

CITY OF DUARTE

**MINUTES OF THE REGULAR JOINT MEETING OF THE CITY COUNCIL,
THE DUARTE HOUSING AUTHORITY, AND THE DUARTE COMMUNITY
FACILITIES FINANCING AUTHORITY**

TUESDAY, NOVEMBER 14, 2023

7:00 PM – Regular Session

1. CALL TO ORDER

Mayor Schulz called the open session to order at 7:07 p.m.

ROLL CALL:

Councilmembers Present: Finlay, Kang, Lewis, Truong, Garcia, Schulz

Councilmembers Absent: Martin Del Campo

Staff Present: Brian Villalobos, City Manager
Thai Viet Phan, City Attorney
Kristen Petersen, Assistant City Manager / Director of
Administrative Services
Craig Hensley, Director of Community Development
Manuel Enriquez, Director of Parks and Recreation
Larry Breceda, Director of Public Safety Services
Annette Juarez, City Clerk
Jason Golding, Planning Manager
Stephanie Sandoval, Public Works Manager
Scott Nash, Associate Planner
Andres Rangel, Assistant to the City Manager
Albert Nunez, Management Aide
Christine Soo, Deputy City Clerk/ Administrative Secretary

2. PLEDGE TO THE FLAG

The flag salute was led by California State Senator Susan Rubio.

3. ADOPTION OF THE AGENDA

Moved by Councilmember Finlay, seconded by Mayor Pro Tem Truong, and carried by the following vote of the Council to adopt the agenda.

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ

NOES: NONE

ABSTAIN: NONE

ABSENT: MARTIN DEL CAMPO

4. SPECIAL ITEMS

A. Legislative Update from Senator Susan Rubio

Senator Susan Rubio provided a legislative update from her office; she discussed many accomplishments her office has achieved over the past year such as transitional services, cancer research and funding, budgeting funds for public safety, business entrepreneurship, and community well-being.

The City Council thanked Senator Susan Rubio for her advocacy and being accessible to the communities that she represents.

B. Tripepi Smith & Associates Update on Media Services

Management Aide Nunez introduced members of the Tripepi Smith team responsible for the City's media services. Members of Tripepi Smith provided a recap of the services that the company provides for the City of Duarte. They also recapped on the retain deliverables under the current

amendment to the main contract pertaining to general communications, social media management/monitoring, and the PEG Channel management.

*** Councilmember Statement Regarding Special Meeting**

Councilmember Garcia announced that he recused himself from participating in the Special Meeting Workshop regarding the discussion for annexation of Royal Oaks because Human Good So Cal is an interested party in the annexation discussion and a source of income to himself.

5. ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS

Joanna Gee, Duarte Library, announced upcoming library events.

Deputy City Clerk Soo announced upcoming city events.

6. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

John Engman introduced himself as a member of the Society of American Magicians and presented a magic trick to the Council.

Mayor Schulz and the City Council thanked John Engman and Kelly Hernandez for performing for the community at City events.

7. CONSENT CALENDAR

Public Comment

Lino Paras commented on Consent Calendar Item 7E and stated his concern for elaboration on the Andres Duarte project with the Duarte Unified School District.

Lino Paras commented on Consent Calendar Item 7F and expressed his opinion that the activities in the Parks and Recreation department update should be announced.

Lino Paras expressed his support for Consent Calendar Item 7G.

Lino Paras expressed his support for Consent Calendar Item 7H.

- A. Motion to read all Resolutions and ordinances presented for consideration by Title only and waive further reading. (CC/HA/FA)
- B. Approval of absence(s) of City Councilmember(s) from the City Council meeting.
- C. Approval of Minutes – October 24, 2023. (CC/HA/FA)
- D. Approval of Warrants – November 14, 2023. (CC/HA/FA)
- E. Receive and file the Community Development Department Update for November 2023.
- F. Receive and file the Parks and Recreation Department Update for November 2023.
- G. Adoption of Resolution No. 23-28 for a Salary Increase Adjusting the Hourly Rate Schedule.
- H. Second Reading and Adoption of Ordinance No. 920 to Increase City Council Salaries.
- I. Adoption of Resolution No. 23-30 to Accept Grant Funds from Tobacco Law Enforcement Grant Program.

