

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 – AUGUST 11, 2015

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 7:07 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana, Finlay, Kang, Reilly, Paras-Caracci ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Melching
ADOPTION OF AGENDA	Finlay moved, Reilly seconded to adopt the Agenda, and carried unanimously.
PLEDGE TO THE FLAG	Luisa Flores led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Fasana and Finlay provided the warm-up.
SPECIAL ITEMS Proclamation–Voting Rights Act 50 th Anniversary	Mayor Paras-Caracci read and presented the Proclamation for the 50 th Anniversary of the Voting Rights Act to Gary Moody, President of the Pasadena Branch of the NAACP. Jack Ochoa discussed polling place locations for voters south of Duarte Road. Fasana asked for a staff report and analysis about the polling place locations that were discussed. Lino Paras stated some areas are beyond the jurisdiction of Duarte, and the County is responsible.
Presentation–SGV Mosquito and Vector Control District	Jason Farned, SGV Mosquito and Vector Control District, presented a PowerPoint about West Nile virus and invasive mosquitoes, including prevention, species, suggestions, sterile male release program, and emptying of swimming pools. Fasana asked that the presentation be linked to the City's website. Lino Paras stated seniors have a less immune system, there are many mosquitos in his neighborhood, and he would like Vector Control to be more creative.
ANNOUNCEMENTS	Joanna Gee, Duarte Library, announced upcoming reading programs, events, and story times for August and September. Karen Herrera presented community announcements about City events, celebrations, and activities in August and September.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.
Lino Paras – Watering schedule.

CONSENT CALENDAR

Finlay moved, Kang seconded to approve the Consent Calendar, as follows, and carried unanimously.
Approve Items A, B, C, D, E, G, H, J.
Receive and File Item F.
Remove Item I.

ITEM REMOVED – Item I SCE Street Light Acquisition

Fasana declared a conflict of interest and left the building. Craig Hensley presented a staff report about the item.

Finlay moved, Kang seconded to approve the expenditure of \$10,000 to Southern California Edison Company for the Street Light Acquisition Program, and a related General Fund budget amendment, and carried with Fasana absent from the vote.

Fasana returned to the room and resumed his Chair on the dais.

APPEAL

Roxana Ponce De Leon c/o
Bellagio Fountain of Youth
Business License Revocation

Melching stated this item is an appeal about the revocation of a business license, the City Council sits as fact finders, judge, and jury, the City Attorney is the moderator, the City Council's role is to receive information, the only issue tonight is the Finance Director's decision to revoke the business license of Roxana Ponce De Leon c/o Bellagio Fountain of Youth, and the decision to be made tonight is if the revocation should be upheld.

Ed Meyer stated he is present to facilitate the communication between the City Council and Ms. Ponce De Leon, as she does not understand business English, and stated she stands on one document from the City dated July 29, 2015, stating there is one violation.

Matthew Silver, Silver & Wright, representing City staff, presented a brief overview of why the Finance Director's decision should be upheld, stated the Duarte Municipal Code provides for revocation when appropriate, the three applicable circumstances are if the business license was obtained by misrepresentation (the nature of the business was misrepresented as the business license application lists coaching, nutrition, and weight loss control, and the actual use was massage), violations of the Duarte Municipal Code, resolutions, or ordinances of the City (massage business was operating during a moratorium prohibiting any massage businesses in the City), and when the business operation is different than what is listed on the business license (the license was issued for coaching, nutrition, and weight loss control, and during an undercover operation, it was confirmed that it was actually being utilized for massage, as a representative from the City received a 1½-hour massage there, and there were online advertisements and reviews about massages provided at this business).

Larry Breceda, Public Safety Manager, provided testimony about the misrepresentation of the business license, including a time-

line of previous communications with Ms. Ponce De Leon about massage, the moratorium, her request for exemptions, his advice to wait until the moratorium was over to apply for a massage license, stated there were no problems communicating over the phone, they both spoke in English, she did not ask for an interpreter, she received a license for a wellness center, Public Safety received a complaint that massage was being conducted at the address (1740 Huntington Drive #102), he conducted several inspections and online research, there was advertising for massages by appointment only, there were reviews about massages received, discussed the undercover operation, stated Ms. Ponce De Leon admitted conducting massages for over one year, he observed an unpermitted shower room addition, listed a number of citations that were issued, and stated a Business License Revocation Hearing was held on May 13, 2015, and the license was revoked.

Susie Ledesma, Public Safety Department, provided testimony and a timeline about calling Bellagio and making an appointment for massage, including appointment date, cost, type of service, and confirmation, discussed the circumstances on the date she received the massage, including the door to the business being locked upon arrival, the female who peeked through the curtain and unlocked the door introducing herself as Roxana Ponce De Leon, Ms. Ponce De Leon's statement that she had been doing massages at that location for one year and that she did not provide any weight management programs including acupuncture, described her 1½-hour massage, stated she paid \$60 cash and asked for a receipt, Ms. Ponce De Leon told her she did not have any receipts, she could return later and get one, stated Ms. Ponce De Leon unlocked the door, and then Ms. Ledesma left.

Matthew Silver stated even if the massage was done along with the licensed business, it was still a violation of the municipal code due to the moratorium prohibiting massage, there was no CUP then or now, there are no grandfathering rights, Ms. Ponce De Leon applied for a massage license two months after the moratorium, the business could ultimately operate by following the current code requirements, and requested that City Council uphold the revocation of the business license as the Duarte Municipal Code requires it, and there are at least three different bases for upholding the revocation.

