

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 – JULY 24, 2018

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 Fasana called the meeting to order at 7:07 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Kang, Paras-Caracci, Reilly, Fasana ABSENT: Finlay ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Cosgrove
ADOPTION OF AGENDA	Reilly moved, Kang seconded to adopt the Agenda, and carried with Finlay absent.
PLEDGE TO THE FLAG	Mayor Fasana led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	Reilly provided a moment of reflection.
FITNESS/MENTAL WARM-UP	Brian Villalobos provided the warm-up.
SPECIAL ITEMS WIN Participants – Workforce Investment Network Internship	Cesar Monsalve described the Workforce Investment Network internship program, thanked Teen Center Supervisor Marilyn Mays, Crime Prevention Special Aida Torres, and Teen Center Recreation Leader Jeremy Pascua, and introduced the youth participants.
Recognition – NAACP ACT-SO Medal Winners	Karen Herrera provided information about the delegation who attended the NAACP ACT-SO competition in San Antonio, and thanked sponsors and adult chaperones Tzeitel Paras-Caracci, Marilyn Mays, and Lois Gaston. Mayor Fasana presented certificates to the medal winners and participants, and congratulations were extended.
Recognition – 50 th Anniversary Jim and Kathy Kirchner	Cesar Monsalve introduced Jim and Kathy Kirchner, and presented their story. Mayor Fasana presented them a certificate and cake in celebration of their 50 th Wedding Anniversary, and extended congratulations.
Presentation – Annual Review Duarte Chamber of Commerce	Sheryl Lefmann, Duarte Chamber of Commerce, presented the 2017/18 Annual Review, including office move, management, participation, membership, events, partnerships, community awards, advocacy, and legislative/education events.
ANNOUNCEMENTS	Tina Heany, Duarte Chamber, announced upcoming Chamber events in July, August, and September.

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Joanna Gee, Duarte Library, announced the Library has a new website, and provided information about upcoming programs, story times, workshops, shows, and classes in July and August.

Karen Herrera announced the Senior Center is a cooling center, provided information about upcoming community programs, events, and celebrations in July and August, and announced the Duarte Route 66 Parade will be on September 22.

Sunil Jaysinghe announced debate event at the Elks Lodge on August 4.

Lois Gaston invited all to attend the Parade on September 22, and encouraged City Council members to submit their entry applications.

CONSENT CALENDAR

Kang moved, Paras-Caracci seconded to approve the Consent Calendar as follows, and carried with Finlay absent.

Approve Items A, B, C, D, F.

Remove Item E.

ITEM REMOVED

Item E – Proclamation
National Night Out

Brian Villalobos provided information about the events planned for National Night Out, which will be observed on August 7, 2018. Mayor Fasana presented the Proclamation to him.

ITEM E – APPROVED

Paras-Caracci moved, Reilly seconded to approve the Proclamation for National Night Out, and carried with Finlay absent.

BUSINESS ITEM

Discussion/Direction – Fireworks

George presented the staff report about required procedures to either place a measure on the November 2018 ballot pertaining to the banning of fireworks, or to enact a directly-enacted ban.

Cosgrove discussed the proposed ordinance pertaining to the directly-enacted ban, and fiscal impacts.

The following spoke:

-Linda Acosta – Need to ban fireworks, legal, illegal, pollution, PTSD, pets, neighboring cities ban them, respiratory issues, City of Hope, City of Health, ideas to make money for organizations.

-Mike Olson – Referred to common comments about keeping fireworks, number of citations for illegal, most from outside our City, statistics from previous years, will not stop all fireworks, it will suppress them, asking to cut it way back.

-John Kelly – TNT Fireworks, commented on consumer fireworks report, responses from Mayors, poll conducted, 11,000 voters, he sells legal products approved by the State Fire Marshal, he is not the villain.

-Danielle Van de Wetering Steiner – Number of citations not equal to illegal fireworks shot, how many fireworks collected were banned or safe/sane, public display costs \$2,000 per minute, need transition, air quality is worse now than on 4th of July, it is regional, provide another outlet first, can microchip animals.

-Michele Silence – Consumer fireworks do not belong in our

City, not safe, environment, cannot be policed, more than enough to warrant a ban, asking citizens to vote is irresponsible, you were made Councilmembers to decide things like this, why should citizens be asked to vote on something that leads to illegal activity, poll shows more than half don't want fireworks, ban fireworks.

-Steve Hernandez – Misinformation has been given, safe/sane fireworks use gunpowder, not carcinogenic, not hazardous, described newer pyrotechnics, not sold to public, doesn't agree with City Council making a decision, survey may be different today, needs to go to ballot.

-Lorraine LeBerthon – Her service dog wore ear muffs and was still frightened, couldn't work as service dog, fire risks, injuries, terrorized pets, affects those with asthma, autism, seizure disorders, damages property, trash, law enforcement is stretched, should not vote on something so obviously bad, City Council should ban fireworks.

-Patti Jo Kaye – Has enjoyed celebrating nation's birth for 60 years with fireworks, keeps pets in a safe place and calm, she and her neighbors celebrate together, it is a bonding community exercise, there are block parties, it's not just about raising money, the Sheriffs do a wonderful job, don't take that away.

-Deena Dragoo – Need to ban fireworks and support non-profits in other ways, need to fundraise, provide scholarships, she is a teacher, it behooves City Council to allocate funds instead of wasting \$20,000 on an election, make the change now, ban fireworks, we will help with a workshop to help organizations if fireworks are banned, if there is no ban on fireworks, then we will not assist with fundraising.

-Richard Amadori – Opposition says imposing a ban is unpatriotic, that is not the issue, those who ban fireworks continue to enjoy freedoms on the 4th of July, survey showed the majority of the community wants a ban, Sam Kang proposed the survey, 54% of Duarte residents think fireworks should be prohibited in the City, discussed patriotic fireworks display, majority rules, it will go against the majority if not banned, ban fireworks.

-Carie Osburn – Ban fireworks, credible information in the report, not good for the community, can still have community events without fireworks, if sales were banned, it will curb the use of illegal fireworks, ask that fireworks be banned.

-David Van de Wetering – Received over 250 signatures from those at three booths that shows support for fireworks, he volunteers for LULAC, the phone survey was with approximately 400 participants, over 20,000 residents in Duarte, not even 5%, he doesn't think the survey should be considered.

-Sarah Skinner – Asked City Council to do nothing, the survey was 400 people, the population is close to 22,000, that is around 2.5% of the City, online petition offered \$100 prize to the person who collected most signatures, unethical, City Council should consider the preference of all residents, fines from 31 citations in one day is 1½ times what it will cost to put on the ballot,

banning all fireworks changes nothing except prevent families from celebrating the 4th of July, ask to enforce laws already in effect, the holiday would not be complete without fireworks.

-Stacie Tang – Doesn't understand significance of signatures at the fireworks booth, one fundraiser grossed \$33,000 and netted \$3,500, doesn't understand how it's worth it, one large fundraiser could benefit all groups, need to work smarter, would love for them to be banned, increase in home insurance premiums, ban them, Monrovia did it with no problem, have a display.

-Lino Paras – There are four City Council present, pros and cons of fireworks, ballot, and ban, parade was not held one year, suggest moratorium for 2019, have independent company analyze result, see what happens, instead of banning or putting on ballot, study it for one year.

Fasana stated the results of the survey are valid, people change their minds, his preference is to go with the ballot, he would also support a ban, the bigger issue is illegal fireworks, provided data on PM 10 emissions, discussed fire season and climate change, and stated our motto is the City of Health.

Reilly stated the City of Los Angeles banned all fireworks and it has not solved noise/pollution problems, those who continue to disregard the law will continue, those who enjoy fireworks will be punished, many aerial displays were coming from Monrovia where fireworks are banned, banning legal fireworks has done nothing to stop illegal fireworks, it's taking away families' choice of how to celebrate, and she does not want to spend money on an election when that money can be used for programs.

Paras-Caracci stated she supported placing this on the ballot in 2016, she and her family celebrate with fireworks, she supports organizations that sell fireworks, she experienced illegal fireworks at Royal Oaks Park, 29 of 31 citations were issued to non-residents but given out at residential homes, there are more people actively vocal than those who attend Council meetings, organizations benefit from fundraising, disappointing to hear that one group will not help if one choice is made, she is supportive of the ballot, this is special and personal, people need to decide this, she is torn, and she would love to vote and allow her neighbors to do the same.

Kang discussed global warming and need for reducing carbon emissions, if fireworks embers light up a shrub, the mountain will be on fire again, his job is about public health and safety, we need to mitigate so animals and people with PTSD are not scared, need to respect people who served our country, the PM 10 was intense and very high, it's a sign of the times, we cannot continue on with something that will hurt us, we are the City of Health, he doesn't want to ban fireworks today without a solution for the organizations to fundraise, need to figure something out, he likes the idea of a City affair, could designate a location for safe and sane fireworks for those who want to use them, the

citation money is not free money, by November 6, there will be seven elected officials, he thinks it is more holistic for all seven to sit down and think about what is best, and there needs to be a solution about how to raise money.

Paras-Caracci moved, Fasana seconded to place a measure on the November 2018 ballot, asking the voters if the sale and discharge of all fireworks in the City shall be prohibited at all times, unless the fireworks are part of a public display.

There was discussion about finding a solution for the organizations, suggested formation of an Ad Hoc Committee, clear direction from the voters, workshop, not up to the City to provide a solution, and the City providing space and logistical support.

Cosgrove stated if the motion passes, the resolutions will need to be adopted.

The motion to place a measure on the November 2018 ballot, asking the voters if the sale and discharge of all fireworks in the City shall be prohibited at all times, unless the fireworks are part of a public display, carried by the following Roll Call vote:

AYES: Paras-Caracci, Kang, Fasana

NOES: Reilly

ABSENT: Finlay

Council Bill 18-R-25

Adding ballot measure to election
Fireworks – November 6, 2018

Cosgrove read by title Council Bill 18-R-25:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADDING TO THE PREVIOUSLY CALLED GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, A QUESTION TO THE VOTERS ABOUT PROHIBITING THE SALE AND DISCHARGE OF FIREWORKS IN THE CITY OF DUARTE; CALLING FOR THE HOLDING OF AN ELECTION; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE ELECTION

Cosgrove noted that if adopted, the City is required to submit a letter designation request form to the County, to identify the measure. It was determined that the letter designation would be at the discretion of staff, with guidance by the City Attorney.

Council Bill 18-R-26

Priorities for written arguments
(City Councilmembers) and
Impartial Analysis
(City Attorney)

Cosgrove read by title Council Bill 18-R-26:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) FOR A CITY MEASURE TO BE SUBMITTED TO QUALIFIED VOTERS AT THE GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 6, 2018, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

Cosgrove stated the City Council may authorize one or more of its members to write the primary arguments for and against the measure. If that is what Council decides, those names need to be written in on the resolution.

Council Bill 18-R-27
Rebuttal Arguments

Cosgrove read by title Council Bill 18-R-27:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENT(S) FOR A CITY MEASURE TO BE SUBMITTED TO QUALIFIED VOTERS AT A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 6, 2018

RESOLUTION NO. 18-25

Paras-Caracci moved, Fasana seconded to adopt Resolution No. 18-25, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Kang, Fasana

NOES: Reilly

ABSENT: Finlay

RESOLUTION NO. 18-26

Kang moved, Paras-Caracci seconded to adopt Resolution No. 18-26, and to have John Fasana write the argument in favor of the measure, and to have Liz Reilly write the argument against the measure, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Kang, Reilly, Fasana

NOES: None

ABSENT: Finlay

RESOLUTION NO. 18-27

Kang moved, Paras-Caracci seconded to adopt Resolution No. 18-27, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Kang, Reilly, Fasana

NOES: None

ABSENT: Finlay

Steve Hernandez thanked City Council for working together.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.

Donna Langley – Fireworks ballot measure.

Lino Paras – Fireworks ballot measure.

Steve Hernandez – Fireworks ballot measure.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

COSGROVE: Stated the storm water litigation hearing was continued to August 20.

GEORGE: Displayed the 2018/19 recently adopted City budget and thanked staff, thanked School of the Arts students for the artwork, and stated interviews are being held for the Public Safety Outreach Coordinator.

PARAS-CARACCI: Stated she hopes the Outreach Coordinator will work with the Chamber and businesses regarding homelessness, related an experience about a person needing medical care at a local restaurant, attended the dedication of the Montgomery plaque at the Historical Museum, congratulated Delafield Weld-

ing for the high school program, stated it is the filing period to run for office, she looks forward to a positive campaign and election season, and asked that the meeting be adjourned in memory of Wyatt James Hendrik-Herrera.

REILLY: Attended the CERT one-year anniversary meeting, asked that a sign or tablecloth be printed for them (Kang stated he will donate that), appreciates the new display racks at the Senior Center, attended the Montgomery plaque unveiling and Museum presentation about wildlife, thanked First Baptist Church of Monrovia for the exhibit cases at the Museum, attended water hearing in Orange County, the concert was great, and stated the Energy, Environmental, & Natural Resources Committee took a trip to Highway 39, and they are looking to re-open it.

KANG: Stated the budget looks nice and the numbers look good, thanked staff for being fiscally responsible, stated we're making Duarte better, and he and his family visited Croatia, where he met its President.

FASANA: Discussed world cup games, attended Foothill Pregnancy Resource Center dedication of its sonogram machine, attended Montgomery plaque ceremony and SGVCOG meeting, Assemblymember Rubio is sponsoring HR 113 and he would like to have this brought back for Council support, he is looking forward to the results of the COG study for service delivery cost comparison and asked that after receiving results, we look at a satisfaction survey, while wearing his Route 66 shirt on vacation, he met someone from Duarte, Metro will have an agenda item about charging for parking at the Duarte and Arcadia stations, discussed LA Times article about speed surveys in the San Fernando Valley, stated AB 2363 (Friedman) relates to speed and maybe we should bring it to the Council, and congratulated Cesar Monsalve on his upcoming retirement.

ADJOURNMENT

Paras-Caracci moved, Reilly seconded to adjourn the meeting at 10:52 p.m., in memory of Wyatt James Hendrik-Herrera, and carried with Finlay absent.

Mayor John Fasana

ATTEST:

City Clerk

07/24/18