

## MINUTES

### JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – NOVEMBER 13, 2007

At 6:00 p.m., two Closed Sessions were held (as stated below). Mayor Gaston called the meeting to order at 6:02 p.m., with four members present (Finlay absent).

#### ADOPTION OF AGENDA

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

#### CLOSED SESSIONS

Conferences with Legal Counsel  
Existing litigation

Slater stated both Closed Sessions are pursuant to Government Code Section 54956.9(a); Conference with Legal Counsel; Existing litigation. 1) U.S. Kuil, Inc., a California corporation, Plaintiff, v. KAA5, LLC, a California limited liability company; Byung Hoon Hyun, an individual; Shin K. Kim, an individual; Yong Ran Kim, an individual; Jang Woo Hyun, an individual; Jae Sung Cho, an individual; Seung Woo Chung, an individual; Douglas M. Ruff, an individual; O'Brien Energy Systems, Inc., a Delaware corporation; Canyon Park Development company, a Washington business entity form unknown; City of Duarte, an incorporated city; and Does 1-100, inclusive; Defendants; United States District Court, Central District of California, Case No. DV07-03748-RGK (SSx). 2) 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 Closed Sessions concluded at 6:45 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 Gaston called the meeting to order at 7:10 p.m.

#### RECORDATION OF ATTENDANCE

The following were in attendance:

PRESENT: Fasana, Paras-Caracci, Reyes, Gaston

ABSENT: Finlay

ADMINISTRATIVE STAFF PRESENT: City Manager  
George, City Attorney Slater

#### PLEDGE TO THE FLAG

Steve Esbenshade led the Pledge of Allegiance to the Flag.

#### MOMENT OF REFLECTION

A moment of reflection was observed.

#### FITNESS WARM-UP

Paras-Caracci led the group in a series of warm-up exercises.

#### PUBLIC REPORT OF CLOSED SESSIONS

Slater stated during the first Closed Session, the City Council/Agency Board discussed the status of the case with Legal Counsel, and received an update, with no further action taken. During the second Closed Session, the City Council discussed the status of the PUC action, and Legal Counsel received input from the City Council/Agency Board to continue our involvement before the PUC including the filing of further pleadings later this week, with no further action taken.

#### ANNOUNCEMENTS

Pui-Ching Ho, Duarte Library, announced Children's Book Week Reception on November 17, Native American Heritage Month Program on November 24, and invited teens to participate in a book opinion survey.

Jan Wight, Duarte Chamber of Commerce, announced Hats Off on November 14, and Mayor's Prayer Breakfast on November 21, and announced the names of award recipients.

Karen Herrera announced Duarte's Promise Holiday of Promise kick-off at the Mayor's Prayer Breakfast.

Vida Zaribaf, Washington Mutual Bank, announced the bank will be opening a new branch in Duarte at the Target Center.

Azusa Mayor Joe Rocha and Councilmember Robert Gonzales presented a congratulatory certificate to the City of Duarte for its 50<sup>th</sup> anniversary, and asked that the City Council consider a joint meeting with the Azusa City Council to be held at Azusa City Hall to discuss issues of concern to both cities, including the condition of the pedestrian bridge and old Foothill Boulevard, Vulcan's expansion plan, and other items that impact the quality of life for both cities.

Mayor Gaston welcomed Bradbury Mayor Todd and El Monte Councilmember Gomez to the meeting.

SPECIAL ITEM  
Recognition – Supervisor  
Michael D. Antonovich

Mayor Gaston introduced Supervisor Michael D. Antonovich, and presented him with a City plaque in appreciation of his years of service to the City of Duarte.

RECESS

Mayor Gaston called a Recess at 7:48 p.m. City Council reconvened at 8:00 p.m., with four members present.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.  
Jim Kirchner – Meeting with Azusa, parking on Encanto.  
Harb Thind – Lack of bus riders.  
Mark Montgomery – Margaret Goldstein, Helen Hume.  
Maxine Noel – Rocktown reunion.

CONSENT CALENDAR

Fasana moved, Paras-Caracci seconded to approve the Consent Calendar as follows, and carried unanimously.  
Approve Items A, B, C, E.  
Receive and file Item D.

