

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 – NOVEMBER 12, 2019

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 in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Pro Tem Kang called the meeting to order at 5:38 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana, Finlay, Kang, Lewis, Reilly, Paras-Caracci (arrived during the Closed Session) ABSENT: Urias ADMINISTRATIVE STAFF PRESENT: Interim Successor City Manager Enriquez, City Attorney Cosgrove
ADOPTION OF AGENDA	Finlay moved, Reilly seconded to adopt the Agenda, as amended to adjourn in memory of Mary Young, Marvin Gross, and Bernard Tyson, and carried unanimously by those present.
CLOSED SESSION	There was no public input. City Attorney Cosgrove announced there were three Closed Session items: 1) Existing Litigation: Pursuant to Government Code section 54956.9 (a) and (d)(1) regarding an existing rate case filed by California American Water company with the California Public Utilities Commission, Application No. 19-07-004 (Filed July 1, 2019); 2) Exposure to Litigation: Pursuant to Government Code section 54956.9(a), (d)(2), and (e)(2).; 3) Pending Filed Litigation: Pursuant to Government Code 54956.9(a), <i>Land Value Holdings, LLC v. City of Duarte et al.</i> , Los Angeles County Superior Court Case No. 19BBCV00966.
1) Existing Litigation	
2) Exposure to Litigation	
3) Pending Filed Litigation	
	At 6:30 p.m., a City Council reception was held.
	City Council reconvened at 7:20 p.m., with six members present, and Urias absent.
PLEDGE TO THE FLAG	Mayor Paras-Caracci led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	Mayor Paras-Caracci provided a moment of reflection.
FITNESS/MENTAL WARM-UP	Mayor Paras-Caracci and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION ITEMS	City Attorney Cosgrove announced that City Council met in a Closed Session on three items as stated above, with no reportable action taken.
SPECIAL ITEMS	Faith Peoples and Samantha Martinez provided an update of recent Mayor's Youth Council activities and upcoming Teen Center events.
Mayor's Youth Council update	

Recognition – Ad Hoc Citizens Finance Advisory Committee

Kristen Petersen provided information about the Ad Hoc Committee. City Council expressed appreciation to the Committee for its assistance. Certificates of Appreciation were presented to the Ad Hoc Citizens Finance Advisory Committee members.

Recognition – Soyfoods of America

Mayor Paras-Caracci presented a Certificate to Laura Lee from Soyfoods of America for receiving the L.A. County Sanitation Districts' "2018 Good Corporate Citizen Award," and congratulations were extended.

Presentation – L.A. County New 2020 Voting System

Terina Keresoma, L.A. County Registrar-Recorder's Office, presented an overview of Los Angeles County's new 2020 voting system "Voting Solutions For All People," and discussed the new voting experience, ballot marking device, vote centers, and voting period, and stated a demonstration center is located at Duarte High School this month.

ANNOUNCEMENTS

Ceci Carroll announced Duarte High School Show Choir concert on November 21.

Rana Madain, Duarte Chamber, announced Chamber events, programs, breakfasts, and meetings in November.

Joanna Gee, Duarte Library, announced upcoming programs, story times, events, and classes in November.

Victoria Rocha announced community events, activities, and meetings in November and December.

Craig Hensley introduced Ivan Galeazzi, the City's newly hired Associate Planner. City Council welcomed Mr. Galeazzi.

Fasana announced donation opportunities are still available for the Walk For Hope event.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Adam Knight – Security, burglaries, letter of agency.

Andrew Raubitschek – Duarte wilderness preserve.

Fasana suggested we work with the Chamber to notify merchants about letters of agency. Paras-Caracci suggested there could be an update at a future meeting.

CONSENT CALENDAR

Fasana moved, Kang seconded to approve the Consent Calendar as follows, and carried unanimously by those present.

Approve Items B, C, E.

Remove Items A, D.

ITEMS REMOVED
Item A – Minutes

Finlay inquired about requiring speakers to give their names (Cosgrove responded), and welcomed the Mayor back.

Reilly stated she would like the minutes to include that she inquired about the senior center roof leak in February/March, she asked why repairs were not added to the 2019/20 budget workshop for discussion, and Enriquez responded.

ITEM A – APPROVED

Kang moved, Finlay seconded to adopt the minutes, as amended to include Reilly's request as stated above, and carried unanimously by those present.

Item D – Gentry Brothers, Inc.

Amanda Hamilton, Public Works Manager, answered questions about types of ramps.

ITEM D – APPROVED

Reilly moved, Fasana seconded to award the contract to Gentry Brothers, Inc., in the amount of \$41,080 for Removal of Architectural Barriers for ADA Improvements FY 2019-20, and carried unanimously by those present.

Mayor Paras-Caracci suggested if City Councilmembers have questions about Agenda items, it may be appropriate to ask them of staff in advance so they can give a specific answer.

RESOLUTION

Council Bill 19-R-29

Councilmembers' Absences

Mayor Paras-Caracci read by title Council Bill 19-R-29:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE SETTING A POLICY FOR HEARING, DISCUSSING, AND EXCUSING COUNCILMEMBERS' ABSENCES

Enriquez presented the staff report, answered questions from Councilmembers, and noted the City Manager would report any communication received by a Councilmember(s), and the City Council could approve the absence(s) at the beginning of the meeting.

Lino Paras discussed allowable absences, comments made at previous meeting, public official's privacy, and Government Code procedures.

RESOLUTION NO. 19-29

Finlay moved, Fasana seconded to adopt Resolution No. 19-29, and carried unanimously by those present.

URGENCY ORDINANCE

Council Bill 19-O-06

Temporarily prohibits tenant termination without cause

Mayor Paras-Caracci read by title Council Bill 19-O-06:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937, TEMPORARILY PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT "JUST CAUSE" THROUGH DECEMBER 31, 2019 (URGENCY)

Cosgrove presented a detailed staff report about the proposed Urgency Ordinance, and stated passage requires a 4/5 vote of the City Council, which would require six affirmative votes at this meeting, with the absence of Councilmember Urias.

Nance Parry stated she is a tenant at Huntington Oaks, she has received a 60-day notice, a number of other cities have passed a moratorium, and asked City Council to help.

Lawrence Stone, owner/manager of Huntington Oaks, stated

Ms. Parry is not being evicted, a 60-day notice is different than an eviction, discussed rent control, increased maintenance costs, rent increases, landlord and tenant perspectives, stated landlords need capital and rents coming in, and answered questions from Councilmembers.

There was discussion about rent control, homelessness, challenges, shortage of housing, and existing law. It was noted that if adopted, this Urgency Ordinance would sunset when the State law takes effect.

Fasana moved, Reilly seconded to adopt the Urgency Ordinance, and failed by the following Roll Call vote:

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

NOES: Kang

ABSENT: Urias

Fasana moved, Finlay seconded to bring back the ordinance as a non-urgency ordinance as quickly as we can.

There was discussion.

Kang moved, Reilly seconded to reconsider the vote on the Urgency Ordinance, and carried by the following Roll Call vote:

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

NOES: None

ABSENT: Urias

Fasana withdrew his motion to bring back the ordinance as a non-urgency ordinance.

ORDINANCE NO. 894 (URGENCY)

Finlay moved, Reilly seconded to adopt Urgency Ordinance No. 894, and carried by the following Roll Call vote:

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

NOES: None

ABSENT: Urias

PUBLIC HEARINGS Community Development Block Grant (CDBG) FY 2020/21

Mayor Paras-Caracci announced this was the time and place set for a Public Hearing to consider this item.

Notice of the hearing was given, the affidavit is on file, and no written communications were received concerning the item.

Tina Gall, CDBG Consultant, presented the staff report about the request pertaining to the FY 2020/21 CDBG budget.

Mayor Paras-Caracci asked if there was anyone in the audience who wished to speak on the matter. As there were none, the Public Hearing was closed.

Finlay moved, Reilly seconded to (a) Allocate \$148,698 in new CDBG funding and allocate previously unspent CDBG funds from prior years in the amount of \$72,726 for a total of approximately \$221,424 to remove architectural and/or material

barriers to improve safe paths of travel for elderly and/or severely disabled adults through the installation of Americans with Disabilities Act-Compliant (ADA) accessible improvements at City Hall; (b) Authorize the City Manager to execute all necessary contract documents in a form approved by the City Attorney; and (c) Authorize staff the ability to make adjustments to projects due to final funding allocations and/or as needed due to programmatic interpretations by the Los Angeles County Community Development Authority (LACDA), and carried with five members voting yes, Kang not on the dais, and Urias absent.

Duarte Station Specific Plan
Council Bill 19-R-24
Final EIR

It was determined that Items 16B and 16C would be considered concurrently. Mayor Paras-Caracci announced this was the time and place set for a Public Hearing to consider these items.

