

MINUTES

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY/COMMUNITY FACILITIES FINANCING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – FEBRUARY 9, 2021

NOTE: Due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19), Governor Newsom has issued Executive Order N-29-20 in which Section 3 supersedes Paragraph 11 of Executive Order N-25-20 (issued on March 12, 2020) addressing Brown Act regulations. This new order states that the City does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. The Order allows the City to hold City Council meetings via teleconferencing and allows for members of the public to observe and address the meeting electronically.

To follow the new Order issued by the Governor, the City Council meeting was closed to the public. Members of the public were able to participate on Zoom, and view/listen to the live City Council meeting broadcast on the City's website. Public comments were submitted electronically by emailing duarteinfo@accessduarte.com before or during the meeting, prior to the close of public comment. Emailed public comments were read into the record.

CALL TO ORDER

The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority/Community Facilities Financing Authority of the City of Duarte met in a regular meeting by teleconference in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Urias called the meeting to order at 6:00 p.m.

RECORDATION OF ATTENDANCE

The following were in attendance:

PRESENT: Finlay (left at 10:35 p.m.), Kang, Lewis,
Paras-Caracci, Schulz, Truong, Urias

ABSENT: None

ADMINISTRATIVE STAFF PRESENT: City Manager
Jordan, City Attorney Cosgrove

PLEDGE TO THE FLAG

Craig Hensley the Pledge of Allegiance to the Flag.

ADOPTION OF AGENDA

It was moved and seconded to adjourn the meeting in memory of Hector Elizalde, and carried unanimously by those present.

CLOSED SESSION Existing Litigation

There was no public input. The Closed Session was pursuant to Government Code Section 54956.9 (a): Cities of Duarte et al v. State Water Resources Control Board et al, Orange County Superior Court Case No. 30-2016-00833614-CU-WM-CJC and Related Case City of Gardena v. Regional Water Quality Control Board-Los Angeles Region, et al, Orange County Superior Court Case No. 30-00833722-CU-WM-CJC. The Closed Session concluded at 7:03 p.m. City Council reconvened at 7:10 p.m., with all members present.

PUBLIC REPORT OF
CLOSED SESSION

City Attorney Cosgrove reported that the City Council met to discuss the above item, and unanimously authorized the City Attorney's office to file a motion for a rehearing and a petition for a hearing in the Supreme Court.

SPECIAL ITEMS

Introduction – Capt. Mark Reyes

Brian Villalobos introduced new Temple Station Captain Mark Reyes. City Council welcomed Captain Reyes, and stated they looked forward to working together.

Presentation–Upper San Gabriel
Valley Municipal Water District

Director Jennifer Santana and General Manager Tom Love, Upper San Gabriel Valley Municipal Water District, presented the “State of the District and Water Supply Update,” including background, service area, water source/supply, local actions for drought resiliency, conservation programs, and educational/outreach programs, and answered questions from City Council.

Presentation – CalRecycle
Organics Recycling

Cara Morgan and Primitivo Nunez, CalRecycle, presented “SB 1383 Reducing Short-Lived Climate Pollutants in California,” including information about organic waste, climate change, SB 1383 requirements, programs to reduce super pollutants, key implementation dates, jurisdiction/local government roles and responsibilities, commercial edible food generators, inspection/enforcement, and implementation tools, and answered questions from City Council. Richard Niño, Burrtec Waste Industries, addressed various aspects of the legislation and timelines. Finlay suggested an explanation to the community be included in the next Duarte View.

Sheryl Lefmann, Duarte Chamber, stated the information has been publicized in the Duarte View the past few years, it will be included again, and it was highlighted during business visits.

Community Development Status
Report

Craig Hensley presented the monthly Community Development Status Report, including public works projects, and answered questions from Councilmembers. Finlay stated although the area is not in our jurisdiction, suggested there could be some lighting on the bridge in Irwindale by the Army Corps of Engineers property, perhaps solar lighting.

Parks and Recreation Status
Report

Manuel Enriquez presented the monthly Parks and Recreation Status Report, including grant application, upcoming craft and virtual events, and flower deliveries to seniors, and answered questions from Councilmembers pertaining to possibly hosting a vaccination site and rides for seniors.

ANNOUNCEMENTS

Bernadette Chang, Chamber of Commerce, announced membership drive, Chamber check-in, and upcoming meetings.

Victoria Rocha presented upcoming Duarte Library events from Joanna Gee, including staff assistance with vaccine support, programs, and virtual workshops, and announced upcoming community events and programs, and invited residents to apply

2/9/21

for the vacancy on the Planning Commission and participate in the ADA transition plan survey.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

Finlay moved, Paras-Caracci seconded to adopt the Consent Calendar, as follows, and carried by the following Roll Call vote:

Approve Items A, B, C, F, G, H.

Receive and File Items D, E.

AYES: Paras-Caracci, Kang, Lewis, Schulz, Truong, Finlay, Urias

NOES: None

ABSENT: None

COUNCIL BILL – Urgency
Ordinance 21-O-01 –Third-Party
Food Delivery Fees

Mayor Urias read by title Council Bill 21-O-01:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF DUARTE ESTABLISHING LIMITATIONS
OF THIRD-PARTY FOOD DELIVERY FEES

City Attorney Cosgrove presented the staff report about the proposed Urgency Ordinance restricting charges/fees for food delivery service, and stated adoption of an Urgency Ordinance requires at least six affirmative votes to pass.

There was discussion about implementation, notification, some restaurants adding a delivery fee, concern if delivery service withholds the service from restaurants, resident workers and/or consumers, and benefits vs. consequences.

Sheryl Lefmann, Duarte Chamber, stated she had not heard of businesses being denied services, the Chamber has met with restaurants, delivery fees are between 20-30% in addition to the food order, the price is being passed on to the consumer, and asked that City Council consider this on behalf of restaurants.

There was further discussion about surveying restaurants before making a decision, profit margins, negotiation, franchises, need for more data, updates from other cities, and bringing the item back as a non-urgency ordinance.

Urgency Ordinance Tabled

Finlay moved, Kang seconded to table the urgency Council Bill, to bring the item back as a non-urgency Council Bill, with additional information from the Chamber about a consensus from restaurant owners, as well as information from other cities regarding secondary effects of the regulation, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Kang, Lewis, Schulz, Truong, Finlay, Urias

NOES: None

ABSENT: None

BUSINESS ITEMS

Options – Assistance Programs
(Continued from 1/12/21 and
1/26/21)

City Manager Jordan presented the staff report and a detailed overview presentation about the General Fund's level of structural balance, and provided information about discretionary reserves. Victoria Rocha provided information about programs that have been implemented since March 2020, and options for City Council consideration.

There was discussion about services offered by Foothill Unity Center, its infrastructure, need for determining businesses and residents who need funding, Union Station services, current allocated funds, food distribution programs, grants, possible \$10,000 funding provided to Foothill Unity Center and/or Duarte Community Services Council, determining a lead agency, and small business support.

Sheryl Lefmann stated if City Council is considering support of businesses, she suggested a round table to receive input.

Finlay moved, Schulz seconded to direct staff to prepare a proposal for Foothill Unity Center to implement a program for Duarte residents if provided with funds from the City, to receive input from the Chamber on potential support for Duarte businesses, and to bring the item back to City Council, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Kang, Lewis, Schulz, Truong, Finlay, Urias

NOES: None

ABSENT: None

Settlement Agreement – Cal-Am
General Rate Case

City Attorney Cosgrove presented a staff report about the Settlement Agreement in the Cal-Am General Rate Case, discussed the topics raised in litigation, and stated staff's recommendation is that City Council approve and authorize the City Manager to execute the Settlement Agreement.

Finlay moved, Paras-Caracci seconded to approve the Settlement Agreement between California-American Water Company, Public Advocates Office, City of Duarte, City of San Marino, and City of Thousand Oaks, and to authorize the City Manager to execute the Settlement Agreement, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Kang, Lewis, Schulz, Truong, Finlay, Urias

NOES: None

ABSENT: None

ITEMS FROM CITY COUNCIL/
CITY MANAGER

JORDAN: Asked Councilmembers to check if Monday, April 19, from 9:00 a.m.-3:00 p.m. would be a good date/time for a virtual City Council goal-setting session, and to let him know.

FINLAY: Stated Hector Elizalde was an amazing man, a veteran, and the right-hand aide to Congressman Napolitano, he will be sorely missed and will always be a part of our community.

SCHULZ: Thanked all for entertaining her questions and for the reports.

TRUONG: Thanked all for a great informative meeting.

LEWIS: Thanked staff for answering questions about recycling, and wished all Happy Valentine's Day.

PARAS-CARACCI: Stated this was a fruitful and productive meeting, she has seen the growth at City of Hope, Hector is an honorary Duartean and he loved our City, her heart goes out to his family, and he will be missed.

KANG: Stated Hector was a great man, he was helping with the riverbed situation and was willing to serve the City and the region, and he will be greatly missed.

URIAS: Stated Hector had a good heart, dedication, and love of the City, he felt a personal bond with him, and expressed condolences to the Congresswoman, her staff, and Hector's family.

ADJOURNMENT

Steve Hernandez stated Hector Elizalde and Congressman Napolitano both appreciated the opportunity to help veterans, and Hector was very sincere and patient.

The meeting was adjourned at 10:49 p.m. in memory of Hector Elizalde.

Mayor Bryan Urias

City Clerk