

MINUTES

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REGULAR MEETING – SEPTEMBER 26, 2006

At 6:00 p.m., a Closed Session was held (as stated below). Mayor Paras-Caracci called the meeting to order at 6:12 p.m. It was noted that Gaston and Fasana were not present at this time.

ADOPTION OF AGENDA

Reyes moved, Finlay seconded to adopt the Agenda, and carried unanimously.

CLOSED SESSION Redevelopment Agency

Slater announced the Closed Session is pursuant to Government Code Section 54956.8, Conference with Real Property Negotiators; Agency Negotiators: Darrell George, Ed Cox; Negotiating Parties: Redevelopment Agency of the City of Duarte and Affiliated Jacobsen Family Holdings 1, LLC; Herminia E. Jensen Trust; Chen Cheng Hsiung and Grace L.; Elm Properties, LLC; Ruben and Reina C. Morales; Eleonora Tardiff Trust; Dixon Mary A. Trust; Simon and Maria Guerrero; Thomas Metcalf and Karyn Obryant; Aurelio and Bernarda Bugarin; Under Negotiation: Price and terms of payment; Pertaining to the following properties generally located East of Mountain Avenue and North of Central Avenue, including on and in the vicinity of Bloomdale Avenue and Park Rose Avenue: APN 8530-012-025, 8530-012-026, 8530-012-027, 8530-012-028, 8530-012-029, 8530-012-037, 8530-012-038, 8530-012-039, 8530-012-040, 8530-012-041, 8530-012-042, 8530-012-043, 8530-012-044, 8530-012-045, 8530-012-046, 8530-012-047, 8530-012-067, 8530-012-001, 8530-012-002, 8530-012-003, 8530-012-004, 8530-012-005, 8530-012-006, 8530-012-007, 8530-012-008, 8530-012-009, 8530-12-010, 8530-012-031, 8530-012-032, 8530-012-073, 8530-012-074, 8530-013-003, 8530-013-004, 8530-013-018, 8530-013-007, 8530-013-006, 8530-013-005, 8530-013-040, 8530-013-041. The Closed Session concluded at 6:45 p.m.

The City Council/Agency Board 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 7:02 p.m.

RECORDATION OF ATTENDANCE

The following were in attendance:
PRESENT: Fasana, Finlay, Gaston, Reyes, Paras-Caracci
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager
George, City Attorney Slater

PLEDGE TO THE FLAG

Mayor Paras-Caracci led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION

A silent moment of reflection was observed.

FITNESS WARM-UP

Reyes led the group in a series of warm-up exercises.

ANNOUNCEMENTS

J. P. Harris announced Ladies Night event at Second Baptist Church on September 29.

K. C. Caracci and J. P. Harris, Route 66 Parade, presented a trophy for Best in Show to the Duarte in Bronze entry, thanked sponsors, and stated the City's website has a video feed of the parade.

Jonathan Chance stated the City's website is getting one-quarter million hits per month, and is the number one city on Apple's iTunes.

Jan Wight stated the Community Health Fair was well-attended, and announced Lunch Connection on October 11 at Villa Italia, Good Morning Duarte at Cabrera's, and Mixer on October 26 at SCE Credit Union.

Bryan Urias introduced himself as the new field representative for Hilda Solis, and distributed copies of her recent newsletter.

PUBLIC REPORT OF CLOSED SESSION

Slater stated the Agency Board met in a Closed Session pursuant to Government Code Section 54956.8, Conference with Real Property Negotiators, as stated above. The Agency Board, with Gaston absent, discussed terms for acquisition of the various properties and the terms under which those properties may be acquired, and unanimously voted (with Gaston absent) to direct staff to continue negotiations with Affiliated Jacobsen Family Holdings 1, LLC, and Herminia E. Jensen Trust, with no further action taken. Slater stated there would be a further report on the affected properties and the owner-participants later in the meeting (Item 16.C).

ORAL COMMUNICATIONS

The following spoke about items not on the Agenda:
Lino Paras – Parade cable casting and volunteers.
Felix Aguilar – Peace rally at Pamela Park on November 18.
Reyes suggested the Peace Rally be on the next City Council Agenda. Council concurred.

CONSENT CALENDAR

Fasana moved, Gaston seconded to approve the Consent Calendar, as follows, and carried unanimously.
Approve Items A, B, C, D.

PUBLIC HEARING
CUP 06-1 – Mejia’s Rancho
1501 Huntington Drive
Entertainment Permit

Mayor Paras-Caracci announced this was the time and place set for a Public Hearing to consider Conditional Use Permit 06-1, Mejia’s Rancho, Inc., 1501 Huntington Drive, pertaining to an entertainment permit.

City Attorney Slater asked City Clerk Akana if notice of the hearing had been given. Akana stated the notice had been given and the affidavit was on file. Mayor Paras-Caracci asked if any written communications had been filed in the matter. Akana stated in addition to the documents included in the Agenda packet, a fax was received from Priscilla (no last name) stating she was opposed to the permit, and provided copies to City Council.

Ed Cox, Director of Community Development, presented a staff report outlining the 37 conditions of approval suggested by the Planning Commission, as well as the applicant’s response to each condition.

There was discussion about law enforcement response to complaints, lighting requirements, municipal code violations, music, and maintenance.

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

Sandra Mejia, applicant, and Alfredo Mejia stated they wanted to maintain a family environment, they are not focusing on musical parties and dances, they met with neighbors and heard their concerns, the restaurant business is seasonal, it would be difficult to limit events on a monthly basis, a review period would be good to allow for feedback, the final evaluation should be based on 12 months, they would like to do the major repair work for parking lot, lights, and sign in intervals, and stated it is important to have a business-friendly environment.

Lino Paras stated Duarte should be business-friendly, discussed A-frames, sound, and neighbors, stated you cannot satisfy everybody, people talk in the parking lot late at night, it should be mitigated, and you need to balance the need of the people and businesses.

Jan Wight stated she remembers when the restaurant was the Zanzabar, she does not recall anyone complaining, this restaurant has been here for a long while, the owners are community-minded, and this business is good for Duarte.

Dan Mossbarger stated he lived in the condos behind Rancho's, when he was on the board of directors, he received no complaints about Rancho's, you cannot hear music when the door is closed, lighting is very poor in the parking lot, it is more important than landscaping, they are good neighbors, and other than issues with the noise in the parking lot, there are no real problems.

Reyes moved, Gaston seconded to close the Public Hearing, and carried unanimously.

There was discussion about being business-friendly and not infringing on the rights of the residents, achieving a good balance, insulation of the building, and Rancho's being a viable business with a great location.

Gaston moved, Reyes seconded to reopen the Public Hearing, and carried unanimously.

Sandra Mejia answered questions from Councilmembers pertaining to the budget for capital improvements, long-term goals, banquets, parking lot, and noise levels for music.

There was further discussion about special events, number of banquets, review period, sound test, and required repairs.

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

Gaston moved to approve CUP 06-1 as recommended by the Planning Commission, with the exception of Conditions #1, #5, and #6, and to refer those back to the Planning Commission and staff. The motion died for lack of a second.

Reyes moved, Fasana seconded to 1) Approve the Negative Declaration; 2) Make and adopt the findings that a) the site for the proposed use is adequate in size and shape to accommodate the proposed use; b) the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; c) the proposed use will have no adverse effect on abutting properties; d) the conditions stated in the decision are deemed necessary to protect the public health, safety, and welfare; and 3) Approve Conditional Use Permit 06-1, subject to the conditions recommended by the Planning Commission and modified by the City Council as follows, and carried with Finlay abstaining from the vote due to missing a portion of the public hearing because of having to briefly attend another event:

Remove #1, #5, #6, #7, and #35.

Keep #3, #8, #9, #10, #11, #12, #13, #14, #15, #16, #17, #21, #22, #23, #24, #25, #26, #27, #28, #29, #30, #31, #32, #33, #34, #36, and #37.

Modify #2: Leave Friday and Saturday hours the same as they currently are (8 a.m. – 11 p.m.).

Modify #4: Change "90 days" to "120 days"; change "90-day trial period" to "120-day trial period."

Modify #18: Add "plan to accomplish" within 120 days, and require submission of plans and approval by ARB.

Modify #19: Add "plan to accomplish" within 120 days, and require submission of plans and approval by ARB.

Modify #20: Add "plan to accomplish" within 120 days.

RESOLUTIONS
Council Bill 06-R-31 and
Agency Bill RA-351
Findings – Bronze Statue

Slater read by title Council Bill 06-R-31 and Agency Bill RA-351:

06-R-31 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE REMAKING CERTAIN FINDINGS IN RESOLUTION NO. 06-09 DUE TO THE NEW LOCATION

FOR INSTALLATION OF THE DUARTE IN BRONZE STATUE

RA-351 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE REMAKING CERTAIN FINDINGS IN RESOLUTION NO. RA-343 DUE TO THE NEW LOCATION FOR INSTALLATION OF THE DUARTE IN BRONZE STATUE

RESOLUTION NO. 06-31
RESOLUTION RA-351

Fasana moved, Finlay seconded to adopt Resolution No. 06-31 and Resolution No. RA-351, and carried with Reyes absent from the vote.

Council Bill 06-R-35
Authority to provide notice
Code of Civil Procedure

Slater read by title Council Bill 06-R-35:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE GRANTING THE CITY MANAGER AND COMMUNITY DEVELOPMENT DIRECTOR AND THEIR AUTHORIZED DESIGNEES AUTHORITY AND RESPONSIBILITY TO PROVIDE NOTICE AND A REASONABLE OPPORTUNITY TO BE HEARD ON THE MATTERS LISTED IN CODE OF CIVIL PROCEDURE SECTION 1240.030

RESOLUTION NO. 06-35

Finlay moved, Gaston seconded to adopt Resolution No. 06-35, and carried unanimously.

BUSINESS ITEMS
Amendment to City Manager's
Employment Agreement

City Manager George left the building prior to the consideration of this item.

Fasana moved, Finlay seconded to approve the second amendment to the City Manager's Employment Agreement to institute a new three-year contract term for the City Manager commencing September 26, 2006, and carried unanimously. George resumed his chair on the dais.

REDEVELOPMENT AGENCY
Agency Bill RA-352
Authority to provide notice
Code of Civil Procedure

Slater read by title Agency Bill RA-352:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE GRANTING THE EXECUTIVE DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR AND THEIR AUTHORIZED DESIGNEES AUTHORITY AND RESPONSIBILITY TO PROVIDE NOTICE AND A REASONABLE OPPORTUNITY TO BE HEARD ON THE MATTERS LISTED IN CODE OF CIVIL PROCEDURE SECTION 1240.030

RESOLUTION NO. RA-352

Fasana moved, Finlay seconded to adopt Resolution No. RA-352, and carried unanimously.

Selection of Owner-Participant/
Developer – Mountain Site
Retail Project

George reported that prior to the Council Meeting, he received an email and a phone call from a representative of the Jensen team indicating that they intend to sell the Jensen property to Affiliated Jacobsen Family Holdings 1, LLC, stated staff will work with Jacobsen to handle the sale and, based upon that discussion with the Jensen team, staff is recommending that the Agency proceed with negotiations of a Disposition and Development Agreement for the Mountain Site Retail Project with Affiliated Jacobsen Family Holdings 1, LLC.

Slater stated Jensen Trust is essentially withdrawing its Owner-Participation proposal and will sell the property to the Jacobsen group, and noted the criteria under which the Agency would make a selection of an owner-participant, including the fact that Jacobsen has owned the property for a number of years, it brought forth a proposal that was more fully-formed, its proposal meets a number of the criteria in the owner-participation rules, it conforms with the Redevelopment Plan and its objectives, and it previously produced a project and has a track record of performing.

Fasana moved, Gaston seconded to select Affiliated Jacobsen Family Holdings 1, LLC, as the owner-participant/developer for the Mountain Site Retail Project based upon the extensive findings as outlined by staff, and carried unanimously.

ORAL COMMUNICATIONS
(Continuation)

The following spoke about items not on the Agenda:
Harb Thind – Public address system.

Fasana suggested staff check and adjust the microphones.

ITEMS FROM COUNCIL AND
CITY MANAGER

GEORGE: 1) Stated he will give the parade trophy to Field Services Manager Troy Wittenbrock; and 2) Thanked City Council for his contract extension.

GASTON: 1) Apologized for not arriving in time for the Closed Session; 2) Announced Rose Float concession event from December 26-31, provided information to the City Manager about December 28 event, and stated there is a need for volunteers; 3) Thanked Route 66 parade committee; 4) Announced Foothill Unity Center Humanitarian Award event on September 28; 5) Asked that the SGV Economic Partnership and Taste of Autumn events be on the Agenda for approval; 6) Announced Walk for Hope event on October 8; 7) Distributed copies of resolutions that were voted on by the League; 8) Requested the election for Water Quality Authority Board be on the next Agenda; 9) Invited all to attend a planning meeting on September 30 at Pamela Park pertaining to the peace rally; and 10) Thanked the artists who designed and painted the signs for the cars and the picnic.

FASANA: 1) Stated the Walk for Hope is an excellent event; 2) Announced the SGV Economic Partnership awards gala will be held October 12, and the Quality of Life Award will be presented to the City of Hope; 3) Congratulated Andres Duarte Terrace on its ribbon-cutting event; 4) Stated the COG is sponsoring a dialogue with the Schwarzenegger administration on October 18 about the need for housing in the region; 5) Announced Gold Line workshop on October 9, where proposed artwork will be presented; 6) Congratulated those involved with the parade and picnic; and 7) Stated he attended the blessing of the river.

FINLAY: 1) Attended League meeting in San Diego, where a representative from the Intergovernmental Division of the White House spoke; 2) Stated she received a call from a resident about cars racing on Citrusview north of Meridian; 3) Stated she would like to look into getting a bear sign, as she observed a mother bear and her cubs on Mt. Olive Drive; and 4) Asked that the meeting be adjourned in memory of Marge Shutte Talt.

PARAS-CARACCI: 1) Stated she received a card from a Diamond Bar Councilmember congratulating the City on turning 49; 2) Stated the City of Hope/Chamber health fair was a wonderful event and well-attended; 3) Announced General Plan community meeting on October 11 at 7:00 p.m.; 4) Attended the Andres Duarte Terrace dedication, and thanked the tour guides; and 5) Thanked the community, sponsors, and all volunteers for supporting the Route 66 parade.

ADJOURNMENT

Finlay moved, Gaston seconded to adjourn the meeting at 9:37 p.m., in memory of Marge Shutte Talt and Robert Burns, and carried unanimously.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk