

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE SPECIAL MEETING – NOVEMBER 13, 2017

CALL TO ORDER The City Council of the City of Duarte met in a special meeting in the Duarte City Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Finlay called the meeting to order at 5:11 p.m.

RECORDATION OF ATTENDANCE The following were in attendance:
PRESENT: Fasana, Kang, Paras-Caracci, Reilly, Finlay
ABSENT: None
ADMINISTRATIVE STAFF: City Manager George, City Attorney Cosgrove, Assistant City Attorney Fenstermacher

ADOPTION OF AGENDA Kang moved, Reilly seconded to adopt the Agenda, and carried unanimously.

PLEDGE OF ALLEGIANCE Dilip Tiwari led the Pledge of Allegiance to the Flag.

PUBLIC HEARING
Receive/discuss public comment
Draft maps

George presented a brief staff report about the Public Hearing, including background, history of process, submitted maps, and procedures, and stated this is the fourth of five Public Hearings.

Doug Johnson, National Demographics Corporation, displayed three seven-district maps, and discussed their configurations.

Notice of the hearing was given, the affidavit is on file, and no written communications were filed on the matter.

Mayor Finlay asked if there was anyone in the audience who wished to speak on the item.

George Farra stated he is against Map 702 and any map with narrow long districts extending from the north to the freeway, they do not meet traditional districting criteria, presented census maps showing income distribution and educational levels, feels it favors representation from north of Royal Oaks, and the next generation may have north versus south within the districts.

Henry Baltazar stated it started with five districts, nobody in Duarte came up with seven or nine districts due to the expense, we only need five Councilmembers, other cities have five Councilmembers with more population than us, it is self-interest and wrong, we are creating districts to evenly distribute our City, this will create more expenses, the public input was a lot of five connecting district maps, he hopes the attorney sees that you have gerrymandered, it shows bias, suggested to go back to five districts that the community had provided with input, and Council will have to compete with each other.

Tom Reyes stated he agrees with Mr. Baltazar, it is breaking up his neighborhood, this is not for the community's interest, it is for the Council's interest, each Councilmember has their own district the way it's mapped out, stated you don't represent all

equally and equitably now, discussed bathrooms at Beardslee Park in his neighborhood and rail yard, Map 703 is not equity, it will be basically giving two votes to the south side, we don't need seven people for this little town, we need to go back to five Councilmembers, the majority of maps turned in were for five districts, and that is what we need to stick to and make work.

Dilip Tiwari stated he is in favor of five districts rather than seven for economic reasons, two more Councilmembers will add \$40,000-\$60,000 a year in expenses, in the future, the City will have more senior citizens living here with limited income, instead of spending money on them, we will be adding two more Councilmembers with their regular salary and retirement benefits, he is not in favor of seven districts, and we should go back to five districts.

Jason, Fedex, stated he is a new business owner, this City Council has been very supportive, thanked the City for what it does for business owners, there has been positive feedback, he has done business in other cities, and there is no comparison.

Donna Langley stated overall our Council does a good job, there is something wrong financially with burdening the City with \$30,000 additional cost, it is outrageous, the map does not have continuous areas, there seems to be an effort to suit the current Council by making a map that doesn't put people head-to-head, why would we want to add this additional financial burden, bigger cities have five members, suggested the City should vote how many districts, it has the appearance of being transparently for the benefit of the current City Council's comfort zone, she agrees with many who have strong input that the City wants five Councilmembers only, we need to look to the current and future, and it needs to be limited to five districts.

Art Rodriguez stated the public was asked for input, a majority of the maps were five districts, yet the City Council voted for seven districts, discussed the number of voters in five and seven districts, it doesn't meet the criteria or the average, he doesn't think seven districts is in proportion to what we have in the City, there are areas where they are not continuous, the lines could have been drawn to be better approvable by the guidelines, and he thinks Council should take another look at it.

Steve Hernandez stated the rail yard proposal was not done with the intent of building a train yard, the cost was expensive, the Environmental Impact Study was rejected, the only yard that made sense was in Monrovia and that was chosen, a number of maps submitted were outside the criteria with deviations that exceeded the 10% limit, balancing the communities out is the purpose of the voting act, we are a small city, the population is scattered in many areas, and whether there are five or seven districts is a judgment call.

Lino Paras stated he agrees with Ms. Langley's input, at incorporation, district elections were rejected, commends lawyers for

being conservative, this is blackmail by a political group, Duarte is unique compared to most of the cities that have lost, School Board members should be voted by district, feels the additional cost is exaggerated, seven or nine districts is too much, and suggested Council consider four districts with an at-large mayor.

Cody Strode stated he can see how having more Councilmembers can be beneficial if the long-term outcome is worth the investment, questioned outreach, awareness, and involvement, stated most people don't know how to get their voice through, it does not seem there is a defining metric, asked is there a vote or a judgment call, he sees how spreading the districts would make a Councilmember have to think outside their own immediate area, he heard the idea of term limits floated around, and some people sit for a long time and it could be hard to keep fresh blood from coming in.

Fasana moved, Kang seconded to close the Public Hearing, and carried unanimously.

Cosgrove provided information about State law allowing configurations of five, seven, and nine districts, stated having seven districts is legal, determining whether there will be five or seven is a policy decision, Maps 702 and 703 are believed to pass legal muster, there is a unique boundary configuration for District 4, as the interruption of that district is due to a City boundary, after the next census, some populations and boundaries may shift, and stated revisions can follow later.

George stated with regard to expenses, although the cost implications with districting are difficult to determine, an estimated amount would be approximately \$23,000 per Councilmember.

There was discussion about the need for additional staff, City's growth in a positive and productive way, a number of areas in which staff will be affected, economies of scale, Councilmembers no longer qualifying for healthcare benefits in retirement since the early 2000s, anticipated changes in the way information, analysis, and projects will be handled, and income and education levels.

Mayor Finlay reopened the Public Hearing for additional comments.

Henry Baltazar stated two more districts adds more to the low budget, it is another burden, we need to go to five districts, Valley View will be split into four districts, and it is not fair for the rest of the City.

Lino Paras stated there will be added cost, no matter what map is chosen, you're not going to please everybody, Council was elected to make a decision, and suggested thinking about four districts and one elected official.

George Farra stated although 702 passes legal muster, the criteria should be the best interest of Duarte, it does not meet the four traditional requirements, there is an economic-educational

imbalance within each district, and urged Council to look at 501 as it meets all traditional criteria.

Steve Hernandez stated the criteria is equal representation, most people buying homes in the south area are highly educated, there have been a great deal of improvements, and they are not uneducated.

Art Rodriguez asked why wasn't the option of seven or nine districts on the website instructions at the beginning, and it's a little suspicious when City Council chose seven districts.

George stated after the first meeting, there was the opportunity to submit maps with more than five districts. Mr. Johnson stated a five-district map was the initial kit, and maps were received with four, five, seven, and nine districts. Cosgrove stated having four districts with an at-large mayor presents a higher risk of litigation, it is not the safest course for the City right now, and the costs resonate as policy questions, not legal questions.

Alan Fenstermacher provided additional information about the seven-district map, stated it has two majority minor districts, there is no splitting of those districts, and once the decision is made about transitioning to districts, we are out of the realm of the California Voting Rights Act, and are then only under the Federal Act.

Donna Langley stated she wants five, she would like Council to move back from seven to five, she would rather see money spent elsewhere on districting other than on salary for two unnecessary candidates, and we have a very diverse City.

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

Fasana stated he supports seven districts, suggested District 7 be modified to add Hamilton Road businesses, as it does not have any businesses, he felt at-large elections worked in Duarte, discussed the survey and Nextdoor, originally there were five Councilmembers, the population has increased, with seven districts, there is more of a neighborhood focus, we can change it down the road, he would like a provision that if the law changes, we can go back to at-large, provided information about the rail yard, he feels current Council continuing to serve is an advantage, individual districts will decide if they do or do not stay, he is interested in looking at a charter, and he supports Map 703 with modifications to include businesses in District 7.

Reilly stated this is an opportunity to shape the City to include all areas and people, she does not feel seven districts is the way to do it, she prefers five, gerrymandering north and south is breaking up some neighborhoods, it allows the top area to have more influence, and since there will be seven districts, she would like us to look at Map 701 as it is more compact.

Kang stated the reason he ran four years ago was because the City was not going the way it should have been going, Council

all work for their constituents, Council and staff are easy to work with, it is unique, we have the best performing arts high school in our City, the five Council work so well together, he does not want to lose the synergy, seven districts will help us, we will work together more closely, we have such a great team right now, other cities are fighting, and stated later on, if we need to change it back to five or at-large, we can do so.

Paras-Caracci stated she is enlightened about personalities, attitudes, and perceptions about our community, a number of comments were about dividing our City, the idea is making sure your representatives are feeling connected to a wider array of the community, she thinks Map 501 blocks our City, Map 703 with District 7 modified to include commercial will allow equality through the districts, things are better when Council works together, she has the same respect for people wherever they live in this community, she received perspectives from other residents about the maps, she is supportive of seven districts, there will be more representation, advocacy, and leaders that will serve on behalf of our residents, she believes in having a stable transition through this process, there is a majority Council now that will serve the community regardless of districting, additional cost is an investment, not an expense, she believes in the stability of this Council, and for her, it is one Duarte, one heart, one community.

Finlay stated districting is not in the best interest of the whole City, we do not have a choice, if there is a change in law where we can go back to at-large, she will be in favor of that (Cosgrove noted an uncodified section of the ordinance will indicate that), representation has been diluted over the past years, she is in favor of seven districts, in Map 701, one district does not have businesses in it, with districting we will have guaranteed representation below Huntington Drive, we are all one City, she will continue to represent everyone, Council will help the two new representatives, she would like all districts to have some businesses, we could have that in Map 703, it helps to have institutional memory, presented results from previous elections, there has been incremental change, discussed resident survey results, stated within the next few years, there will be new faces on the dais, and she hopes this overall feeling of unity will continue.

Reilly moved, Paras-Caracci seconded to select Map 703 as the preferred district map, with the modification to District 7 to include Hamilton Road businesses, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Reilly, Kang, Fasana, Finlay

NOES: None

With regard to election sequencing, and after a coin flip, Reilly moved, Paras-Caracci seconded that in Map 703, District 6 would be placed on the 2018 ballot for a four-year term, and District 7 would be placed on the 2018 ballot for a two-year term, and carried by the following Roll Call vote:

ADJOURNMENT

AYES: Paras-Caracci, Reilly, Kang, Fasana, Finlay
NOES: None

The meeting was adjourned at 7:23 p.m., to the Regular City Council Meeting, November 14, 2017, at 7:00 p.m.

Mayor

ATTEST:

City Clerk