

Azusa City Manager questions Duarte's motives, credibility regarding mining proposal

Daniel Tedford, San Gabriel Valley Tribune, 4-3-10

AZUSA - The city manager blasted his counterpart in Duarte after Duarte officials refused to disclose negotiations with a mining company.

Azusa City Manager Fran Delach believes Duarte and City Manager Darrel George have been negotiating in secret with Vulcan Materials Co. regarding a financial settlement over a proposal for Vulcan to move its mining operation closer to Duarte's border.

Azusa requested all documents relating to Duarte's discussions with Vulcan. Duarte last week handed over an approximately 18-inch-tall stack of papers, but none of the documents included settlement discussions.

In a letter to the Azusa City Council last week, Delach accused Duarte of negotiating in secret while Azusa was hashing out its agreement with Vulcan during public hearings, many of which were crowded with Duarte residents.

"We believe that Duarte representatives have initiated secret negotiations with Vulcan Materials and have asked for money in return for removing opposition to the project, all of this occurring while innocent Duarte residents spend countless hours at late-night Planning Commission meetings unaware of their leaders playing both side of the coin," Delach wrote in a letter to the Azusa City Council.

George did not return calls seeking comment.

Duarte Councilman John Fasana confirmed that he and other council members asked the city's staff to negotiate with Vulcan.

He declined to elaborate on how much money was on the table.

"The council has given direction on what it is looking for, but our staff has been leading the negotiation effort," Fasana said. "There has been an amount that has been contemplated, but I am not sure what the amount is."

Duarte officials have consistently said Azusa's review of the project did not include provisions that would punish Vulcan for failing to keep promises.

They also accused Azusa of failing to address many of Duarte's concerns.

A letter from Duarte City Manager Darrel George sent to Azusa last week and read at Duarte's March 23 council meeting outlines Duarte's desires:

At least \$20 million in performance assurances regarding Vulcan's environmental promises, land use control of Encanto Parkway and the 300-acre Shin property near the Azusa Rock Quarry, long term control of access to Fish Canyon falls, and an unspecified amount of money to establish a "community facilities fund."

In that same letter, George states litigation with Azusa may be the only option available to "protect the environment and the citizens of the San Gabriel Valley."

Fasana said Duarte continues to have concerns with Azusa's review of the operation.

"We have done substantial analysis and we are still using substantial analysis," Fasana said. "We have not seen anything that successfully mitigates the damage down throughout the region, let alone Duarte. We have raised issues... that we have not received answers to."

Officials with Vulcan would neither confirm or deny settlement negotiations with Duarte.

But, if there had been, they would want Duarte to make them public.

"For months, the city of Duarte has denied seeking financial incentives in order not to oppose our project. They have now indicated that conversations have occurred in that regard," Vulcan spokesman Todd Priest said. "We have always hoped that our project would be evaluated solely on the facts and we encourage the city of Duarte to join us in a transparent process and to stop hiding behind attorney-client privileges."

Vulcan has a permit to mine 190 acres near Fish Canyon. The company wants to exchange 80 acres of land on its eastern property line for the ability to mine 80 untouched acres near its western property line.

The 270-acre Vulcan property is in Azusa but rests near Duarte. For Vulcan to move forward, Azusa officials would have to approve Vulcan's plan to mine the undisturbed western 80 acres. The matter is scheduled to go before the City Council on April 19.

It is Delach's opinion that Duarte has intended to file a lawsuit against Azusa since the beginning, or use the threat of litigation in an attempt to gain financial benefit, Delach said.

Delach wrote in the report "Litigation or the threat of litigation (evidently) to achieve financial compensation appears to have always been their aim."