

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 – SEPTEMBER 24, 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 Paras-Caracci called the meeting to order at 6:01 p.m.

RECORDATION OF ATTENDANCE

The following were in attendance:

PRESENT: Fasana (arrived at 6:06 p.m.), Finlay, Kang, Lewis, Reilly, Urias, Paras-Caracci (left at 8:35 p.m.)

ABSENT: None

ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Cosgrove

ADOPTION OF AGENDA

Reilly moved, Finlay seconded to adopt the Agenda, as amended to consider Item 14 (Public Hearing) after Item 7 (Public Report of Closed Session), and carried unanimously by those present.

CLOSED SESSION Public Employee Appointment Interim Successor City Manager

Lillian Cabral, SEIU Duarte Chapter, read a letter from the City Employees Union, stated employees support a smooth transition for a new City Manager utilizing the recruitment process, they are concerned about the possible appointment of an interim, survey results were 24 to 5 supporting no interim, and requested any vote be conducted in open session.

Steve Hernandez stated he supports Lillian, if we do it other than what was planned, it will send the wrong message, there is a professional and ethical responsibility to let the City Manager finish his contract, and he feels it is critical for him to remain.

Lois Gaston asked that others be treated as one would want to be treated, the end result of negativity would turn Duarte upside down, this is not the time or place for that, Duarte deserves the best, asked that how the City Manager is chosen be considered, and stated anything other than that looks and seems vindictive.

Nady Machling, L.A. Regional Agency and SEIU, asked Council to do the right thing, to avoid scandal and drama, expressed concern about City Council making an Interim City Manager appointment rather than allowing a full and honest recruitment process, re-read a portion of the Union letter, and stated Union members would like to see Mr. George meet his obligation and help the new City Manager transition into that role.

It was clarified that Mr. George is not a member of the Union, the recruitment process will continue, Mr. George will continue to be an employee through the end of the year, nothing Council might consider will impact his tenure or the recruitment process, and at this point, no action has been taken.

City Attorney Cosgrove announced the Closed Session was pursuant to Government Code section 54957(b)(1); Public Employee Appointment – Interim Successor City Manager. The Closed Session concluded at 7:52 p.m. City Council reconvened at 7:53 p.m. with six members present, and Lewis on the dais at 7:55 p.m.

PLEDGE TO THE FLAG	Ret. Major Stuart Chan led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	Paras-Caracci provided a moment of reflection.
FITNESS/MENTAL WARM-UP	Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION	Cosgrove announced that the City Council voted to appoint Manuel Enriquez as Interim Successor City Manager, effective September 26, 2019, with Fasana, Paras-Caracci, Finlay, and Urias voting in the affirmative, and Kang, Reilly, and Lewis voting in the negative.
CONSENT CALENDAR Item G Council Bill 19-R-20 Debt Management Policy	Cosgrove requested that Council Bill 19-R-20 (Consent Calendar Item G) be considered prior to the Public Hearing, with Council concurrence. Council Bill 19-R-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ADOPTING A DEBT MANAGEMENT POLICY
RESOLUTION NO. 19-20	Reilly moved, Fasana seconded to adopt Resolution No. 19-20, and carried unanimously.
PUBLIC HEARING Contracts and Agreements with Climatec and U.S. Bancorp Infrastructure Modernization	Mayor Paras-Caracci announced this was the time and place set for a Public Hearing to consider this item. George stated the following two corrections were made to Exhibit D (Financing Agreements): On Exhibit 1 (Property Description and Payment Schedule) – The interest rate was corrected to 2.42%. On Exhibit A (Property Description) – The item “Irrigation Master Valves & Flow Sensors” was added to the Scope of Work. Karen Herrera presented the staff report about the contracts and agreements. Ashley Cascio, Climatec, answered questions from Councilmembers. Notice of the hearing was given, the affidavit is on file, and no written communications were received concerning the item. Mayor Paras-Caracci asked if there was anyone in the audience who wished to speak on the matter.

Steve Hernandez stated he is an advocate of this project, it is meeting our fiscal emergency, and he hopes City Council will support it.

Lino Paras stated he disagrees, City Council does not have the technical knowledge to analyze this without a third party, discussed solar energy and electric cars, stated it is speculative, and City Council better think twice.

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

There was discussion about decreased costs, saving money, revenue measure, and reduced operating expenses.

Reilly moved, Lewis seconded to authorize an Energy Performance Contract and Measurement and Verification Agreement with Climatec, LLC, and a Master Tax-Exempt Lease/Purchase Agreement with U.S. Bancorp Governmental Leasing and Financing, Inc., and make the finding that the project is exempt from the California Environmental Quality Act under CEQA Regulations Section 15301, relating to existing facilities, and carried by the following Roll Call vote:

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

NOES: Finlay

Mayor Paras-Caracci stated she received a request to speak on the Closed Session item, and will allow it.

Lino Paras stated he burst into the Closed Session because people were waiting, he hopes the selection of the Interim City Manager is a neutral decision, feels the next City Manager should come from the inside, the consultant is a buffer, City Council uses a buffer so they cannot be blamed, and suggested two qualified City staff members be considered.

RECESS

Mayor Pro Tem Kang assumed the Chair, and called a Recess at 8:35 p.m. City Council reconvened at 8:41 p.m., with six members present, and Paras-Caracci not present for the balance of the meeting.

SPECIAL ITEMS

Presentation – Edison Company Wildfire Mitigation Plan

Sal Ramirez, Southern California Edison Company, presented a PowerPoint about Edison's commitment to keep communities safe from wildfires, including legislation, regulations, Duarte circuit map, strategy, power safety and power shutoff, weather modeling, and investing with communities.

David Gallivan, Public Services Commission, stated he thinks we should revisit the conversation about high-voltage lines, maybe it's time to put them underground, it would be safer, and suggested perhaps asking the State for more leeway.

There was discussion about mitigating risks, number of fires, undergrounding of utilities, and suppression system in high fire areas.

Update – L.A. County 2020
New Voting Procedures/Mock
Election

Karen Herrera presented information and showed a video about the Los Angeles County's new voting procedures beginning in 2020 and the Mock Election to be held at 50 locations throughout the County on September 28-29, with one being held locally at Pamela Park.

Public Safety update

Brian Villalobos presented the monthly Public Safety update, and answered questions from Councilmembers.

Fasana discussed the County possibly filing an amicus brief about the Boise ruling, and stated Council should have a discussion if we should proceed in that direction, and look at options of what we can do on a temporary basis where we might have more control. Lewis suggested staff could contact the CHP regarding its homeless program.

ANNOUNCEMENTS

Tina Heany announced Route 66 Parade on September 28, and upcoming Chamber events in September and October.

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

Karen Herrera announced upcoming community events, activities, meetings, and park programs in September and October, and stated the Commission recruitment process begins October 1.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Stuart Chan – Project at 2137 Huntington Drive.

Rita Kwasnick – Riverbed solutions and suggestions.

Terry Lee and Sherry – Hotel at 1230 Huntington Drive.

Steve Hernandez – Proposed hotel site.

Karen Vance – Homelessness, fires.

Urias asked for a report back regarding the property at 2137 Huntington Drive. Kang suggested there could be a systematic reporting to understand issues with projects in the City.

CONSENT CALENDAR

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

Approve Items B, C, D, E, I.

Receive and File Item H.

Remove Items A, F.

(Note: Item G was approved earlier in the meeting)

ITEMS REMOVED

Item A – Minutes

Reilly stated under "Reports/Communications," it should read "Reilly stated she would not be in favor of Duarte being in the San Gabriel Mountains National Recreation Area" rather than "National Monument."

ITEM A – APPROVED

Fasana moved, Kang seconded to approve the minutes, as amended, and carried unanimously by those present.

Item F – Release of Subdivision
Bonds – Tract Map 74365

Hensley presented a staff report about the item.

ITEM F- APPROVED

Reilly moved, Urias seconded to approve the release of subdivision bonds (Tract Map 74365) for construction improvements at Third Street and Oak Avenue, and carried unanimously by those present.

REPORTS/COMMUNICATIONS
FROM COUNCIL/MANAGER/
ATTORNEY

COSGROVE: Stated the City of Duarte prevailed in the stormwater litigation, attended the preliminary hearing in San Francisco on the Cal Am matter, and stated the judge set February 20 as the deadline to submit evidence.

Finlay asked if Rich Montevideo could provide information to the Council about the Cal Am matter. Cosgrove stated a Closed Session could be held.

GEORGE: Congratulated Rich Montevideo on his efforts in the stormwater litigation.

FASANA: Stated the stormwater litigation was a huge commitment by our City, congratulated staff, and asked that the National Recreation Area boundary item be brought back.

LEWIS: Stated he hopes the Mayor and Councilmember Urias feel better, and thanked staff for help with his requests.

FINLAY: Inquired if “no smoking” signs can also include “no vaping,” and provided an update on the Regional Housing Needs Assessment.

URIAS: Stated bulky items are often left on Duarte Road, inquired if Burrtec checks or schedules pickups for that, asked about the trees in the project across from the Bank of America (Hensley responded), and stated there were some complaints about the Gold Line schedule or resynchronization at Buena Vista and Duarte Road (Fasana responded).

REILLY: Stated she is thrilled to hear we prevailed in the stormwater litigation.

KANG: Stated tentative tract maps mean economic development, staff works hard on a number of projects, he is looking forward to the new hotel, some are having issues getting entitlement, we need a systematic approach, encouraged staff to work together as a team to make our City better, thanked his colleagues, and stated Planet Fitness is a great addition to the City.

MEETINGS AND EVENTS
ATTENDED

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

Reilly – Maryvale dinner event, Duarte Senior Center class, Chamber breakfast, Planet Fitness ribbon-cutting, community

clean-up, UCLA/Oklahoma game.

Fasana – Household Hazardous/bulky item/shred event.

ADJOURNMENT

Urias moved, Reilly seconded to adjourn the meeting at 10:20 p.m., and carried unanimously by those present.

Mayor

ATTEST:

City Clerk