Staff responded to questions asked by City Councilmembers pertaining to dates of massage activity, when informational tip was received, dates of business license application/denial for massage, specific dates and sequence of events for coaching, nutrition, and weight loss control license, and zoning retail license.

Roxana Ponce De Leon presented testimony and stated Mr. Yoo-hanna told her to go to City Hall and ask for a business license, discussed acupuncture, massage, nutrition, and weight control, stated she opened a wellness center, not only massage, she has

been in this business for 13 years, apologized for conducting massages, she was desperate to pay her bills, she received her applications and was told to get a fictitious name, she operated for seven years with no problems in Pasadena, she was told she needed certification, she cleaned and decorated the building, she applied for her business license in June, and in July she was told about the moratorium.

Roxana Ponce De Leon responded to questions asked by City Councilmembers pertaining to her previous business in Pasadena, her profession, her apology for performing massages, the moratorium on massage establishments, and dates on her applications.

Mayor Paras-Caracci asked if anyone in the audience wished to speak on the item.

Lino Paras stated the City is represented by a lawyer, she could be violating herself, he doesn't think there is enough time for City Council to make a decision tonight, it could be entrapment, and it could be a miscommunication.

Melching stated Ms. Ponce De Leon has had legal representation, the item tonight deals with revocation, Ms. Ponce De Leon is here voluntarily and asked for the appeal, this is not a criminal proceeding, entrapment is in criminal proceedings, this is a civil matter, the assertions did not have to do with inappropriate acts, only massage without the appropriate business license, and the decision to be made tonight is if the business license was properly revoked.

After deliberation, Fasana moved, Paras-Caracci seconded to uphold the determination of the City's Finance Director and to deny the appeal, with the friendly amendment that the appellant can apply for a business license and will not be treated with prejudice, and that a resolution memorializing the bases for the City Council's determination will be considered at the next regularly scheduled meeting, and carried by the following Roll Call vote:

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

NOES: None

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.
Steve Hernandez – Pro-active community.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

REILLY: Suggested Buena Vista south of Duarte Road be included in the bike routes, stated National Night Out at Encanto Park was a success and suggested it be rotated around to other parks, the city of Los Angeles is selling Ontario airport, and attended senior scam stopper forum at the Senior Center, Duarte Historical Museum exhibit, concert, Metro workshop, and Foothill Unity Center back-to-school event.

FASANA: Stated staff did a great job at National Night Out, requested an update on the first mile/last mile bike path and the Emerald Necklace project, and thanked staff, School District,

and City of Hope for the success of the student ROP program.

FINLAY: Attended Chapcare grand opening in Monrovia and ROP graduation, stated the new School Superintendent is the right person for the District, the transfer of the Ontario airport is supported by SCAG, and congratulated staff on the fine job and huge success of National Night Out.

KANG: Stated the ROP program is a hidden gem, invited all to attend the Duarte/City of Hope Station dedication, he wants to donate ten ham radios to the City and hopes kids will become involved, inquired about the status of the weeds at Central Avenue and 605 underpass (staff responded), and inquired about the status of the Edison service road.

PARAS-CARACCI: Thanked staff and the community for the success of National Night Out, she was deeply touched by the experience and closing ceremonies of the Special Olympics, inquired if there are programs of inclusion in our region, asked if there could be a sign at the Starbucks drive-through and inquired about a replacement market at the former Ralphs location (staff responded), attended Mayor's Youth Council meeting, the Golden Streets event is exciting, asked that staff look into the possibility of a farmer's market, with perhaps an item on the Economic Development Commission's agenda to start the discussion, stated she would like a policy guideline that allows the City to ask for sponsorships and feels it should come to Council if money or items are being requested, at the open house for Commissioners, she would like the Ad Hoc Committee, the Youth and Family Committee, and the Mayor's Youth Council to be invited, and that information be made available about how to file for City Council, including FPPC information, regarding the cancellation of the upcoming City Council election, stated all can campaign together, and she attended the ROP program and appreciates the partnership with the City of Hope.

ADJOURNMENT

The meeting was adjourned at 10:00 p.m.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE SPECIAL MEETING – AUGUST 18, 2015

CALL TO ORDER	The City Council of the City of Duarte met in a special meeting in the Duarte City Hall Conference Room, 1600 Huntington Drive, Duarte, California. Mayor Paras-Caracci called the meeting to order at 5:04 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Finlay, Reilly, Paras-Caracci ABSENT: Fasana, Kang ADMINISTRATIVE STAFF: City Manager George, City Attorney Melching
ADOPTION OF AGENDA	Finlay moved, Reilly seconded to adopt the Agenda, and carried with Fasana and Kang absent.
BUSINESS ITEM Council Bill 15-R-17 Appointment of Nominees 11/3/15 Election	There was no public input. Melching read by title Council Bill 15-R-17: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, PROVIDING FOR THE APPOINTMENT TO THE OFFICES OF THE CITY OF DUARTE THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 3, 2015
RESOLUTION NO. 15-17	Finlay moved, Reilly seconded to adopt Resolution No. 15-17, and carried with Fasana and Kang absent.
ADJOURNMENT	The meeting was adjourned at 5:07 p.m.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk