

**MINUTES**

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE  
REGULAR MEETING – MARCH 10, 2009**

At 6:00 p.m., two Closed Sessions were held (as stated below). Councilmember Reyes called the meeting to order at 6:10 p.m., with three members present (Finlay arrived at 6:11 p.m., and Fasana arrived during the Closed Session).

**ADOPTION OF AGENDA**

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

**CLOSED SESSIONS**

- 1) Existing litigation
- 2) Anticipated litigation (2 cases)

Slater stated the first Closed Session is pursuant to Government Code Section 54956.9(a); Existing litigation; In the matter of the application of California-American Water Company (U 210 W) for an order authorizing it to increase its rates for water service in its Los Angeles District to increase revenues; Public Utilities Commission of the State of California, Case No. A.06-01-005. The second Closed Session is pursuant to Government Code Section 54956.9(c); Anticipated litigation; Number of potential cases: 2. The Closed Sessions concluded at 7:05 p.m.

The City Council/Redevelopment Agency of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Fasana called the meeting to order at 7:15 p.m.

**RECORDATION OF  
ATTENDANCE**

The following were in attendance:

**PRESENT:** Finlay (left at 9:27 p.m.), Gaston, Paras-Caracci, Reyes (left at 9:05 p.m.), Fasana

**ABSENT:** None

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

**PLEDGE TO THE FLAG**

Andres Duarte School students led the Pledge of Allegiance to the Flag.

**MOMENT OF REFLECTION**

A moment of reflection was observed.

**FITNESS/MENTAL WARM-UP**

Paras-Caracci and Finlay provided the warm-up.

**PUBLIC REPORT OF  
CLOSED SESSION**

Slater stated during the first Closed Session, the City Council received an update by legal counsel on the status of the existing litigation. In the second Closed Session, City Council received an update on two potential litigation cases, and in the first case, City Council unanimously directed legal counsel to intervene in the Public Utilities Commission case regarding California American Water Company's application for a rate increase, and stated the City will participate as an intervener. With regard to the second case, City Council unanimously directed legal counsel to pursue a settlement with the occupant of the property at 2404 Huntington Drive to avoid further dispute or litigation.

**ANNOUNCEMENTS**

Richard Ledesma, Duarte High School, stated he is starting the BEAT Program to decrease the risk of obesity in children, and asked to make a formal presentation to City Council.

Mayor Fasana asked that the presentation about the BEAT Program by Richard Ledesma be agendaized for a future meeting.

Karen Herrera announced Farmer's Market every Saturday, City of Hope colon cancer lecture on March 12, Duarte's Promise César Chávez event on March 21, Midnight Basketball on March 28, Basketball Clinic on April 13-17, Public Safety Department Community BBQ on April 4, Duarte Clean Sweep Day on April 25, hazardous waste event in Azusa on April 25, Community

Development Department's home improvement grant program from March 2-April 30, and Hats Off on May 20.

Finlay asked that the meeting be adjourned in memory of Robert Young.

## SPECIAL ITEMS

Mayor Fasana congratulated Councilmember Gaston for being named the 44<sup>th</sup> Assembly District's 2009 Woman of the Year, and presented her with a floral bouquet on behalf of the City.

### Recognition—First Baptist Church

Mayor Fasana read and displayed the Certificate of Appreciation for First Baptist Church of Duarte, and extended congratulations on its 125<sup>th</sup> Anniversary of service to our community.

### Recognition – Andres Duarte School

Mayor Fasana presented a Certificate of Appreciation to Andres Duarte School Principal Joilyn Campitiello for its commemoration of Black History Month. Members of the second through fourth grade chorus sang along with the "Power of the Dream" video that was part of the school's program.

### Presentation by California-American Water Company Capital Program and Rate Case

Todd Brown, General Manager, California-American Water, presented information about its capital investment plan and proposed water rate adjustment, and answered questions from City Councilmembers pertaining to importing water, stimulus package, previous rate increases, proposed percentage increase, administrative costs, water allocation, and fluoridation.

There was discussion about looking for opportunities for partnership through the stimulus, energy and water grants, and investment in energy efficiency.

Mayor Fasana asked staff to set up a meeting with First 5 LA regarding potential grants for water fluoridation and percentage of cost for fluoridation, and stated California-American Water can attend that meeting also. Mayor Fasana also asked that the Upper San Gabriel Valley Municipal Water District be invited to a City Council Meeting for a presentation regarding possible use of replenished water to stimulate the extension of a pipeline, and to discuss what types of partnerships may be available and ideas of where we might be able to invest.

Lino Paras stated he agrees with the idea of using recycled water for landscaping, the bulk of the requested increase is for capital expenditures, that investment should be borne by the investor, and asked what water is being used if we are not importing it.