Council Bill 19-R-25
General Plan Amendment 19-01
Council Bill 19-O-04 (1st reading)
Zone Change 19-01
Council Bill 19-O-05 (1st reading)
Mun. Code Amendment 19-01

Craig Hensley presented a detailed staff report about the Duarte Station Specific Plan, including amendment of the plan, changes since the plan adoption in 2013, and upcoming changes.

Genevieve Sharrow, MIG Project Manager, presented a Power Point describing the 2013 Specific Plan background, 2019 Specific Plan amendment, goals, phasing, development scenario, residences at Duarte Station, environmental review, subsequent EIR findings, and a comparison of traffic impacts.

Council Bill 19-R-26
TTM 82518
Council Bill 19-R-27
Site Plan/Design Review
1700 Business Ctr Dr – 344 units
Council Bill 19-R-28
Site Plan/Design Review
1750 Business Ctr Dr – 275 units

Jason Golding, Planning Manager, presented information about the proposed subdivision of the property located at 1700 Business Center Drive, and the Site Plans and Design Reviews for two multiple-story, luxury, market-rate apartments, called The Residences at Duarte Station.

Notice of the hearing was given, and the affidavit is on file. In addition to the written correspondence received that is included in the staff report and Agenda packets, a 9-page letter was received on November 12, 2019, from Mitchell M. Tsai, of which copies have been provided to City Councilmembers, and copies are available to the public in the Public Agenda Folder.

Mayor Paras-Caracci asked if there was anyone in the audience who wished to speak on the matter.

Matt Waken, MW Investment, stated he has worked on this project for 18 months, he believes in it, it meets RHNA and State goals, changes have been made with specific plans in the San Gabriel Valley with the construction of the Goldline, it is critical for housing stock, it will bring many positive benefits to the community, both projects are top quality, it is the right time in the market, there is additional potential for biotech use, the entire project team is present if City Council would like them to speak, and thanked staff who worked with him on this project.

Judy Eschman, Rexford Industrial, stated they manage the properties affected by this project, she is concerned with her property and nine tenants right next to the residential unit, a number

of trucks come into the property daily, the area is narrow, asked for an extended 30 days, there is a hardship on the tenants and how they are going to do business on a daily basis, they want to work with the developer, and in response to questions by City Council, stated they have been looking at the plans in more depth than in the past, they are concerned with how the trucks are going to turn, there is an easement between the properties, asked how will this affect them, there is a sidewalk going in, they have a number of questions, they want to work with everybody, and 30 days will allow for more studying and discussions on how to reroute the trucks on a daily basis.

J. D. Bartow, Rexford Industrial, stated they need more time to study the changes and impacts of the proposed amendment such as additional setback requirements on the rail side and on Highland, they are concerned about the paseo requirement at 1525 Highland, it cuts the site in half, they are concerned about the potential decrease of usable space or limiting the development flexibility, there is an issue about the omission of street standards that were included in the 2013 plan but have been taken away as they contribute to the ingress/egress of trucks, and they have questions about status of the proposed access road.

David Cordero, representative from Southwest Regional Council of Carpenters, stated you will be negatively impacted by the environmental impact, they oppose the project, City Council must remand this back to the Planning Commission, the City never properly noticed the Carpenters of the 10/21/19 Planning Commission hearing, the EIR failed to describe the tentative tract map and site plan, the SEIR project description is inadequate, there are no plans as to how mitigation will be carried, asked for whom this is financially feasible, they are concerned about the lack of rent restricted or affordable housing which is needed for working class people, this project does not propose any housing be set aside for working class or lower income residents, and requested this be sent back to the Planning Commission for additional consideration.

Lino Paras stated the traffic number seems to be exact, it's reasonable to ask for time, there is an issue with the sidewalks, they are accessible to the public, asked what is the impact on street vendors, and stated overall, he would like City Council to proceed with the project.

Sheryl Lefmann, on behalf of the Chamber, asked for Council's support and offered the Chamber's support, stated the project is sound, it will reap benefits from an economic and business standpoint, she was on the Planning Commission in 2013, and asked City Council to support this and to adopt the resolutions.

Steve Hernandez stated he is not clear about the complaints, he has worked on CEQA reports, what is required needs to be met before it is approved, and inquired if it has been submitted and reviewed by agencies.

Manoj Patel stated he served on task forces since 2013, commended MIG on the presentation and report, stated it is Duarte's time now, it is not by chance that this development is here today, we are competing with other cities, it encapsulates what the task force thought of in 2013 and was reconfirmed in 2019, and he is sure there a way to work with the neighbors as well.

Matt Waken responded to comments and questions, stated the adjacent property owners have gone through the design concepts with them, he does not agree there is a reason to continue this for 30 days, if there are some issues with the form and character of the specific plan, Chapter 5 of the plan allows minor modifications, he can work with them and staff to get the matter resolved, regarding truck turns and neighbors adjacent to the project, stated there is a total 40-foot wide shared easement area which has been respected 100%, they have met with them over the last 14 months, with respect to the Carpenters Union, stated he has confidence in the EIR, it is a supplemental report to a previous one that was approved and not challenged, and he hopes City Council will vote on the matter tonight.

There was discussion about flexibility within the plan, the rights of the current owner, and ability to work out logistics.

The following responses were provided in response to questions from City Council:

Judy Eschman stated they realized the problem on September 19 when they asked for the truck turn radius, they received information on October 11 and realized a potential problem, they need to consider the tenants right now, not in the future, and stated the survey was provided by the developer.

J. D. Bartow stated he is mostly concerned about the sidewalk within the easement, if it is curbed, it would violate the easement and inhibit truck turning, and if it is not curbed, it would violate overreaching goals of providing a pedestrian oriented environment or giving precedence to pedestrians.

Matt Waken stated there is no issue about the curb on the sidewalk, he provided the truck turning radius to Rexford, and he has 100% respected the driveway easement shared by Rexford.

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

Cosgrove addressed and responded to each of the items in the letter received today from Mitchell M. Tsai pertaining to project description, allegation of no description for the tentative tract map, traffic mitigation measures, placement of homes within 1,000 feet of freeway, RHNA and no commitment for affordable housing, noise mitigation standards, HAZ-1 asbestos survey, HYD-1 hydrology measure, WAT-1 potential impacts to water supply, HAZ 3-7 future soil testing, and noticing requirements, and stated the City is in a position to go forward should that be the Council's wish.

There was discussion about the demand and need for housing, range of housing to help meet needs, easements having been respected, creation of jobs, biotechnology hub, expansion of City of Hope, positive development, possibility of allowing 30 more days to see a mutual agreement, State mandate to plan for housing, the State wanting us to build 1,000 housing units in the City, importance of local decisions, location, proposed hotel projects, and role of the City Council as visionaries.

Cosgrove read by title Council Bill 19-R-24:

A RESOLUTION OF CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE DUARTE STATION SPECIFIC PLAN AND ITS RELATED IMPLEMENTING ACTIONS AS ADEQUATE AND COMPLETE, APPROVING CERTAIN FINDINGS RELATED THERETO, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS

RESOLUTION NO. 19-24

Fasana moved, Finlay seconded to adopt Resolution No. 19-24, and carried unanimously by those present.

Cosgrove read by title Council Bill 19-R-25:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING THE LAND USE ELEMENT OF THE CITY'S GENERAL PLAN (G.P.A. 19-01) TO ADDRESS CHANGES IN THE DUARTE STATION SPECIFIC PLAN RELATED TO A CHANGE IN BUILDOUT DENSITY

RESOLUTION NO. 19-25

Finlay moved, Reilly seconded to adopt Resolution No. 19-25, and carried unanimously by those present.

Cosgrove read by title Council Bill 19-O-04:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING AND ADOPTING THE AMENDED DUARTE STATION SPECIFIC PLAN, DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE, AND DEPICTING THE CONCEPTUAL DEVELOPMENT SCENARIO FOR THE PLAN AREA, GENERALLY LOCATED AT THE NORTHWEST CORNER OF DUARTE ROAD AND HIGHLAND AVENUE (1801 HIGHLAND AVENUE, 1700 BUSINESS CENTER DRIVE, AND 1716 EVERGREEN STREET) (ZONE CHANGE 19-01) (First Reading)

COUNCIL BILL 19-O-04
(Introduced for First Reading)

Finlay moved, Kang seconded to introduce Council Bill 19-O-04 for first reading, and carried unanimously by those present.

Cosgrove read by title Council Bill 19-O-05:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING MUNICIPAL CODE AMENDMENT 19-02, AMENDING CHAPTER 19.22 OF THE DUARTE DEVELOPMENT CODE, TABLE 2-15, WHICH IDENTIFIES ADOPTED SPECIFIC PLANS (First Reading)

COUNCIL BILL 19-O-05
(Introduced for First Reading)

Finlay moved, Reilly seconded to introduce Council Bill 19-O-05 for first reading, and carried unanimously by those present.

Cosgrove read by title Council Bill 19-R-26:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING VESTING TENTATIVE TRACT MAP 82518, A SUBDIVISION OF A 7.75-ACRE PARCEL INTO TWO LOTS (SMA 19-02)

RESOLUTION NO. 19-26

Finlay moved, Reilly seconded to adopt Resolution No. 19-26, and carried unanimously by those present.

Cosgrove read by title Council Bill 19-R-27:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING SITE PLAN AND DESIGN REVIEW CASE 19-37 TO THE CITY COUNCIL, FOR A 344-UNIT, MULTIPLE STORY, APARTMENT BUILDING, STRUCTURED PARKING AND ASSOCIATED SITE IMPROVEMENTS, LOCATED AT 1700 BUSINESS CENTER DRIVE (SPDR 19-37)

RESOLUTION NO. 19-27

Reilly moved, Finlay seconded to adopt Resolution No. 19-27, and carried by the following Roll Call vote:

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

NOES: Kang

ABSENT: Urias

Cosgrove read by title Council Bill 19-R-28:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING SITE PLAN AND DESIGN REVIEW CASE 2019-38 TO THE CITY COUNCIL, FOR A 275-UNIT, MULTIPLE STORY, APARTMENT BUILDING, STRUCTURED PARKING AND ASSOCIATED SITE IMPROVEMENTS, LOCATED AT 1750 BUSINESS CENTER DRIVE (SPDR 19-38)

RESOLUTION NO. 19-28

Reilly moved, Finlay seconded to adopt Resolution No. 19-28, and carried by the following Roll Call vote:

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

NOES: Kang

ABSENT: Urias

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.

Steve Hernandez – Mayor's return, attendance, democracy.

Lino Paras – Councilmember outreach, staff.

REPORTS/COMMUNICATIONS
FROM COUNCIL/MANAGER/
ATTORNEY

COSGROVE: Stated the hearing for attorney's fees regarding the stormwater litigation is this Friday, and welcomed the Mayor back.

ENRIQUEZ: Welcomed the Mayor back.

FASANA: Asked that we look into SB 743 passed in 2013 pertaining to transit oriented development, the San Gabriel Valley COG provided information about it, and he feels we may need to do something this year to meet the guidelines, stated the murals at the Teen Center are incredible, asked that we recognize the participants who worked with the Rebuilding Together SGV Foothills team on the Lewiston residence project, stated he was asked if vaping is illegal in the City, suggested we could look at that, wished former President Carter well, and welcomed the Mayor back.

LEWIS: Congratulated Councilmember Reilly for graduating from CERT, and thanked Anthony Dixon for providing bags.

FINLAY: Stated her father-in-law passed away, he fought at the Battle of the Bulge, and she is glad the Mayor is back.

KANG: Stated he missed the Mayor and wishes her the best of health.

REILLY: Stated she would like certificates presented to those who helped with the Rebuilding Together SGV Foothills rehabilitation project.

PARAS-CARACCI: Congratulated staff for receiving recognition from the LAEDC, stated economic development is human development, thanked Tipping for Orange Blossom Park, and stated she is happy to be back.

MEETINGS AND EVENTS ATTENDED

In addition to the meetings/events reported on the Agenda, the following attendance events were announced:

Fasana – Walk for Hope, Veteran’s Day event, Eddy Awards, Unity March, meeting with Sheriff Villanueva, Santa Teresita Gala, Rebuilding Together project event.

Lewis – Walk for Hope, Unity March, CERT class, Eddy Awards.

Finlay – Red Ribbon walk, Santa Teresita Gala.

Reilly – Rebuilding Together event, meeting with seniors.

Paras-Caracci – Unity March, Walk for Hope, Congressman Napolitano’s First Responders event, Eddy Awards, Veteran’s Day event, ribbon cutting for Tipping Development.

ADJOURNMENT

The meeting was adjourned at 12:05 a.m. (11/13/19) in memory of Deputy Joshua Burks, Robert W. Finlay, Fred Krinke, Mary Young, Marvin Gross, and Bernard Tyson, to Monday, November 18, 2019, at 11:30 a.m. (Workshop – FM3 post education survey results).

Mayor Tzeitel Paras-Caracci

City Clerk

11/12/19