ORDINANCE  
Council Bill 07-O-09  
Recovery of attorneys' fees  
(Second Reading)

Slater read by title Council Bill 07-O-09:  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 1.08 TO ADD SECTION 1.08.140, AMENDING CHAPTER 9.32 TO ADD SECTION 9.32.080, AND AMENDING CHAPTER 9.33 TO ADD SECTION 9.33.160, OF THE DUARTE MUNICIPAL CODE TO PROVIDE FOR RECOVERY OF ATTORNEYS' FEES IN ADMINISTRATIVE CITATION HEARINGS, PROCEEDINGS, AND ACTIONS, AND IN NUISANCE ABATEMENT ACTIONS AND PROCEEDINGS (Second Reading)

ORDINANCE NO. 796

Fasana moved, Reyes seconded to adopt Ordinance No. 796, and carried unanimously.

RESOLUTIONS  
Council Bill 07-R-28  
RMC Grant Funds

Slater read by title Council Bill 07-R-28:  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOODS, AND COASTAL PROTECTION BOND ACT OF 2002; THE WATER, SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002; AND THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84) FOR THE ENCANTO NATURE WALK COMPLETION PROJECT, ENCANTO FISH CANYON TRAIL EXTENSION, ROYAL OAKS TRAIL EXTENSION, MADDOCK CANYON TRAIL STUDY, AND SANTA FE BASIN GATEWAY COMPLETION PROJECT

Herrera provided an overview of the Rivers and Mountains Conservancy grant program, and discussed the four potential projects, approximate costs, and monitoring plan.

Slater noted the title of Council Bill 07-R-28 is to be amended to delete “Maddock Canyon Trail Study,” in Section 1, the word “five” is to be changed to “four,” Section 5 will be changed to reflect that the Monitoring Plan is Attachment A, and the initial Section 5 will become Section 6.

RESOLUTION NO. 07-28

Fasana moved, Paras-Caracci seconded to adopt Resolution No. 07-28, as amended as stated above, and carried unanimously.

Agency Bill RA-371  
Council Bill 07-R-29  
Refunding Bonds  
(2007 TA-Series C)

Slater read by title Agency Bill RA-371 and Council Bill 07-R-29:

RA-371 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AUTHORIZING THE ISSUANCE AND SALE OF TAX ALLOCATION REFUNDING BONDS, SERIES C IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000 IN CONNECTION WITH THE REDEVELOPMENT PROJECT AREA, AND APPROVING RELATED DOCUMENTS AND ACTIONS

07-R-29 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE ISSUANCE BY THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE OF TAX ALLOCATION REFUNDING BONDS, SERIES C IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,000,000

RESOLUTION NO. RA-371  
RESOLUTION NO. 07-29

Fasana moved, Reyes seconded to adopt Resolution No. RA-371 and Resolution No. 07-29, and carried unanimously.

Agency Bill RA-372  
Mayor as Chair  
Mayor Pro Tem as Vice Chair

Slater read by title Agency Bill RA-372:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY DUARTE ESTABLISHING THAT THE POSITIONS OF CHAIR AND VICE CHAIR OF THE AGENCY SHALL BE HELD BY, RESPECTIVELY, THE MAYOR AND MAYOR PRO TEM OF THE CITY OF DUARTE

Lino Paras stated this is partially a good idea, and his concern is with the Mayor Pro Tem and Vice Chair.

RESOLUTION NO. RA-372

Fasana moved, Paras-Caracci seconded to adopt Resolution No. RA-372, and carried unanimously.

BUSINESS ITEMS  
Burrtec Waste Services, LLC  
Amendment No. 2

Fasana moved, Reyes seconded to approve Amendment No. 2 to the Agreement between the City of Duarte and Burrtec Waste Services, LLC, for Municipal Solid Waste, Recyclables, and Green Waste Collection, Transportation, Disposal, Composting, and Processing dated on or about September 18, 1996, to confirm the contract term expiration date of January 1, 2011, and to amend one heading in the agreement to clarify that certain services are “Optional Services” rather than exceptions to the scope of services, and carried unanimously.

Refuse collection/recycling rate  
adjustment

Petersen provided a staff report about the annual refuse collection and recycling rate adjustment effective January 1, 2008, and displayed one of Burrtec’s wildlife deterrent containers.

Reyes moved, Paras-Caracci seconded to approve the refuse collection and recycling rates as outlined in the staff report schedule, effective January 1, 2008, and carried unanimously.

Appointment – Kristen Petersen  
Assistant City Manager/Assistant  
Red. Agency Executive Director  
Dir. of Admin. Services/Finance

George provided a staff report requesting City Council consent to the appointment of Kristen Petersen as a department head.