Mayor Fasana invited Mr. Brown to respond. Mr. Brown stated the water is currently coming from the environment, there is a conceptual plan to bring recycled water to the area, and stated investors obtain capital, and earn a rate of return on authorized projects.

Gaston asked that an item be agendaized pertaining to formalizing a water conservation program for our City.

Bill Marticorena, Rutan & Tucker, discussed the 2006 rate case and pending rate case, rate structures, magnitude of current proposed rate increase, economic differences between public and private utilities, and suggested City Council look at rates in neighboring cities.

It was determined that a more comprehensive rate study would be brought back to City Council, to include options about public ownership vs. investor ownership, and the condition of the infrastructure with some of the surrounding systems.

(Reyes left the meeting.)

## ORAL COMMUNICATIONS

The following spoke on items not on the agenda:

Joseph Llamas – Teen Center Supervisor, City leadership.

Gonzalo Murillo – Water rates, privately-owned water company.

Lino Paras – March Madness, City Manager.

ITEMS ADDED TO CONSENT Paras-Caracci moved, Gaston seconded to add attendance at the Anita Oaks School Taste of Italy event on March 14 for all Councilmembers, and carried unanimously.

CONSENT CALENDAR Finlay moved, Paras-Caracci seconded to approve the Consent Calendar, as amended, as follows, and carried unanimously.  
Approve Items A, B, C, E, F.  
Receive and File Item D.

RESOLUTION Slater read by title Council Bill 09-R-06:  
Council Bill 09-R-06  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM (LA-RICS) JOINT POWERS AGREEMENT (JPA) THUS AUTHORIZING THE CITY'S MEMBERSHIP IN THE LA-RICS AUTHORITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE JPA AGREEMENT

RESOLUTION NO. 09-06 Finlay moved, Gaston seconded to adopt Resolution No. 09-06, and carried with Reyes absent from the vote.

BUSINESS ITEM Kristen Petersen provided a staff report about the use of Federal stimulus funds for the Huntington Drive Rehabilitation Project.  
American Recovery and Reinvestment Act of 2009  
Finlay moved, Gaston seconded to approve the Huntington Drive Rehabilitation Project as the priority project for funds associated with the American Recovery and Reinvestment Act of 2009, per staff recommendation, and carried unanimously.

ITEMS FROM CITY COUNCIL/ FINLAY: Enjoyed meeting the seniors at the Senior Center with Councilmember Gaston, stated she is sorry about the passing of Sue Lawrence and she will be missed, and stated the delegation of 20 Chinese students that visited the City and School District today will attend the Ed Foundation dinner.  
CITY MANAGER

(Finlay left the meeting.)

PARAS-CARACCI: Stated the youth delegation from China was amazing, attended the City of Hope science field day event, stated Best Buy is looking good, and congratulated Councilmember Gaston on being named Woman of the Year.

GASTON: Thanked Andres Duarte School students, parents, and staff for the black history program, announced Talent Show on March 28, stated there are extremely dedicated persons working in this community, thanked staff for cooperating with DYAC regarding upgrading the fields, stated the boxing program needs more room and requested that staff develop a plan to house more youth at that facility, thanked Community Development staff for the community workshop, asked that attendance at Mayor Hammond's farewell dinner be on a future Agenda, stated Dr. Friedman and Dr. Levine have received worldwide and national recognition, and requested Dr. Levine be invited to a Council Meeting for recognition as she was awarded the Masters, and stated she is pleased to go to Sacramento to receive the honor of Woman of the Year.

Slater stated as an alternative to oral reports, Councilmembers can submit a written list of events they have attended, and that list can be included in the Agenda packet.

FASANA: Attended DYAC opening day, thanked Neighborhood Watch staff for the meeting with block captains, stated the Encanto Nature Walk is coming together, the improvements to

Foothill Boulevard are long overdue and we appreciate the City of Irwindale's efforts, he went to Washington, D.C., to do some advocacy work in support of the Gold Line, stated there are still issues about wanting to hold the Gold Line back, it is the next ready project and there should be funding to move the project along, with regard to Measure R, requested an item be placed on the next Agenda about pooling funds with surrounding cities to get construction started on the Gold Line now, and stated staff is working on the Metro Call for Projects.

Gaston thanked Harry Baldwin, Cathe Wilson, and Sharon Martinez for their services to our area, and noted although they were not re-elected, they have contributed to the political arena.

ADJOURNMENT

Gaston moved, Paras-Caracci seconded to adjourn the meeting at 9:50 p.m., in memory of Robert Young, Sue Lawrence, and Nell Soto, and carried unanimously.

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Mayor John Fasana

ATTEST:

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City Clerk