

MEMORANDUM

TO: City Council
FROM: City Manager
DATE: May 2, 2017
SUBJECT: Comments on Agenda Items, Meeting of May 9, 2017

ITEM 6.A. A member of the Mayor's Youth Council will provide an update on their activities.

ITEM 6.B. Dr. Geraldine M. Perri, Superintendent/President of Citrus College, has been named a "Woman of the Year" by Senator Anthony Portantino. Dr. Perri was honored at a special ceremony in Pasadena on March 26, where ten women were recognized for their contributions and accomplishments with the 25th Senate District. The City Council will recognize Dr. Perri for this distinct honor.

ITEM 6.C. Duarte School Superintendent Dr. Allan Mucerino will provide the City Council with an update on the School District Master Plan.

ITEM 10.D (Consent). The City Council will continue the declaration of the local emergency declared on February 16, 2017.

ITEM 10.E (Consent). This is a Resolution to consider supporting the Duarte Route 66 Parade and agreeing to accept liability and maintenance for detoured traffic from the Mount Olive off-ramp. The Duarte Route 66 Parade Committee will be sponsoring Duarte's Annual Route 66 Parade on Saturday, September 23, 2017.

ITEM 12. This continued Public Hearing is for City Council to consider the 99 Cents Only Store's appeal of the Planning Commission decision to deny a Conditional Use Permit (CUP) for off-site beer and wine sales. The Planning Commission denied the request for the CUP on December 19, 2016, for a variety of reasons, including over-concentration, concerns about property maintenance, etc. The City held (and continued) a Public Hearing on April 11, 2017, and heard testimony on the proposed CUP. City Council directed staff to bring back a Resolution with conditions to grant the appeal and approve the CUP. Staff has provided two Resolutions for the City Council, one of which would deny the appeal and uphold the Planning Commission decision, and the other would grant the appeal and approve the CUP.

ITEM 13. During the recent mid-year budget process, the City Council authorized staff to take steps necessary to relocate Duarte Community Television (DCTV) to Duarte High School. The move was necessitated by the City's selling of the Third Street property to make way for an 18-unit housing development. This property has been the studio and offices for DCTV since its incorporation in 1991. During the discussion, the City Council also approved a budget of \$67,000 for the purchase of new public access filming equipment. After the mid-year discussion, Council then asked staff to bring back a comparable proposal from KGEM for public access television services. The Council is presented with a detailed proposal from KGEM, including costs, services, and all equipment benefits.

Respectfully submitted,



Darrell J. George
City Manager

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 – APRIL 25, 2017

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 Pro Tem Fasana called the meeting to order at 6:02 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana, Kang, Paras-Caracci, Reilly, Finlay (arrived prior to the Closed Session, left at 9:59 p.m.) ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Cosgrove
ADOPTION OF AGENDA	Kang moved, Paras-Caracci seconded to adopt the Agenda, as amended to adjourn in memory of Joannie Yuille, and carried with Finlay not present.
CLOSED SESSION Real Property Negotiations	There was no public input. Cosgrove announced the Closed Session was a conference with real property negotiators pursuant to Government Code Section 54956.8; Negotiating parties: City of Duarte and prospective buyers or lessees; City negotiators: Darrell George, Craig Hensley; Under negotiation: Price and terms of payment; Concerning property at 1735 Huntington Drive, APN 8530-011-074. The Closed Session concluded at 6:55 p.m. City Council reconvened at 7:12 p.m., with all members present.
PLEDGE TO THE FLAG	Lillian Cabral led the Pledge of Allegiance to the flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION	Cosgrove reported that City Council met in Closed Session to discuss real property negotiations, and gave direction to the negotiators, with no reportable action taken.
SPECIAL ITEMS Proclamation – Rotary Month	Mayor Finlay read and presented the Proclamation for “May is Rotary Club of Duarte Month” to Lydia Carswell, Steve Hernandez, and Brian Villalobos. Ms. Carswell provided additional information about the history of the Duarte Rotary Club and its motto “The Mouse That Roared.”
Youth/Family Committee Annual Report Card	Cesar Monsalve introduced Lillian Cabral, Steve Hernandez, and Adam Knight, who presented the Annual Report Card about

the Youth and Family Master Plan, including its development, action steps, themes, implementation, highlights, outcomes, and goals.

Chamber Quarterly Report

Tina Carey, Duarte Chamber, presented the Quarterly Report for January – March 2017, including seminars, events, business visits, and membership activity.

Public Safety update

Sgt. Dave Kearney and Brian Villalobos presented the monthly public safety update, including recent incidents in and around Duarte. City Council asked that a delegation from the City go to Sacramento to lobby on behalf of CalGRIP funding. Mayor Finlay stated she would like monthly meetings to be held with Temple Station Captain Flores and any other deputies he feels should be included, to provide and receive updated information.

ANNOUNCEMENTS

Sheryl Lefmann, Duarte Chamber, announced upcoming Chamber seminar in April, and Taste of Duarte in May.

Joanna Gee, Duarte Library, announced classes and programs in April, and amnesty fine-free month in May.

Karen Herrera announced upcoming community events, programs, fundraisers, and workshops from April – July.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Joan Schmidt – Award, Napolitano event, gang injunction.

Sheryl Lefmann – Reconsider gang injunction.

Kyle Shea – Duarte Transit program.

ITEMS ADDED TO CONSENT

Kang moved, Fasana seconded to add attendance at the 2017 NLC Summer Board/Leadership Meeting, June 19-21, 2017, in Cleveland, Ohio, to Item 12.O (Conference Attendance), and carried unanimously.

CONSENT CALENDAR

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

Approve Items A, B, C, D, E, I, L, M, O.

Remove Items F, G, H, J, K, N.

ITEMS REMOVED

Item F – Contract for Chamber
Tenant Improvements

Cosgrove stated it has been determined by the Community Development Department that the low bidder's bid was non-conforming and is not eligible, and the next low bidder's amount is substantially higher than staff's estimate, so the recommendation is to reject all bids, rework the specifications for the job, and to rebid the project at a later date.

ITEM F – NOT APPROVED

Reilly moved, Paras-Caracci seconded to reject all bids submitted for Duarte Chamber of Commerce Tenant Improvements (1735 Huntington Drive), and carried unanimously.

Item G – Contract for Site Clearance at 1303 Huntington Drive
Budget Amendment \$47,000

David Eoff IV, Associate Planner, presented a staff report and answered questions about the item.

ITEM G – APPROVED	Reilly moved, Fasana seconded to award the contract to Resource Environmental, Inc., in the amount of \$47,000 for Site Clearance and Abatement at 1303 Huntington Drive, and to approve a budget amendment in the amount of \$47,000 from the General Fund, and carried unanimously.
Item H– Law Enforcement Grant	Brian Villalobos presented a staff report about the item.
ITEM H – APPROVED	Reilly moved, Paras-Caracci seconded to approve the use of the 2017/18 State Supplemental Law Enforcement Services Funds (SLESF) for front line law enforcement services, specifically, the City of Duarte’s Motorcycle Deputy and Special Event over-time patrols, per staff recommendation, and carried unanimously.
Item J – MOUs with employees Council Bill 17-R-27 Employer’s Contribution/Medical	Council Bill 17-R-27 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ELECTING TO BE SUBJECT TO PUBLIC EMPLOYEES’ MEDICAL AND HOSPITAL CARE ACT AND FIXING THE EMPLOYER’S CONTRIBUTION AT AN AMOUNT EQUAL TO OR GREATER THAN THAT PRESCRIBED BY GOVERNMENT CODE SECTION 22892(b) Kristen Petersen presented a staff report about the item.
ITEM J – APPROVED RESOLUTION NO. 17-27	Paras-Caracci moved, Reilly seconded to approve Memorandums of Understanding with the City of Duarte employees (Service Employees International Union, Local 721), and to adopt Resolution No. 17-27, and carried unanimously.
Item K – Notice of Completion Paint Curb Address Numbers	Yesenia Serna, Community Development Technician, presented a staff report and answered questions about the item.
ITEM K – APPROVED	Reilly moved, Kang seconded to accept the Citywide Paint Curb Address Paint Numbers project (Care for the Children), and to authorize the City Clerk to initiate the Notice of Completion, and carried unanimously.
Item N – Agreement with LDM CDBG Services	Yesenia Serna, Community Development Technician, presented a staff report.
ITEM N – APPROVED	Reilly moved, Paras-Caracci seconded to approve a Professional Services Agreement with LDM Associates, Inc., for Community Development Block Grant (CDBG) administrative professional services, effective July 1, 2017, and to authorize minor modifications to the agreement in a manner and form approved by the City Attorney in order to accommodate final CDBG funding allocations and/or as needed due to programmatic interpretations by the L.A. County Community Development Commission, and carried unanimously.
BUSINESS ITEM Foothill Transit Community Plan	Kristen Petersen presented a detailed staff report about a joint partnership between the City of Duarte and Foothill Transit, including background, electric buses, cost, program requirements,

services, bus stop improvements, fares, student riders, and TAP cards.

Kevin McDonald and Doran Barnes, Foothill Transit, were present to provide additional information and answer questions from City Councilmembers, and stated if approved, this would be an innovative and creative partnership and process.

Steve Hernandez discussed bus service provided by the School District.

There was discussion about connecting to rail, electric buses vs. CNG, composite bus frames, on-peak/off-peak TAP process, replacement of buses, branding/look of the vehicles, battery warranties, recharge location, fare boxes, discounts, revenue/fare structure, fare subsidy, vendors, and current infrastructure.

Mayor Finlay asked that the topic of a fare subsidy be sent to a Commission to provide staff and Council with general feedback and an overall opinion.

Paras-Caracci moved, Reilly seconded to designate \$1.6 million in Prop A funds towards the purchase of two electric buses, to have a discussion about the fare subsidy at a later date, and to authorize staff to bring back a Memorandum of Understanding with Foothill Transit for a joint partnership to provide, operate, and maintain transit services throughout the City, and carried unanimously.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

PARAS-CARACCI: She was honored to serve as the keynote speaker at Congressman Napolitano's event, congratulated the honorees, and suggested the possibility that Bike SGV could offer educational classes at movie nights and Neighborhood Watch type events.

FINLAY: Distributed tickets to the Rotary dinner to City Councilmembers (and left the meeting at 9:59 p.m.).

REILLY: Discussed an online article about jobs, provided statistics about the economy, and attended program at the Duarte Library where there was a speaker from Whittier Narrows.

KANG: Stated there are shrubs growing over the monument signs, the Highland/Duarte sidewalk project looks great, inquired about lighting (Hensley responded), stated the Indian BBQ restaurant did not change the décor at his previous business, stated he recalls a rise in gang violence in 2008/09, Monrovia put spot lights on gang-infested houses and then demolished them, we want to be pro-active, and asked for information about the pros and cons of gang injunctions (George and Villalobos stated they will follow-up with him).

GEORGE: Asked if the Budget Workshop scheduled for May 1

could be held at a later date.

After discussion, it was the consensus of the City Council that the date of the Budget Workshop would be changed from May 1, to possibly May 17, subject to City Council availability.

FASANA: Stated Bike SGV made a great presentation at the COG meeting.

ADJOURNMENT

Reilly moved, Kang seconded to adjourn the meeting 10:11 p.m. in memory of Joannie Yuille, and carried unanimously.

Mayor Margaret Finlay

City Clerk



City of Duarte

Council Warrant Register by Account

By Fund

Payment Dates 04/26/2017 - 05/09/2017

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 100 - GENERAL FUND					
100-1005-7614	GRAND PRINTING INC	Liz Reilly Business Cards	207414		99.61
100-1010-7614	OFFICE SOLUTIONS INC	File Cabinet-City Mgr Office	207435		190.30
100-1010-7980	SMART & FINAL	Closed Session Supplies	207448		50.65
100-1010-7980	BOTANICA FLORIST	Dorothy Smith Award Bouquet	207350		27.25
100-1015-7682	BURKE, WILLIAMS & SORENSEN LL	Labor Legal 3/2017	207393		9,385.48
100-1015-7684	RUTAN & TUCKER LLP	Code Enforcement Legal 3/2017	207442		5,869.32
100-1015-7686	RUTAN & TUCKER LLP	City of Hope EIR Legal 3/2017	207442	201406-Legal Fees-City of Hope EIR Reim	1,920.00
100-1020-7711	MICHELLE BROWN	Fiscal Year End Party Raffle Prizes	207352		189.34
100-1020-7711	MARISCOS LAS BRISAS	Deposit-EE Luau Party 5/18/17	207356		121.22
100-1020-7711	MARISCOS LAS BRISAS	Balance-EE Luau Party 5/18/17	207429		484.87
100-1020-7716	SMART & FINAL	Duarte Rd/Bike Pedestrian Event	207448		25.19
100-1020-7716	SMART & FINAL	Duarte Rd Bike/Pedestrian Event	207448		44.18
100-1020-7724	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		115.00
100-1205-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 22 Tire	207383		219.29
100-1205-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 29 PM Service	207383		83.67
100-1205-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 24 PM Service	207383		81.56
100-1205-7650	JAN'S TOWING INC	Veh 24 Towing	207371		86.00
100-1205-7655	THOMSON REUTERS-WEST PUBLIS	Emergency Software 3/1/17 - 3/31/17	207359		140.00
100-1205-7761	DATA TICKET INC	Admin Citation Processing 3/2017	207401		241.20
100-1205-7761	DATA TICKET INC	Parking Citation Processing 3/2017	207401		2,050.80
100-1205-7779	DUARTE PIZZA COMPANY	DART Event w/Boys & Girls Club	207404		103.30
100-1205-7779	DUARTE PIZZA COMPANY	DART A-Team Dinner	207404		132.35
100-1205-7779	FSP DESIGNS	A-Team Uniforms	207411	201716-Youth Prgms-CalGrip 2017-2018 (	170.00
100-1205-7780	COUNTY OF LOS ANGELES - ANIMA	Animal Shelter Services 3/2017	207398		1,157.70
100-1205-7780	NATIONAL BAND & TAG CO	Add'l 2017 Dog Tags	207434		142.94
100-1205-7780	DUARTE-AZUSA ANIMAL HOSPITAL	Emergency Animal Care	207407		67.50
100-1205-7780	DUARTE-AZUSA ANIMAL HOSPITAL	Emergency Animal Care	207407		62.50
100-1205-7783	COUNTY OF LOS ANGELES PROBATI	GAPP (DPO-RA) 1/1/17 - 3/31/17	207346	201716-GAPP Program-CalGrip 2017-201	20,500.00
100-1205-7980	BOYS & GIRLS CLUBS OF THE FOOT	CalGrip Q1 2017 CBO 1/17 - 3/17	207345	201716-Other Expense-CalGrip 2017-201	15,052.00
100-1205-7980	SMART & FINAL	South Yard Breakroom Supplies	207448		18.13
100-1405-7614	STAPLES ADVANTAGE	Office Supplies	207449		80.64
100-1405-7614	STAPLES ADVANTAGE	Office Supplies	207449		72.50
100-1405-7690	SHAUNA PIERCE	Planning Commiission Meeting	207436		50.00
100-1405-7690	GEORGE K FARRA	Planning Commiission Meeting	207410		50.00
100-1405-7690	SARA VASQUEZ	Planning Commiission Meeting	207456		50.00
100-1405-7690	SHERYL LEFMANN	Planning Commiission Meeting	207426		50.00
100-1405-7801	COUNTY OF LOS ANGELES DEPART	Industrial Waste Inspections 3/2017	207399		1,936.13
100-1405-7965	DESMOND, MARCELLO & AMSTER L	Real Estate Evaluation-1303 Hunt Dr	207402		551.25
100-1405-7965	DESMOND, MARCELLO & AMSTER L	Real Estate Evaluation-1303 Hunt Dr	207402		2,682.50
100-1405-7965	LDM ASSOCIATES INC	2016-2017 CDBG Grant Admin 3/2017	207425		127.50
100-1405-7965	PLACEWORKS	COH Specific Plan/EIR 2/2017 & 3/2017	207437	201406-Prof Serv-City of Hope EIR Reimb	54,795.77
100-1405-7969	RKA CONSULTING GROUP	Engineering-Fish Fire On-Call 3/2017	207440	201632-Fish Fire-Engineering Svcs	440.00
100-1405-7975	MADIA TECH LAUNCH INC	Donation Pledge	207427		600.00
100-1405-7980	J & J SPORTS & TROPHIES	Sparr Liquor Sledge Plates	207418	201723-Other Exp-1303 Hunt Site Clearan	37.89
100-1405-8100	SUPERIOR PAVEMENT MARKINGS I	New Regulatory Signs-Street Sweeping	207453		70,543.50
100-1410-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 10 Instrument Cluster	207383		790.08
100-1410-7656	SUNWEST ENGINEERING	Underground Fuel Tank Inspection 4/2017	207452		145.00
100-1410-7980	SMART & FINAL	South Yard Breakroom Supplies	207448		18.11
100-1415-7889	LANDSCAPE WAREHOUSE INC	Sports Field Irrigation Repair	207423		455.59
100-1415-7916	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		2,130.00
100-1500	KELLY BARNES	Adv-SC Mother's Day Tea Sandwiches/Desserts	207349		500.00
100-1605-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 16 Brake Inspection	207383		24.50
100-1605-7728	SMART & FINAL	Park Clean-up Day Refreshments	207448	201709- Duarte's Promise - America's Pro	91.85

Council Warrant Register by Account

Payment Dates: 04/26/2017 - 05/09/2017

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
100-1605-7730	WALMART COMMUNITY/RFCSLLC	Return-Egg Hunt Supplies	207360		-4.09
100-1605-7730	WALMART COMMUNITY/RFCSLLC	Return-Egg Hunt Supplies	207360		-6.29
100-1605-7730	WALMART COMMUNITY/RFCSLLC	Egg Hunt Supplies	207360		19.24
100-1605-7733	THE ABBEY PRESS COMPANIES	20 Common Reactions as you Heal	207379		16.78
100-1605-7733	THE ABBEY PRESS COMPANIES	Why We Need Others While We Are Grieving	207379		16.78
100-1605-7733	THE ABBEY PRESS COMPANIES	Getting Through the Holidays	207379		16.78
100-1605-7733	THE ABBEY PRESS COMPANIES	Responding to Life's Challenges	207379		16.78
100-1605-7733	THE ABBEY PRESS COMPANIES	A Healing Year	207379		16.78
100-1605-7733	THE ABBEY PRESS COMPANIES	Living Alone Without Being Lonely	207379		16.77
100-1605-7733	THE ABBEY PRESS COMPANIES	What Grieving Does to the Body	207379		32.28
100-1605-7733	THE ABBEY PRESS COMPANIES	Searching for an Adult Faith	207379		16.78
100-1605-7733	THE ABBEY PRESS COMPANIES	After the First Year of Grief	207379		16.78
100-1605-7733	THE ABBEY PRESS COMPANIES	Advanced Medical Directives	207379		16.78
100-1605-7733	SMART & FINAL	SC Office Supplies	207448		31.59
100-1605-7733	SMART & FINAL	Senior Ctr Supplies	207448		68.92
100-1605-7733	SMART & FINAL	Senior Ctr Supplies	207448		34.83
100-1605-7733	ABRAHAM MARTINEZ	SC Mother's Day Lunch Entertainment	207430		105.00
100-1605-7733	THEODORE SIEGEL	SC "A Night At The Opera" Presentation	207445		150.00
100-1605-7735	SMART & FINAL	TC Special Event BBQ Supplies	207448		84.36
100-1605-7735	FSP DESIGNS	TC Student Intern Shirts	207411		30.61
100-1605-7735	ASHLEY ROSAL	Youth @ Work Internship	207441		100.00
100-1605-7735	YESENIA MUNOZ	Youth @ Work Internship	207433		100.00
100-1605-7735	KALINA JENKINS GITTENS	Youth @ Work Internship	207412		100.00
100-1605-7735	CETH CLARK	Youth @ Work Internship	207397		125.00
100-1605-7735	ALONDRA VILLELA	Youth @ Work Internship	207457		100.00
100-1605-7735	KYLE SHEA	Youth @ Work Internship	207443		100.00
100-1605-7736	YOUNG REMBRANDTS	Instructor Fee-Cartoon Drawing	207378		378.00
100-1605-7736	AGI ACADEMY	Instructor Fees-Critical Reading	207347		221.20
100-1605-7736	BRICKS 4 KIDZ	Instructor Fee-Minecraft	207351		150.00
100-1605-7736	ALEJANDRO FUENTES	Instructor Fee-Circus Gymnastics	207355		409.50
100-1605-7736	AMERICASIA	Instructor Fee-Golf	207348		227.50
100-1605-7736	AGI ACADEMY	Instructor Fees-Math Workshop	207347		221.20
100-1605-7737	ZACA MESA	Wine Tasting Excursion 6/7/17	207361		560.52
100-1605-7737	BUCA SALES & MARKETING LLC	Adult Excursion Lunch 5/10/17	207365		917.96
100-1605-7737	ARLINGTON GARDEN IN PASADENA	Adult ExcursionTickets 5/10/17	207362		200.00
100-1605-7744	CASSANDRA GONZALEZ	Youth @ Work Internship	207413		100.00
100-1605-7744	EMILY DIAZ	Youth @ Work Internship	207403		100.00
100-1605-7744	MARISOL ARIAS	Youth @ Work Internship	207386		100.00
100-1605-7744	LINDSAY E LATHROP	Youth @ Work Internship	207424		100.00
100-1605-7744	CYNTHIA SIERRA	Youth @ Work Internship	207446		100.00
100-1605-7744	FELIPE VALDEZ	Youth @ Work Internship	207455		100.00
100-1605-7744	ALEXANDER L REED	Youth @ Work Internship	207439		100.00
100-1605-7744	ELAYSSA AQUINO	Youth @ Work Internship	207385		100.00
100-1605-7744	ALFREDO ALVARDO	Youth @ Work Internship	207384		100.00
100-1605-7745	CURO MANAGED PRINT PRODUCTI	TC Boxing Photos	207354		27.25
100-1605-7750	INLAND EMPIRE TOURS & TRANSP	Excursion Transportation-Day In Carlsbad	207370		1,197.50
100-1605-7980	SMART & FINAL	South Yard Breakroom Supplies	207448		18.11
100-1605-7980	CHRISTOPHER MITZEL	B Class Driver's License Testing	207372		73.00
100-1610-7617	FULLER ENGINEERING INC	Pool Chemicals	207368		367.58
100-1610-7618	SMART & FINAL	Janitorial Supplies	207448		195.89
100-1610-7618	IMS REFRIGERATION INC	SC Freezer	207369		3,030.43
100-1610-7618	RAYVERN LIGHTING SUPPLY INC	Lighting Supplies	207438		392.21
100-1610-7618	SIMON EQUIPMENT RENTALS	Tiller Rental	207447		269.12
100-1610-7618	WAXIE SANITARY SUPPLY	Janitorial Supplies	207377		2,721.16
100-1610-7618	MIRACLE RECREATION EQUIPMENT	Playground Equipment Supplies	207431		837.90
100-1610-7652	CHARLIE'S FENCE CO	South Yard Entry Gate Repair	207396		1,675.00
100-1610-7652	DEWEY PEST CONTROL INC	Pest Control Srvcs 4/2017	207366		38.00
100-1610-7652	UNITED SITE SERVICES	Portable Toilet Rent 3/28/17 - 4/24/17	207376		90.28
100-1610-7652	STAR-BRITE CARPET CARE	SC Lobby Carpet Cleaning	207375		250.00
100-1610-7652	DUARTE TILE & STONE INC	South Yard New Shower	207405		3,593.74

Council Warrant Register by Account

Payment Dates: 04/26/2017 - 05/09/2017

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
100-1610-7652	FAITH FIRE EXTINGUISHER & SAFET	CC Fire System Service	207367		175.59
100-1610-7652	AIR-TRO INC	Public Safety HVAC Maintenance	207381		176.00
100-1610-7652	JR ENGINEERING INDUSTRIES	Tennis Court Mechanism Repair	207420		350.00
100-1610-7652	ACCO ENGINEERED SYSTEMS	HVAC Maint-CH/SC 4/1/17 - 6/30/17	207380		3,170.00
100-1610-7652	ALBERTOS PLUMBING	Lena Valenzuela Pk Fountain Repair	207382		120.00
100-1610-7652	ALBERTOS PLUMBING	CH Water Heater Replacement	207382		2,145.00
100-1610-7652	ALBERTOS PLUMBING	South Yard Plumbing Repairs	207382		1,040.00
100-1610-7652	CINTAS CORPORATION #693	ROP Bldg Floor Mats	207353		67.69
100-1610-7652	CINTAS CORPORATION #693	SC Floor Mats	207353		214.78
100-1610-7652	CINTAS CORPORATION #693	Duarte Pk Bldg Floor Mats	207353		32.69
100-1610-7652	CINTAS CORPORATION #693	TC Floor Mats	207353		110.43
100-1610-7652	CINTAS CORPORATION #693	CH Floor Mats	207353		57.46
100-1610-7652	CINTAS CORPORATION #693	PS Floor Mats	207353		38.80
100-1610-7652	DEWEY PEST CONTROL INC	Pest Control Svcs 4/2017	207366		164.00
100-1610-7652	EXECUTIVE ELEVATOR INC	SC Elevator Maintenance 4/2017	207409		130.00
100-1610-7830	THE TECHNOLOGY DEPOT INC	Phone Support 5/2017	207358		422.00
100-1805-7610	KRISTEN PETERSEN	Meeting w/Councilmember	207357		35.65
100-1805-7614	OFFICE SOLUTIONS INC	Expandable Hanging Folders	207435		30.43
100-1805-7614	OFFICE SOLUTIONS INC	Office Supplies	207435		6.86
100-1805-7614	OFFICE SOLUTIONS INC	Front Counter Calculator	207435		20.74
100-1805-7614	OFFICE SOLUTIONS INC	Budget Workshop	207435		237.55
100-1805-7614	OFFICE SOLUTIONS INC	Office Supplies	207435		3.98
100-1805-7614	OFFICE SOLUTIONS INC	Budget Supplies	207435		87.21
100-1805-7614	OFFICE SOLUTIONS INC	Mailing Tape	207435		23.51
100-1805-7614	OFFICE SOLUTIONS INC	Return (Inv I-01147347)	207435		-120.67
100-1805-7653	WALMART COMMUNITY/RFC5LLC	Late Charge	207360		1.19
100-1805-7965	HINDERLITER, DE LLAMAS & ASSOC	2017 Q2 Sales Tax Audit	207417		1,290.27
100-1805-7965	HINDERLITER, DE LLAMAS & ASSOC	Fee Increase Differential	207417		450.00
100-1810-7610	MICHELLE BROWN	IPMA-HR Conference Expense Reimb	207364		506.81
100-1810-7614	OFFICE SOLUTIONS INC	HR Printer Toner/Labels	207435		234.03
100-1810-7614	OFFICE SOLUTIONS INC	HR Printer Toner	207435		324.93
100-1810-7614	OFFICE SOLUTIONS INC	Return (Inv I-01147347)	207435		-194.90
100-1810-7671	JOBS AVAILABLE	Job Ad-Public Works Manager	207419		526.50
100-1815-7632	MAXTREME INC	Office 365 Licenses 3/17	39		363.00
100-1815-7632	MAXTREME INC	Office 365 Licenses 4/17	39		363.00
100-1815-7632	CDW GOVERNMENT LLC	Parallels Desktop for Mac (License Renewal 1 yr)	207395		1,838.00
100-1815-7820	TYLER TECHNOLOGIES INC	Finance System Support 4/1/17 - 6/30/17	207454		11,279.75
100-1815-7821	THE TECHNOLOGY DEPOT INC	VITA Mgmt 5/2017	207358		578.00
100-1815-7965	MAXTREME INC	IT Helpdesk 4/2017	39		8,700.00
100-1815-7980	MAXTREME INC	Mice for PS Counter	39		22.80
100-1815-7980	MAXTREME INC	Crash Plan Recovery 4/2017	39		200.00
100-1825-7613	GRAND PRINTING INC	D Vaillancourt Business Cards	207414		99.62
100-1825-7613	GRAND PRINTING INC	Larry Breceda Business Cards	207414		99.62
100-1825-7613	OFFICE SOLUTIONS INC	Copier Paper	207435		33.08
100-1825-7630	RICOH USA INC	Copier Lease-PS 4/19/17 - 5/18/17	207374		774.32
100-1825-7630	RICOH USA INC	Copier Lease-CH/SC/TC 5/19/17 - 6/18/17	207374		1,633.31
100-1825-7630	MAILFINANCE	Postage Machine 5/23/17 - 8/22/17	207428		352.03
100-1825-7631	RICOH USA INC	Copier Maint-CH/TC/SC 4/19/17 - 5/18/17	207373		1,501.03
100-1825-7674	U.S. BANK PARS ACCOUNT #674602	Additional ARC Payments FY17	EFT04482		286,000.00
100-1825-7674	GINNY JOYCE BELBA	Health Insurance Reimbursement	207389		217.60
100-1825-7674	LINDA HENDERSON	Health Insurance Reimbursement	207415		435.21
100-1825-7674	CATHERINE BRATTA	Health Insurance Reimbursement	207390		435.21
100-1825-7674	JACQUELINE BURCKHARD	Health Insurance Reimbursement	207392		217.60
100-1825-7674	DOROTHY MONTGOMERY	Health Insurance Reimbursement	207432		217.60
100-1825-7674	STEVE ESBENSHADE	Health Insurance Reimbursement	207408		565.78
100-1825-7674	JIM KIRCHNER	Health Insurance Reimbursement	207421		435.21
100-1825-7945	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391	250016-Oper of Acq Prop-1229 Pops Roa	41.67
100-1825-7945	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391	990002 - Oper of Acq Prop - Duarte Traile	41.67
100-1825-7980	SHRED-IT USA LLC	On-Site Document Shredding	207444		332.99
100-2120	RIA BANAWIS	ROP Bldg Rent Deposit Refund	207363		150.00

Council Warrant Register by Account

Payment Dates: 04/26/2017 - 05/09/2017

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
100-2121	SMART & FINAL	Union Meeting Drinks 4/17/17	207448		29.66
100-4408	DUARTE UNIFIED SCHOOL DISTRICT	Nextel Lease 5/2017	207406	250004 - Property Rent - Nextel Rent (Oti	1,520.98
Fund 100 - GENERAL FUND Total:					545,696.94

Council Warrant Register by Account

Payment Dates: 04/26/2017 - 05/09/2017

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 240 - LIGHTING AND LANDSCAPE DISTRICT FUND					
240-2405-7877	STATE OF CALIFORNIA DEPT OF TRA	Traffic Signal Maintenance 1/2017 - 3/2017	207450		302.17
240-2405-7888	B & K ELECTRIC WHOLESale	Citywide Street Light Repair	207388		70.07
240-2410-7906	WEST COAST ARBORISTS INC	Citywide Tree Trimming	207458		6,002.00
240-2410-7915	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		7,500.00
240-2410-7917	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		4,630.00
240-2420-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		345.16
240-2421-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		1,300.00
240-2422-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		480.58
240-2423-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		900.00
240-2424-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		550.00
240-2425-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		400.00
240-2426-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		180.00
240-2427-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		630.33
240-2429-7887	LANDSCAPE WAREHOUSE INC	Raingun Irrigation Repair	207423		311.49
240-2431-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		800.00
240-2432-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		835.00
240-2433-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		530.00
240-2434-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 4/2017	207391		355.00
Fund 240 - LIGHTING AND LANDSCAPE DISTRICT FUND Total:					26,121.80

Council Warrant Register by Account

Payment Dates: 04/26/2017 - 05/09/2017

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)					
260-2605-8070	LDM ASSOCIATES INC	Bradbourne St Improvt Project Admin 3/2017	207425	201702-Street Imp-Bradbourne Ave Reha	1,657.50
Fund 260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) Total:					1,657.50

Council Warrant Register by Account

Payment Dates: 04/26/2017 - 05/09/2017

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 440 - PROPOSITION A TRANSIT FUND					
440-4405-7620	CANYON TIRE SALES INC	Bus 102 Tires	207394		2,485.81
440-4405-7620	CANYON TIRE SALES INC	Bus 103 Tires	207394		1,390.43
440-4405-7636	HENDERSON'S	Bus Driver Uniforms	207416		299.47
440-4405-7650	AUTOZONE	South Yard Supplies	207387		196.98
440-4405-7650	AUTOZONE	South Yard Supplies	207387		19.55
440-4405-7674	U.S. BANK PARS ACCOUNT #674602	Additional ARC Payments FY17	EFT04482		9,000.00
440-4405-7887	ALEX ROMO AUTO & TRUCK REPAIR	Veh 28 PM Service/Trans Fluid/Brake Fluid	207383		509.20
440-4405-7887	AUTOZONE	Bus Battery	207387		240.33
440-4405-7887	AUTOZONE	Battery Core Return	207387		-60.00
440-4405-7887	CREATIVE BUS SALES	Bus 103 Latches	207400		194.84
440-4405-7887	CREATIVE BUS SALES	Bus Emergency Window Decals	207400		92.56
440-4405-7887	LA MOBO BUS SERVICE INC	Bus 103/100 CHP Inspection Mechanic	207422		333.70
440-4405-7980	SMART & FINAL	South Yard Breakroom Supplies	207448		18.11
440-4425-8100	SULLY-MILLER CONTRACTING CO	Gold Line Station ATP LADRTTP	207451	201604-Other Cap 440 (ATP)-ATP Goldline	196,806.90
Fund 440 - PROPOSITION A TRANSIT FUND Total:					211,527.88

Council Warrant Register by Account

Payment Dates: 04/26/2017 - 05/09/2017

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 620 - COMMUNITY IMPROVEMENT FUND					
620-6225-8100	SULLY-MILLER CONTRACTING CO	Gold Line Station ATP LADRT	207451	201604-Other Cap 620 (ATP)-ATP Design	766,044.84
Fund 620 - COMMUNITY IMPROVEMENT FUND Total:					766,044.84
Grand Total:					1,551,048.96

Report Summary**Fund Summary**

Fund	Payment Amount
100 - GENERAL FUND	545,696.94
240 - LIGHTING AND LANDSCAPE DISTRICT FUND	26,121.80
260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDB	1,657.50
440 - PROPOSITION A TRANSIT FUND	211,527.88
620 - COMMUNITY IMPROVEMENT FUND	766,044.84
Grand Total:	1,551,048.96

Account Summary

Account Number	Account Name	Payment Amount
100-1005-7614	Office Supplies	99.61
100-1010-7614	Office Supplies	190.30
100-1010-7980	Other Expenses	77.90
100-1015-7682	Labor Counsel	9,385.48
100-1015-7684	Code Enforcement	5,869.32
100-1015-7686	Other Legal Services	1,920.00
100-1020-7711	Employee Recognition C	795.43
100-1020-7716	Special Community Even	69.37
100-1020-7724	Post Office Parking	115.00
100-1205-7650	Vehicle Maintenance	470.52
100-1205-7655	Emergency Services	140.00
100-1205-7761	Parking Ticket Collect	2,292.00
100-1205-7779	Youth Programs	405.65
100-1205-7780	Animal Control	1,430.64
100-1205-7783	GAPP Program	20,500.00
100-1205-7980	Other Expenses	15,070.13
100-1405-7614	Office Supplies	153.14
100-1405-7690	Planning Commission	200.00
100-1405-7801	Industrial Waste Inspecti	1,936.13
100-1405-7965	Professional Services	58,157.02
100-1405-7969	City Engineer	440.00
100-1405-7975	Economic Development	600.00
100-1405-7980	Other Expenses	37.89
100-1405-8100	Other Capital Improvem	70,543.50
100-1410-7650	Vehicle Maintenance	790.08
100-1410-7656	Emergency Generator	145.00
100-1410-7980	Other Expenses	18.11
100-1415-7889	Repairs-Sports Park	455.59
100-1415-7916	Landscape-Sport Park	2,130.00
100-1500	Advances	500.00
100-1605-7650	Vehicle Maintenance	24.50
100-1605-7728	Americorp's VIP Progra	91.85
100-1605-7730	Special Events	8.86
100-1605-7733	Senior Center	573.63
100-1605-7735	Teen Center	739.97
100-1605-7736	Recreation Classes	1,607.40
100-1605-7737	Adult Excursions	1,678.48
100-1605-7744	Nutrition Program Costs	900.00
100-1605-7745	Boxing Program	27.25
100-1605-7750	Bus Rentals	1,197.50
100-1605-7980	Other Expenses	91.11
100-1610-7617	Pool Chemicals	367.58
100-1610-7618	Building Supplies	7,446.71
100-1610-7652	Building Maint Services	13,639.46
100-1610-7830	Telephones	422.00
100-1805-7610	Travel, Mtgs & Conf	35.65
100-1805-7614	Office Supplies	289.61
100-1805-7653	Bank Charges	1.19

Account Summary

Account Number	Account Name	Payment Amount
100-1805-7965	Professional Services	1,740.27
100-1810-7610	Travel, Mtgs & Conf	506.81
100-1810-7614	Office Supplies	364.06
100-1810-7671	Recruiting Advertisemen	526.50
100-1815-7632	Software Maintenance	2,564.00
100-1815-7820	Finance System Support	11,279.75
100-1815-7821	Personal Computer Supp	578.00
100-1815-7965	Professional Services	8,700.00
100-1815-7980	Other Expenses	222.80
100-1825-7613	Duplications And Photos	232.32
100-1825-7630	Equipment Lease	2,759.66
100-1825-7631	Equipment Maintenance	1,501.03
100-1825-7674	Retiree Health Insurance	288,524.21
100-1825-7945	Operation Of Acq Prop	83.34
100-1825-7980	Other Expenses	332.99
100-2120	Refundable Deposits	150.00
100-2121	Pass Through Deposits	29.66
100-4408	Property Rental	1,520.98
240-2405-7877	Electric-Traffic Signal	302.17
240-2405-7888	Repairs-Citywide	70.07
240-2410-7906	Tree Trim-Citywide	6,002.00
240-2410-7915	Landscape-Citywide	7,500.00
240-2410-7917	Landscape-Medians	4,630.00
240-2420-7914	Landscape Maintenance	345.16
240-2421-7914	Landscape Maintenance	1,300.00
240-2422-7914	Landscape Maintenance	480.58
240-2423-7914	Landscape Maintenance	900.00
240-2424-7914	Landscape Maintenance	550.00
240-2425-7914	Landscape Maintenance	400.00
240-2426-7914	Landscape Maintenance	180.00
240-2427-7914	Landscape Maintenance	630.33
240-2429-7887	Repairs & Replacements	311.49
240-2431-7914	Landscape Maintenance	800.00
240-2432-7914	Landscape Maintenance	835.00
240-2433-7914	Landscape Maintenance	530.00
240-2434-7914	Landscape Maintenance	355.00
260-2605-8070	Street Improvements (C	1,657.50
440-4405-7620	Tires	3,876.24
440-4405-7636	Uniforms	299.47
440-4405-7650	Vehicle Maintenance	216.53
440-4405-7674	Retiree Health Insurance	9,000.00
440-4405-7887	Repairs & Replacements	1,310.63
440-4405-7980	Other Expenses	18.11
440-4425-8100	Other Capital Improvem	196,806.90
620-6225-8100	Other Capital Improvem	766,044.84
Grand Total:		1,551,048.96

Project Account Summary

Project Account Key	Payment Amount
None	491,927.89
201406-Legal Fees-City of Hope EIR Reimb	1,920.00
201406-Prof Serv-City of Hope EIR Reimb	54,795.77
201604-Other Cap 440 (ATP)-ATP Goldline	196,806.90
201604-Other Cap 620 (ATP)-ATP Design Goldline	766,044.84
201632-Fish Fire-Engineering Svcs	440.00
201702-Street Imp-Bradbourne Ave Rehab (601779-16)	1,657.50
201709- Duarte's Promise - America's Promise Exp	91.85
201716-GAPP Program-CalGrip 2017-2018 (3 of 3 MOU)	20,500.00

Project Account Summary

Project Account Key	Payment Amount
201716-Other Expense-CalGrip 2017-2018 (3 of 3 MOU	15,052.00
201716-Youth Prgms-CalGrip 2017-2018 (3 of 3 MOU)	170.00
201723-Other Exp-1303 Hunt Site Clearance	37.89
250004 - Property Rent - Nextel Rent (Otis Gordon)	1,520.98
250016-Oper of Acq Prop-1229 Pops Road	41.67
990002 - Oper of Acq Prop - Duarte Trailer Park	41.67
Grand Total:	1,551,048.96



City of Duarte

Council Warrant Register Over \$5000

By Payment Number

Payment Dates 04/26/2017 - 05/09/2017

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Account Number	Project Account Key	Payment Amount Item Amount
207345	4/26/2017	5155	BOYS & GIRLS CLUBS OF THE FOOTHILLS			15,052.00
	040417	CalGrip Q1 2017 CBO 1/17 - 3/17		100-1205-7980	201716-Other Expense-CalGrip 2017-2018 (3 of	15,052.00
207346	4/26/2017	1117	COUNTY OF LOS ANGELES PROBATION DEPARTMENT			20,500.00
	161703PIP	GAPP (DPO-RA) 1/1/17 - 3/31/17		100-1205-7783	201716-GAPP Program-CalGrip 2017-2018 (3 of	20,500.00
207391	5/9/2017	3889	BRIGHTVIEW LANDSCAPE SERVICES INC			21,764.41
	5298190	Landscape Maintenance 4/2017		100-1020-7724		115.00
	5298190	Landscape Maintenance 4/2017		100-1415-7916		2,130.00
	5298190	Landscape Maintenance 4/2017		100-1825-7945	990002 - Oper of Acq Prop - Duarte Trailer Park	41.67
	5298190	Landscape Maintenance 4/2017		100-1825-7945	250016-Oper of Acq Prop-1229 Pops Road	41.67
	5298190	Landscape Maintenance 4/2017		240-2410-7915		7,500.00
	5298190	Landscape Maintenance 4/2017		240-2410-7917		4,630.00
	5298190	Landscape Maintenance 4/2017		240-2420-7914		345.16
	5298190	Landscape Maintenance 4/2017		240-2421-7914		1,300.00
	5298190	Landscape Maintenance 4/2017		240-2422-7914		480.58
	5298190	Landscape Maintenance 4/2017		240-2423-7914		900.00
	5298190	Landscape Maintenance 4/2017		240-2424-7914		550.00
	5298190	Landscape Maintenance 4/2017		240-2425-7914		400.00
	5298190	Landscape Maintenance 4/2017		240-2426-7914		180.00
	5298190	Landscape Maintenance 4/2017		240-2427-7914		630.33
	5298190	Landscape Maintenance 4/2017		240-2431-7914		800.00
	5298190	Landscape Maintenance 4/2017		240-2432-7914		835.00
	5298190	Landscape Maintenance 4/2017		240-2433-7914		530.00
	5298190	Landscape Maintenance 4/2017		240-2434-7914		355.00
207393	5/9/2017	4838	BURKE, WILLIAMS & SORENSEN LLP			9,385.48
	212491	Labor Legal 3/2017		100-1015-7682		9,385.48
207437	5/9/2017	5224	PLACEWORKS			54,795.77
	62004	COH Specific Plan/EIR 2/2017 & 3/20		100-1405-7965	201406-Prof Serv-City of Hope EIR Reimb	54,795.77
207442	5/9/2017	0196	RUTAN & TUCKER LLP			7,789.32
	773940	Code Enforcement Legal 3/2017		100-1015-7684		5,869.32
	773941	City of Hope EIR Legal 3/2017		100-1015-7686	201406-Legal Fees-City of Hope EIR Reimb	1,920.00
207451	5/9/2017	5675	SULLY-MILLER CONTRACTING CO			962,851.74
	898881	Gold Line Station ATP LADRTTP		440-4425-8100	201604-Other Cap 440 (ATP)-ATP Goldline	196,806.90
	898881	Gold Line Station ATP LADRT		620-6225-8100	201604-Other Cap 620 (ATP)-ATP Design Goldlin	766,044.84
207453	5/9/2017	4917	SUPERIOR PAVEMENT MARKINGS INC			70,543.50
	8004	New Regulatory Signs-Street Sweepin		100-1405-8100		70,543.50
207454	5/9/2017	4674	TYLER TECHNOLOGIES INC			11,279.75
	025-183587	Finance System Support 4/1/17 - 6/3		100-1815-7820		11,279.75
207458	5/9/2017	1521	WEST COAST ARBORISTS INC			6,002.00
	124685	Citywide Tree Trimming		240-2410-7906		6,002.00
39	5/9/2017	4286	MAXTREME INC			9,648.80
	13270	Office 365 Licenses 4/17		100-1815-7632		363.00
	13270	Office 365 Licenses 3/17		100-1815-7632		363.00
	13271	Mice for PS Counter		100-1815-7980		22.80
	13272	IT Helpdesk 4/2017		100-1815-7965		8,700.00
	13272	Crash Plan Recovery 4/2017		100-1815-7980		200.00

Council Warrant Register Over \$5000

Payment Dates: 04/26/2017 - 05/09/2017

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Account Number	Project Account Key	Payment Amount Item Amount
EFT04482	4/26/2017	5194	U.S. BANK PARS ACCOUNT #6746022400			295,000.00
	03302017	Additional ARC Payments FY17		100-1825-7674		286,000.00
	03302017	Additional ARC Payments FY17		440-4405-7674		9,000.00
Payment Total:						1,484,612.77

Report Summary**Fund Summary**

Fund	Payment Amount
100 - GENERAL FUND	487,322.96
240 - LIGHTING AND LANDSCAPE DISTRICT FUND	25,438.07
440 - PROPOSITION A TRANSIT FUND	205,806.90
620 - COMMUNITY IMPROVEMENT FUND	766,044.84
Grand Total:	1,484,612.77

Account Summary

Account Number	Account Name	Payment Amount
100-1015-7682	Labor Counsel	9,385.48
100-1015-7684	Code Enforcement	5,869.32
100-1015-7686	Other Legal Services	1,920.00
100-1020-7724	Post Office Parking	115.00
100-1205-7783	GAPP Program	20,500.00
100-1205-7980	Other Expenses	15,052.00
100-1405-7965	Professional Services	54,795.77
100-1405-8100	Other Capital Improvem	70,543.50
100-1415-7916	Landscape-Sport Park	2,130.00
100-1815-7632	Software Maintenance	726.00
100-1815-7820	Finance System Support	11,279.75
100-1815-7965	Professional Services	8,700.00
100-1815-7980	Other Expenses	222.80
100-1825-7674	Retiree Health Insurance	286,000.00
100-1825-7945	Operation Of Acq Prop	83.34
240-2410-7906	Tree Trim-Citywide	6,002.00
240-2410-7915	Landscape-Citywide	7,500.00
240-2410-7917	Landscape-Medians	4,630.00
240-2420-7914	Landscape Maintenance	345.16
240-2421-7914	Landscape Maintenance	1,300.00
240-2422-7914	Landscape Maintenance	480.58
240-2423-7914	Landscape Maintenance	900.00
240-2424-7914	Landscape Maintenance	550.00
240-2425-7914	Landscape Maintenance	400.00
240-2426-7914	Landscape Maintenance	180.00
240-2427-7914	Landscape Maintenance	630.33
240-2431-7914	Landscape Maintenance	800.00
240-2432-7914	Landscape Maintenance	835.00
240-2433-7914	Landscape Maintenance	530.00
240-2434-7914	Landscape Maintenance	355.00
440-4405-7674	Retiree Health Insurance	9,000.00
440-4425-8100	Other Capital Improvem	196,806.90
620-6225-8100	Other Capital Improvem	766,044.84
Grand Total:		1,484,612.77

Project Account Summary

Project Account Key	Payment Amount
None	429,409.92
201406-Legal Fees-City of Hope EIR Reimb	1,920.00
201406-Prof Serv-City of Hope EIR Reimb	54,795.77
201604-Other Cap 440 (ATP)-ATP Goldline	196,806.90
201604-Other Cap 620 (ATP)-ATP Design Goldline	766,044.84
201716-GAPP Program-CalGrip 2017-2018 (3 of 3 MOU)	20,500.00
201716-Other Expense-CalGrip 2017-2018 (3 of 3 MOU)	15,052.00
250016-Oper of Acq Prop-1229 Pops Road	41.67
990002 - Oper of Acq Prop - Duarte Trailer Park	41.67
Grand Total:	1,484,612.77

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE,
CALIFORNIA, SUPPORTING THE DUARTE ROUTE 66 PARADE AND
AGREEING TO ACCEPT LIABILITY AND MAINTENANCE FOR DETOURED
TRAFFIC FROM THE MOUNT OLIVE OFF-RAMP**

WHEREAS, the Duarte Route 66 Parade Committee will be sponsoring Duarte's Annual Route 66 Parade on Saturday, September 23, 2017; and

WHEREAS, the Parade route will travel along Huntington Drive; and

WHEREAS, to ensure adequate safety for Parade participants and the general public, the Mount Olive off-ramp of the 210/605 Freeways will need to be detoured; and

WHEREAS, the State Department of Transportation (Caltrans) requires the City to accept liability and maintenance for detoured traffic;

NOW, THEREFORE, the City Council of the City of Duarte, California, hereby supports the Duarte Route 66 Parade, and agrees to accept liability and maintenance for detoured traffic from the Mount Olive off-ramp.

PASSED, APPROVED, and ADOPTED this 9th day of May, 2017.

Mayor Margaret Finlay

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 17-28 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 9th day of May, 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California



MEMORANDUM

TO: CITY COUNCIL

FROM: COMMISSIONER Paula Watson-Gardner

SUBJECT: NOTICE OF ABSENCE FROM PLANNING COMMISSION MEETING

DATE: 4.20.19

REASON FOR ABSENCE:

☒ ACCIDENT ☐ VACATION ☐ OTHER*

☒ SICKNESS ☐ DEATH IN FAMILY

DATE OF MEETING ABSENCE April 17, 2017

* EXPLANATION OF ABSENCE PNEUMONIA - YOU DON'T WANT
this!

[Signature]
SIGNATURE

ABSENCE NOTED BY CITY COUNCIL

DATE



MEMORANDUM

RECEIVED

MAY 3 2017

CITY OF DUARTE

TO: CITY COUNCIL

FROM: COMMISSIONER Houghton

SUBJECT: NOTICE OF ABSENCE FROM Barks & Roe COMMISSION MEETING

DATE: May 3, 2017

REASON FOR ABSENCE

____ ACCIDENT

____ VACATION

____ SICKNESS

☒ OTHER * work

____ DEATH IN FAMILY

DATE OF MEETING ABSENCE May 8, 2017

* EXPLANATION OF ABSENCE work


Signature

* * * * *

Absence noted by City Council

Date



MEMORANDUM

Date: May 9, 2017

To: Mayor and Duarte City Council

From: Jason Golding, Planning Division Manager 

Subject: **CONSIDERATION OF APPEAL RELATED TO PLANNING COMMISSION DECISION TO DENY CONDITIONAL USE PERMIT (CUP 16-03) FOR OFF-SITE BEER AND WINE SALES IN CONJUNCTION WITH AN EXISTING CONSUMER GOODS STORE (99 CENTS ONLY STORES)**

On April 11, 2017, the City Council considered an appeal filed by Steve Rawlings on behalf of 99 Cents Only Stores, to overturn the Planning Commission's denial of CUP 16-03, related to the off-site sales of beer and wine. At this meeting, Staff presented the City Council with a proposed resolution to deny the appeal and uphold the Commission's decision. During public testimony, and after extensive discussion amongst the Council, it was recommended that Staff return at the first meeting in May with two resolutions for consideration: one to deny the appeal and uphold the Planning Commission decision, and a second to approve the appeal and overturn the Commission's determination.

Attached for City Council consideration are both resolutions mentioned above. There is no substantive difference in the resolution prepared to deny the appeal, compared to what the City Council was provided at the April meeting. However, the resolution to approve the appeal includes a comprehensive list of conditions that reflect a combination of the Council's comments at the April 11th meeting, volunteer conditions offered by Steve Rawlings/Alcoholic Beverage Consulting and 99 Cents Only Stores, and both standard and enhanced conditions from City Staff related to off-site alcohol sales conditional use permits. The proposed conditions are designed to address the primary concerns discussed at past meetings, including requirements for a uniformed security guard, HD video surveillance system, and limitations to the size, type and location of alcoholic beverages. Furthermore, many of these conditions are designed to address deferred maintenance and repair issues before the 99 Cents Store begins the sales of alcohol.

Background

On December 19, 2016, the Planning Commission considered 99 Cents Only Stores request for a Conditional Use Permit that would have allowed off-site beer and wine sales. The Commission approved PC Resolution 16-15 by the vote of 3-1-0-1 (Yes: Lefmann, Watson-Gardner, Vasquez; No: Pierce; Absent: None; Abstain: Farra), which denied the applicant's request for Conditional Use Permit (CUP 16-03).

The Planning Commission's decision to deny CUP 16-03 was due, in part, to the following factors: an overconcentration of alcohol licenses within the shopping center and adjacent area; and reoccurring police calls for service related to theft, loitering, transient activity, and public

drinking on the property. Other factors discussed during the meeting, revolved around the lack of property and building maintenance, particularly the removal of two exterior gates previously installed as part of conditions of approval for an exterior façade remodel in 2011 (ARB 2011-04). The purpose of the gates was to prevent loitering and deter illegal activities known to occur on the property and in the walkway between the 99 Cents Only Store and Rite Aid.

It should be noted, that many of the aforementioned issues (i.e., reoccurring police calls for service related to theft, loitering, transient activity, and public drinking on the property) were attributed to the alcohol sales at Sparr Liquor (1303 Huntington Drive). Since the Planning Commission's decision to deny CUP 16-03, Sparr Liquor has since closed, the City has purchased the property, and plans for demolition of the site have been tentatively projected for mid-to-late May 2017.

Appeal

Chapter 19.144 of the Duarte Development Code outlines the procedures for the appeal of decisions rendered by the Planning Commission. During the appeal hearing, the issues raised and considered by the City Council are not limited to those raised by the appellant, and may include any aspect of the proposed project, whether originally considered as part of the decision being appealed. In hearing the appeal, the City Council may affirm, affirm in part, or reverse the Planning Commission decision being appealed. The City Council may also adopt additional conditions of approval to address issues or concerns other than the subject of the appeal.

The applicant, Steve Rawlings (on behalf of 99 Cents Only Stores), filed an appeal of the Planning Commission's decision requesting the City Council further consider the applicant's Conditional Use Permit request. The applicant's grounds for the appeal include:

- a. Further consideration of the need for 99 Cents Only Stores to sell beer and wine to be competitive in the grocery business;
- b. Opportunity to further enumerate security measures to protect the community from negative impacts and improve the current situation at the shopping center;
- c. Provide more examples of added convenience to 99 Cents Only Stores customers.

After filing the above-mentioned appeal, the applicant requested a meeting with City staff to discuss and offer further preventative measures that would alleviate the City Council's concerns regarding illegal activity resulting from off-site beer and wine sales. Those measures include the following: limiting beer and malt products to be sold only in manufacturer's pre-packaged containers no smaller than 6-packs; limiting single wine bottle sales at a minimum of 750 ml in size, and limiting wine coolers sales to a 4-pack minimum. Additionally, the applicant has also agreed to modify security measures, as recommended by the Public Safety Department, by providing a security guard seven days a week between the hours of 4:00 p.m. to 10:00 p.m.

It should also be noted that City staff visited the site on April 3, 2017, and observed the property and deferred maintenance issues that were discussed during the Planning Commission hearing are still present and have not been corrected/abated. The list of maintenance items includes, but

is not limited to: trash and debris throughout the property (i.e., broken carts in the alley, an old couch adjacent to the 99 Cents Only Stores trash enclosure, broken beverage crates, and other miscellaneous items); the exterior gates noted above have not been reinstalled; and repainting of the dissimilar paint colors on the exterior of the building (including the cart corral at the entrance of the store) has not been completed. A subsequent inspection on May 2, 2017 resulted in similar observations to those mentioned above, in addition to identifying two open electrical or plumbing access doors on the front of the building. The couch mentioned previously was removed.

Based on the Planning Commission action, Resolution 17-R-26a has been attached which denies the applicant's request for an appeal to approve Conditional Use Permit 16-03 and upholds the Planning Commission decision. In addition, based upon the desire of the Council, an alternative resolution 17-R-26b has been prepared with conditions of approval, which overturn the Planning Commission's decision and approves the appeal, which also would approve CUP 16-03.

Attachments

- Exhibit A: Appeal Letter
- Exhibit B: Statement of Operations
- Exhibit C: Planning Commission Staff Report – December 19, 2016
- Exhibit D: Photo Survey from April 3, 2017
- Exhibit E: Planning Commission Minutes
- Exhibit F: Public Safety Memorandum
- Exhibit G: Resolution 17-R-26a (deny CUP 16-03)
- Exhibit H: Resolution 17-R-26b with conditions of approval (approve CUP 16-03)

Alcoholic Beverage Consulting

December 28, 2016

Marla Akana
City Clerk
City of Duarte
1600 Huntington Drive
Duarte, CA 91010-2592

RE: Appeal of Denial of Conditional Use Permit 16-03 and Determination of Public Convenience or Necessity for 99 Cent Only Store #336 Located at 1327 Huntington Drive

Dear City Clerk:

Pursuant to the City of Duarte Municipal Code, this letter serves as an appeal to the Planning Commission of the above referenced case. Enclosed is a check in the amount of \$250 for the filing fee.

1. The specific action appealed: Denial of Conditional Use Permit and the Determination of Public Convenience or Necessity made by the Planning Commission on December 19, 2016.
2. Grounds for the appeal:
 - a. Further consideration of the need for 99 Cent Only Stores to sell beer and wine to be competitive in the grocery business;
 - b. Opportunity to further enumerate security measures to protect community from negative impacts and improve current situation at the shopping center;
 - c. Provide more examples of added convenience to 99 Cent Only current customers.
3. Request that the City Council overturn the Planning Commission's decision and allow for the incidental sale of beer and wine and determine that public need or convenience will be served.

Sincerely,



Steven E. Rawlings
(951) 667-5152

EXHIBIT A

26023 Jefferson Avenue, Suite D, Murrieta, CA 92562

Statement of Operations
99 Cents Only Store #336
1327 E. Huntington Drive, Duarte, CA
3/22/17

Proposed Additional Use: Finding of public convenience or necessity and permit to sell beer and wine for offsite consumption (Type 20 ABC License) within an existing grocery and consumer goods store.

Hours of Operation: 8:00 am to 10:00 pm - 7 days per week.

Average number of employees per shift: 8 - 12

Beer and Wine Display Area: Display of beer and wine is proposed to be 30 lineal feet of shelf space near the rear of the store or in a location that local law enforcement desires. There will be no cold storage of beer or wine and no posters advertising beer or wine in store windows. Beer and malt products will be sold only in manufacturer's pre-packaged containers such as: 6-packs or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml in size. Wine coolers will be sold in minimum of 4-pack containers. All beer and wine will be displayed on shelves and there will be no cold storage of beer or wine.

Security Measures: Surveillance cameras are located throughout the store. Employees go through corporate training for alcohol sales to ensure strict compliance to CA Department of Alcoholic Beverage Control laws. Point of sale system prompts cashiers for date of birth entry for all alcohol transactions. There will also be 1 security guard on duty every day from 4pm to closing.

About 99 Cents Only Stores

99 Cents Only Stores is a unique retailer of primarily name-brand consumable general merchandise and groceries. They have always delivered great value to customers and provide an exciting primary shopping destination for price-sensitive consumers. The stores are attractively merchandised, clean, full service "destination" locations that offer customers significant value on their everyday household needs.

From the first store opening in 1982, 99 Cent Only Stores has expanded to nearly 400 extreme value retail stores with over 50% grocery items including a large area dedicated to fresh produce and bread.

99 Cents Only buys directly from almost every major name-brand grocery and consumer goods manufacturer in the nation including 3M, Cadbury Adams, Campbell's, Church & Dwight, Coca-Cola, Colgate-Palmolive, Con Agra, Del Monte, Dial, Dole, Energizer, Frito Lay, General Mills, Hasbro, Heinz, Hershey Foods, Johnson & Johnson, Kellogg's, Kraft, Masterfoods, Nestle, Procter & Gamble, Quaker, Revlon, Unilever and Wrigley.

EXHIBIT B



PLANNING COMMISSION STAFF REPORT

Date: December 19, 2016

Project: **Conditional Use Permit 16-03;** request to allow the off-site sales of beer and wine in conjunction with an existing consumer goods store (Retail Use)

Location: 1327 Huntington Drive

Applicant: Steve Rawlings, Alcoholic Beverage Consulting / Applicant; 99 Cents Only Stores / Business Owner

SUMMARY

The applicant, Steve Rawlings, is requesting approval of Conditional Use Permit (CUP) 16-03 to allow off-site beer and wine sales in conjunction with an existing consumer goods store, 99 Cents Only Stores, located at 1327 Huntington Drive. The Commercial General (C-G) zone permits retail sales; however, the off-site sale of beer and wine requires the approval of a conditional use permit by the Planning Commission.

Staff has concerns with the applicant's request for off-site sales off beer and wine, including but not limited to the increase of availability of low cost beer and wine at a high volume, which raises issues of compatibility and is considered to be an overconcentration of alcohol licenses within the shopping center. A memo was received from the Public Safety Department discouraging the proposed use, listing the continuing problems at the property with public drunkards known to frequent the subject property, loitering within the center, on-going calls for service regarding theft at Rite Aid and 99 Cents Only Store, use of narcotics, and urinating/defecating in public and in or around the shopping center.

The item was scheduled for the Planning Commission hearing on November 21, 2016. Prior to the meeting, the applicant requested a continuation of the item due to the Operations Manager for 99 Cents Only Stores being unable to attend and the applicant needing more time to prepare for the meeting. The Planning Commission granted the applicant's request and the item was continued to tonight's hearing.

BACKGROUND

The project site is located within the Big Lots shopping center, at the northeast corner of Huntington Drive and Buena Vista Avenue. The 99 Cents Only Store comprises approximately 12,650 square feet and is located directly east of Big Lots and north of Rite Aid. In 2011, the 99 Cents Only Store began operations after an extensive façade remodel.

The State Department of Alcoholic Beverage Control (ABC) allows off-site sales of beer and wine with various license types. The applicant is requesting approval for a Type-20 license (beer and wine only) for off-site sales in conjunction with a retail store.

Currently, there are 35 retail and/or restaurant establishments in the City of Duarte with active alcohol licenses, which include on-site and off-site licenses (Exhibit B). Twelve of the thirty-five

licenses are Type-20 (off-sale beer and wine) and seven businesses maintain Type-21 (off-sale general) licenses. Four businesses within the same shopping center as 99 Cents Only Store, maintain either an on-site or off-site license: Sparr Liquor located at 1303 Huntington Drive; El Salvadoreno located at 1313 Huntington Drive; Rite Aid located at 1335 Huntington Drive; and Slaw Dogs located at 1355 Huntington Drive. Additionally, there are four businesses within proximity of the property with an active on-site and off-site sale licenses which include: Grocery Outlet located at 1322 Huntington Drive; Young's Gourmet located at 1340 Huntington Drive; Tropicana International Market located at 1406 Huntington Drive; and Smart and Final located at 1193 Huntington Drive.

PROJECT DESCRIPTION

The 99 Cents Only Store, located at 1327 Huntington Drive, proposes off-site sales of beer and wine in conjunction with the consumer goods store. The 99 Cents Only Store is a discount store offering items such groceries, hardware, housewares, health and beauty aids, stationary, seasonal merchandise, and cleaning supplies. Approximately 30 percent of the store is dedicated to grocery sales.

The display of beer and wine is proposed along 34 lineal feet of shelf space (24" deep) located at the rear of the store, adjacent to the stock room and grocery section at the east end of the store (Exhibit C – Plans and Exhibit D - Photos). Beer and malt products will be sold in manufacturer's pre-packaged containers such as: 3-packs, 6-packs, and/or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml. Wine coolers will be sold in no less than 2-pack containers. All beer and wine will be displayed on shelves, with no proposed cold storage.

The business hours will remain between 8:00 a.m. and 10:00 p.m., seven days a week. The average number of employees ranges between 8 and 12 per shift. A detailed description of the stores business operations has been provided in the statement of operations, which is attached for your review (Exhibit E - Applicant's Statement of Operations). Furthermore, security cameras are proposed throughout the store, including two exterior cameras: one at the front and one at the rear door overlooking the loading dock and trash enclosure.

ANALYSIS

Section 19.60.030 of the Duarte Development Code (DDC) provides operational standards for establishments that may be granted a conditional use permit for an ABC license. Through the conditional use permit process, beer and wine sales for off-site consumption is permitted as an accessory use to supermarkets, drug stores, and other similar establishments. As defined in Section 19.160.200 of the DDC, a supermarket is a self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service and may include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and pharmacies. Although the 99 Cents Only store offers a variety of fresh, frozen and canned food products, the majority of the store is stocked with non-grocery items, seasonal goods, housewares, cleaning supplies and other general merchandise. Even though the subject business does not meet the typical definition of a supermarket, it is considered a similar establishment that may make an application for an off-site alcoholic beverage sales permit. DDC operational standards for an off-site alcohol retailer

license restricts the display, sale, and storage of alcoholic beverages to no more than 10 percent of the store floor area.

The display of beer and wine is proposed at the easterly back corner of the store, adjacent to chilled, freezer, and cooler stored grocery items. The proposed beer and wine display area is approximately 34 lineal feet of shelf space totaling 68 square feet. Additionally, the proposed stock room storage is approximately 20 lineal feet totaling 40 square feet. This equates to approximately 1% of the total floor area dedicated to the display, sales or storage of alcoholic beverages. The proposed merchandising of beer and wine is: 50 to 75 percent of 750 ml bottles of wine; 10 percent of 2 and 3 packs of beer; and 15 to 40 percent of 6 packs or greater. The display of beer and wine is not proposed to be located in coolers, end-caps, on pallets or any other location other than the designated area, shown on Exhibit C.

As proposed, the area for beer and wine display is located along the back wall of the store and provides limited visibility to cashiers and managers. If the Commission wishes to approve CUP16-03, staff recommends that the beer and wine display be re-located to the area just east of the check out stands along the front wall, so it is visible and can be easily monitored by store employees.

Alcoholic Beverage Control

The State, acting through the Department of Alcoholic Beverage Control, maintains exclusive authority to license and regulate the purchase and sale of alcoholic beverage. However, the State recognizes a city's authority to regulate the location of businesses engaged in the sale of alcohol, and its secondary effects including potential nuisance effects such as noise and compatibility with the surrounding neighborhood and businesses.

Pursuant to Section 23958 of the Department of Alcoholic Beverage Control Business and Professions Code, the Department has the authority to deny an application for a license if issuance of that license would create further law enforcement problems and/or add to an undue concentration of licenses. As described in Section 23958.4, an undue concentration of licenses would be determined by the ratio of off-sale retail licenses to population in the census tract or census division, in which the application premises are located. Section 23817.5 states that the number of premises for which off-sale beer and wine license is issued shall be limited to one for each 2,500, inhabitants of the city or 1,250 inhabitants in combination with the number of premises of off-sale general licenses issued in the city. As such, the Department of Alcoholic Beverage Control may approve the beer and wine license if the applicant shows that public convenience or necessity would be served by the issuance, subject to existing conditions listed in Section 23817.7. A vicinity map has been provided showing the locations of all ABC licenses within the City of Duarte (Exhibit B).

Location and Land Use Compatibility

The 99 Cent Only Store is situated at the northeast corner of an existing shopping center, comprised of retail and restaurant uses, which include: Rite Aid, Big Lots, The Slaw Dogs Cafe, El Salvadoreno, A & P Donuts, Roman Cleaners, La Paz Medical Clinic, Secret Beauty, Mother's Nutritional Center, and Sparr Liquor. Approving a conditional use permit allowing 99 Cent Only Stores to sell beer and wine will be the fifth ABC license within the shopping center.



This shopping center has regular issues with loitering, transient panhandling, and public drinking on the subject property and in the vicinity of Buena Vista and Huntington Drive. In addition to public nuisances, staff has documented the lack of building and property maintenance. In particular, staff noticed the removal of two exterior gates, which were previously installed as part of the conditions of approval for an exterior façade remodel in 2011 (ARB2011-04). The gates were to be installed and maintained in order to eliminate loitering, and the lack of visibility of illegal activities known to occur on the property and in the walkway between the 99 Cents Only Store and Rite Aid. Additionally, staff noticed the deterioration of the cart corals; maintenance activities that included repainting to dissimilar paint colors on the exterior of the building; and an excessive amount of trash outside of the store, throughout the parking lot, and at the back of the store, particularly at the loading dock and overflowing trash in and around the trash enclosure. The lack of adequate maintenance and property control generates additional concern regarding compatibility if alcohol sales are added.

Security and Public Safety Department Comments

The Public Safety Department has serious concerns with allowing an additional Type-20 ABC license within the subject shopping center. The Los Angeles Sheriff Department and the City of Duarte Public Safety Department have focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, the use of narcotics, and urinating/defecating in public, in and/or around the shopping centers located at Huntington Drive and Buena Vista Avenue. The sales of heavily discounted alcohol in a location of the city where there have traditionally been law enforcement issues create a legitimate concern for the community.

Public Safety has provided a memorandum to the Community Development Department describing their concerns and discouraging approval of the CUP 16-03 (Exhibit F). Based on calls for service provided by Public Safety for the past eighteen months, a total of 67 calls were reported, which were comprised of approximately 80 different incident types. Many of these calls involved alcohol or transient-related issues. A summary has been provided as part of Exhibit F. Calls for service include suspicious persons, drinking in public, on-going theft at 99 Cents Only Store and Rite-Aid, loitering, customers being harassed inside the liquor and retail stores, harassment of customers in the parking lot, excessive amount of public drunkards, trespassing and vandalism.

If the use permit is approved, a condition would be added requiring the applicant to submit a detailed security plan for review and approval by the Public Safety and Planning Departments. The applicant has provided a security plan showing the installation of sixteen security cameras throughout the store, including two exterior cameras: one at the front and one at the rear door overlooking the loading dock and trash enclosure. The security control center and storage hard-drive would be located in the manager's office at the front of the store. Other security measures the applicant has proposed is to include new hire staff training under the California Department of Alcoholic Beverage Control L.E.A.D (Licensee Education on Alcohol and Drugs) program. It should be noted; the applicant has indicated their willingness to provide a part-time or full-time security guard.



Conclusion

The Community Development Department's recommendation to deny the applicant's request is supported by the Public Safety Department's memorandum, which expresses significant concern about negative activities occurring on the property. These activities have resulted in multiple calls for service regarding transient activity, public drinking, theft, use of narcotics, trespassing, panhandling, and loitering. Permitting beer and wine sales does not assist the Sheriff's or Public Safety Department in their efforts to alleviate violations. Furthermore, Staff's concerns include the proposed display location of beer and wine; the packaging size and availability of beer and wine at a lower cost; the overconcentration of alcohol sales within the shopping center and areas surrounding the subject property; and would aggravate an existing policing problem.

If the Commission chooses to consider a permit for off-site sales of beer and wine, Staff would recommend conditions of approval which would include, but are not limited to: submittal of a detailed security plan to be reviewed and approved by the Public Safety and Planning Department, a condition limiting the minimum size of beer and wine sold (packaging size and/or volume), relocation of the beer and wine display area to an area more visible by employees, staff training to comply with the Alcoholic Beverage Control Board training requirements, and the requirement that the applicant provide a security guard at the front exterior of the store.

RECOMMENDATION

Based primarily on the concerns of the Public Safety Department regarding the use, Staff has prepared Resolution 16-15 (Exhibit A), recommending denial of CUP 16-03. If the Commission feels that approval with conditions is appropriate, Staff would recommend that the Commission provide Staff direction and continue the public hearing to the December meeting.

Respectfully Submitted,



Kristen Johnston
Associate Planner

ATTACHMENTS

- Exhibit A – PC Resolution 16-15
- Exhibit B – Vicinity Map and List of ABC Licenses
- Exhibit C – Project Plans
- Exhibit D – Project Photos
- Exhibit E – Applicant's Statement of Operations
- Exhibit F – Public Safety Memorandum and Calls for Service Log Summary

Exhibit A

RESOLUTION NO. PC 16-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE
DENYING CONDITIONAL USE PERMIT 16-03 FOR THE OFF-SITE SALES OF BEER
AND WINE LOCATED AT 1327 HUNTINGTON DRIVE**

WHEREAS, the applicant, Steve Rawlings of Alcoholic Beverage Consulting, and 99 Cents Only Stores is requesting approval of Conditional Use Permit 16-03 (CUP 16-03) to allow the off-site sales of beer and wine on property located at 1327 Huntington Drive; and

WHEREAS, a public hearing on this application was held by the Planning Commission of the City of Duarte on December 19, 2016 after due notice was given as required by law, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Department of the City of Duarte; and

WHEREAS, Duarte Development Code (DDC) provides that the Planning Commission must make all of the findings listed Section 19.114.050(B)(1-5) before a conditional use permit can be approved; and

WHEREAS, the Planning Commission of the City of Duarte has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public hearing; and

NOW THEREFORE, the Planning Commission of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. In accordance with DDC Section 19.114.050(B)(1-5), based upon substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CUP 16-03, including written staff reports and verbal testimony, the Planning Commission hereby finds as follows:

1. The proposed use is not consistent with the General Plan;

Based on the information currently available to the Planning Commission, off-site sales of beer and wine sales appear to be generally consistent with the site's General Commercial land use designation, which is "intended to provide for sites which will meet the shopping needs of the entire community." (Land Use Element, p. 15.) However, because the proposed off-site sales will increase the availability of low cost beer and wine at a high volume, the use raises issues of compatibility and overconcentration of alcohol licenses within the shopping center. Therefore, the proposed use is not consistent with Land Use Goals 1 and 2, which aim to "[m]aintain a balanced community consisting of various ... commercial activities" and "[d]evelop compatible and harmonious land uses by providing a mix of uses." (Land Use Element, pp. 2-3.) Allowing a fifth such business (approximately 45-feet, 150-

feet, 200-feet, and 350-feet) from businesses with on-site and off-site sales of beer and wine will not maintain a "balance" (or "mix") of various commercial uses such that the commercial area "meet[s] the shopping needs of the entire community."

2. The proposed use appears to be allowed within the subject zone and appears to comply with all other provisions of this Development Code and the Municipal Code;

Off-site beer and wine sales are permitted with a conditional use permit within the Commercial-General (C-G) zone. Based on the information currently available to the Planning Commission, [t]he use appears to be consistent with the C-G zoning as it appears to serve local and regional needs. (DDC § 19.12.010(C).)

3. The design, location, size and operating characteristics of the proposed use are not compatible with the allowed uses in the vicinity;

Pursuant to Section As defined in Section 19.160.200 of the Duarte Development Code, a supermarket is a self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service and may include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and pharmacies. Although the 99 Cents Only store offers a variety of fresh, frozen and canned food products, the majority of the store is stocked with non-grocery items, seasonal goods, housewares, cleaning supplies and other general merchandise. Even though the subject business does not meet the typical definition of a supermarket, it is considered a similar establishment that may make an application for an off-site alcoholic beverage sales permit.

However, the proposed off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. As noted, the applicant's request for off-site beer and wine sales will be the fifth ABC license issued for the property and will be located in close proximity (approximately 45-feet, 150-feet, 200-feet, and 350-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and is located in a shopping center with existing policing problems that includes numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Therefore, based on the concerns of the Public Safety Department regarding the use, the site is not suitable for the off-site sales of beer and wine.

4. Operation of the use at the location proposed would be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The 99 Cents Only Store is situated at the northeast corner of an existing shopping center comprised of retail and restaurant uses. Approving a conditional use permit

allowing 99 Cents Only Stores to sell beer and wine will be the fifth ABC license within the shopping center.

The applicant's proposal includes the display of beer and wine at 34 lineal feet of shelf space located at the rear of the store, adjacent to the stock room and grocery section at the east end of the store. Discounted beer and malt products will be sold in manufacturer's pre-packaged containers such as: 3-packs, 6-packs, and/or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml. Wine coolers will be sold in no less than 2-pack containers.

The Public Safety Department has serious concerns with allowing an additional Type-20 ABC license within the subject shopping center. The Los Angeles Sheriff Department and the City of Duarte Public Safety Department has focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, the use of narcotics, and urinating/defecating in public, in and/or around the shopping centers located at Huntington Drive and Buena Vista Avenue. Permitting beer and wine sales does not assist with the Sheriff's or Public Safety Department in their efforts to alleviate violations.

Based on the concerns of the Public Safety Department, the proposed off-site sales of beer and wine would not enhance the harmonious and orderly growth of the City, given that the proposed use will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. The proposed use would be the fifth Type-20 ABC licenses on the property and within approximately 45-feet to an adjacent business that maintains a Type-20 license. As noted, the numerous calls for service for public drunkards, theft, loitering on the property, the use of narcotics, and reports of customers being harassed will constitute a hazard to the public convenience and general welfare of persons residing or working in the neighborhood of the proposed use

5. The subject site is not:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and
 - b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

Based on the information currently available to the Planning Commission, the subject site appears to satisfy the second requirement (i.e., "b"), but not the first requirement (i.e., "a"). The 99 Cents Only Store is approximately 12,650 square feet in area located within an existing shopping center on a 5.84-acre parcel. The property is located in the Commercial-General (C-G) zone at the northeast corner of Buena Vista and Huntington Drive, accessible from at least one drive aisle approach along each thoroughfare. The project site has demonstrated that it is physically

suitable to support the existing development. Although the addition of off-site sales of beer and wine within an existing commercial building will not alter the site's ability to provide public and emergency vehicle access and public services and utilities (i.e., requirement "b"), it does not appear to be "[p]hysically suitable in terms of ... location" (i.e., requirement "a") because, as noted above: (1) the proposed off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses with the proposed use adding a fifth ABC license for the property and is located in close proximity (approximately 45-feet, 150-feet, 200-feet, and 350-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and (2) located in a shopping center with existing policing problems that including numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Subsequently, based on the concerns of the Public Safety Department regarding the use, the site is not suitable for the off-site sales of beer and wine.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the Planning Commission hereby adopts this Resolution and denies CUP 16-03.

SECTION 4. The denial of Conditional Use Permit 16-03 by the Planning Commission is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15270 of Title 14 of the California Code of Regulations, as CEQA does not apply to projects, which a public agency rejects or disapproves. No further environmental review is necessary.

SECTION 5. The chair shall sign this Resolution and the Secretary shall attest and certify to the passage and adoption of this Resolution, subject to a 15-day appeal, as further described in DDC Chapter 19.144 (Appeals).

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 19th day of December 2016

Shauna Pierce, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

CITY OF DUARTE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on December 19, 2016, by the following vote:

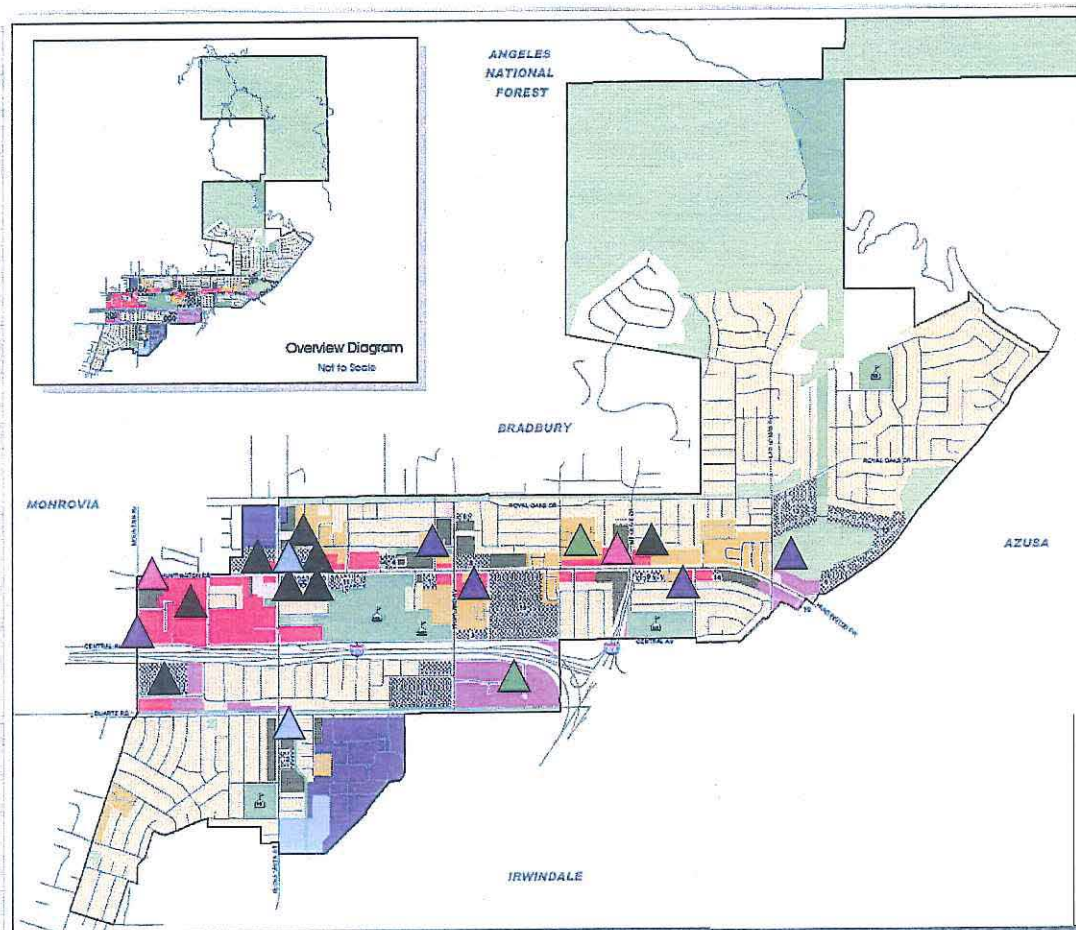
AYES:
NOES:
ABSTAIN:
ABSENT:

Exhibit B

EXHIBIT B

Active Alcohol License Allowing Off-Site Consumption City of Duarte

Rev.11-2016



A total of 19 businesses in the City of Duarte have been granted a Conditional Use Permit to sell alcohol for off-site consumption.
12 Type 20 licenses (beer & wine)
7 Type 21 (full liquor).

Map Symbol	Use	Business Name
▲	General Retail with Accessory Alcohol Sales	Type 20: Grocery Outlet Big Lots Tropicana Market Type 21: Target Rite-Aid Smart & Final Walmart CVS
▲	Gas Station with Convenience Store and Accessory Alcohol Sales	Type 20: AM/PM Mobil
▲	Existing Liquor Store	Type 21: Sparr's Liquor Duarte Liquors
▲	Mini-Mart	Type 20: 7-Eleven (3) Quick 'N Go Duarte Drive Thru
▲	Other	Type 20: Rancho Duarte Florist D'Aquino Italian Importing Co.



**California Department of Alcoholic
Beverage Control
Retail Licenses
For the Cities of
DUARTE**

EXHIBIT B
38 of 38 Licenses Displayed

*To create a downloadable CSV
File go back
and check the Create CSV
Download Option.*

Report as of 11/9/2016

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 268873	ACTIVE	47	03/22/1993	2/28/2017	OSF INTERNATIONAL INC 1431 BUENA VISTA ST DUARTE, CA 91010 Census Tract: 4301.01	OLD SPAGHETTI COMPANY THE	0715 SW BANCROFT ST PORTLAND, OR 97239-4273	1917
2) 235292	ACTIVE	20	09/05/1989	2/28/2017	DAQUINO ITALIAN IMPORTING CO INC 1850 BUSINESS CENTER DR DUARTE, CA 91010-2901 Census Tract: 4300.02	DAQUINO ITALIAN IMPORTING CO INC		1917
3) 375796	ACTIVE	21	05/24/2001	4/30/2017	RAMIREZ, AMALIA ZUNIGA 1302 DUARTE RD DUARTE, CA 91010-3010 Census Tract: 4301.02	DUARTE LIQUORS		1917
4) 415351	ACTIVE	41	11/24/2004	10/31/2016	RAMIREZ, MANUELA 1306-1308 E DUARTE RD DUARTE, CA 91010 Census Tract: 4301.02	DON REYES MEXICAN RESTAURANT		1917
5) 531818	SUREND	41	04/19/2013	4/30/2017	KAUR, SUKHRAJ 934 HAMILTON RD DUARTE, CA 91010-2700 Census Tract: 4301.01	SR INDIAN CUISINE		1917
6) 572779	ACTIVE	41	10/21/2016	9/30/2017	SK RESTAURANT, LLC 934 HAMILTON RD DUARTE, CA 91010-2700 Census Tract: 4301.01	SR INDIAN CUISINE		1917
7) 249556	ACTIVE	20	09/24/1990	6/30/2017	7 ELEVEN INC 1802 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4300.02	7 ELEVEN 2175 27055	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917
8) 285920	ACTIVE	21	07/14/1993	6/30/2017	DIAB, SAMAN 1303 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	SPARR LIQUOR	1303 HUNTINGTON DR DUARTE, CA 91010-2527	1917
9) 316539	ACTIVE	41	02/27/1996	1/31/2017	BORRIRUX, VATCHARA 2414 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4300.02	THAI CITY RESTAURANT		1917
10) 318758	SUREND	20	05/21/1996	4/30/2017	SONG, CHAN HOE 1322 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	MIKES FOOD	552 MUIRWOOD DR BREA, CA 92821-6662	1917
11) 327803	ACTIVE	41	04/01/1997	3/31/2017	MEER FOODS INC 1060 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	DENNYS RESTAURANT 6986	12377 LEWIS ST, STE 201 GARDEN GROVE, CA 92840	1917
12) 370892	ACTIVE	41	01/30/2001	12/31/2016	DIPIAZZA, BERNARDO 1028 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	VILLA ITALIA RISTORANTE		1917
13) 38411	ACTIVE	21	01/01/1994	6/30/2017	THRIFTY PAYLESS INC 1335 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	RITE AID STORE 5528	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	1917

14)	388003	ACTIVE	48	06/17/2002	5/31/2017	ELBE INC 346 HUNTINGTON DR DUARTE, CA 91010-2672 Census Tract: 4300.02	ROUTE 66 ROADHOUSE TAVERN		1917
15)	395517	ACTIVE	51	12/01/2004	8/31/2017	BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNI 2436 HUNTINGTON DR DUARTE, CA 91010-2153 Census Tract: 4300.02	DUARTE ELKS LODGE #1427		1917
16)	407124	SUREND	21	01/09/2004	6/30/2017	RALPHS GROCERY COMPANY 1193 HUNTINGTON DR DUARTE, CA 91010-2400 Census Tract: 4301.01	RALPHS 5	PO BOX 54143 LOS ANGELES, CA 90054-0143	1917
17)	410671	ACTIVE	20	04/20/2004	6/30/2017	7 ELEVEN INC 2705 HUNTINGTON DR DUARTE, CA 91010-2302 Census Tract: 4300.02	7 ELEVEN STORE 2175 20248D	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917
18)	466396	ACTIVE	20	07/18/2008	6/30/2017	DEVICI DEVELOPMENT INC 902 HUNTINGTON DR DUARTE, CA 91010-2444 Census Tract: 4301.01	ARCO AMPM 82016		1917
19)	479346	ACTIVE	21	09/01/2009	8/31/2017	GARFIELD BEACH CVS LLC 2315 HUNTINGTON DR DUARTE, CA 91010-2102 Census Tract: 4300.02	CVS PHARMACY 9788	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	1917
20)	488568	ACTIVE	20	06/15/2010	5/31/2017	BADRINATH CORPORATION 2444 HUNTINGTON DR DUARTE, CA 91010-2153 Census Tract: 4300.02	DUARTE DRIVE THRU STORE		1917
21)	500152	ACTIVE	41	08/05/2010	9/30/2017	KATSE INC 1845 HUNTINGTON DR DUARTE, CA 91010-2635 Census Tract: 4300.02	CALIFORNIA SKEWERS		1917
22)	500511	ACTIVE	47	10/19/2010	9/30/2017	OTHMAN, SAEED MOHAMAD 1521-25 HUNTINGTON DR DUARTE, CA 91010-2532 Census Tract: 4301.01	VILLAGE RESTAURANT THE		1917
23)	521506	ACTIVE	41	07/25/2012	6/30/2017	TNT DOGS HUNTINGTON, INC. 1355 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	SLAW DOGS THE		1917
24)	523920	ACTIVE	41	08/08/2012	4/30/2017	YOUNG'S GOURMET INC. 1340 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	YOUNGS GOURMET		1917
25)	525612	ACTIVE	21	01/10/2014	12/31/2016	TARGET CORPORATION 1050 HUNTINGTON DR DUARTE, CA 91010-2475 Census Tract: 4301.01	TARGET T302	33 S 6TH ST, CC-1028 ATTN: ERIN COPA MINNEAPOLIS, MN 55402	1917
26)	527856	ACTIVE	41	02/13/2013	1/31/2017	FUENTES, ADILIO ERNESTO 1313 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	EL SALVADORENO		1917
27)	529508	ACTIVE	47	04/18/2013	3/31/2017	CABRERAS MEXICAN CUISINE INC 1856 HUNTINGTON DR DUARTE, CA 91010-2672 Census Tract: 4300.02	CABRERAS MEXICAN CUISINE	625 E LIVE OAK AVE ARCADIA, CA 91006-5741	1917
28)	539601	ACTIVE	21	07/15/2014	4/30/2017	FRESH & EASY LLC 2215 HUNTINGTON DR DUARTE, CA 91010-2016 Census Tract: 4300.02	FRESH & EASY #1237	6080 CENTER DR, 6TH FLR, HOWARD HUGHES CENTER LOS ANGELES, CA 90045	1917
29)	543991	ACTIVE	41	05/22/2014	4/30/2017	CHER, SWEE KOK 1723 HUNTINGTON DR DUARTE, CA 91010-2537 Census Tract: 4301.01	SUSHI FIRE		1917

30)	548279	ACTIVE	20	04/22/2015	3/31/2017	DUARTE UNIVERSAL, INC. 249 HUNTINGTON DR DUARTE, CA 91010-2016 Census Tract:	DUARTE UNIVERSAL		1917
31)	551825	ACTIVE	41	10/01/2015	9/30/2017	MONGOLIAN HASHEN INTERNATIONAL, LLC 1164 HUNTINGTON DR DUARTE, CA 91010-2451 Census Tract: 4301.01	HASHEN MONGOLIAN BBQ		1917
32)	563761	ACTIVE	21	06/23/2016	6/30/2017	SMART & FINAL STORES LLC 1193 HUNTINGTON DR DUARTE, CA 91010-2400 Census Tract: 4301.01	SMART & FINAL STORE #746	600 CITADEL DR LOS ANGELES, CA 90040-1562	1917
33)	563784	ACTIVE	47	06/28/2016	5/31/2017	MORRALITO, INC. 1501 HUNTINGTON DR DUARTE, CA 91010-2532 Census Tract: 4301.01	MORRALITO MEXICAN GRILL		1917
34)	566013	ACTIVE	20	08/12/2016	6/30/2017	GROCERY OUTLET INC 1322 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	GROCERY OUTLET	5650 HOLLIS ST EMERYVILLE, CA 94608-2597	1917
35)	568568	ACTIVE	20	07/21/2016	3/31/2017	TROPICANA INTERNATIONAL MARKET, INC. 1406 HUNTINGTON DR DUARTE, CA 91010-2528 Census Tract: 4301.01	TROPICANA MARKET		1917
36)	445504	ACTIVE	47	10/24/2006	9/30/2017	E N J ENTERTAINMENT INC 1000 LAS LOMAS RD DUARTE, CA 91010-2229 Census Tract: 4300.02	DUFFERS BAR & GRILL		1917
37)	503077	ACTIVE	21	12/08/2010	6/30/2017	WAL MART STORES INC 1600 MOUNTAIN AVE DUARTE, CA 91010 Census Tract: 4301.01	WALMART STORE #2401	702 SW 8TH ST, DEPT 8916 ATTN: TIM FARRAR BENTONVILLE, AR 72716-0500	1917
38)	515798	ACTIVE	20	12/20/2011	6/30/2017	7 ELEVEN INC 1430 MOUNTAIN AVE, STE 106 DUARTE, CA 91010 Census Tract: 4301.01	7 11 2175 35014A	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917

--- End of Report ---

For a definition of codes, view our [glossary](#).

EXHIBIT B

Exhibit C

EXHIBIT C

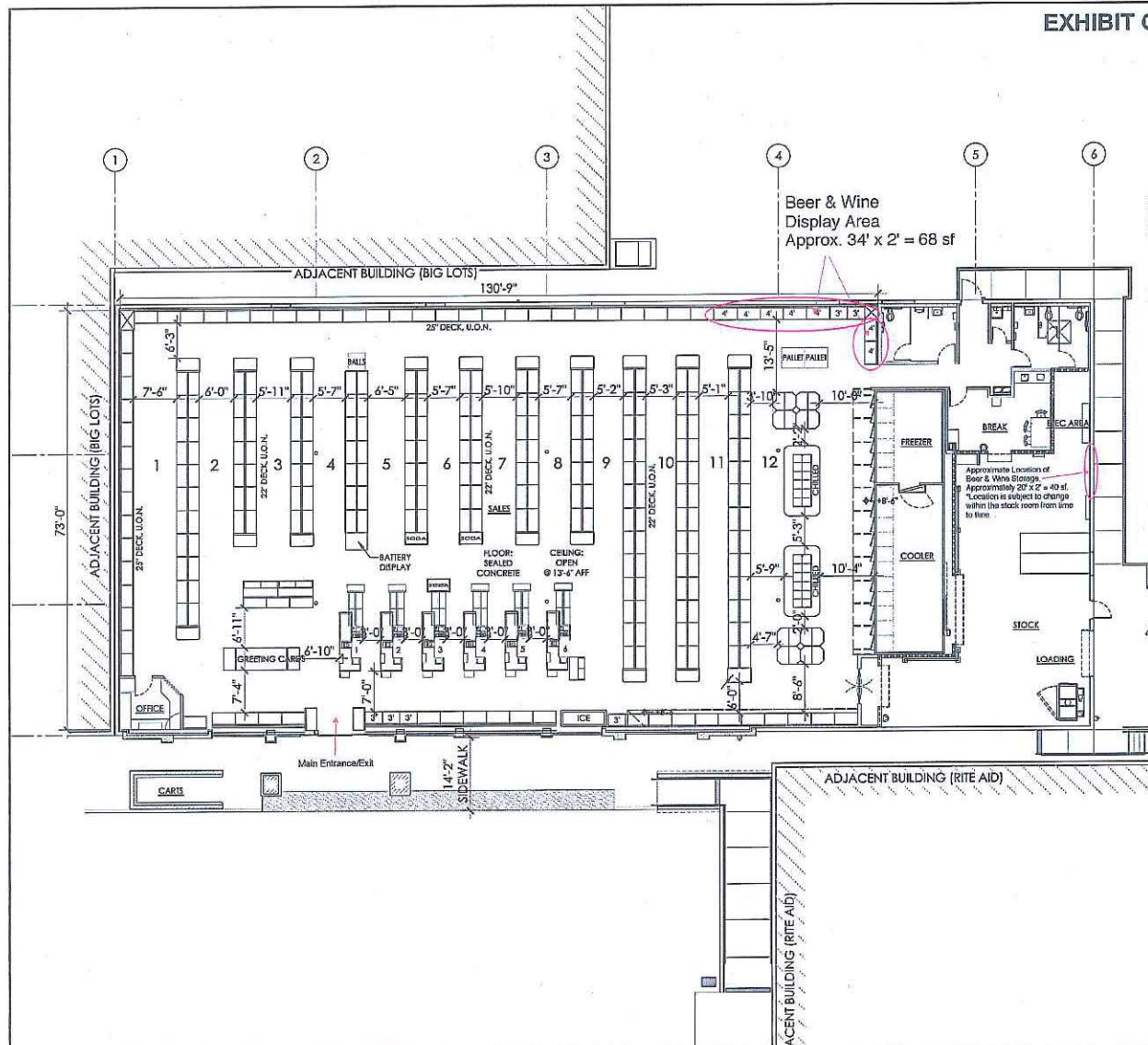
FIXTURE COUNT

TYPE	DESCRIPTION	ACCTG. QTY.	LIBRAL FEET
FEATURES	GLAZING	253	812
	END CAPS	17	48
	WALL JAWS	61	243
	WINDOW DEPLAYS	13	47
	DRY GOODS	8	—
	—	—	—
	—	—	—
TOTALS		352	1170



16219 1st 120th STREET,
SUITE 202
VANCOUVER, WA 98143
(360) 634-6526
kimcrescent@prndplac.com
Kim McCreskey, Architect

Overall Store Size: 12,214 square feet
Beer & Wine Display Area: 68 square feet
Percentage of Beer/Wine Display: Less than 1%



AS-BUILT FIXTURE PLAN

 $\frac{1}{5} = 1.5$ ①[illegible]

99¢
Store # 0336
1327 E. HUNTINGTON DR
FTE, CA

Project Number
NN14012

AS-BUILT
FIXTURE
PLAN

Sheet Number
A1

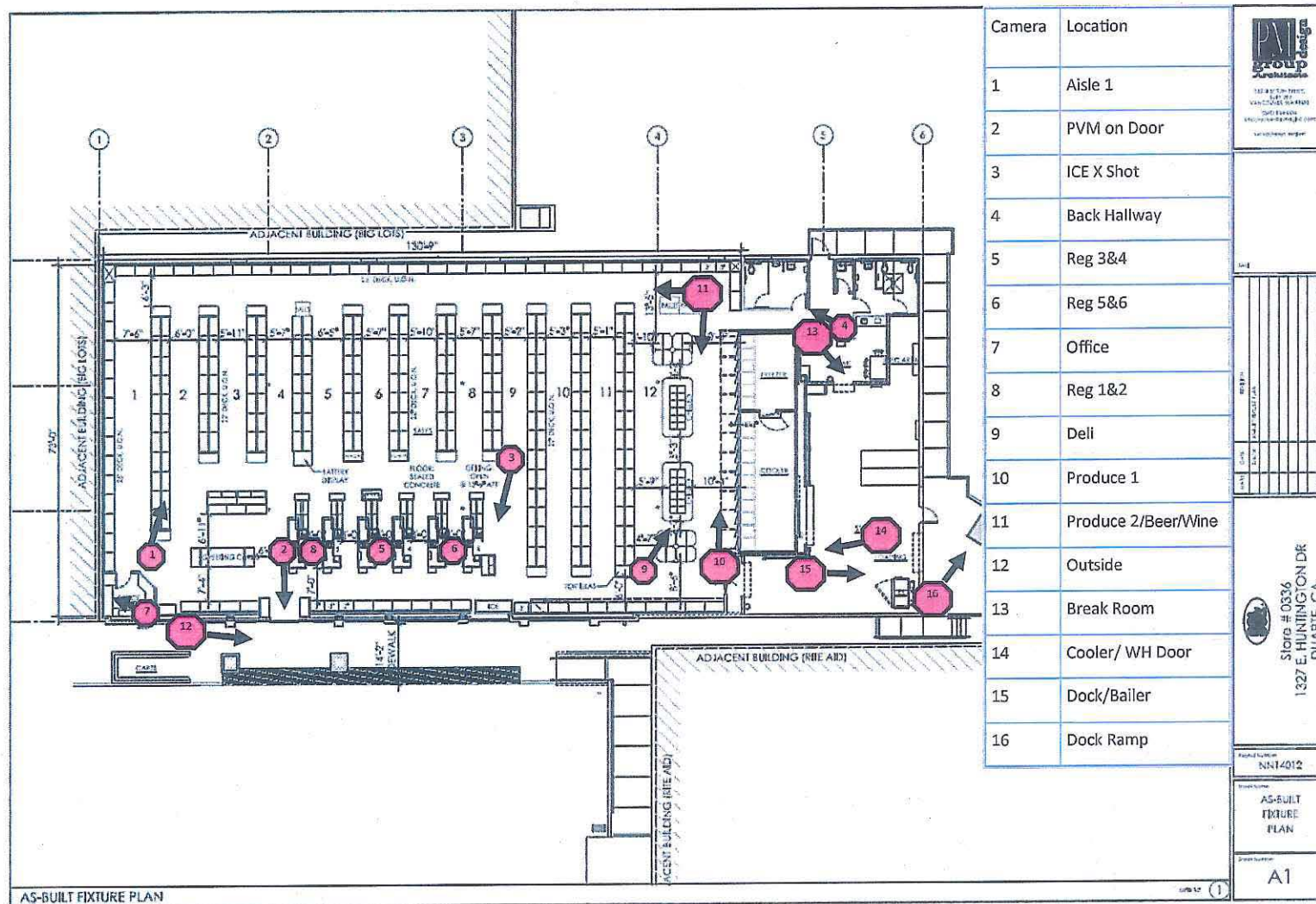


Exhibit D

Exhibit D
99 Cent Only Stores
1327 Huntington Drive

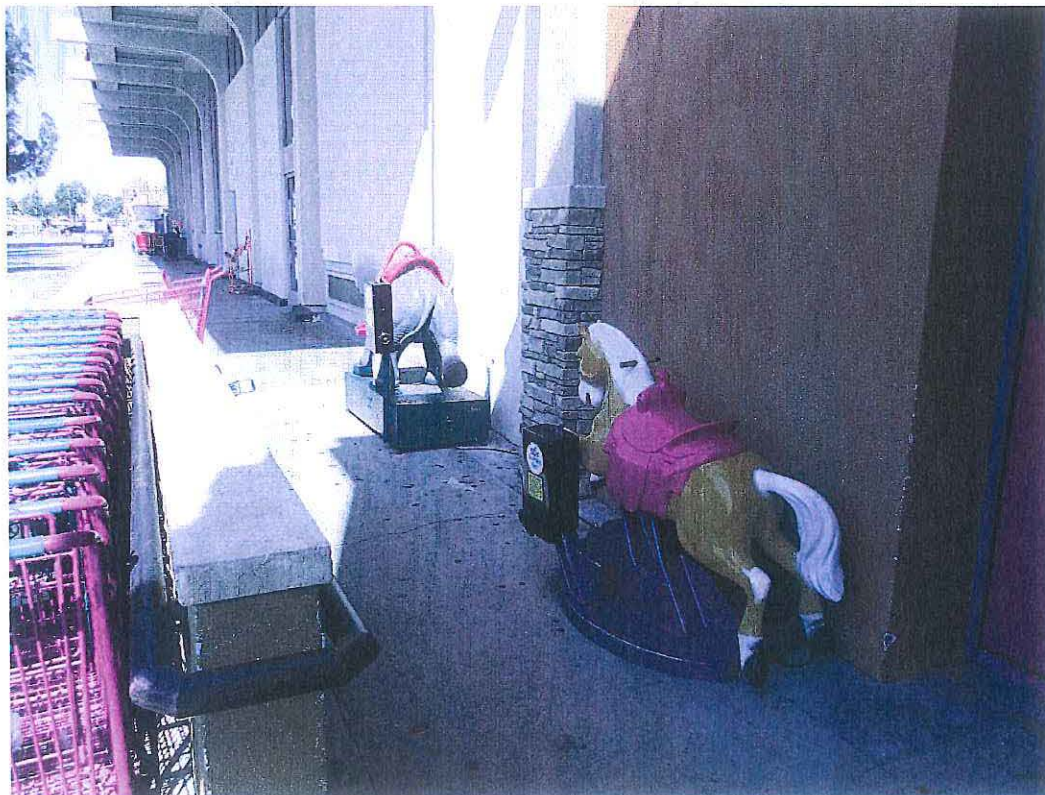


Exhibit D
99 Cent Only Stores
1327 Huntington Drive



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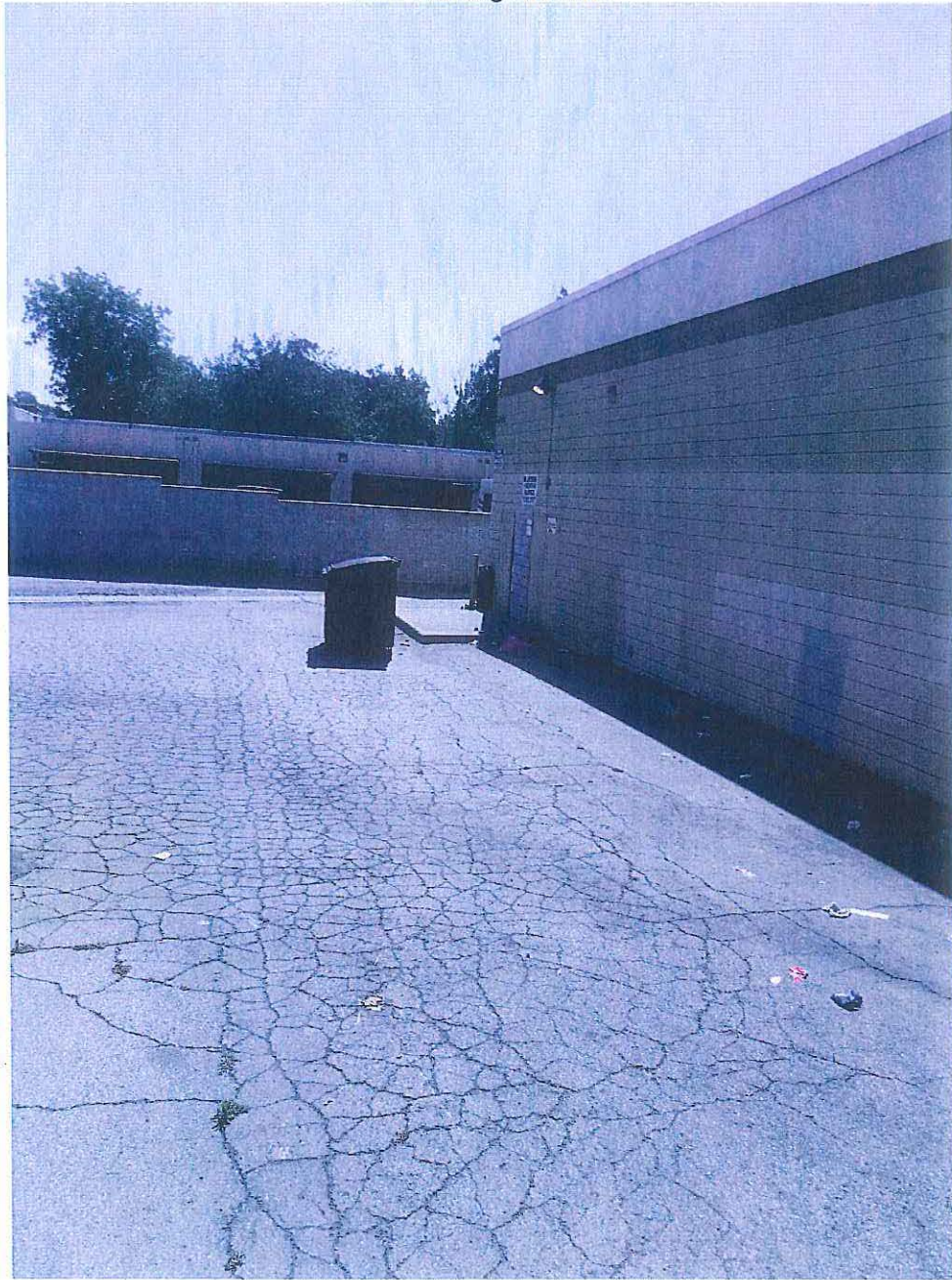


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99 Cent Only Stores
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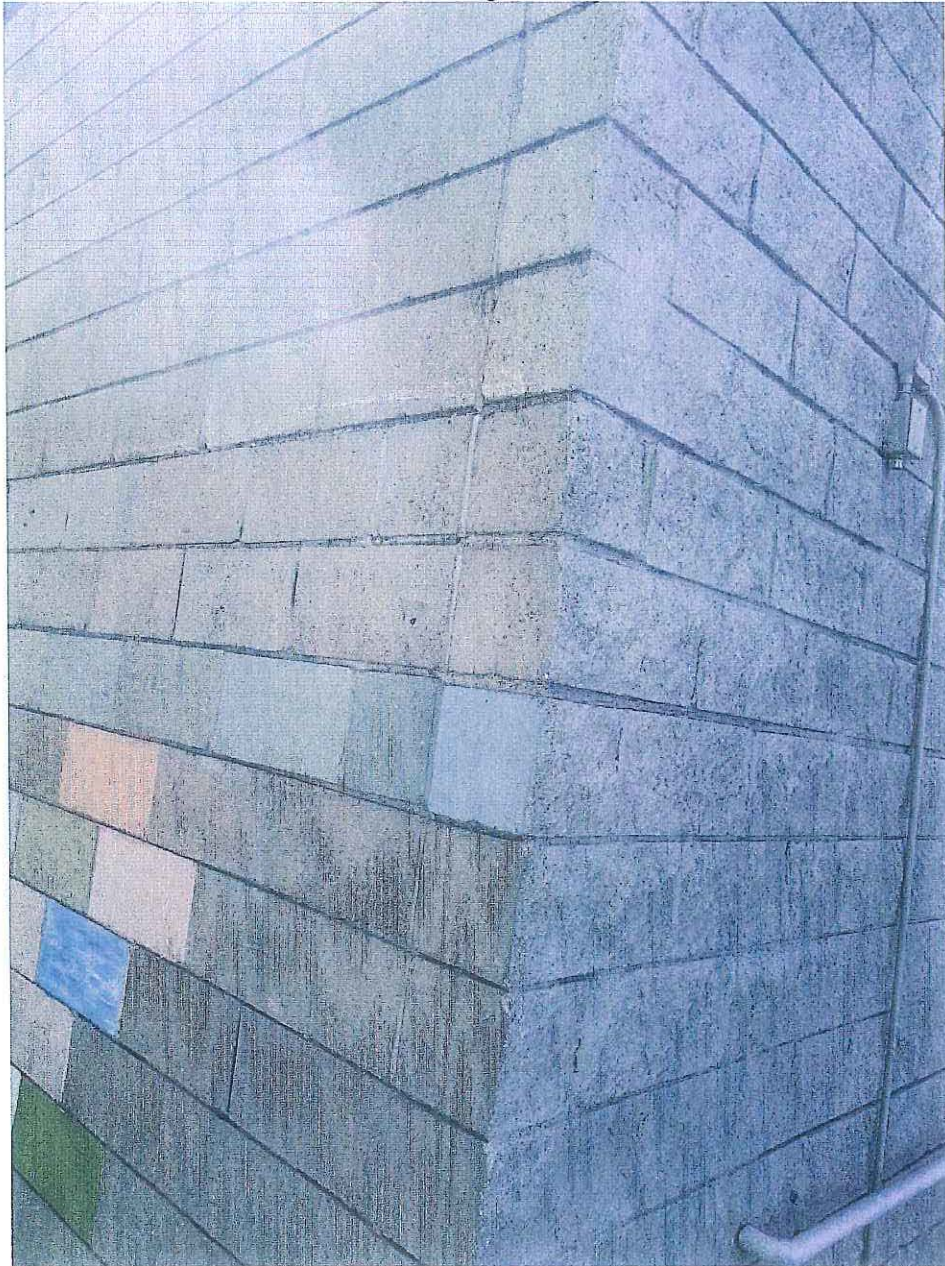


Exhibit E

Statement of Operations
99 Cents Only Store #336
1327 E. Huntington Drive, Duarte, CA
7/12/16

Proposed Additional Use: Finding of public convenience or necessity and permit to sell beer and wine for offsite consumption (Type 20 ABC License) within an existing grocery and consumer goods store.

Hours of Operation: 8:00 am to 10:00 pm - 7 days per week.

Average number of employees per shift: 8 - 12

Beer and Wine Display Area: Display of beer and wine is proposed to be 30 lineal feet of shelf space near the rear of the store. There will be no posters advertising beer or wine in store windows. Beer and malt products will be sold only in manufacturer's pre-packaged containers such as: 3-packs, 6-packs or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml in size. Wine coolers will be sold in minimum of 2-pack containers. All beer and wine will be displayed on shelves and there will be no cold storage of beer or wine.

Security Measures: Surveillance cameras are located throughout the store. Employees go through corporate training for alcohol sales to ensure strict compliance to CA Department of Alcoholic Beverage Control laws. Point of sale system prompts cashiers for date of birth entry for all alcohol transactions.

About 99 Cents Only Stores

99 Cents Only Stores is a unique retailer of primarily name-brand consumable general merchandise and groceries. They have always delivered great value to customers and provide an exciting primary shopping destination for price-sensitive consumers. The stores are attractively merchandised, clean, full service "destination" locations that offer customers significant value on their everyday household needs.

From the first store opening in 1982, 99 Cent Only Stores has expanded to nearly 400 extreme value retail stores with over 50% grocery items including a large area dedicated to fresh produce and bread.

99 Cents Only buys directly from almost every major name-brand grocery and consumer goods manufacturer in the nation including 3M, Cadbury Adams, Campbell's, Church & Dwight, Coca-Cola, Colgate-Palmolive, Con Agra, Del Monte, Dial, Dole, Energizer, Frito Lay, General Mills, Hasbro, Heinz, Hershey Foods, Johnson & Johnson, Kellogg's, Kraft, Masterfoods, Nestle, Procter & Gamble, Quaker, Revlon, Unilever and Wrigley.

Exhibit F



EXHIBIT F

City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

To: Kristen Johnston, Associate Planner

From: Brian Villalobos, Director of Public Safety

Subject: CUP Hearing to Sell Off-Site Beer and Wine at the 99 Cent Store Located at
1327 Huntington Drive

Date: May 11, 2016

Mayor
Liz Reilly
Mayor Pro Tem
Tzeitel Paras-Caracci
Councilmembers
John Fasana
Margaret E. Finlay
Samuel Kang
City Manager
Darrell George

The Public Safety Department has serious concerns regarding the potential addition of another site allowed to sell off-site alcohol within the area of Huntington Drive and Buena Vista. The Los Angeles County Sheriff Department and the City of Duarte Code Enforcement Department has focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, using narcotics, and urinating/defecating in public, in or around the shopping centers located at Huntington Drive and Buena Vista. The addition of another establishment permitted to sell alcohol in that shopping center in no way helps the Public Safety Department in the effort to alleviate the above noted violations.

As proof of the problems noted above, attached to this memo is a letter issued by Code Enforcement to Sparr Liquor, dated March 9, 2015, addressing the sale of alcohol to a habitual drinker in violation of Duarte Municipal Code section 5.04.240. Additionally, attached are Los Angeles County Sheriff Department patrol logs for the past year regarding drinking in public and transient related calls for Sparr Liquor, Big Lots, Rite-Aid, and the 99 Cents store. The total number of calls for those four businesses in the past year was sixty seven calls related to either to drinking or transient related issues.

Named "Most Business Friendly City 2012" by LAEDC

 Brand of the original Andres Duarte Rancho



City of Duarte

1042 Huntington Drive, Duarte, California 91010-2592
Tel. (626) 357-7938 | Fax (626) 303-0694

Notice of Violation

03/09/2016

GRAIR, GEORGE Y TR
1303 HUNTINGTON
DUARTE, CA 91010

Subject Location:

1303 HUNTINGTON DR
DUARTE, CA 91010
APN: 8530004072
Case #: CE16-649

Dear GRAIR, GEORGE Y TR,

An inspection of your property shows that the following violation(s) exist and requires the following corrective action:

Municipal Code	Description	Corrective Action
5.04.240	Any license or permit granted or issued under the provisions of this title may be revoked or suspended by the finance director if the finance director or his or her designee determines, after a hearing pursuant to Section 5.04.250 of this code, that: (1) The holder of the license or permit has obtained the license or permit by misrepresentation; (2) The holder of the license or permit has failed to comply with one or more of the specific provisions of this code or any other resolution or ordinance of this city; (3) The license or permit is being used in contravention of any state or federal law or regulation; (4) The holder of the license or permit has not obtained or does not currently hold each and every one of the additional governmental approvals or entitlements required in order to lawfully operate the business, or alternatively, that the holder of the license or permit did not identify, on the application, certain required government approvals or entitlements that the licensee does not have; (5) The premises wherein any business described in this title is conducted are not in good and sanitary condition, or have become dangerous to or adversely affect the public health, safety, welfare, morals or peace; <u>(6) The business of the person to whom such license or permit was issued has been conducted in a manner that is dangerous to or adversely affects the public health, safety, welfare, morals or peace;</u> or (7) The license or permit is being used for a purpose different from that for which it was issued.	Per sub-section (6), you must operate your business in manner which does not adversely affect public health, morals or peace. It has been brought to our attention that your business has been selling alcohol to a known alcoholic. His name is Edwin Nikolas Storie. A picture of this person has been provided to you with this letter. This person is known to overly intoxicate himself, thusly becoming hazardous to the public and himself. Please refrain from selling any alcohol to him or your Business license may be subject to revocation and or fine. Please feel free to provide a copy of the included photo to your staff to avoid the sale of alcohol. Thank you for your help in saving lives.

Pursuant to the DMC, the Code Violations on your property constitute misdemeanors punishable by a \$ 1,000 fine and/or six months in the county jail (DMC §§ 1.04.090-1.04.100, 9.32.150, 19.154.070). Each day the violation continues constitutes a new and separate offense for which the full misdemeanor penalty may be imposed (DMC § 1.04.100). Alternatively, or in addition to criminal action, the City could seek compliance by pursuing an administrative action and or filing a civil action including but not limited to: Administrative Citations being issued with fines ranging from \$100 to \$1000 for each offense, the City executing an Abatement and Lien, and or the submitting of a Sub-Standard Lien against the property with the Los Angeles County Recorder (DMC §§ 1.08.040, 9.32.140, 19.154.070, 19.154.080). Finally you should be aware that if the City prevails in any legal action, the City could be awarded attorneys' fees (DMC §§ 9.32.160, 19.154.100).

Furthermore, we are providing you notice that "in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year" for any property that is deemed a violation of the DMC. (Cal. Health & Saf. Code § 17980(d)). Moreover, as required by law, we are hereby providing you notice that it is unlawful for a lessor to retaliate against a lessee pursuant to Section 1942.5 of the Civil Code for

EXHIBIT F
CALLS FOR SERVICE SUMMARY
MAY 2016 to NOVEMBER 2016

Drinking in Public / Public Intoxication	Loitering/ Trespass/Refusal to Leave Premises	Other (i.e. warrants, indecent exposure, graffiti)	Harassment	Panhandling	Controlled Substance	Burglary / Theft	Assault	Vehicle Code Violation	Public Disturbance
1	1	1	1	1	1	1	1	1	1
1	1	1	1	1	1	1	1	1	1
1	1	1	1	1	1	1	1	2	1
1	1	1	1	1	1	1	1		1
1	1	1	1	4	1	1	4		1
1	1	1	1		5	1			5
1	1	6	1			1			
1	1		1			1			
1	1		1			8			
1	1		1						
1	1		1						
1	1		1						
12	1		12						
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	22								

67 Drinking or Transient Related Issues - PS
80 Incident Summarized from Call Logs - CDD

Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive



Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive

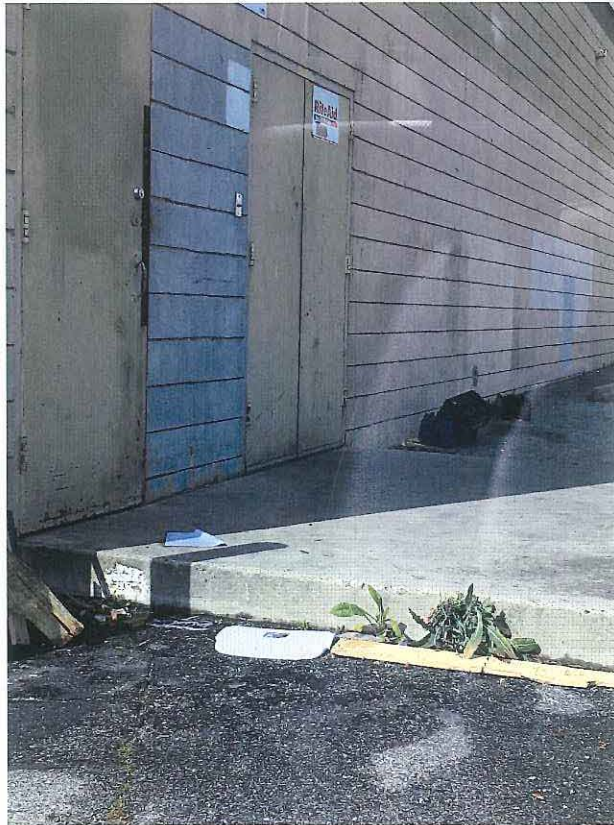


Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive

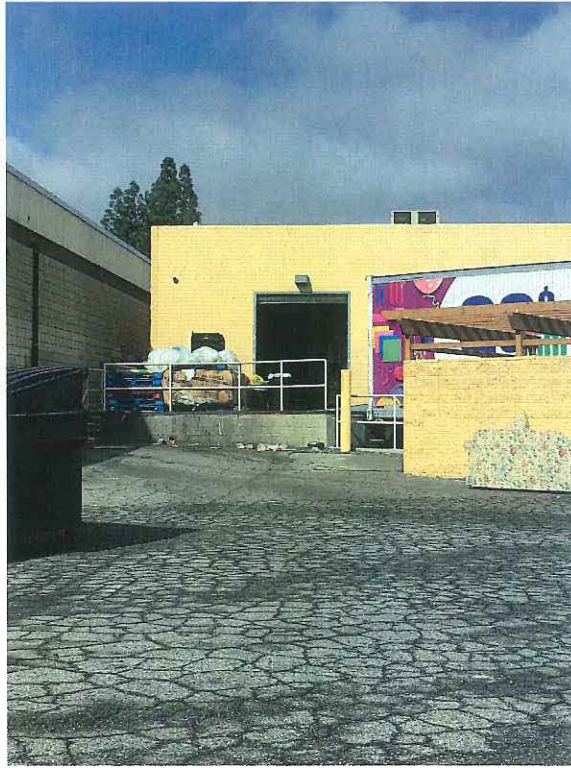


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Photo Survey
99 Cents Only Stores
1327 Huntington Drive

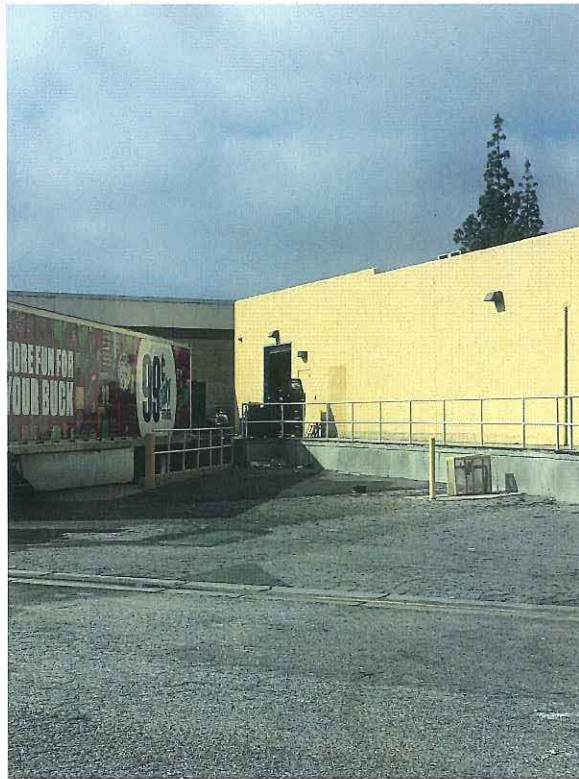


EXHIBIT E



CITY OF DUARTE PLANNING COMMISSION MINUTES December 19, 2016

Planning Commission
Commissioners
Shauna Pierce, Chair
Paula Watson-Gardner, Vice-Chair
George K. Farra
Sheryl Lefmann
Sara Vasquez

1. CALL TO ORDER AND NOTATION OF ABSENCES

Chairperson Pierce called the meeting to order at 7:00 p.m.

The following were in attendance:

PRESENT: Pierce, Watson-Gardner, Farra, Lefmann, Vasquez
ABSENT: None
STAFF: Hensley, Golding, Eoff IV, Johnston, Hernandez
DEPUTY CITY ATTORNEY: Morgan Wazlaw

2. PLEDGE OF ALLEGIANCE

Community Development Director Hensley led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – November 21, 2016

Commissioner **Lefmann** moved to approve the minutes, seconded by Commissioner **Farra**. Motion approved 5-0-0-0.

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

Chairperson Pierce opened Oral Communications for Items not on the Agenda. Seeing none **Chairperson Pierce** closed Oral Communications.

5. PUBLIC HEARINGS – Conditional Use Permit 16-03 and PC Resolution 16-15 (Continued from November 21, 2016 meeting)

Associate Planner Kristen Johnston presented the staff report, discussing Conditional Use Permit (CUP) 16-03 that was continued from the November 21st meeting, and the applicant's request to allow off-site beer and wine sales in conjunction with an existing consumer goods store, 99 Cents Only Stores, located at 1327 Huntington Drive.

Johnston discussed the display of beer and wine, the location of alcoholic beverages at the rear of the store, the sale of beer and malt products in manufacture's pre-packaged containers, hours of operation and the use of security cameras through the store. Johnston outlined Staff's concerns relating to existing issues within the center, such as: loitering, transient panhandling, public drinking, theft, use of narcotics, trespassing and defecating. She stated that permitting the additional beer and wine license does not assist the Sheriff's or

EXHIBIT A

Public Safety division and their efforts to alleviate the concerns and violations that currently exist.

Johnston concluded her presentation with Staff's recommendation for denial of Conditional Use 16-03 Permit. She indicated that the applicant, Steve Rawlings, would be providing a PowerPoint presentation, and that Public Safety Staff was present to answer any of their questions.

Steve Rawlings, representative of 99 Cents Only Store, provided a PowerPoint presentation, discussing the store's functions, history, customers' profile, and the trend towards the store offering additional grocery items, beer and wine. He also discussed the store setting, display areas for beer and wine, additional security cameras, the verification I.D. process for any alcohol sales and the staff training compliance with ABC licensing.

Rawlings also stated he spoke to Public Safety and Planning staff and discussed the negative activities within the shopping center, maintenance issues, and the City's concerns. Before he concluded his presentation he stated that 99 Cents Only Stores is willing to collaborate and work with staff to alleviate and address some of the existing concerns. He proposed to purchase two alcoholic beverage control licenses (even though the store would only need one license) to reduce the number of ABC licenses within the city, provide a security guard for Friday and Saturday evenings until the close of business, limit the size of the display area, and offer all alcohol at room temperature.

Chairperson Pierce opened Commissioners' questions.

Lefmann inquired about the purchase of multiple licenses and cancellation of one license. **Rawlings** explained the process and stated it has been done in other communities as part of a program he created.

Lefmann inquired about the Friday and Saturday time frame for a Security Guard. **Rawlings** stated it is based on the most traffic activity for the store and shopping center; however, they are open to any suggestions if changes need to be made.

Farra inquired about the maintenance issues that are identified in the staff report and also ownership of the property. **Rawlings** indicated that there are multiple owners within the center and that 99 Cents are currently leasing the property from one of several owners. He mentioned that 99 Cents Only Stores pays shopping center maintenance fees; however, they are disappointed on the up keep of the area.

There was continued discussion between Farra and Rawlings about the landlord and lessee's responsibility of maintenances issues, property maintenance, removal of City-required gates, lack of exterior painting and pavement repairs in the shopping center.

Farra asked if there have been any attempts to remedy the discussed issues with the landlord. **Rawlings** stated that on two different occasions he contacted the management to address the maintenance issues; however, no results have been seen yet.

Vasquez inquired about the neighboring 99 Cent Stores that sell beer and wine. **Johnston** responded that the nearest cities with an ABC license are Burbank, Glendale, West Covina, Pomona and Arcadia. **Vasquez** asked if there were any reports on how those stores selling beer and wine has impacted their communities. **Johnston** stated that there were no studies or reports available from neighboring cities.

Lefmann sought clarification on page 2 of the report, which states that 30% of the store is dedicated to the grocery sales vs. exhibit E, which states over 50%. **Johnston** indicated that staff considered 30% related to the floor area of the store dedicated to food related products, while Mr. Rawlings' 50% related to all grocery sales, which included household items such as cleaning products.

Lefmann inquired about the proposed setting of the security cameras shown in Exhibit C. **Rawlings** explained the settings and how 99 Cents works with other communities and law enforcement to install the cameras in the best locations. He added that the store currently has security cameras and that the applicant is willing to install additional cameras.

Vasquez inquired on the sale of the malt alcohol products. **Rawlings** agreed to conditions prohibiting the sale of malt liquor or malt-based products.

Public Safety Code Enforcement Manager, Larry Breceda addressed the commission about the shopping center's negative activities, such as drinking in public, transient issues, narcotics, urinating/defecating in public and the lack of maintenance in the shopping center. He stated that the addition of another establishment permitted to sell alcohol in that shopping center does not assist law enforcement in mitigating the situation. However, if approval is granted, Public Safety staff highly recommends the addition of a security guard be provided during Monday through Friday, from 4:00 p.m. to 10:00 p.m., based on the times that calls for service were occurring and considering the traffic activity at the center.

There was discussion about the frequent loitering at the back of store located in the alley, tents that were set up, lack of maintenance and the removal of the gate.

Hensley provided background information to the Commissioners about the ownership of the property, maintenance issues, landlord's responsibilities, and the challenges staff has encountered with the different owners of the establishments, with regard to consistent maintenance.

Chairperson Pierce closed Commissioners' inquiries and opened comments.

The Commission deliberated and discussed: the possibility of adding a security guard that was proposed and that was highly suggested by Public Safety, concerns on the high concentration of alcohol sales in the vicinity, property maintenance issues, property owner's responsibilities, current conditions and violations within the shopping center.

Farra motioned to approve the license with restrictions on the sale of a number of beer cans and prohibit the display of refrigerated alcoholic beverages; providing a security guard,

correcting all maintenance issues along with any other matter discussed earlier in the meeting. Motion died for lack of second.

Hensley provided an option to the commission that would direct staff to prepare and bring back to next months meeting a Resolution of approval with some of the items raised as conditions of approval, and action can be taken at that time.

Chairperson Pierce called the motion; **Farra** motioned the option provided by Hensley. Seconded by **Pierce**. Motion not approved 2-3-0-0. (Vote: Yes: Pierce, Farra; No: Lefmann, Vasquez, Watson-Gardner; Absent: None; Abstain: None). Motion failed.

Vasquez requested a roll call to clarify the voting of the motion. **Chairperson Pierce** roll called the commission as follow: **Yes:** Pierce and Farra motioned to approve with conditions, **Nays:** Lefmann, Watson-Gardner, Vasquez. Motion not approved 2-3-0-0.

Lefmann recommended the request PC Resolution 16-15, deny approval of CUP 16-03. Seconded by **Vasquez**. Motion was approved 3-1-0-1. (Vote: YES: Lefmann, Watson-Gardner, Vasquez; No: Pierce; Absent: None; Abstain: Farra)

Hensley announced that the item is appealable to the City Council.

6. **PUBLIC HEARINGS – Municipal Code Amendment 16-05**

Associate Planner Kristen Johnston presented the staff report, discussing a city-initiated request to amend sections of the Duarte Development Code in relation to the accessory (second) dwelling units to align the City's development standards with new State laws. She provided background information on approved Assembly Bill 2299 and Senate Bill 1069, which requires cities to modify their current zoning ordinances and regulations related to accessory dwelling units. Johnston concluded her presentation stating that staff is requesting the Planning Commission recommend approval of the ordinance to City Council, which will bring the current zoning ordinance in compliance with State law.

Hensley emphasized that new State laws are requiring cities to modify their development regulations or be required to adhere to permissive state regulations.

Farra inquired on the differences of the regulations that need to be amended. There was a discussion with staff regarding modifications needed such as the square footage of units, the size of lots, and parking requirements.

Lefmann referenced Page 1 of Exhibit A, Section 19.60.160; Item 9, and requested clarification on the difference of the square footage from 700 square feet to 400 square feet. **Hensley** explained how the City analyzed and proposed the floor area reduction, these factors, under the new State law, gives homeowners the ability to construct detached units, building reasonably sized units that maintain the character of exsiting neighborhoods along with providing affordable housing. There was continued discussion on the 400 square foot limitation and the factors that were considered.

Watson-Gardner referenced to Page 2 of Exhibit A, Section 19.38.050; item 11 (a), and asked for clarification on the definition of Major Public Transit stop. Staff explained that a major public transit stop is considered to be high quality transit, such as the City's Gold Line Station.

Chairperson Pierce closed Commissioners' inquiries and opened Public Comments.

Steve Hernandez commented on the reduction of the 700 square feet to the 400 square feet, and supported the ordinance changes to welcome more families into the city.

Chairperson Pierce closed public comments and opened Commissioner's comments.

Lefmann requested an increase of the square footage to be 425. **Hensley** indicated that the change is reasonable and can be amended.

Farra added that a bigger increase in the square footage for accessory units could risk units becoming two-family residences.

Lefmann motioned to recommend to the City Council PC Resolution 16-16 as written. Seconded by **Vasquez**. Motion was approved 5-0-0-0.

7. ITEMS FROM DIRECTOR

Hensley, provided an update on the following City development projects:

- Mudslides – The city installed K-Rails and other diversion devices in the mud slide area.
- ATP Project – Great progress on new sidewalks and stripped bike lanes at Duarte Road on Highland and way finding signs throughout the city.
- Third and Oak townhouse project - To be presented in the January or February meeting.
- City of Hope Master Plan and EIR - Near completion and ready for public review in February.

Golding informed the Commission on the Windstorm Tree Grant project, including tree removals on Huntington Drive and how the City prioritized which trees would be removed.

Hensley introduced Attorney, Morgan Wazlaw, that is substituting for Assistant City Attorney, Alisha Patterson.

8. ITEMS FROM COMMISSIONERS

Vasquez noticed the curtains down for the most part during the day at the tattoo business in the 7-11 (Highland Ave.) location. **Hensley** noted the concern and will have staff address the situation.

Vasquez asked if City can meet with all Landlords at the 99 Cent shopping center to discuss all the issues and concerns discussed earlier. **Hensley** indicated that multiple meetings have been done in the past to address the concerns however, it is time to meet again and begin a process to create a better situation for the establishments.

There was discussion on regulatory authority over business licenses and conditional use permits.

Watson-Gardner expressed her concerns over some removal of trees in a private property.

Lefmann notified Staff of the light stand that is down at Mount Olive and Huntington and left in the center median. And wished everyone Happy Holidays and a Merry Christmas.

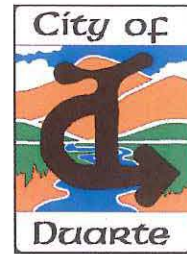
Farra asked for an update on the opening progress for Janet's Cuisine establishment. **Staff** indicated they are close to finalizing their permits and should be opening their business soon.

Farra asked for an update on the ACTS Thrift Store application. **Hensley** indicated they withdrew their application.

9. **ADJOURNMENT**

The meeting was adjourned at 9:08 p.m.

Craig Hensley, Secretary



MEMORANDUM

TO: Kristen Johnston; Associate Planner
FROM: Brian Villalobos; Director of Public Safety
DATE: March 15, 2017
SUBJECT: CUP Hearing to Sell Off-Site Beer and Wine at the 99 Cent Store

The Public Safety Department has some concerns regarding the potential addition of another site allowed to sell off-site alcohol within the area of Huntington Drive and Buena Vista. The Los Angeles County Sheriff Department and the City of Duarte Code Enforcement Department has focused their enforcement efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, using narcotics, and urinating/defecating in public, in or around the shopping centers located at Huntington Drive and Buena Vista. The addition of another establishment permitted to sell alcohol in that shopping center does not help the Public Safety Department in the effort to alleviate the above noted violations.

However, some of the issues as noted above can be mitigated with the addition of a security guard to the shopping center. An added visible presence of uniformed security to patrol the front and the rear of the location would act as a deterrent.

Additionally, the Public Safety Department would suggest that the displays of alcohol be placed in the rear of the store as opposed to the front of the store, on the basis that thefts do occur (beer runs) as crimes of opportunity when alcohol displays are placed by the door of a location.

EXHIBIT F

RESOLUTION NO. 17-R-26a

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING AN APPEAL FILED BY STEVE RAWLINGS OF ALCOHOLIC BEVERAGE CONSULTING, REPRESENTING 99 CENTS ONLY STORES, UPHOLDING THE PLANNING COMMISSION DECISION TO DENY CONDITIONAL USE PERMIT 16-03 FOR THE OFF-SITE SALES OF BEER AND WINE LOCATED AT 1327 HUNTINGTON DRIVE

WHEREAS, the applicant, Steve Rawlings of Alcoholic Beverage Consulting, who represents 99 Cents Only Stores, is requesting approval of Conditional Use Permit 16-03 (CUP 16-03) to allow the off-site sales of beer and wine on property located at 1327 Huntington Drive; and

WHEREAS, Duarte Development Code (DDC) provides that the Planning Commission must make all of the findings listed Section 19.114.050(B)(1-5) before a conditional use permit can be approved; and

WHEREAS, on December 19, 2016, the Planning Commission of the City of Duarte held a duly noticed public hearing in the City Council Chambers for CUP 16-03, considered the analysis and recommendation provided in the staff report, and all information, evidence and public testimony received, and adopted PC Resolution 16-15, denying Conditional Use Permit 16-03 for off-site beer and wine sale; and

WHEREAS, Chapter 19.144 of the Duarte Development Code provides procedures for the appeal of decisions rendered by the Planning Commissions; and

WHEREAS, on December 29, 2016, the applicant, Steve Rawlings of Alcoholic Beverage Consulting filed an appeal of the Planning Commission decision to deny CUP 16-03 with the Duarte City Clerk in compliance with Chapter 19.144 of the Duarte Development Code; and

WHEREAS, on April 11, 2017 the City Council of the City of Duarte held a duly noticed public hearing to receive oral and written testimony related to the appeal of CUP 16-03, and after considerable debate, requested that Staff bring back both a resolution to deny the appeal and another resolution to approval the appeal of CUP 16-03, and continued the public hearing to the first City Council meeting in May; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for the appeal of CUP 16-03 and all of the information, evidence and public testimony received at the public hearings held on both April 11, 2017 and May 9, 2017 at 7:00 p.m. in the City Council Chambers.

NOW THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. In accordance with DDC Section 19.114.050(B)(1-5), based upon substantial evidence presented to the City Council during the public hearing conducted with regard to the appeal of CUP 16-03, including written staff reports and verbal testimony, the City Council hereby finds as follows:

1. The proposed use is not consistent with the General Plan;

Based on the information currently available to the City Council, off-site sales of beer and wine sales appear to be generally consistent with the site's General Commercial land use designation, which is "intended to provide for sites which will meet the shopping needs of the entire community." (Land Use Element, p. 15.) However, because the proposed off-site sales will increase the availability of low cost beer and wine at a high volume, the use raises issues of compatibility and overconcentration of alcohol licenses within the shopping center. Therefore, the proposed use is not consistent with Land Use Goals 1 and 2, which aim to "[m]aintain a balanced community consisting of various ... commercial activities" and "[d]evelop compatible and harmonious land uses by providing a mix of uses." (Land Use Element, pp. 2-3.) Allowing a fourth such business (approximately 45-feet, 150-feet, and 200-feet) from businesses with on-site and off-site sales of beer and wine will not maintain a "balance" (or "mix") of various commercial uses such that the commercial area "meet[s] the shopping needs of the entire community."

2. The proposed use appears to be allowed within the subject zone and appears to comply with all other provisions of this Development Code and the Municipal Code;

Off-site beer and wine sales are permitted with a conditional use permit within the Duarte Town Center Specific Plan (Mixed Use Town Center) zone. Based on the information currently available to the City Council, [t]he use appears to be consistent with the MUTC zoning as it appears to serve local and regional needs. (DDC § 19.12.010(C).)

3. The design, location, size and operating characteristics of the proposed use are not compatible with the allowed uses in the vicinity;

As defined in Section 19.160.200 of the Duarte Development Code, a supermarket is a self-service grocery and associated consumer goods store divided into departments, offering prepared foods and food service and may include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and pharmacies. Although the 99 Cents Only store offers a variety of fresh, frozen and canned food products, the majority of the store is stocked with non-grocery items, seasonal goods, housewares, cleaning supplies and other general merchandise. Even though the subject business does not meet the typical definition of a supermarket, it is considered a similar establishment that may make an application for an off-site alcoholic beverage sales permit.

However, the proposed off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. As noted, the applicant's request for off-site beer and wine sales will be the fourth ABC license issued for the property and will be located in close proximity (approximately 45-feet, 150-feet, and 200-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and is located in a shopping center with existing policing problems that includes numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Therefore, based on the issues raised regarding the use, the site is not suitable for the off-site sales of beer and wine.

4. Operation of the use at the location proposed would be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The 99 Cents Only Store is situated at the northeast corner of an existing shopping center comprised of retail and restaurant uses. Approving a conditional use permit allowing 99 Cents Only Stores to sell beer and wine will be the fourth ABC license within the shopping center.

The applicant's proposal includes the display of beer and wine at 34 lineal feet of shelf space located at the rear of the store, adjacent to the stock room and grocery section at the east end of the store. Discounted beer and malt products will be sold in manufacturer's pre-packaged containers such as: 6-packs, and/or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml. Wine coolers will be sold in no less than 4-pack containers.

The Public Safety Department has serious concerns with allowing an additional Type-20 ABC license within the subject shopping center. The Los Angeles Sheriff Department and the City of Duarte Public Safety Department has focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, the use of narcotics, and urinating/defecating in public, in and/or around the shopping centers located at Huntington Drive and Buena Vista Avenue. Permitting beer and wine sales does not assist with the Sheriff's or Public Safety Department in their efforts to alleviate violations.

Based on the concerns raised regarding the use, the proposed off-site sales of beer and wine would not enhance the harmonious and orderly growth of the City, given that the proposed use will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. The proposed use would be the fourth Type-20 ABC licenses on the property and within approximately 45-feet to an adjacent business that maintains a Type-20 license. As noted, the proposed off-site sale of beer and wine will constitute a hazard to the public convenience and general welfare of persons residing or working in the neighborhood of the proposed use

5. The subject site is not:

- a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and
- b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

Based on the information currently available to the City Council, the subject site appears to satisfy the second requirement (i.e., "b"), but not the first requirement (i.e., "a"). The 99 Cents Only Store is approximately 12,650 square feet in area located within an existing shopping center on a 5.84-acre parcel. The property is located in the Duarte Town Center Specific Plan zone at the northeast corner of Buena Vista and Huntington Drive, accessible from at least one drive aisle approach along each thoroughfare. The project site has demonstrated that it is physically suitable to support the existing development. Although the addition of off-site sales of beer and wine within an existing commercial building will not alter the site's ability to provide public and emergency vehicle access and public services and utilities (i.e., requirement "b"), it does not appear to be "[p]hysically suitable in terms of ... location" (i.e., requirement "a") because, as noted above: (1) the proposed off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses with the proposed use adding a fourth ABC license for the property and is located in close proximity (approximately 45-feet, 150-feet, and 200-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and (2) located in a shopping center with existing policing problems that including numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Subsequently, based on the issues raised regarding the use, the site is not suitable for the off-site sales of beer and wine.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the City Council hereby adopts this Resolution and denies the appeal by upholding the Planning Commission decision to deny CUP 16-03.

SECTION 4. The denial of Conditional Use Permit 16-03 by the Planning Commission, upheld by the City Council, is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15270 of Title 14 of the California Code of Regulations, as CEQA does not apply to projects, which a public agency rejects or disapproves. No further environmental review is necessary.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and transmit a certified copy of this Resolution, by mail, to the owner of the Business at the address of record set forth in the application.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Duarte at a regular meeting held on the 9th day of May 2017.

Mayor Margaret Finlay

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 17-R-26 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 9th day of May 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

RESOLUTION NO. 17-R-26b

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING AN APPEAL FILED BY STEVE RAWLINGS OF ALCOHOLIC BEVERAGE CONSULTING REPRESENTING 99 CENTS ONLY STORES, OF THE PLANNING COMMISSION DENIAL AND APPROVING CONDITIONAL USE PERMIT 16-03 FOR THE OFF-SITE SALES OF BEER AND WINE AT THE 99 CENTS ONLY STORE LOCATED AT 1327 HUNTINGTON DRIVE

WHEREAS, the applicant is requesting approval of a Conditional Use Permit (CUP) for a Type 20 alcohol license allowing the sale of beer and wine for off-site consumption at the existing 99 Cents Only Store located at 1327 Huntington Drive; and

WHEREAS, alcoholic beverage sales associated with supermarkets, drug stores and other similar food-related uses over 2,500 square feet in size is a conditionally permitted use pursuant to Duarte Municipal Code Chapter 19.60.030(D)(2); and

WHEREAS, the Duarte Development Code (DDC) provides that the City Council must make all of the findings listed Section 19.114.050(B)(1-5) before a conditional use permit can be approved; and

WHEREAS, on December 19, 2016, the Planning Commission of the City of Duarte held a duly noticed public hearing in the City Council Chambers for CUP 16-03, considered the analysis and recommendation provided in the staff report, and all information, evidence and public testimony received, and adopted PC Resolution 16-15, denying Conditional Use Permit 16-03 for off-site beer and wine sale; and

WHEREAS, Chapter 19.144 of the Duarte Development Code provides procedures for the appeal of decisions rendered by the Planning Commissions; and

WHEREAS, on December 29, 2016, the applicant, Steve Rawlings of Alcoholic Beverage Consulting filed an appeal of the Planning Commission decision to deny CUP 16-03 with the Duarte City Clerk in compliance with Chapter 19.144 of the Duarte Development Code; and

WHEREAS, on April 11, 2017 the City Council of the City of Duarte held a duly noticed public hearing to receive oral and written testimony related to the appeal of CUP 16-03; and after considerable debate, requested that Staff bring back both a resolution to deny the appeal and another resolution to approval the appeal of CUP 16-03, and continued the public hearing to the first City Council meeting in May; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for the appeal of CUP 16-03 and all of the information, evidence and public testimony received at the public hearings held on both April 11, 2017 and May 9, 2017 at 7:00 p.m. in the City Council Chambers.

NOW THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. That the City Council approves Resolution 17-R-26b to approve with conditions, the request for Conditional Use Permit 16-03 at 1327 Huntington Drive.

SECTION 2. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 3. The City Council finds and determines as follows, that:

1. The proposed use is consistent with the General Plan;

The 99 Cents Only Store is consistent with the Duarte Town Center Specific Plan land use designation of the General Plan, in that it furthers the General Plan land use policy 2.1.3 by providing for the shopping and service needs of residents in a conveniently clustered commercial establishment, encouraging "one-stop" shopping.

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code;

Off-site beer and wine sales are permitted with a conditional use permit within the Duarte Town Center Specific Plan (Mixed Use Town Center) zone. Based on the information currently available to the City Council, [t]he use appears to be consistent with the MUTC zoning as it appears to serve local and regional needs. (DDC § 19.12.010(C).)

3. The design, location, size and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

The 99 Cents Only Store is located within the larger Big Lots Shopping Center at the northeast corner of Huntington Drive and Buena Vista Street. The site is developed with an anchor retailer, two minor anchor uses, mixed retail and service uses in a linear building, a medical office and a stand-alone restaurant. The property layout allows for adequate circulation amongst patrons utilizing the entire center. Furthermore, the existing 99 Cents Only Store has been complimentary with other retailers and service providers within the overall shopping center. With the adherence to conditions of approval, the 99 Cents Only Store will be compatible with the project site, the uses within the commercial shopping center, and other surrounding developments.

4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The sale of alcohol is permitted as a complementary service associated with the sale of grocery, produce, consumer goods, general merchandise and other products offered by supermarkets, drug stores and other similar food-related uses. The

amount of display, sale, and storage dedicated to alcohol is restricted in both floor area and linear footage of shelf space, preventing alcohol sales from becoming the primary goods and services offered. The sale of alcohol will be for offsite consumption only; no onsite consumption or singular-sale of alcohol will be permitted. Conditions of approval will help avoid adverse and detrimental effects on the City and surrounding community, as well as state laws regulated by the Department of Alcoholic Beverage Control. The approval of Conditional Use Permit 16-03 will provide the 99 Cents Only Store with the ability to be competitive in their industry and offer a convenient one-stop-shop destination for residents.

5. The subject site is:

- a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and
- b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

The 99 Cents Only Store is approximately 12,650 square feet in size and is located within an existing shopping center on a 5.84-acre parcel. The property is situated in the Duarte Town Center Specific Plan zone (Mixed Use Town Center area), at the northeast corner of Buena Vista and Huntington Drive. The property is accessible from at least one drive aisle approach along each thoroughfare. The project site is physically suitable to support the existing development and will efficiently accommodate the demand generated by business uses and operations, as well as provide sufficient access for public and emergency vehicles. The addition of alcohol sales to the business operation will be accessory to the primary use and should not generate additional traffic to a point that is detrimental to the site and surrounding developments. Any adverse and/or detrimental effects related to the business's operating characteristics will be reduced or avoided with the adoption and implementation of conditions of approval.

SECTION 4. The City Council approves Conditional Use Permit 16-03 based on the findings listed in Section 3 and the conditions listed in "Exhibit H-1".

SECTION 5. The approval of Conditional Use Permit 16-03 by the City Council is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15301, Class 1 of Title 14 of the California Code of Regulations. Therefore, no further environmental review is necessary.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Duarte at a regular meeting held on the 9th day of May 2017.

Mayor Margaret Finlay

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 17-R-26 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 9th day of May 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

EXHIBIT H-1
Conditions of Approval
Conditional Use Permit 16-03
1327 Huntington Drive (99 Cents Only Stores)

1. The sale, display and storage of alcoholic beverages shall be in compliance with the approved plans on file with Community Development Department. The total area devoted to the sale and display of alcoholic beverages shall not exceed 30 linear feet. An additional 40 square feet is allowed for the storage of alcoholic beverages, which must be located solely within the non-public storeroom. Any requests to increase the amount of floor area or the location within the business used for display, storage, and sale of alcohol is subject to review and approval by the Community Development Director. The sale of alcohol shall remain as an accessory to the primary use of a supermarket or other, similar food-related uses.
2. The refrigeration of alcoholic beverages for sale, display or storage is prohibited.
3. The singular sale of beer, malt beverages or similar beverages shall be prohibited.
4. The storage, display, and/or sale of individual wine bottles shall not be less than seven hundred milliliters (750 ml).
5. Beer shall be sold only in manufacturer's pre-packaged conditions in sizes no less than a "6-pack".
6. Wine coolers and malt beverages shall be sold only in manufacturer's pre-packaged conditions in sizes no less than a "4-pack".
7. All alcoholic beverages must be sold in the original commercially packaged form and cannot be separated into singular units or combined to form multiple units.
8. The hours in which alcoholic beverage may be sold shall begin no earlier than 7:00 a.m. and end no later than 10:00 p.m.
9. Prior to commencement of alcoholic beverage sales, the applicant shall prepare and implement a maintenance and repair list, approved by the Community Development Department. The maintenance and repair list shall, at minimum, include the installation of two locked gates to prevent access into the alley space between the 99 Cents Only Store and Rite Aid; repainting of dissimilar colors on the building and cart corral, repair of masonry materials, repair of open electrical or plumbing access doors/ports along the front of the building, and removal of an encroaching wheel stop within the handicap parking stall in front of the subject business. Additional maintenance items may be added to the list, subject to an inspection of the exterior of the premises conducted by the Planning and Building Divisions. Once the maintenance and repair list is established and approved by

the City, 99 Cents Only Stores shall prepare any necessary plans, pay for any required permits and execute the items prior to the sales of alcoholic beverages.

10. A trained and uniformed security guard will be provided by the business and shall patrol the exterior (both front and rear of the building) and interior of the premises, beginning no later than 4:00 pm and concluding no earlier than 10:00 p.m., seven days a week.
11. The applicant shall submit to the Community Development Department and Public Safety Department a Supplemental Security Plan for review and approval. At minimum alcoholic beverage sales, display and storage areas; cashier areas; rear loading dock and door; and every entry and exit shall utilize a video security system that provides surveillance of such areas during all business hours. The security plan shall provide at a minimum:
 - a. A Closed Circuit Television (CCTV) system capable of viewing and recording events inside and outside the premises. High definition color capturing security cameras shall be used. The viewing direction and coverage of the surveillance system is subject to review and approval by the Community Development Department and/or Public Safety Department and shall be made available to review upon reasonable request;
 - b. Details on the location of the CCTV system recorder and storage of recorded content. The video monitoring surveillance system shall keep recorded media a minimum of thirty (30) consecutive days. The recorder shall be kept within a locked office and accessible to the property owner and onsite manager;
 - c. Clearly distinguishable height markers shall be installed and maintained on the interior side of the doorjamb, or on the interior edge of a pair of doors, of all doors used by the public to access the store. Horizontal marks, one-inch wide by three inches long, in different colors, and in a contrasting color to the background, shall be placed every six inches beginning at 5' and ending at 6'6". A standard marking system used by the applicant may be substituted subject to review and approval by the Director of Public Safety; and
 - d. The security plan shall be fully operational prior to the sales of alcoholic beverages. Notice of activation of the security system shall be provided to the Public Safety Department for review and inspection. Any changes to the security plan shall require review from the Community Development Department and Public Safety Department prior to implementing.
12. Prior to commencement of alcoholic beverage sales, the applicant shall comply with the following:

- a. Obtain the appropriate license from the Department of Alcoholic Beverage Control (ABC), comply with the licensing requirements, and provide evidence of said license to the Planning Division. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
 - b. Install and permanently utilize a new point-of-sale systems equipped with identification card scanners. Employees shall use the system to verify the customer is of legal age in accordance with ABC regulations prior to the sale of any alcoholic beverage. Employees shall verify the age of any customer appearing to be 30 years old or younger prior to unlocking the refrigerator coolers and allowing customer access to the alcohol.
 - c. Require all employees serving or selling alcohol to participate in an California Department of Alcoholic Beverage Control accredited "Responsible Beverage Sales and Service (RBSS) course alcohol sales training program within 30 days of hire. The applicant shall provide current proof of employee training certifications within 24 hours of City request.
13. Onsite consumption of alcohol on the premises is prohibited at all times. All alcoholic beverages sold at the premises shall be consumed offsite. Exterior signs shall be posted indicating no onsite consumption per Duarte Municipal Code 9.24.025, prior to the sales of alcoholic beverages. All signage related to alcohol sales and/or consumption shall be displayed in accordance with the laws and requirements of ABC and in accordance with Section 19.42 of the Duarte Development Code. All signs shall be maintained in good condition.
14. "No Loitering" signs placed on the building exterior conforming to California Penal Code Section 602. Signage size, design and placement shall also be reviewed by the Community Development Department.
15. No signs advertising the sale of beer, wine, other alcoholic beverage products, or tobacco shall be installed on the exterior or windows of the premises, or within the interior of the premises directed and intended to be visible toward the exterior of the premises, in accordance with the provisions of the Municipal Code.
16. All requirements of the State of California, Department of Alcoholic Beverage Control shall be complied with. Such requirements shall become a condition of approval for this entitlement.
17. All laws of the Alcoholic Beverage Control Act, as defined by Division 9 of the California Business Professions Code shall be complied with at all times. Should at anytime the Alcoholic Beverage license issued to the applicant be revoked for any purpose, this Conditional Use Permit shall become invalid.
18. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times, including compliance with curfew and daytime loitering

regulations pursuant to the provision of Section 9.56 of the Duarte Municipal Code (DMC). Any problems associated with the sale of alcoholic beverages on the subject site, and/or any violation of the Conditions of Approval, Municipal, or other governmental regulations may warrant the matter being scheduled for a revocation hearing before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.

19. This conditional use permit shall continue in effect, subject to the regulations of Chapter 19.114.070 of the Duarte Development Code.
20. Outdoor storage associated with this use is prohibited.
21. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
22. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of this conditional use permit which may be brought within the time period provided for such actions or challenges under applicable law.
23. The applicant shall sign an affidavit accepting the conditions of approval of the Conditional Use Permit within 15 days from the date of approval by the City Council. Failure of the applicant to sign such affidavit within such time period shall render the approval of this Conditional Use Permit null and void.

Agenda Memo City Manager's Office

To: Mayor Finlay and Members of the Duarte City Council
From: Karen A. Herrera, Deputy City Manager
Date: 5/2/17
Re: Community Media of the Foothills Proposal (KGEM) Comparison to Duarte Community Television Services

Recommendation: City staff is seeking direction from the City Council regarding Public Access Television for the City of Duarte.

Background: During the recent mid-year budget process, the Duarte City Council authorized the City staff to take steps necessary to relocate Duarte Community Television (DCTV) to Duarte High School. The move was necessitated by the City's selling of the Third Street property to make way for an 18-unit housing development. This property had been the studio and offices for DCTV since its incorporation in 1991. During discussion, the City Council also approved a budget of \$67,000 for the purchase of new public access filming equipment. After the mid-year discussion, Council asked staff to bring back a comparable proposal from KGEM for public access television services.

Discussion:

DCTV Option: Since 1991, DCTV has been the non-profit access entity designated by the City to provide access management and filming services to the City. After over 25 years, the non-profit entered an MOU (See Attachment A) with the City in 2013 detailing services provided, payments, reporting requirements, etc.

The highlights of the MOU are as follows:

- **Studio Operation** – First and Third Tuesdays – 4:00 pm to 10:00 pm & Wednesday, Thursday & Friday – 5:00 pm to 10:00 pm;
- **Train Duarte residents** and, when requested, City and school employees in the techniques of video production, and provide technical advice in the execution of productions;
- **Playback/Cablecast** – Provide for the playback/cablecasting of programs on public access an average of 84 hours per week (Current schedule is 10:00 am to 10:00 pm, seven days per week, on a year-round basis);
- **Provide 24/7 on-demand programming on the web at www.dctvduarte.com;**
- **Record and Produce City Special Events** – Provide, as available volunteer camera operators and production related support for annual special community

events including but not limited to State of the City, the Route 66 parade, Mayor's Prayer Breakfast, etc.

Also per the Memorandum, DCTV functions as an independent contractor; thus, is also responsible for maintaining all books and records in accordance with generally accepted accounting principles, actively recruiting board of director members for its seven-member board, engaging in fundraising, maintaining its own equipment, as well as the interior portion of the studio located at 1640 East Third Street, and having a \$1,000,000 public liability policy naming the City as additionally insured. The approximate annual cost to the City of the 12-month MOU is \$43,500.

To keep the "Status Quo" option in place would require the following:

- Relocation of the studio to Duarte High School (relocation costs would be minimal since current equipment and furniture would not be moved)
- Purchase of all new camera and recording equipment at a one-time cost of approximately \$67,000
- Ongoing monthly cost of approximately \$1100 to \$1300 per month for a dedicated internet connection provided by Charter/Spectrum
- Studio space costs will be absorbed by Duarte High School
- Ongoing \$43,500 annual MOU cost with service provided by one part time employee and volunteers.

Average Annual Cost: \$59,100* (*2017-18 will be \$102,600 due to the one-time purchase of equipment)

Community Media of the Foothills Option; Per Council request, Staff has also researched providing Public Access TV services through Community Media of the Foothills who has provided service to the neighboring Monrovia community for over 30-years. (CMF) CMF is the local provider of community access television for approximately 20,000 homes in Monrovia, Sierra Madre and Baldwin Park. Even though public access television funding has shrunk for most cities, CMF continues thrive in terms of maintaining a quality facility, being open regular hours to support public access production as well as providing top notch public access services and productions. They are also able to supplement volunteer producer activities by providing municipal and professional production services for a variety of clients including the cities previously mentioned as well a AARP, Ronald McDonald House, YMCA National, the San Gabriel Valley Council of Governments, METRO Gold Line Construction Authority and more that can also be programmed on our channel.

For years CMF, has wanted to expand their content and community production opportunities to the Duarte community. If approved by the City Council, this partnership would be memorialized in a contract and would be spearheaded by the Executive

Director of Foothill Media, Lance Mungia, who besides overseeing CMF for the last nine years, also is an award-winning director in his own right including having two theatrically released feature films, "Six String Samurai" and "The Crow: Wicked Prayer."

In terms of contract content, it would contain the following service elements:

- **Public Access Studio, Volunteer Training and Equipment Usage** - CMF/KGEM studio/soundstage is open from 10:00 am to 7:00 pm Tuesdays thru Fridays, 10:00 am to 5:00 pm Saturdays, for use by volunteer community producers to produce their own local origination cable shows. The studio has a 25X30 soundstage with a hanging light grid and 3 HD cameras that are live switched and sound mixed in a director's booth. Shooting is done in an HD format and then converted down to an SD format for channel playback on local cable. There are also waiting areas and multiple edit bays available for local producers to foster a unique, creative environment. Additionally, a KGEM staff, technical director is also made available to the public to oversee the space and provide basic technical assistance i.e., lighting, stage maintenance; record material and check out additional equipment. CMF, with the talent of its volunteer producers, creates well over 100-productions annually for its community channels. This number is based on actual usage of Duarte residents through the years. - **\$26,000 annual estimate** (This number is based on actual usage of Duarte residents through the years at KGEM i.e. typical rate is \$750 a day for studio including technical staff, \$300 per camera, etc.)
- **DCTV 24/7 On Demand Web presence** – encode, upload, categorize and maintain a searchable web page designed and branded for DCTV - **\$3,000 annually**
- **DCTV Channel Operations** - Daily programming, updates, server health checks, and cable programming of estimated 84 hours of weekly content via 24/7 cablecast - **\$8,000 annually**
- **Community/Special Event Video Production:** Includes shooting, editing and broadcasting of 10 City events, 6 in studio Public Service Announcement, 2 in-studio, Duarte staff/council led half hour shows. (not to exceed 60 total production hours annually) - **\$18,000 annually**

TOTAL Annual Cost - \$55,000

Service Differences: CMF offers a full-service, recently remodeled studio/creative space and staff 45 hours per week with state of the art equipment that is both maintained and upgraded regularly in addition to offering routinely scheduled public access training courses for residents allowing the City to create a pool of trained community producers. Additionally, Duarte's access channel's content would grow dramatically due to a both higher potential for more local productions plus having access to KGEM's wide range of programming that could also be played on our channel.

Fiscal Impact: The current DCTV MOU is an approximate \$43,500 per year cost to the General Fund at its current Third Street location. Due to the move to the new Duarte High School location necessitated by the sale of the Third Street property, this one year only will be approximately \$102,600 due to purchase of all new equipment. Going forward, the annual cost is estimated at \$59,100. The cost difference between the two options is \$60,600 the first year and approximately \$15,600 thereafter. The service level differences have presented in the discussion of each option.

ATTACHMENTS: DCTV MOU – Attachment A
KGEM Proposal – Attachment B

Memorandum of Understanding Between City of Duarte and Duarte Public Cable Access, Inc. (DCTV)

OFFICE LOCATION

1634 Third Street, Duarte, CA 91010

MEMORANDUM OF UNDERSTANDING

The following is the Memorandum of Understanding (MOU) between the City of Duarte, a municipal corporation ("City"), and Duarte Public Cable Access, Inc., a California corporation ("DCTV"). This MOU is made and entered into as of February 12, 2013, and sets forth the duties and responsibilities of DCTV.

RECITALS

- A. The City desires to provide support for the use of cable access channels provided pursuant to 47 USC Section 531 of the Cable Communication Policy Act of 1934 as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection Act of 1992 (The Act") and the Telecommunications Act of 1996.
- B. The Duarte Municipal Code, Section 5.86.200 provides that the City may designate a nonprofit organization to serve as the access management entity to provide public, educational and/or government programming services and programming to the residents of the City.
- C. The State has granted one franchise to Charter Communication to operate cable television in the City.
- D. Both the State Franchise and Duarte Ordinance No. 794 provide that payments consisting of a franchise and PEG fees shall be made by cable service providers to the City for purposes consistent with state and federal law, i.e., capital equipment, facilities, educational and government access channels.
- E. DCTV, being the nonprofit access entity designated by the City, has provided access management and video services to the City since November, 1991 and has indicated its

continuing interest in serving the public by providing continued public, education and government access programming and studio operation services.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth, the parties agree to the following:

Section 1. Scope of Services – Operate the public/community access cable channel for public/community access programming purpose in a manner consistent with principles set forth in Duarte Public Cable Access, Inc. DCTV, Official By-laws, rules and regulations, and Articles of Incorporation with the primary purpose being to administer, coordinate and assist government access, and nondiscriminatory access.

1. **Studio Operation** – Manage and staff a video production facility and equipment that shall be available for public use at such hours and times as determined by DCTV not less than 15 hours per week, up to 21 hours per week. Any change in the hours of operation shall be posted twenty four (24) hours in advance of such change and when possible, prior notification will be listed on public access scroll and DCTV website. DCTV may choose to close its facility for up to two weeks per year for maintenance and/or other facility related issues. All efforts will be made to notify the public in advance of the closure. Current hours of operation are as follows:
 - **First and Third Tuesdays** – 5:00 pm to 10:00 pm
 - **Wednesday, Thursday & Friday** – 5:00 pm to 10:00 pm
2. **Equal Access** – Provide access to the use of the equipment, facilities, channels and service on a non-discriminatory basis to all member of the community for non-commercial programming purposes, whether individuals, groups or organizations, on a first-come, first serve non-discriminatory basis. Access to equipment and facilities shall be open to all those who satisfactorily complete training class(es) provided by DCTV or who receive a certification from DCTV, identifying said user as having satisfied training requirements through means other than DCTV training classes.
3. **Operating Policies and Procedures** – Follow reasonable policies, procedures and guidelines for the use and operation of access equipment, facilities, and channel and make policies, procedures, and guidelines available to the public. DCTV shall submit all changes, amendments or

alterations of policies, procedures, and guidelines to City for comment prior to formal ratification.

4. **Rules and Regulations** – Administer the public access channel(s) and facility in compliance with the Duarte Municipal Code and DCTV's adopted Rules and Regulations.
5. **Training** – Train Duarte residents, and when requested City and school employees in the techniques of video production, and provide technical advice in the execution of productions. Such training shall be at such times and upon such terms as DCTV determines.
6. **Playback/Cablecast** – Provide for the playback/cablecasting of programs on public, educational and government access channel. DCTV shall cablecast an average of 84 hours per week of local origination, replayed and outside programming per week. Model schedule is as follows: **Mary and Levon to insert.**
7. **Website** – DCTV shall provide 24/7 on-demand programming on the web at www.dctvduarte.com
8. **Record and Produce City Special Events** – Pending availability of staff and/or volunteers, provide camera operators and production related support for a variety of community events annually. Program requests are not cumulative, vary from year to year and could include any combination of the following:
 - **State of the City/School Districts**
 - **Festival of the Authors**
 - **Mayor's Prayer Breakfast**
 - **Concerts in the Park Series**
 - **Route 66 Parade**
 - **Annual City Picnic**
 - **Candidates Forum**
 - **Duarte Boxing Show**
 - **Halloween Carnival**
 - **Christmas Tree Lighting Ceremony**
 - **Community Movie Night**
 - **Various DUSD Sporting Events**

- Veteran's Day Event
- Easter Egg Hunt
- Cesar Chavez Volunteer Event
- Groundhog Job Shadow Day
- Honor Among Ashes
- Martin Luther King Birthday Celebration Event

9. **Marketing** – Actively promote the use and benefit of the public access channel and facility to cable subscribers, the public, access users, and Charter Communications through a variety of methods including but not limited to community networking events, cable scroll, press releases, access programming, website and Duarte High School ROP video courses.
10. **Complaint Management** – DCTV handles public complaints regarding its operations by first accepting a complaint at the station, forwarding the complaint to the Station Manager who attempts to resolve. If the problem can not be resolved by the Station Manager, it is agendaized for the next Board meeting for discussion.

Section 2. Channel Open to Public – DCTV agrees to keep the access channels open to all potential users in the manner prescribe by FCC regulations, the Act and other laws. The City shall not have the authority to control the content of programming placed on the public access channels nor shall the City take any steps designed to control the content of such programming. However, nothing shall prevent the City from producing or sponsoring programming.

Section 3. Indemnification – DCTV shall indemnify, defend, and hold harmless the City, and its officers, officials, employees, agents, representatives, and volunteers acting in an official capacity, from and against all damages and liability caused by the negligent actions or willful misconduct of DCTV or by its officers, officials, employees, agents, representatives, and volunteers when acting for or on behalf of DCTV. Consultant shall not be responsible for any damages or liability to the extent caused by the negligence or willful misconduct of the City or any of its officers, officials, employees, agents, representatives, or volunteers acting in an official capacity.

Section 4. Copyright Clearance – Before cablecasting video transmissions, DCTV may require all users to agree in writing that they have made all legally necessary and appropriate arrangements to obtain all rights to all material cablecast and clearances from broadcast stations, networks, sponsors, music licensing organization, and without limitation

from the foregoing, any and all other persons as may be necessary to transmit its or their program material over DCTV authorized channels.

Section 5. Copyright and Ownership – DCTV shall own the copyright any programs that it may choose from time to time to produce. Copyright of programming produced by a member of the public shall be held by the person who produces that program.

Section 6. Distribution – a) DCTV may require that producers of programs using the equipment, facilities or staff of DCTV grant to DCTV a nonexclusive license to cable cast such program on channels operated by DCTV, and to copy, perform and/or prepare derivative works based upon the program for educational, training and/or promotional purposes b) DCTV may require that programs produced using DCTV equipment, facilities or staff be cablecast at least once on channels operated by DCTV. C) DCTV may require that programs produced using DCTV equipment, facilities or staff not be used for commercial purposes. D) At least at the beginning and the end of each day that video programming cablecast on the channels whose use is authorized by this MOU, DCTV shall display a credit stating "Partial Funding" for the operation of this channel is provided by the City of Duarte."

Section 7. Equipment – DCTV shall be responsible for maintenance of all equipment owned, leased or purchased in the operation of public access channel in the City with funds received pursuant to this Agreement. In the event of the dissolution of DCTV, DCTV shall transfer all assets of DCTV funded with City dollars to either the City or another organization designated by the City to manage public access.

Section 8. Facility/Insurance – Based on the terms of the DCTV User Agreement, dated November 1991, with the City of Duarte, DCTV shall be entitled to exclusive possession of portions of real property and non-exclusive use of other portions of the property located at 1640 East Third Street, Duarte. In summary, DCTV at its cost shall maintain in good condition all interior portions of the building and shall also comply with a maintenance schedule approved by the City Manager. The City at its cost shall maintain structural parts of the building including foundations, bearing and exterior walls, sub-flooring and roof, unexposed electrical, plumbing, sewage systems, heating, ventilating and air conditioning systems that are part of the building and pay all utilities except for telephone. DCTV shall maintain the interior area in a clean and sanitary condition plus maintain a public liability policy with single combined liability limit of \$1,000,000 per person, \$1,000,000 per accident and limits not less than insuring all liability of DCTV and its authorized representatives and shall name the City of Duarte employees, agents, etc. as additionally insured.

Section 9. - Non-discrimination in Employment and Service – DCTV shall not discriminate against any person, employee or applicant for employment or subcontractor on the basis of race, color, creed, religion, sex, sexual preference, marital status, ancestry, national origin or physical or mental handicap. Further DCTV shall not discriminate in the delivery of service on the basis of race, color creed, religion, sex, sexual preference, marital status, ancestry, national origin or physical or mental handicap.

Section 10. – Independent Contractor – It is understood and agreed that DCTV is an independent contractor and that no relationship of principal/agent or employer/employee exists between the City and DCTV. If in the performance of this MOU any third persons employed by DCTV such person(s) shall be entirely and exclusively under the control, direction and supervision of DCTV. All terms of employment, including hours, wages, working conditions, discipline, hiring, discharge, or any other term of employment shall be determined by DCTV.

Section 11. Board of Directors Membership – DCTV shall actively recruit members of the public to serve on its seven member Board in accordance with its By-laws.

Section 12. Assignment or Subletting – Neither this MOU nor any interest in it shall be assigned or transferred by DCTV without the express written consent of the City.

Section 13. Annual Reporting – Prior to September 15th of each year, DCTV shall submit to City an annual report for the preceding fiscal year (July 1 – June 30). The report shall contain, the following information:

- Current and complete listing of DCTV's Board and their terms;
- Year end financial statements;
- Any revisions to the by laws, rules and regulations approved during the prior fiscal year;
- Statistics on programming and/or services provided.

Section 14. Records, Fiscal Audit – DCTV shall maintain all necessary books and records in accordance with generally accepted accounting principles and for a period of not less than three years following the expiration of this Agreement or such longer period as provided by law.

Section 15. Funding – The City agrees to make funds and resources available to DCTV in the amount of \$43,500 per fiscal year. Additional PEG fees paid to the City on an annual basis pursuant to the State Video franchising laws and Duarte Ordinance 794 may be requested on an as needed request basis for capital purchases only in compliance with State law.

Section 16. Annual Plan and Budget – On or before May 15th City shall provide DCTV with an estimate of available PEG fees and general fund dollars that will be available for the upcoming fiscal year. Prior to annual budget workshop, DCTV will provide City Council with year to date budget expenditures and any anticipated capital/program expenses for the upcoming fiscal year.

Section 17. Funding from Other Sources – DCTV is encouraged, during the course of this MOU to pursue supplemental funds from other sources, including but not limited to fundraising.

Section 18. Termination – The City may terminate this MOU at any time at the expiration of its term or any extension thereof with or without cause. The City will provide 60 days notice to DCTV of a public hearing before the City Council to consider termination.

Section 19. – Time – Time is of the essence in this MOU and for the performance of all covenants and conditions of this Agreement.

Section 20. – Cooperation – Each party agrees to execute all documents and do all things necessary to appropriately carry out the provisions of this MOU.

Section 21. – GOVERNING LAW; ATTORNEY’S FEES; LITIGATION MATTERS - The internal laws of the State of California, without regard to principles of conflicts of laws, shall govern the interpretation of this Agreement. In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding anything in this Agreement to the contrary, in no event shall DCTV be entitled to economic or consequential damages or to punitive damages. In the event of any litigation arising from or related to this Agreement, the prevailing party shall be entitled to recover all reasonable costs incurred, including staff time, court costs, attorney fees, expert witness fees, and other related expenses. The Municipal and Superior Court of the County of Los Angeles shall have exclusive jurisdiction over any litigation between the parties hereto concerning this Agreement. Service of process on City shall be made in the manner required by law for service on a public entity. Service of process on Consultant shall be made in any manner permitted by law and shall be effective whether served inside or outside of California.

Section 22. – Applicable Law – This MOU shall be interpreted and enforced under the laws of the State of California

Section 23. – Notices – All notices and other communication to be given to either party shall be in writing, depositing the same in the United States mail, postage prepaid and addressed to the appropriate party as follows:

To DCTV: DCTV Board President
1634 Third Street
Duarte, CA 91010

To City: Karen Herrera
Deputy City Manager
1600 Huntington Drive
Duarte, CA 91010

Any party may change its address for notice by written notice to the other party at any time. The City shall designate a person who shall act as liaison between the City and DCTV.

Section 24. Entire MOU – This MOU is the entire agreement of the parties and supersedes all other prior agreements either written or oral. The MOU may be amended only by written agreement executed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed and entered into this MOU to be effective as of the Effective Date.

Date: 2/20/2013

CONTRACTOR

By: [Signature]
DCTV Board President

Date: Feb. 14, 2013

CITY OF DUARTE

By: [Signature]
Darrell J. George, City Manager

ATTEST:

[Signature]
Marla Akana, City Clerk

APPROVED AS TO FORM:

[Signature]
Dan Slater, City Attorney

**Community Media of the
Foothills**
A non-profit 501c3
Box 227, Monrovia CA 91017



Board of Directors:
David Ibrahim
Chair
Scott Austin
Treasurer
Rena Delgado
Secretary
Ward Calaway
Belinda Winn
Tom Reale
Ameer J. Alahee

Visit the KGEM.TV studio:
847 E. Olive, Monrovia CA

City of Duarte/Community Media of the Foothills KGEM Media Partnership

May 1, 2017

A media partnership between City of Duarte and Community Media of the Foothills will give City of Duarte access to full time technical staff and a state of the art production studio, and allow Duarte resident volunteer producers training in real life production environments, an outlet to produce media work highlighting their community and facilitating fresh local originated content for the Duarte community.

The long term goal of the partnership is to expand the available media services in City of Duarte and enhance the resources available in both Duarte and Monrovia to it's respective residents.

Foothills Media Credentials:

Community Media of the Foothills is the local provider of community access television for Monrovia. Although funding for public access television has shrunk over the last several years, we continue to be the only public access studio with our population range in the San Gabriel Valley that is open with regular hours to support public access production. We support our volunteer producer activities through municipal services and professional production. Our professional clients include AARP, Ronald McDonald House, the national YWCA, The San Gabriel Valley Council of Governments, and The Foothill Gold Line Metro Construction Authority. We have operated for over 30 years providing service to the Monrovia community.

CMF continues to provide top notch public access television services for Monrovia residents and rebroadcasts much of the content created at our studio in the surrounding cities, with dedicated volunteer access producers in Monrovia working to create compelling television at the local level. Their shows broadcast to a potential total of over 20,000 homes in local communities. We would like to expand our content and access to content creators in the city of Duarte as well, bringing new life to local content in Duarte at a time when local content becomes harder to come by.

This project partnership will be spearheaded by the Executive Director of Foothills Media, Lance Mungia, who besides providing vision to Foothills Media for the last 9 years, is an award winning director of narrative and documentary feature films, having two theatrically released feature films, *Six String Samurai*, which debuted at Sundance and was distributed by Lions Gate, and *The Crow: Wicked Prayer* released by Dimension Films, as well as top 10 music videos on MTV and VH1.

"It is the mission of Community Media of the Foothills to promote artistry and expression, freedom of speech and civic pride through use of community media."

Our staff at the KGEM studio consists of three full time members, all well trained in every aspect of community television production from shooting, lighting, to editing and cable channel operations. In addition to our full time staff, we also maintain a roster of trained part time staff members to be available for shoots and municipal services as needed.

About KGEM Studio:

Currently the KGEM studio and soundstage is open from 10AM to 7PM Tuesdays thru Fridays, 10am to 5pm Saturdays, for use by volunteer community producers living in the city of Monrovia to produce their own local origination cable shows for KGEM in the city of Monrovia. CMF produces, with it's volunteer producers, well over 100 volunteer productions annually in the City of Monrovia, and often much more than that.

There is a 25X30 soundstage with hanging light grid and with 3 HD cameras live switched and sound mixed in a director's booth. Shooting is done in HD format and then downconverted to SD for channel playout on local cable. It is sent online in HD format when applicable. There are also waiting areas and multiple edit bays available that create a unique creative environment. A technical director on staff at KGEM studio is made available to the public to oversee the space, provide basic technical assistance with shows, turn on lights, maintain the stage and record material as needed by appointment. There are additional equipment available for check out by resident volunteers at the studio as well.

As part of our partnership with Duarte, we propose creating dedicated check out equipment for Duarte residents. Soundstage reservations may be made by resident producers with 72 hours advance notice subject to availability and after they have gone through an orientation on use of the facility. Producers may book the studio once a week in a maximum 4 hour blocks unless otherwise approved by management.

The soundstage is also used by KGEM staff for professional productions for everyone from non profits like AARP and YWCA to occasional independent documentary production. CMF has a lease with City of Monrovia for the studio space. City of Monrovia residents have first priority for use of the space and the space is available for rental appointments currently at a rate of \$750 per day. We do not anticipate any scheduling conflicts with our other resident producers, and any conflicts would be settled by the Executive Director of CMF. We have clear policies for all our producers that are gone over during their orientation sessions and that can be applied to Duarte staff and residents.

Our agreement with City of Monrovia provides basic funding for our Monrovia channel operations, and our professional production has allowed us to continually upgrade and maintain our technical facilities from camera gear to lighting to computers that we otherwise would not be able to afford when compared to other access facilities and the resources at other access facilities.

Under the proposed partnership, soundstage space for DCTV television production will be available to Duarte residents by appointment during regular business hours under the same terms as our other resident producers. At times KGEM studio may have to close due to the needs of field shooting or other appointments, and so volunteer scheduling of studio space and equipment is important.

The studio space, along with teleprompter and camera, will also be made available to Duarte staff and council for PSA creation and other programming under the same terms it is used for other producers. Any additional editing or shooting by CMF staff would be charged on a case by case basis. City of Duarte will need to name Community Media of the Foothills and the KGEM studio as additional insured, along with the equipment designated for use by Duarte staff or residents.

Resident producers or Duarte staff will fill out paperwork for equipment or stage use, and are financially responsible for the gear and space they use. All producers must abide by CMF's standard policies for behavior and content creation and are subject to removal of privileges due to violations.

For Monrovia residents the facilities are for use to create P.E.G. content. That stands for Public, Educational, and Government content. Monrovia maintains three channels that splits that content by those categories at the discretion of CMF staff. Public stands for public access and represents a "freedom of speech" channel, where the content runs uncensored and is subject to resident and non commercial status only in terms of determination of playback worthiness.

Educational content, which represents the majority of content created in Monrovia, is curated by CMF staff for production value and relevance to the local community.

Government content means playback of city meetings and other relevant city provided content.

It is up to City of Duarte staff to determine which content is played back on their channel space. We can help amend or craft policies if needed and will become the overseers of those policies. If we need to arbitrate content we can do that for an additional fee.

We recognize that the costs of including access to the studio soundstage facility may be slightly higher than City of Duarte's existing agreements, but the benefits are potentially huge in terms of gaining turn key state of the art access to equipment and capability to produce programming in the city of Duarte with the help of CMF's qualified and dedicated staff without having to purchase new gear outright.

We have created a potential City of Duarte equipment page on our website at foothillsmedia.org/city-of-duarte that houses a list of items that would be available to Duarte residents in our studio. The password is "cityofduarte". These items are all in house and the same gear found in production houses around Los Angeles. They were paid for by previous work we have done with the Gold Line, Mt. Sierra College, and others, and the list will continue to expand with this partnership as well.

We look forward to continuing this conversation and moving a robust partnership for the future forward.

Sincerely,

Lance Mungia
Executive Director
Community Media of the Foothills

PRICING SHEET FOR CMF SERVICE CITY OF DUARTE

Rates represent a package that pertains only to this grouping and are not representative of ala cart rates. Single elements would be charged at a higher rate. Rates include up to 2 staffers shooting and post production edit with basic titles. Average 2 weeks turnaround for events, PSAs and shows. Rates for overages are @ \$35 HR per crew person. The below rates are a package payable monthly regardless of usage.

Base Contract for Services

Annual

Video Production:

\$18,000

Includes shoot, edit and broadcast of
10 City Events, 6 in studio PSAs, 2 in studio Duarte city staff led half hour shows:
(PSAs and shows subject to CMF prior commitments, total production
time commitment for all not to exceed total 60 production hours.)

DVD creation: (2 copies provided for each shoot to staff or residents. Copies thereafter \$10 apiece. Programming will be available 30 days in house after copies are provided and/or placed online. Not archived in house thereafter.)

DCTV Channel Operations:

Daily programming updates/server health checks

cable programming of est. 84 hours weekly content via 24/7 cablecast

\$8000

DCTV 24/7 On Demand web presence event archival online:

*Encode, upload, categorize on a searchable web page
designed and branded for DCTV.*

\$3000

Public Access Studio and Equipment Usage:

(assumes light usage, no impact to other CMF community usage, maximum 15hrs per week Duarte volunteer production. For comparison: typical studio corporate rental rates \$700 per session for studio space, \$300 per camera, plus labor)

Available for Duarte Residents:

Regular studio operating hours Tuesday thru Friday 10am to 7pm, Saturday 10am to 5pm.

1 full time staff operating the non profit and 2 full time in studio staff.

High speed internet use and cloud based editing software subscription (\$2500 annual value) for editorial of volunteer shows.

Field Equipment for checkout: (after certification and approvals)

1 dedicated field camera package and all accessories valued at \$6000 for Duarte Resident Use.

1 portable field light kit valued at \$2500 dedicated for Duarte Resident use.

Complete 25X30 soundstage, 3HD cameras, 6 IMac edit bays, light grid, directors and sound booth valued at \$200,000 available for Duarte resident use by appointment.

Classes for Duarte residents and staff in volunteer producer training, editing, camera.

Handling of all paperwork and resident scheduling/programming based on City of Duarte guidelines.

Tech director available up to 40 hours per week for in studio, scheduling, volunteer orientations.

\$26,000

Total For Agreement: \$55,000 Annual

Production Services Description:

1. PSAs. A PSA is a public service announcement usually done with a single camera in the field or in the CMF studio. An example of a PSA would be a city Public Works staffer spending 2 minutes on camera talking about ways to conserve water, with single camera shooting and cutting to “B” roll, or additional shots of stills or powerpoint style imagery illustrating the points made on camera. Another example of a PSA may be a local non-profit executive director telling the community about an upcoming event being held to benefit some element of the community, culminating in a text title with the pertinent information. Or, a PSA could be an emergency fire preparedness video featuring a firefighter. A PSA usually takes roughly two hours to shoot if done in studio and the person or department participating in the PSA is responsible for the script content and “B” roll, if any, although CMF will consult and ultimately direct the PSA. The average PSA is 2 minutes in length and never more than 5 minutes.
2. Event coverage. This is usually a single camera shoot in the field that provides informational coverage for an event of community significance. This could be a “State of the City” presentation. It could be a Chamber of Commerce dinner featuring prominent speakers. It could be a little league championship game or parade or concert in the park. Coverage is very simply done with minimal edits, basic titles featuring key points, and if there is a powerpoint used or other relevant stills or “B” roll that can be provided those items may be edited in.
3. Shows. These are designed to be sit down interview style shows usually taking place in the CMF studio with a live multicam shoot directed by CMF staff. These shows can be a “Meet The Mayor” show where perhaps the mayor and a host talk about the city’s agenda. It could be a sit down with prominent business people in the city to discuss economic situations in Duarte. It could be a sit down with the School Superintendent and teacher of the year to discuss the state of education in Duarte. These shows are always designed to be interview style with basic editing and titling.