Moved by Councilmember Finlay, seconded by Councilmember Garcia, and carried by the following vote of the Council to approve Items 7A-7D, 7F-7G of the Consent Calendar, with the exception of 7E and 7I.

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ
NOES: NONE
ABSTAIN: NONE
ABSENT: MARTIN DEL CAMPO

8. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION

E. Receive and file the Community Development Department Update for November 2023.

Mayor Pro Tem Truong pulled Item 7E from the Consent Calendar.

As requested by Council, the Community Development Director Hensley provided a department update; he reported on the new application for electric vehicle charging station, the Jersey Mike's sandwich shop, the increase of trash on center medians.

Council provided direction to staff to bring back the landscape architect back at a future meeting.

Moved by Mayor Pro Tem Truong, seconded by Councilmember Garcia, and carried by the following vote of the Council to receive and file Consent Calendar Item 7E.

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ
NOES: NONE
ABSTAIN: NONE
ABSENT: MARTIN DEL CAMPO

I. Adoption of Resolution No. 23-30 to Accept Grant Funds from Tobacco Law Enforcement Grant Program

Councilmember Finlay pulled Item 7I from the Consent Calendar.

Councilmember Finlay thanked Staff on their hard work for obtaining grant funding.

Moved by Councilmember Finlay, seconded by Mayor Pro Tem Truong, and carried by the following vote of the Council to adopt Resolution No. 23-30 to accept grant funds totaling \$295,178 over a 36 month period, which are administered by the California Department of Justice (DOJ), Office of the Attorney General through Proposition 56 and authorize fiscal year 2023-24 budget amendments of \$31,500 in 1205-7030, \$9,000 in 1205-7781 and \$15,000 in 1015-7684 to allow the expenditure of these grant funds to begin immediately.

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ
NOES: NONE
ABSTAIN: NONE
ABSENT: MARTIN DEL CAMPO

9. PUBLIC HEARINGS

A. Consideration of General Plan Amendment (GPA) 23-01: A City-initiated request to formally adopt the 2020 Hazard Mitigation Plan into the Safety Element of the General Plan

Associate Planner Nash provided a staff report; he stated that the minor General Plan Amendment was brought back to the City Council to fulfill previous deficiencies and adopting the chapter into the Safety Element policies of the General Plan; he also reported that compliance with the Assembly Bill 2140 will allow the City to be eligible for additional funding for disaster recovery projects; he stated that the previously adopted resolution did not explicitly declare that the Hazard Mitigation Plan was being adopted into the Safety Element.

Mayor Schulz opened the public hearing at 8:41 p.m.

No public comments were made.

Mayor Schulz closed the public hearing at 8:42 p.m.

Moved by Councilmember Lewis, seconded by Councilmember Truong, and carried by the following vote of the Council to adopt Resolution No. 23-29 approving General Plan Amendment 23-01 and adopting the local hazard mitigation plan into the Safety Element of the City of Duarte General Plan.

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ
NOES: NONE
ABSTAIN: NONE
ABSENT: MARTIN DEL CAMPO

10. BUSINESS ITEMS

A. Burrtec Waste Services Annual Performance and Rate Review

Assistant to the City Manager Rangel provided a staff report on the rates and services provided by Burrtec Waste in 2022; he introduced Burrtec Waste Director of Municipal Services, Michael Heftman.

Heftman provided an annual rate review for the calendar year of 2024 and a breakdown of the 2023 adjustment factors and the cost components; he shared details on the increase of rates for residential, commercial and multi-family complexes, the results of the rate survey conducted by Burrtec, and the effects of SB 1383 implementation.

Moved by Councilmember Garcia, seconded by Councilmember Finlay, and carried by the following vote of the Council to approve both the Burrtec Waste Services 2022 Annual Performance Review and Amendment No. 15 to the "Municipal Solid Waste, Recyclables and Green Waste Services Agreement Between the City of Duarte and Burrtec Waste Services," setting the refuse collection and recycling rates shown in the attached schedule to become effective January 1, 2024.

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ
NOES: NONE
ABSTAIN: NONE
ABSENT: MARTIN DEL CAMPO

Public Comment

Steven Hernandez commented on his satisfaction with the services provided by Burrtec Waste.

