quan, L.A. County Assessor's Office, provided information about filing applications for reassessment of property due to damage, which will allow a temporary reduction in taxes for property owners while they make repairs on their homes.

Reilly moved, Finlay seconded to receive and file the review of the December 5, 2011, local emergency declaration due to the wind storm, and to make the necessary findings and determination that the local emergency declaration should continue in effect, and carried unanimously.

It was determined that Item 9.F (Presentation about People Helping People) would be considered next.

Karen Herrera introduced members of People Helping People and Duarte's Promise. Mayra Beltran presented an overview of the People Helping People program, including goals, qualifications for seniors and teens, services, and partnerships.

Brian Villalobos provided information about the Red Ribbon Week contests. Mayor Fasana presented certificates to the Red Ribbon Week essay and poster winners, as well as SCE Federal Credit Union for sponsoring the contests.

Mayor Fasana presented certificates to the Duarte Hawks Midget Football Team players and coaches for being the Junior All American Football Conference winners and League Champions.

Mayor Fasana introduced Nicolas Djeu and Robert Herrera who produced the "This City - Duarte" video, and presented them with certificates in appreciation of their creativity and positive portrayal of Duarte.

The Community Service Award winners recently announced at the Mayor's Prayer Breakfast were introduced and presented with certificates in recognition of their service.

ANNOUNCEMENTS

Henry Baltazar announced LULAC Christmas caroling at on December 20 at Pamela Park.

Joanne Gee, Duarte Library, announced upcoming programs and workshops in December and January.

Cristina Cervantes, DYAC, announced registration on January 7 and 14 at Montgomery Field.

Karen Herrera announced upcoming community events in the months of December and January.

Dorothy Smith and Frank Haynes thanked the Duarte Promise Fellows for the Holiday of Promise program, and stated items will be distributed on December 17.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Gene Jones - Neighborhood Watch.

Ernie Landon - Mr. Reyes, school district.

Roy Torres - Video, 99¢ store.

Lino Paras - Montebello, seating, rotation.

CONSENT CALENDAR

(F) Lino Paras stated he thinks the Duarte Municipal Code says there shall be two meetings a month and it could be amended.

(I) Lino Paras commended City Council and staff in addressing the wind storm situation, and suggested there be an ad hoc emergency planning committee.

(I) Steve Hernandez stated our streets were opened before some other cities due to staff's response, perhaps an ad hoc committee would be good, and we need communication.

RESOLUTION NO. 11-48
Public Funds for Local
Emergency

Reyes moved, Finlay seconded to approve the Consent Calendar, as follows, and carried unanimously.
Approve Items A, B, C, D, E, F, G, I, J
Receive and File Item H.
Item I-Council Bill 11-R-48 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS PERTAINING TO THE LOCAL EMERGENCY CAUSED BY THE WIND STORMS OF EXTRAORDINARY MAGNITUDE

PUBLIC HEARINGS
Council Bill 11-R-49
Zone 18 – Landscape/Lighting
District

Mayor Fasana announced this was the time and place set for a Public Hearing. Slater read by title Council Bill 11-R-49:
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDERING THE FORMATION OF ZONE 18 TO THE DUARTE CITYWIDE LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT AND THE LEVY AND COLLECTION OF SPECIAL BENEFIT ASSESSMENTS WITHIN ZONE 18 FOR THE FISCAL YEAR BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013, WITHIN THE LANDSCAPE AND LIGHTING DISTRICT PURSUANT TO ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION AND THE LANDSCAPE AND LIGHTING ACT OF 1972

City Attorney Slater asked City Clerk Akana if notice of the hearing had been given and if any written correspondence had been filed. Akana stated notice was given, the affidavit is on file, and no written correspondence was received other than the ballots that are to be opened and tabulated at this meeting.

Dominic Milano, City Engineer, presented the staff report about the formation of Zone 18 (Ridge Crest Estates) to the Citywide Landscape and Lighting Maintenance District.

Mayor Fasana asked if there was anyone in the audience who wished to speak on the matter.

Lino Paras stated the developer is the only voter, and normally the landscape and lighting is included in the property tax bill.

Finlay moved, Paras-Caracci seconded to close the Public Hearing, and carried unanimously.

The ten ballots were opened, and the votes were tabulated, with all 10 votes in favor of the assessment, and no majority protest.