Lino Paras stated department heads should not be members of a union, Ms. Petersen is qualified, and he supports this.

Paras-Caracci moved, Fasana seconded to consent to the appointment of Kristen Petersen as Assistant City Manager/Assis-

tant Redevelopment Agency Executive Director and Director of Administrative Services/Finance Director, and carried unanimously.

Notice of Completion  
Asphalt Concrete Repair Phase III  
Hardy & Harper

Fasana moved, Reyes seconded to accept the Asphalt Concrete Repair Phase III project, per staff recommendation, and authorize the City Clerk to file the necessary Notice of Completion together with release of bonds, and carried unanimously.

Notice of Completion  
Rim Road Slope Rehabilitation  
Remedial Civil Constructors, Inc.

Reyes moved, Paras-Caracci seconded to accept the Rim Road Slope Rehabilitation project, per staff recommendation, and authorize the City Clerk to file the necessary Notice of Completion together with release of bonds, and carried unanimously.

ITEMS FROM CITY COUNCIL/  
CITY MANAGER

REYES: Thanked Azusa Mayor and Councilmember for requesting a joint meeting to discuss issues that affect common borders; stated Margaret Goldstein and Helen Hume had a great impact on youth and will be missed; participated in the City of Hope/City of Duarte golf tournament; thanked staff for the Veteran's Day event; stated he will not be in attendance at the next City Council meeting, and thanked City Council for postponing the reorganization and oaths of office; and stated he will be in China and has been invited to a few cities to discuss the possibility of a sister city.

PARAS-CARACCI: Stated the Halloween event at Royal Oaks Park was amazing, and suggested the possibility of having temporary lights by the school at Royal Oaks Park next year; congratulated Mayor Gaston for receiving the Citizen of the Year Award from NAACP; attended the Veteran's Day event and suggested there be more chairs next year; stated the Walk for Hope was rescheduled to November 18; attended JPIA Conference in Santa Barbara where wellness programs, ethics, and senior community center issues were discussed; and stated Mrs. Hume and Mrs. Goldstein will be sorely missed, but their legacy lives on.

FASANA: Congratulated all involved in Red Ribbon Week; stated the Veteran's Day event was great and is a cause for reflection; received correspondence from a resident regarding storm drain grates on Cotter, potential election for fireworks, cost to the City, skateboarding on sidewalks, and construction starting times; requested information be provided to City Council and in response to the citizen's request about the cost to the City of policing the 4<sup>th</sup> of July fireworks and the benefits of funding received by the community groups; requested information as to what other cities' codes are pertaining to construction starting times; announced San Gabriel Valley COG meeting on December 8 where there will be a 6-month review of the strategic plan; thanked staff for scheduling the Transient Oriented Development Workshop on December 4; attended the Fantasia program at Santa Teresita; congratulated Mayor Gaston on her recognition; and congratulated those elected to the School Board and those who participated in the election.

GASTON: Attended Veteran's Day events in Duarte and Monrovia, and suggested a port-a-potty and someone to play Taps at next year's event; congratulated election winners and expressed appreciation to all candidates; requested Steven Chavez be recognized at a future Council Meeting for becoming an Eagle Scout; stated the Halloween event at Royal Oaks Park had many creative games; thanked Assemblymember Portantino for the Identity Theft workshop; attended Fantasia at Santa Teresita,

Monrovia-Duarte Black Alumni Association dinner, Sanitation District Meeting, Contract Cities Executive Board meetings and membership meetings, JPIA Conference, and City of Hope/City of Duarte golf tournament; provided information to the City Manager from Margaret Clark about opposing pending legislation regarding waste diversion rate increase, and asked that a resolution be agendized at a future Council Meeting; stated a letter was sent to Senator Margett regarding legislation wording; suggested a discussion about more stringent water conservation methods be placed on a future Agenda; received a letter about street vendors, and asked that we look into that; inquired if the information about construction starting times should include the use of leaf blowers; inquired if there was a more effective way to inform residents about parking violations and if we use a warning system; encouraged sending holiday cards to a recovering American soldier at Walter Reed Medical Center; she and the City Manager met with Cal-Am Water management; and stated she is honored to have received the San Gabriel Valley NAACP Distinguished Citizen Award.

ADJOURNMENT

Fasana moved, Paras-Caracci seconded to adjourn the meeting at 9:42 p.m., in memory of Margaret Goldstein and Helen Hume, and carried unanimously.

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Mayor Lois Gaston

ATTEST:

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City Clerk