B. Consideration of Award of Contract for the Construction of the ATP Cycle 4 Pedestrian Access and Bicycle Safety Improvement Project No. 24-5

Public Works Manager Sandoval provided a staff report discussing the pedestrian access improvement projects. She explained some components of the project will include lighting improvements, pedestrian walkways, new sidewalks and signage, ADA improvements; she shared that projects are expected to start in January if the contract is approved. She also indicated that some areas of the project could expect longer durations due to communications with Caltrans and working around school traffic periods.

In response to questions posed by Council, Public Works Manager Sandoval also shared that a majority of this project is funded by a Caltrans grant and SB 1 funds. She also clarified that Staff will be working with the contractor to mitigate impact and having the projects coincide with school breaks and closures.

Moved by Councilmember Garcia, seconded by Mayor Pro Tem Truong, and carried by the following vote of the Council to approve the award of contract for the construction of the ATP Cycle 4 Pedestrian Access and Bicycle Safety Improvement Project to FS Contractors, Inc. in the amount of \$2,402,810.00; and 2) approve a budget amendment to the Community Improvement Fund (6220-8100) in the amount of \$23,000 and to the SB1 Fund (2250-8100) in the amount of \$560,020.75.

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ
NOES: NONE
ABSTAIN: NONE
ABSENT: MARTIN DEL CAMPO

C. Authorizing the Purchase of a New Prefabricated Restroom Building for Beardslee Park Restroom Replacement Project and Budget Amendment

Parks and Recreation Director Enriquez provided a presentation regarding the application process to replace the restrooms at Beardslee Park; he presented the proposed prefabricated restroom units and their features; he shared that the units could be delivered in 6-8 months.

In response to questions posed by Council, Director Enriquez reported that the cost of building a public restroom from scratch would be more than purchasing a prefabricated restroom; the

City Attorney Phan reported on the warranty of the restrooms as written in the contract.

Moved by Councilmember Finlay, seconded by Mayor Pro Tem Truong, and carried by the following vote of the Council to authorize the City Manager to execute the purchase contract with The Public Restroom Company for a prefabricated restroom building, unit PS-033, in the amount of \$231,617, for the Beardslee Restroom Replacement Project and approve a total project budget amendment of \$97,617 to the General Fund (100-1610-8100).

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ
NOES: NONE
ABSTAIN: NONE
ABSENT: MARTIN DEL CAMPO

D. Consideration of Award of Contract for Pool Deck Repair - Project 23-6; Budget Amendment

Public Comment

Roberta Schwartz thanked City Staff for expediting the process and commented on the future reopening of the pool.

Parks and Recreation Director Enriquez reported that the proposed contract is to repair the existing deck; he stated that Staff will do due diligence and ensure that all certificates of insurances are secured, and the contractor's work schedule does not conflict with other operations; he noted that once all components of the project are accounted for, the contractor has 30 days to complete the repairs after the Notice to Proceed is issued.

Moved by Councilmember Kang, seconded by Councilmember Finlay, and carried by the following vote of the Council to award the construction contract for the Fitness Center Pool Deck Repair to Slater Waterproofing, Inc., as the lowest responsive and responsible bidder in the amount of \$135,075, in addition to a ten percent contingency, for a total project budget of \$148,583 and approving a budget amendment of \$148,583.

AYES: FINLAY, KANG, LEWIS, TRUONG, GARCIA, SCHULZ
NOES: NONE
ABSTAIN: NONE
ABSENT: MARTIN DEL CAMPO

11. CONTINUATION OF ORAL COMMUNICATIONS

Lino Paras thanked the City Council for honoring his late daughter, former Mayor and Councilmember Tzeitel Paras-Caracci.

**12. ITEMS FROM CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY/
FINANCING AUTHORITY MEMBERS AND CITY MANAGER/EXECUTIVE
DIRECTOR**

Councilmember Garcia reported on attending the recent Arts Ad Hoc Committee meeting and the annual Duarte Field Tournament event.

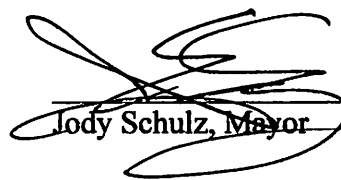
Councilmember Lewis requested Staff to increase maintenance on Duarte Rd.

13. ADJOURNMENT

At 9:47 p.m., the City Council adjourned the meeting in honor of Tracy Darlene Buss.



Annette Juarez, City Clerk



Jody Schulz, Mayor