RESOLUTION NO. 11-49
Finlay moved, Reilly seconded to adopt Resolution No. 11-49, and carried unanimously.

CDBG 2012-2013 Funding
Mayor Fasana announced this was the time and place set for a Public Hearing pertaining to CDBG funding.

City Attorney Slater asked City Clerk Akana if notice of the hearing had been given and if any written correspondence had been filed. Akana stated notice was given, the affidavit is on file, and no written correspondence was filed in the matter.

Irma Hernandez, Senior Planner, presented a staff report about the allocation for the 2012-13 Community Development Block Grant (CDBG) funds, and stated only two of the three applicants can be selected.

Mayor Fasana asked if there was anyone in the audience who wished to speak on the matter.

Kirk Zamora, Duarte Hawks Football and Cheer, described the organization's funding and finances, stated all kids are able to play even if they cannot afford it, every dollar received from the City goes directly to the children, stated the program is contin-

gent on these funds, and answered questions from Councilmembers pertaining to registration fees, use of fields, and residency. Cristina Cervantes, DYAC, stated most of the 250 kids are from Duarte, there is no funding other than grants, they have a mandatory fundraiser, the program is year-round, she sponsored five children this year, the program helps keep kids straight, and answered questions from Councilmembers pertaining to registration fees and scholarships.

Ann Noriel, Southland Opera, described the music program and workshops, stated the program offers a broad variety of music, it helps the kids' confidence, and there is no registration fee.

Steve Hernandez stated he saw the LA Opera at City of Hope, he hopes the arts will be funded, and he hopes the School Board helps.

Shauna Pierce stated she was in a classroom where Ms. Noriel was teaching, it was wonderful, and she thinks it is a worthy program.

Finlay moved, Paras-Caracci seconded to close the Public Hearing, and carried unanimously.

There was discussion about the possibility of the School District matching funds, and purchasing CDBG funds from other cities.

Reyes moved, Paras-Caracci seconded to allocate \$162,599 in FY 2012-2013 CDBG program funding to Housing Rehabilitation (Home Improvement Grant Program) and Code Enforcement Programs, and CDBG Program Administration (as described in Table 1 of the staff report), selected Duarte Hawks and Duarte Youth Athletic Club to receive \$12,191 each for public service program funding for FY 2012-2013, and authorized staff to make adjustments, if necessary, due to final CDBG Program increases or decreases, since the CDBG program budget presented in Table 1 of the staff report is based on estimates, and carried unanimously. Finlay moved, Reilly seconded a friendly amendment to consider the option of the City matching funds with the School District to fund Southland Opera at a later date, and carried unanimously.

BUSINESS ITEMS Hayden 5K Event

George presented the staff report about the request from Hayden Child Care.
Sister Mary Patrice, Hayden Child Care, thanked the City for the opportunity to host the fourth annual 5K event, and stated they have met with the city of Bradbury about the route.

Darryl Musich stated last year his street was closed, Royal Oaks bears the brunt of traffic, he received minimal notice, and asked that another route off of his street be found.

Brian Villalobos stated the modification made to the route will not affect the portion of Royal Oaks where Mr. Musich lives.

Finlay moved, Reyes seconded to approve the request from Hayden Child Care for approval of the exclusive City bike trail use application, and to approve the request for City of Duarte co-sponsorship of the Hayden Memorial 5K Run to be held on March 10, 2012, and carried unanimously.

SG Watershed/Mountains Study and Assessment

Cesar Monsalve, Interim Parks and Recreation Director, presented a staff report about the San Gabriel Watershed and Mountains Resource Study and Environmental Assessment, and stated a majority of agencies are supporting Alternate D, whereby Congress would designate a recreational area that would recognize and protect the significant resources associated with the San Gabriel Mountains and Puente-Chino Hills.

City/Agency Audited Financial
Statements 2010-11

Finlay moved, Reyes seconded to provide comments on the study to the National Park Service by recommending Alternate D, the San Gabriel Region National Recreation Area, and carried unanimously.

Kristen Petersen provided a staff report about the City and Agency audited financial statements for fiscal year 2010-11, and answered questions from Councilmembers.

Finlay moved, Reilly seconded to receive and file the City and Agency audited financial statements for the fiscal year ended June 30, 2011, and carried unanimously.

Agency Annual Report/Fiscal
Statement 2010-11

Petersen provided a detailed staff report about the Agency annual report and fiscal statement, and discussed elements of the annual report including independent financial audit, fiscal statement and State Controller's report, housing activities, blight alleviation progress, defaulted Agency loans, and Agency owned properties.

Finlay moved, Reyes seconded to receive and approve the Redevelopment Agency's annual report, the State Controller's report, the HCD (Housing and Community Development) report, the fiscal statement, and the audited financial statements for fiscal year 2010-11, and carried unanimously.

Discussion – Town Center
Specific Plan
(Continued to 1/10/12)

Reilly asked if this item could be continued to the next City Council meeting. Mayor Fasana stated there were two requests to speak on the item.

Lino Paras stated it is good to revisit this, suggested not hiring another consultant, everyone has a different concept of downtown, some cities have a central business district, and it is a political situation.

Steve Hernandez stated this is long overdue, we need several consultants, an idea of what we want, and a feasibility study, traffic has to be considered, there are many empty stores, and there is a recession.

Reilly moved, Fasana seconded to continue the discussion of strategy for developing a Town Center Specific Plan to the meeting of January 10, 2012, and carried unanimously.

Intergovernmental Organizations

Reyes moved, Paras-Caracci seconded to concur with the following appointments to non-paid intergovernmental organizations, with appointments to paid intergovernmental organizations to be made at a later date, and carried unanimously.

Area "D" Emergency Services

City Manager, Representative – Full Council, Alternates

California Contract Cities

Liz Reilly, Delegate – Margaret Finlay, Alternate

City Selection Committee

John Fasana, Delegate – Margaret Finlay, Alternate

Community Education Council

Tzeitel Paras-Caracci, Representative – Phil Reyes, Alternate

Duarte Community Service Council

Tzeitel Paras-Caracci, Representative – Phil Reyes, Alternate

Duarte Education Foundation

Margaret Finlay, Representative – Liz Reilly, Alternate

Foothill Employment and Training Consortium

Phil Reyes, Delegate – Tzeitel Paras-Caracci, Alternate

Joint Powers Insurance Authority

Margaret Finlay, Director – City Mgr/Full Council, Alternates

League of California Cities

Margaret Finlay, Delegate – Full Council, Alternates

Appointments to Commissions

San Gabriel Valley Economic Partnership
Liz Reilly, Representative – Full Council, Alternates
Southern California Association of Governments
Margaret Finlay, Representative – Full Council, Alternates

All appointments made to City Commissions have terms ending December 31, 2015.

Public Services Commission (3 appointments)

Paras-Caracci moved, Finlay seconded to appoint James Arcaro, and carried by the following Roll Call vote:
AYES: Reyes, Paras-Caracci, Finlay, Reilly, Fasana
NOES: None

Finlay moved, Paras-Caracci seconded to appoint Carol Ciminelli, and carried by the following Roll Call vote:
AYES: Reyes, Paras-Caracci, Finlay, Reilly, Fasana
NOES: None

Finlay moved, Reilly seconded to appoint David Gallivan, and carried by the following Roll Call vote:
AYES: Paras-Caracci, Finlay, Reilly, Fasana
NOES: Reyes

Public Safety Commission (4 appointments)

Finlay moved, Paras-Caracci seconded to appoint Christine Frye, and carried by the following Roll Call vote:
AYES: Reyes, Paras-Caracci, Finlay, Reilly, Fasana
NOES: None

Reyes moved, Reilly seconded to appoint Lindy Ysassi, and failed by the following Roll Call vote:

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

Finlay moved, Paras-Caracci seconded to appoint Karen Carbajal, and failed by the following Roll Call vote:

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

Reyes moved, Reilly seconded to appoint Douglas Brown, and failed by the following Roll Call vote:

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

Reyes moved, Finlay seconded to appoint Paula Watson-Gardner, and carried unanimously.

Paras-Caracci moved, Finlay seconded to appoint Hank Chappian, and carried by the following Roll Call vote:

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

Finlay moved, Paras-Caracci seconded to appoint Mary Ann Ur, and carried by the following Roll Call vote:

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

Economic Development Commission (4 appointments)

Reyes moved to appoint Douglas Brown as a resident representative. The motion died for lack of a second.

Reyes moved, Paras-Caracci seconded to appoint Manoj Patel and Nathan Kirschenbaum as the business representatives, and carried unanimously.

Reyes moved, Finlay seconded to appoint Tony Molina as a resident representative, and carried unanimously.

Reyes moved, Paras-Caracci seconded to appoint Tina Carey as a resident representative, and carried unanimously.

Parks and Recreation Commission (4 appointments)

Finlay moved, Paras-Caracci seconded to appoint Mirna de Lira Lopez as a non-resident representative, and carried unanimously.

Reyes moved, Reilly seconded to appoint Ed Houlemarde, and carried unanimously.

Reyes moved, Reilly seconded to appoint Douglas Brown, and failed by the following Roll Call vote:

AYES: Reyes, Reilly

NOES: Paras-Caracci, Finlay, Fasana

Reyes moved, Reilly seconded to appoint Lindy Ysassi, and failed by the following Roll Call vote:

AYES: Reyes, Reilly

NOES: Paras-Caracci, Finlay, Fasana

Finlay moved, Reyes seconded to appoint Barbie Bylsma-Houghton, and carried unanimously.

Finlay moved, Paras-Caracci seconded to appoint Johnny Mc-Lauren, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Finlay, Fasana

NOES: Reyes, Reilly

Traffic Safety Commission (2 appointments)

Finlay moved, Paras-Caracci seconded to appoint Dino Herrera, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Finlay, Fasana

NOES: Reyes, Reilly

Reyes moved, Paras-Caracci seconded to appoint Patricia Star-ratt-Thorpe, and carried unanimously.

Planning Commission (2 appointments)

Finlay moved, Fasana seconded to appoint Shauna Pierce, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Finlay, Fasana

NOES: Reyes, Reilly

Finlay moved, Reilly seconded to appoint Ana Lisa Hernandez, and carried unanimously.

City Council requested clarification about the residency requirement for the Public Safety Commission representative from the unincorporated area and the representative from the County Supervisor's office, and requested clarification about the Chamber representatives to the Economic Development Commission.

ORAL COMMUNICATIONS (Continued)

ITEMS FROM CITY COUNCIL/ CITY MANAGER

GEORGE: Thanked City Council for the input and direction at this meeting, and wished all happy holidays.

REYES: Stated he would like a presentation in January or February on the foreclosure program he previously discussed, he would like a discussion in January about senior transportation or Dial-A-Ride, inquired about the status of veterans' banners on the medians, attended Caltech event about projects and he hopes we will collaborate more with educational institutions, thanked staff for cleanup efforts during the severe wind storms, attended a fundraiser to support Laura Silverman as she is having health problems, and wished all a blessed holiday and healthy 2012.

PARAS-CARACCI: Thanked staff and residents for coming together and doing an excellent job in response to the wind storm, looks forward to either an ad hoc committee or staff working with Department Heads to talk about points of contact, congratulated Commission appointees, stated there is a new 7/11 coming in, we need to talk about what we want in the community, the 99¢ Store offers jobs with benefits, we should be thankful for new businesses, she is not opposed to changing seats on the dais, and wished everyone happy holidays.

FINLAY: Thanked staff for the fine job with the wind storm, some of the ideas mentioned during the Commission interviews were the need for better communication, better access for seniors, beefing up Neighborhood Watch, signage for baseball fields, welcome wagon, joint meetings of Public Safety and Traffic Safety Commissions, and having the Public Safety Commission look into vector control, attended the Chamber breakfast with Senator Hernandez, breakfast with Supervisor Antonovich, and Westminster Gardens Christmas program, congratulated Reyna Diaz on becoming the new School Board president, attended Donna Georgino's retirement party, Senior Center Christmas party, and Congressman Chu's holiday get-together, and wished all happy holidays.

REILLY: Thanked the Mayor and staff for the wonderful job with the emergency, thanked Commission applicants and stated many felt they were not given enough to do on the Commissions, thanked staff for help with department orientation, attended Chamber holiday mixer, Santa's visits to Beardslee and City Hall, Senior holiday dinner, and Parks and Recreation Department program, and wished all happy holidays.

FASANA: Stated the Public Services and Economic Development Commissions are having trouble establishing momentum with meetings every other month and asked staff to bring back a review of the frequency of meetings, the Public Services Commission could do some work with the topic relating to wind storms, thanked staff for the great work, stated we need more aggressive planning and a strategy for emergencies, and wished all a happy holiday and healthy 2012.

ADJOURNMENT

Finlay moved, Paras-Caracci seconded to adjourn the meeting at 11:43 p.m., and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk