

MINUTES

**JOINT CITY COUNCIL/REDEVELOPMENT AGENCY OF THE CITY OF DUARTE
REGULAR MEETING – NOVEMBER 14, 2006**

At 6:00 p.m., two Closed Sessions were held (as stated below). Mayor Paras-Caracci called the meeting to order at 6:13 p.m., with four members present (Fasana arrived during the Closed Sessions).

ADOPTION OF AGENDA

Gaston moved, Reyes seconded to adopt the Agenda, with Item 18 (Redevelopment Agency Business Items) considered after Item 14 (Joint Public Hearing), and carried unanimously.

CLOSED SESSIONS

Redevelopment Agency

A) Mountain/Central Avenues

B) 1263 Huntington Drive

Slater announced the first 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 second Closed Session is pursuant to Government Code Section 54956.8; Conference with Real Property Negotiators; Agency Negotiators: Darrell George, Karen Herrera; Negotiating parties: Redevelopment Agency of the City of Duarte, Fountainhead Development, and Nutri Partners, Inc.; Under negotiation: Price and terms of payment; Concerning Agency-owned property at 1263 Huntington Drive, Duarte (Vacant lot at northwest corner of Huntington Drive and Buena Vista Street). The Closed Sessions 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 7:05 p.m.

RECORDATION OF ATTENDANCE

The following were in attendance:

PRESENT: Fasana, Finlay (left at 9:45 p.m.), Gaston, Reyes (left at 8:40 p.m.), Paras-Caracci

ABSENT: None

ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater

PLEDGE TO THE FLAG

Teresa Schwarz led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION

A silent moment of reflection was observed.

FITNESS WARM-UP

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

ANNOUNCEMENTS

Jan Wight, Duarte Chamber, thanked City staff and all involved with Hats Off, and announced Mayor's Prayer Breakfast on November 22 at 7:00 a.m., Holiday Mixer on December 6, and availability of Shop Duarte discount cards.

Karen Herrera, Duarte's Promise, announced Holiday of Promise project kickoff on November 22, and Stop the Violence Rally on November 18 at New Hope Church.

SPECIAL ITEMS

Recognition – Red Ribbon Week Contest Winners

Aida Torres, Public Safety Coordinator, provided information about the Red Ribbon Week programs. Mayor Paras-Caracci presented Certificates of Appreciation to Dominique Rogers and Janin Ann Leonida for their award-winning essays. Also recognized were Chelsea Pomeroy, Nicolette Benavides, and Stacey Lam.

Recognition – 65th Anniversary Ella and Hans Sulzer

Donna Georgino, Director of Parks and Recreation, introduced Ella and Hans Sulzer, and presented them with a cake in celebration of their 65th wedding anniversary. Mayor Paras-Caracci presented Mr. and Mrs. Sulzer with a congratulatory certificate.

Presentation–Science Partnership

Kristen Pugh, City of Hope, and Bill Martinez, Duarte High School, provided information about the Science Partnership, with the objective to expose Duarte High School students to the City of Hope’s science research and problem-based learning techniques.

Certificates of Appointment JoAnn Brooks-Washington Rocky Wenrick

Mayor Paras-Caracci introduced and presented Certificates of Appointment to newly appointed Community Services Commissioner JoAnn Brooks-Washington and Traffic and Safety Commissioner Rocky Wenrick, and congratulations were extended.

PUBLIC REPORT OF CLOSED SESSIONS

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 (Mountain/Central Avenues). The Agency Board discussed price and terms of payment, and, pursuant to Government Code Section 54957.1(a)(1), unanimously authorized the Executive Director to enter into an addendum to the DDA to provide for certain guarantees by the developer, should it be approved later in the meeting.

The Agency Board also met in a Closed Session pursuant to Government Code Section 54956.8, Conference with Real Property Negotiators, as stated above (1263 Huntington Drive). The Agency Board discussed price and terms of payment, with no further discussion. Slater stated a proposed Exclusive Negotiating Agreement would be discussed later in the meeting.

ORAL COMMUNICATIONS

The following spoke about items not on the Agenda:
Harry Heflin – Duarte Rotary, street parking on holidays.

Gaston suggested agendizing an item to discuss the possibility of allowing street parking without permits on holidays.

CONSENT CALENDAR

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

JOINT PUBLIC HEARING
Agency Bill RA-365
Council Bill 06-R-41
DDA – Dennis D. Jacobsen
Family Holdings II, LLC

Mayor Paras-Caracci announced this was the time and place set for a Joint Public Hearing to consider an Owner Participation and Disposition and Development agreement between the Redevelopment Agency of the City of Duarte and Dennis D. Jacobsen Family Holdings II, LLC.

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 there were none.

Slater read by title Agency Bill RA-365 and Council Bill 06-R-41:

RA-365 A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE APPROVING AN

OWNER PARTICIPATION AND DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AND DENNIS D. JACOBSEN FAMILY HOLDINGS II, LLC

06-R-41 A RESOLUTION OF THE CITY OF DUARTE APPROVING AN OWNER PARTICIPATION AND DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE AND DENNIS D. JACOBSEN FAMILY HOLDINGS II, LLC

Ed Cox, Director of Community Development, provided a staff report about the proposed Owner Participation and Disposition and Development Agreement, and presented an overview about the status of the property acquisition, site map, elevations, major deal points, and highlights of the DDA. Slater provided details about the addendum document, and noted the substance of the addendum is that the developer will be guaranteeing certain minimum levels of sales tax to the Agency.

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

Doug Jacobsen, Jacobsen Family Holdings II, LLC, introduced Brad Talt, and stated they are pleased to deliver this project to the City, read an excerpt from a document received from Best Buy indicating they are ready to move forward, and stated their intent is to open in December 2007.

Rick Forintos inquired about payback and failure of developer.

Mr. Jacobsen provided details about the 15-year payback. Slater described land write-down amounts.

Fernando Alvarez expressed concern about traffic congestion at Mountain/Evergreen and Mountain/Central.

Cox stated after the traffic study is conducted, a determination would be made as to what direction will be taken. Slater noted a mitigated negative declaration was prepared, and if the DDA is approved, there will be no building permits issued until after the traffic study is complete and all required mitigation measures are implemented.

Gaston asked if Traffic and Safety could look at the possibility of two southbound left-turn lanes for eastbound Evergreen.

Mark Montgomery inquired about a fast food restaurant.

Cox stated the decision for a retail store was an economic one. Slater added that without a fast food restaurant, there would be no stacking of cars, idling, and other environmental issues.

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

City Councilmembers thanked Mr. Jacobsen and Mr. Talt, and welcomed them to the City.

RESOLUTION NO. RA-365

Fasana moved, Gaston seconded to adopt Agency Resolution No. RA-365, and carried unanimously.

RESOLUTION NO. 06-41

Fasana moved, Gaston seconded to adopt City Resolution No. 06-41, and carried unanimously.

REDEVELOPMENT AGENCY
BUSINESS ITEMS
ENA-Fountainhead Development

George provided a staff report about the proposed Exclusive Negotiating Agreement with Fountainhead Development for a 60-day period.

Fasana moved, Finlay seconded to approve a 60-day Exclusive Negotiating Agreement between the Agency and Fountainhead Development pertaining to the property located at 1263 Huntington Drive, and carried unanimously.

Hearings on adoption of
resolutions of necessity
Agency Bill RA-353
1414¼ Mountain Avenue

Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-353. There were none. Slater read by title Agency Bill RA-353:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1414¼ MOUNTAIN AVENUE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT

RESOLUTION NO. RA-353

Fasana moved, Paras-Caracci seconded to adopt Resolution No. RA-353, and carried unanimously.

Agency Bill RA-354
1414½ Mountain Avenue

Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-354. There were none. Slater read by title Agency Bill RA-354:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1414½ MOUNTAIN AVENUE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT

RESOLUTION NO. RA-354

Fasana moved, Gaston seconded to adopt Resolution No. RA-354, and carried unanimously.

Agency Bill RA-355
1416 Mountain Avenue

Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-355. There were none. Slater read by title Agency Bill RA-355:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1416 MOUNTAIN AVENUE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT

RESOLUTION NO. RA-355

Finlay moved, Gaston seconded to adopt Resolution No. RA-355, and carried unanimously.

Agency Bill RA-356
1420 Mountain Avenue

Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-356. There were none. Slater read by title Agency Bill RA-356:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1420 MOUNTAIN AVENUE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT

RESOLUTION NO. RA-356

Finlay moved, Gaston seconded to adopt Resolution No. RA-356, and carried unanimously.

Agency Bill RA-357
1422 Mountain Avenue

Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-357. There were none. Slater read by title Agency Bill RA-357:

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1422 MOUNTAIN AVENUE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT

<p>RESOLUTION NO. RA-357</p> <p>Agency Bill RA-358 1434-1438 Mountain Avenue</p>	<p>Fasana moved, Finlay seconded to adopt Resolution No. RA-357, and carried unanimously.</p> <p>Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-358. There were none. Slater read by title Agency Bill RA-358:</p> <p>A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1434-1438 MOUNTAIN AVENUE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT</p>
<p>RESOLUTION NO. RA-358</p> <p>Agency Bill RA-359 1402 Park Rose</p>	<p>Finlay moved, Gaston seconded to adopt Resolution No. RA-358, and carried unanimously.</p> <p>Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-359. There were none. Slater read by title Agency Bill RA-359:</p> <p>A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1402 PARK ROSE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT</p>
<p>RESOLUTION NO. RA-359</p> <p>Agency Bill RA-360 1403 Park Rose</p>	<p>Finlay moved, Gaston seconded to adopt Resolution No. RA-359, and carried unanimously.</p> <p>Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-360. There were none. Slater read by title Agency Bill RA-360:</p> <p>A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1403 PARK ROSE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT</p>
<p>RESOLUTION NO. RA-360</p> <p>Agency Bill RA-361 1412 Park Rose</p>	<p>Fasana moved, Paras-Caracci seconded to adopt Resolution No. RA-360, and carried unanimously.</p> <p>Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-361. There were none. Slater read by title Agency Bill RA-361:</p> <p>A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1412 PARK ROSE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT</p>
<p>RESOLUTION NO. RA-361</p> <p>Agency Bill RA-362 1413 Park Rose</p>	<p>Finlay moved, Paras-Caracci seconded to adopt Resolution No. RA-361, and carried unanimously.</p> <p>Chairperson Reyes asked if the property owner or anyone in the audience wished to provide testimony on Agency Bill RA-362. There were none. Slater read by title Agency Bill RA-362:</p> <p>A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE DETERMINING THE PUBLIC INTEREST AND NECESSITY FOR ACQUISITION OF PROPERTY LOCATED AT 1413 PARK ROSE, DUARTE,</p>

CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT

RESOLUTION NO. RA-362 Finlay moved, Gaston seconded to adopt Resolution No. RA-362, and carried unanimously.

Confirming eminent domain Slater read by title Agency Bill RA-363:

Agency Bill RA-363
1408 Park Rose

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE CONFIRMING THE AGENCY'S INTENT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE THE PROPERTY LOCATED AT 1408 PARK ROSE AVENUE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT

RESOLUTION NO. RA-363 Fasana moved, Gaston seconded to adopt Resolution No. RA-363, and carried unanimously.

Confirming eminent domain Slater read by title Agency Bill RA-364:

Agency Bill RA-364
1409 Park Rose

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE CONFIRMING THE AGENCY'S INTENT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE THE PROPERTY LOCATED AT 1409 PARK ROSE AVENUE, DUARTE, CALIFORNIA, FOR THE PURPOSES OF THE MOUNTAIN AVENUE AND CENTRAL AVENUE COMMERCIAL PROJECT

RESOLUTION NO. RA-364 Fasana moved, Gaston seconded to adopt Resolution No. RA-364, and carried unanimously.

RESOLUTIONS

Council Bill 06-R-37

PARS Post-Retirement Health-care trust

Mayor Paras-Caracci assumed the Chair. Slater read by title Council Bill 06-R-37:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE PARS POST-RETIREMENT HEALTHCARE TRUST

Mike Yelton, Assistant City Manager, provided a detailed staff report about the funding plan for post-employment healthcare benefits.

RESOLUTION NO. 06-37 Fasana moved, Finlay seconded to adopt Resolution No. 06-37, and carried with Reyes absent from the vote.

Council Bill 06-R-38

Casts votes for Margaret Clark Water Quality Authority

Slater read by title Council Bill 06-R-38:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, CASTING ITS TWO VOTES FOR ROSEMEAD COUNCIL MEMBER MARGARET CLARK TO REPRESENT CITIES WITHOUT PRESCRIPTIVE PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY

RESOLUTION NO. 06-38 Finlay moved, Fasana seconded to adopt Resolution No. 06-38, and carried with Reyes absent from the vote.

ORDINANCES

Council Bill 06-O-06

Administrative Fines/Penalties (Second Reading)

Slater read by title Council Bill 06-O-06:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA AMENDING TITLE 1, "GENERAL PROVISIONS," OF THE DUARTE MUNICIPAL CODE TO ADD CHAPTER 1.08, "ADMINISTRATIVE CITATIONS," TO ESTABLISH A CITATION PROGRAM WITH ADMINISTRATIVE FINES AND PENALTIES AS AN ALTERNATIVE CODE ENFORCEMENT PROCEDURE AS AUTHORIZED BY STATE LAW (Second Reading)

Neil Bjornsen stated this ordinance has a police state attitude, residents do not have copies of the code, he thinks it is drastic, and suggested all residents be provided with the code and that the item be tabled.

Bill Lawrence stated the ordinance is shocking and extreme, it does not provide for warning, he cannot personally support it, the appeal process is extreme, and he wants to know why we are going this far.

Slater stated under the current Municipal Code, a violation is a criminal misdemeanor, subject to a court appearance, fine, and/or jail. The proposed ordinance would reduce the current enforcement mechanism and allow the City and violator to avoid going to court, and give the violator the choice of either paying a fine or appealing to a hearing officer appointed through the court.

Brian Villalobos, Director of Public Safety Services, stated under due process of prior notice, a warning is issued with a time limit, and a sufficient amount of time is given to correct the matter before a citation is issued.

Rick Forintos stated the ordinance is customer-friendly, it will help all areas of the City, and he supports it totally.

ORDINANCE NO. 786

Fasana moved, Finlay seconded to adopt Ordinance No. 786, and carried with Reyes absent from the vote.

Council Bill 06-O-07
Trash Receptacle Placement
(First Reading)

Slater noted Mrs. Finlay has removed herself from the dais and is entitled to sit in the audience, per FPPC Codes 18702.4 and 187035.5, and stated no public hearing for this proposed ordinance is required. Slater read by title Council Bill 06-O-07:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 6.08 OF THE DUARTE MUNICIPAL CODE TO MODIFY THE PERMITTED TIME FOR TRASH RECEPTACLE PLACEMENT BY OWNERS AND OCCUPANTS OF PROPERTY IN THE MESA AREA OF THE CITY; AND AMENDING CHAPTER 9.32 TO DECLARE AS PUBLIC NUISANCES SUCH ACTS, CONDITIONS, OR USES AS DECLARED BY OTHER SECTIONS OF THE DUARTE MUNICIPAL CODE TO BE A PUBLIC NUISANCE (First Reading)

John Fleure stated he has no objection to the 6:00 a.m. restriction, he feels it should be limited to the black barrel, and stated he does not want it to be mandatory to purchase a bear-proof container.

Bob Davey stated the proposed ordinance is effective and reasonable, everyone wins, suggested notifying homeowners if the ordinance is adopted, and suggested that Bradbury do the same.

Michael Ressler stated he agrees with the proposed ordinance, and asked if Burrtec could limit its pick-up time, as residents have a morning routine.

Rick Forintos stated he thinks 6:00 a.m. is good, requested trash pick-up by 9:00 a.m., stated we need to get Bradbury on board, and stated he supports the ordinance.

Margaret Finlay stated Burrtec offers pull-out service for senior citizens at no charge, she agrees this should apply to black trash cans only, it is important to get Bradbury on board, and suggested Burrtec's holiday schedule be posted on the website.

Richard Niño, Burrtec, stated the pick-up time has already been changed at the City's request, the five major holidays are listed in newsletters sent four times per year, described the complimentary pull-out service for seniors, and displayed and demonstrated a bear-resistant trash can.

Fasana moved, Gaston seconded to amend the proposed ordinance to restrict the placement of the black refuse bins only, and carried with Reyes and Finlay absent from the vote. Slater stated since the ordinance was amended, it would need to be re-introduced at the next meeting.

BUSINESS ITEMS

Refuse collection/recycling rate adjustment
(Continued to 11/28/06)

Gaston moved, Fasana seconded to continue the approval of annual refuse collection and recycling rate adjustment to the November 28, 2006, City Council meeting, and carried unanimously.

SDAR Committee recommendations

Monica Born and Andrea Myklebust provided an overview of the Metro Gold Line Foothill Extension Project Station Design and Art Review (SDAR) Committee's accomplishments, the Duarte Station site plan, primary and secondary visual elements, anticipated next steps, advanced artwork concepts, and details of the design process.

Fasana moved, Gaston seconded to accept the Metro Gold Line Foothill Extension Project Station Design and Art Review (SDAR) Committee recommendations, specifically the advanced artwork design and the station secondary visual elements, per staff recommendation, and carried unanimously.

Cooperative Agreement
Metro Gold Line Phase II

Karen Herrera, Assistant to the City Manager, provided a staff report about the form of the Cooperative Agreement, and described the thorough legal review process.

There was discussion about the need for correction of a number of clerical items in the document.

Fasana moved, Gaston seconded to approve the form of the Cooperative Agreement for the Metro Gold Line Phase II by and between the Metro Gold Line Foothill Extension Construction Authority and the Foothill Extension Segment 1 Cities, with a change to Section 4.8 that the City of Duarte contribution shall be due within 60 days after the Revenue Operations Date rather than 60 days after the ROD Date, and with direction for the City Manager and City Attorney to finalize the agreement for execution by (1) making necessary clerical revisions including, but not limited to, adding Exhibit B and completing Exhibit E, and (2) adding a provision satisfactory to the City Manager and the City Attorney that if the form of Cooperative Agreement entered into between the Authority and any other Segment 1 city is different from the form of agreement approved hereby by the City of Duarte, the City of Duarte shall have the right to cause the agreement between the City of Duarte and Authority to be amended to include such different provision or language, and authorize execution by the Mayor, per staff recommendation, and carried unanimously.

CDBG Appointment

Gaston moved, Fasana seconded to appoint Tzeitel Paras-Caracci to serve on the Community Development Block Grant (CDBG) Citizen Advisory Committee for the 2007-08 fiscal year, and carried unanimously.

NLC Voting Delegate/Alternate
Reno, Nevada – 12/9/06

Fasana moved, Gaston seconded to designate Tzeitel Paras-Caracci as the voting delegate and Margaret Finlay as the Alternate for the National League of Cities Annual Business Meeting, December 9, 2006, in Reno, Nevada, and carried unanimously.

ORAL COMMUNICATIONS
(Continuation)

The following spoke about items not on the Agenda:
Fernando Alvarez – Seidner's, Soy Foods.

Mayor Paras-Caracci requested that staff look into concerns about Seidner's (employee parking, loudspeakers) and Soy Foods (operating hours, flies).

ITEMS FROM COUNCIL AND
CITY MANAGER

FASANA: Provided the City Manager with a copy of an email he received about enforcement of signs on weekends, and stated we need to look at that.

GASTON: 1) Complimented the Parks and Recreation Department on the Halloween event; 2) Provided information to City Manager for follow-up with Contract Cities about a recent issue pertaining to a County employee; 3) Stated the League asked cities to support the approval of a contract for a consultant, and she will provide the documentation to staff; 4) Stated the Veterans Day event was outstanding, she appreciated staff members who folded the flag, and she would like them to attend a Council Meeting; 5) Attended the Monrovia-Duarte Black Alumni Association awards; and 6) Thanked all involved with Hats Off.

PARAS-CARACCI: 1) Stated she also received an email about signs, she is concerned with safety pertaining to A-frame signs and violation of the municipal code, and we need to make sure they are not blocking curbs; 2) Asked that Mitchell Michaelis be recognized at a future meeting for receiving the honor of Eagle Scout; and 3) Stated this is the last time she will adjourn the meeting as Mayor.

ADJOURNMENT

Gaston moved, Paras-Caracci seconded to adjourn the meeting at 10:43 p.m., and carried unanimously.

Mayor

ATTEST:

City Clerk