

MEMORANDUM

TO: City Council
FROM: City Manager
DATE: April 23, 2015
SUBJECT: Comments on Agenda Items, Meeting of April 28, 2015

ITEM 8.A. The City Council will recognize Diana Burckhard for her 15 years of service as the Director of Membership and Marketing for the Duarte Chamber of Commerce. Diana is always at the Chamber, welcoming members with a smile and a wealth of information about Duarte. Her leadership on the monthly “Ladies Brown Bag” lunch has helped this program grow over the years, and generate many new members. This is only one of the successful programs that can be attributed to Diana’s hard work and oversight.

ITEM 8.B. The City Council will recognize Tina Carey, Pauline Montgomery, and Maria Muniz as recipients of the 48th Assembly District’s 2015 Women of the Year. Every year in honor of National Women’s History Month, the California State Legislature encourages our community members to utilize active roles in recognizing strong and inspirational women that have made lasting contributions within the District. Assemblymember Roger Hernandez had the distinct honor of selecting 24 women from all over the 48th Assembly District to be recognized at this year’s 2015 Women of the Year Recognition Ceremony held on March 28, 2015, at the West Covina Senior Center.

ITEM 8.C. Members of the Duarte Mayor’s Youth Council (MYC) will be making a presentation to the Duarte City Council regarding a potential citywide event called “Slide The City”. Slide The City is a large-scale entertainment event that was established by a private for-profit company, and began operating events in July 2014 in Salt Lake City, Utah, and has since conducted events at various cities throughout the country. Slide The City involves the temporary construction of a 1,000-foot water slide on city streets. A PowerPoint slide show will be included in the MYC’s presentation.

ITEM 8.D. The Director of Public Safety will give an update on all public safety matters addressed over the past month.

ITEM 8.E. Staff will provide an update on the latest legal and administrative issues related to the dissolution of redevelopment.

ITEM 12.D (Consent Calendar). This is the second reading of an Ordinance adding certain standards applicable to massage establishments, and amending sections of the Municipal Code to amend certain definitions that are applicable in the regulations of massage establishments.

ITEM 12.E (Consent Calendar). This is the second reading of an Ordinance amending the Duarte Municipal Code to revise certain regulations applicable to the operation of massage establishments.

ITEM 12.F (Consent Calendar). The City received a request from the Duarte Kiwanis Club to consider co-sponsoring its Magical Mystery Show on Saturday, November 7, 2015. Co-sponsorship would include the City providing volunteers (if available), and access to City marketing venues. They would like to use one of the City’s ten, no-cost uses of the DUSD’s Performing Arts Center, consistent with the 1991 agreement with the District. Traditionally, the City does not use all of these dates, thus it will not conflict with any of the City’s previous programs.

ITEM 12.G (Consent Calendar). A Proclamation will be issued in honor of the 100th Anniversary of the Armenian Genocide – Day of Remembrance. As a community, we proudly uphold human and civil rights,

and reaffirm our commitment to ensure that similar crimes against humanity are prevented against any people in the future, and we encourage teachers to engage in discussions about the best practices for teaching the subject of genocide.

ITEM 12.H (Consent Calendar). This item recommends that a letter be sent in support of AB 246 (Hernandez) that will define “hate crimes” to include the assassination or the attempted assassination of a peace officer. Current law defines “hate crime” as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation.

ITEM 12.I (Consent Calendar). Staff recommends that the City Council award the ADA Curb Ramp Project (Southeast Corner of Mountain Ave and Huntington Drive) to FS Construction in the amount of \$27,110.00. This project will remove barriers to allow for a more accessible and safe path of travel for all pedestrians, including the elderly and/or severely disabled. The project consists of the removal of the existing ramp and obstructions, grading, and installation of a new curb ramp with truncated domes to be compliant with the Americans with Disabilities Act.

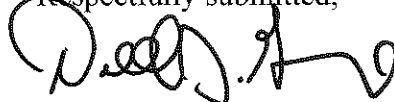
ITEM 12.J (Consent Calendar). This item approves the awarding of a contract to FS Construction for work associated with the Concrete Repair Program FY 2014/15, in the amount of \$41,270.00. This annual project consists of the removal and replacement of concrete sidewalks, curb and gutters, and drive approaches that have been damaged by tree roots or other factors. This practice has improved the accessibility and safety for pedestrians, and greatly reduced the number of trip and fall claims in the City of Duarte; therefore, it has become an integral part of the City’s Risk Management Plan.

ITEM 12.K. (Consent Calendar). Staff is recommending that the City Council approve the use of the 2015/16 State Supplemental Law Enforcement Services Grant (SLESF) to fund the City’s Motorcycle Deputy and Special Event overtime patrols. The 2015/16 budget account for the SLESF is expected to receive \$100,000 this fiscal year from the State of California.

ITEM 14. This item would adopt a Social Media Policy and identify the social media rollout schedule. The proposed social media policy outlines the intent of and guidelines for the use of social media sites by the City of Duarte. The intended use of the City’s social media sites is to provide an efficient and alternative means of communication between the City and the community at large. The purpose of the proposed policy is to establish guidelines for the use of social media sites by the City and interaction with social media site users, posters, or commenters.

City social media sites will be managed and moderated by the Deputy City Manager/Public Information Officer, and designated staff. As such, the PIO or designee will monitor all comments or postings on the City’s social media platforms. Staff will leverage existing communication methods, such as the Duarte City News, electronic sign, City website, Duarte View, and Twitter to announce new social media sites as they roll out. Staff will also be designing and experimenting with online advertising in the various platforms to determine the best and most cost effective marketing mix. Staff has designed the following implementation schedule: Instagram roll out timeline Spring 2015; Facebook roll out timeline Summer 2015; and LinkedIn roll out timeline Fall 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Darrell J. George', is written over the typed name.

Darrell J. George
City Manager

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0048
(916) 319-2048
FAX (916) 319-2148

Assembly
California Legislature

DISTRICT OFFICE
100 N. BARRANCA STREET
SUITE 895
WEST COVINA, CA 91791
(626) 960-4457
FAX (626) 960-1310

ROGER HERNÁNDEZ
ASSEMBLYMEMBER, FORTY-EIGHTH DISTRICT
CHAIR, COMMITTEE ON LABOR AND EMPLOYMENT

March 10, 2015

Dear City of Duarte City Council and Staff:

Every year in honor of National Women's History Month, the California State Legislature encourages our community members to utilize active roles in recognizing strong and inspirational women that have made lasting contributions within the district.

I have had the distinct honor of selecting twenty-four women from all over the 48th Assembly District to be recognized at this year's 2015 Women of the Year Recognition Ceremony. It is my pleasure to share with you that Tina Carey, Paulina Montgomery, and Maria E. Muniz have been thoughtfully selected from the City of Duarte to be recognized at this year's event.

Their selflessness, commitment and unrelenting sacrifices to the populations they serve have not gone unnoticed. Each individual's actions are invaluable to our community and will remain an essential component in ensuring brighter paths for future generations.

I welcome you to join me as we gather to celebrate all the nominees' exceptional service, leadership, advocacy and tremendous influence within the 48th Assembly District.

2015 Women of the Year Awards

Saturday, March 28, 2015

11:00 a.m. - 2:00 p.m.

**West Covina Senior Center
2501 East Cortez Street
West Covina, CA 91791**

Should you have further questions or would like to RSVP, please contact Ashley Rozatti, my Field Representative, in the District Office at [\(626\) 960-4457](tel:(626)960-4457) or via email at Ashley.Rozatti@asm.ca.gov.

Sincerely,



ROGER HERNÁNDEZ
Chair, Committee on Labor and Employment
Assemblymember, 48th District



MEMORANDUM

TO: DARRELL GEORGE, CITY MANAGER

FROM: CESAR MONSALVE, DIRECTOR OF PARKS AND RECREATION

SUBJECT: MAYOR'S YOUTH COUNCIL "SLIDE THE CITY" PRESENTATION TO THE DUARTE CITY COUNCIL

DATE: APRIL 28, 2015

Members of the Duarte Mayor's Youth Council (MYC) will be making a presentation to the Duarte City Council regarding a potential citywide event called "Slide The City". Slide The City is a large-scale entertainment event that was established by a private for-profit company and began operating events in July 2014 in Salt Lake City, Utah and has since conducted events at various cities throughout the country. Slide The City involves the temporary construction of a 1,000' water slide on city streets. A power point slide show will be included in the MYC's presentation.

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 14, 2015

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 Paras-Caracci called the meeting to order at 6:04 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana (arrived during Closed Session), Finlay, Kang, Reilly, Paras-Caracci ABSENT: None ADMINISTRATIVE STAFF PRESENT: Assistant City Manager Petersen, City Attorney Melching
ADOPTION OF AGENDA	Finlay moved, Reilly seconded to adopt the Agenda, and carried with Fasana not present.
CLOSED SESSION Conference with Legal Counsel Anticipated Litigation	There was no public input. Melching announced the Closed Session was pursuant to Government Code §54956.9 (d)(4); Anticipated litigation; Number of potential cases: two. The Closed Session concluded at 6:57 p.m. City Council reconvened at 7:12 p.m., with all members present.
PLEDGE TO THE FLAG	Brian Barreto led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Petersen and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION ITEM	Melching reported that during the Closed Session, there was no reportable action taken.
SPECIAL ITEMS Recognition – Deborah Cariffe Act of Heroism	Mayor Pro Tem Kang introduced Deborah Lynn Cariffe, and related the details of the incident that took place on February 25. Mayor Paras-Caracci presented a certificate of appreciation to Ms. Cariffe for her act of heroism in coming to the aid of traffic accident victims.
Recognition – Adrian Morales Special Olympics video	After the Special Olympics Host Town video was shown, Mayor Paras-Caracci introduced Daniel Sanchez from Pro One Stage Production, who accepted a certificate for Adrian Morales in appreciation of his creativity and professionalism in producing the video.
Recognition – Robert Herrera “This City – Duarte” video	After the “This City – Duarte” video was shown, Mayor Paras-Caracci presented a certificate of appreciation to Robert Herrera for his ingenuity and artistry in producing the video.

Presentation – CalAm Water
Water Conservation Regulations

Brian Barreto, Cal Am Water, presented an overview of the drought response, including Statewide prohibited water uses implemented in 2014 and 2015, customer outreach, Gov. Brown’s mandatory water restrictions that became effective 4/1/15, State Water Resources Control Board upcoming vote in May, available resources to help save water, free water saving products, rebates, and seminars, and answered questions from Council.

Presentation – California JPIA
Risk Management Evaluation

Maria Galvan, California JPIA, presented an update on the City’s last Risk Management Evaluation in March 2014, commended staff for implementing over 30 improvements, announced upcoming educational forum in September, and answered questions from City Councilmembers.

ANNOUNCEMENTS

Abdali Martinez, representing Assemblymember Hernandez, announced upcoming events in April and May, and presented a certificate to the City in appreciation of the Earth Day event.

Joanna Gee, Duarte Library, announced upcoming workshops, programs, and story times in April, May, and June.

Brian, Day One, announced educational event about marijuana legalization on April 24 at the Teen Center.

Sheryl Lefmann, Duarte Chamber, announced upcoming Chamber events and programs in April and May.

Jackie Ruiz presented community announcements about City events, projects, programs, and activities in April, May, and June.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Ramon Vargas – Use of youth soccer fields, regulations.

Oscar – Soccer practice on fields.

Angel – Soccer practice on fields.

Cheryl Taylor – Gates, lights, bike path, school bond.

Annie Chu – Use of PAC for concert.

Mayor Paras-Caracci stated she hopes the update on new policy recommendations for scheduling field times will be available in the next few months.

ITEMS ADDED TO CONSENT

Finlay moved, Kang seconded to add attendance at Foothill Unity Center’s 35th Birthday Celebration, May 2, 2015, Pasadena, and Kalayaan Incorporated Anniversary Celebration of the Declaration of Philippine Independence, June 6, 2015, Anaheim, to Consent Item L, and carried unanimously.

CONSENT CALENDAR

Finlay moved, Reilly seconded to approve the Consent Calendar, as amended, as follows, and carried unanimously.

Approve Items A, B, C, D, E, H, I, K, L.

Receive and File Item F.

Remove Items G, J.

ITEMS REMOVED

Item G – ECS Imaging, Inc.
Contract – Electronic Records

Irma Hernandez, Senior Planner, presented a staff report about the proposed contract, and answered questions from Councilmembers.

ITEM G – APPROVED

Reilly moved, Finlay seconded to authorize the City Manager to execute a contract with ECS Imaging, Inc., in the amount of \$28,995 to implement an Electronic Permit Records Document Management System using Laserfiche software, and carried unanimously.

Item J–Youth/Family Committee
Recruitment assistance request

There was discussion about the current recruitment process for the Youth and Family Committee members.

ITEM J – APPROVED

Finlay moved, Fasana seconded to ask for a report from the Youth and Family Committee about who is on the Committee, what the group does, and what gaps need to be filled, City Council could then see if there is an expression of interest, and those interested could be called, and carried unanimously.

PUBLIC HEARING

Council Bill 15-O-02 – Massage
Establishments – Location, Deve-
lopment Standards, Definitions
(MCA 14-05) (First Reading)

Mayor Paras-Caracci announced this was the time and place set for a Public Hearing to consider proposed Ordinances.

Melching read by title Council Bills 15-O-02 and 15-O-03:

Council Bill 15-O-02 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA (1) ADDING SECTION 19.60.112 “MASSAGE ESTABLISHMENTS” TO CHAPTER 19.60 “STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES,” TO ARTICLE 4 “STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES,” TO TITLE 19 “PLANNING AND ZONING,” OF THE DUARTE MUNICIPAL CODE TO ADD CERTAIN STANDARDS APPLICABLE TO MASSAGE ESTABLISHMENTS; AND (2) AMENDING SECTIONS 19.160.140 “‘M’ DEFINITIONS” AND 19.160.170 “‘P’ DEFINITIONS,” BOTH TO CHAPTER 19.160 “DEFINITIONS,” TO ARTICLE 9 “DEFINITIONS,” TO TITLE 19 “PLANNING AND ZONING,” OF THE DUARTE MUNICIPAL CODE TO AMEND CERTAIN DEFINITIONS THAT ARE APPLICABLE IN THE REGULATIONS OF MASSAGE ESTABLISHMENTS (MCA 14-05) (First Reading)

Council Bill 15-O-03 – Massage
Establishments – Business
Licenses and Regulations
(MCA 14-06) (First Reading)

COUNCIL BILL 15-O-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 5.56, “MASSAGE ESTABLISHMENTS,” OF TITLE 5, “BUSINESS LICENSES AND REGULATIONS,” OF THE DUARTE MUNICIPAL CODE TO REVISE CERTAIN REGULATIONS APPLICABLE TO THE OPERATION OF MASSAGE ESTABLISHMENTS (MCA 14-06) (First Reading)

Notice of the hearing had been given, the affidavit is on file, and there were no written communications filed in the matter.

Jason Golding, Senior Planner, presented a detailed staff report about the proposed ordinances and staff analysis. With regard to Council Bill 15-O-2 (MCA 14-05), Golding stated the item being considered tonight is identical to the item previously heard at the 2/24/15 Public Hearing, except for the Planning Commission clarification of its recommendation proposing a minimum 1,200 square foot floor area requirement for a new massage business. With regard to Council Bill 15-O-03 (MCA 14-06), the item remains unchanged from the previous 2/24/15 Public Hearing, except for the following three proposed modifications: 1) Chapter 5.56.100 – additional language on window coverings for interior doors/windows; 2) Chapter 5.56.160 – rewritten section dealing with separate room requirements based upon gender and limitations on group massage; and 3) Chapter 5.56.170 – clarification on serving both genders, clarification about providing separate gender dressing and toilet facilities, and deletion of a requirement that showers be provided to each gender.

There was discussion about arrests for prostitution, process for checking licenses, technician certificates, human trafficking activities, promoting safety and reducing crime, length of time for compliance, educational component, sterilization tools, use of autoclaves, and video security.

Mayor Paras-Caracci asked if there was anyone in the audience who wished to speak on the item.

Steve Hernandez stated autoclaves require permits, you do not want to bring that into the City, they are used for sterilization of surgical tools, and these businesses use non-invasive tools.

Mark Green stated his wife leased a building for five years to do massages, there is only 40-50% glass in front, and behind the glass is a reception area.

Roxanna Ponce de Leon stated she used to be in Pasadena, some solicitations were made to those not wearing scrubs, there are regulations for massage therapy, they are not bar room massages anymore, they are massage therapists, displayed her massage therapy certificate, stated the health department checks if the place is healthy or not, tools and oils are used, and stated massage therapy requires training for higher standards.

Mayor Paras-Caracci closed the Public Hearing.

Reilly moved, Fasana seconded to introduce Council Bill 15-O-02 for first reading, and carried by the following Roll Call vote:
AYES: Reilly, Fasana, Finlay, Paras-Caracci
NOES: Kang

Finlay moved, Reilly seconded that after adoption, an analysis of the progress of the ordinance is to be reviewed in six months, and the ordinance may be sent back to the Planning Commission to be reworked again, and carried unanimously.

Reilly moved, Finlay seconded to introduce Council Bill 15-O-03 for first reading, and after adoption, to review the ordinance in six months, and then it may be sent back to the Planning Commission if it needs to be reworked, and carried unanimously.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

PETERSEN: Announced that the Budget Workshop has been changed to Wednesday, April 29, 2015, at 5:00 p.m., and will be held at the Community Center.

FINLAY: Announced Town Hall meeting with AQMD regarding mining will be on May 5, asked that the information be on DCTV and the City's website, and that flyers be delivered especially in the Fish Canyon neighborhood, appreciates the gates on the bike path, inquired about light at Encanto Parkway/Huntington Drive (Petersen stated staff is looking into it), requested that Levon Yotnakhparian and the DHS Broadcast Team be recognized at a Council Meeting for winning the Skills USA State Championship, and welcomed Danielle Steiner to the meeting.

FASANA: Stated he missed the last Council Meeting as he was in Washington D.C. arguing for transportation funds, asked that recognition of the Armenian Genocide be on the next Agenda, congratulation Mr. Y's students for finishing first in the broadcast news competition, inquired about the status of the grant for Fish Canyon Falls and signage when entering the Duarte part of the trail, stated it is appropriate and important that the City be recognized, there have been concerns raised by residents about Encanto Park, traffic signs, traffic lights, and expanding the left turn lane pockets on Huntington Drive, he would like to see some discussion of that during the budget presentation, asked that the meeting be adjourned in memory of Michael Messina and Walter Scott, and requested that a comparison of water rates for foothill cities from Arcadia to San Dimas be provided in a month or so.

REILLY: Invited all to attend the Special Olympics Host Town fundraiser on April 30, stated both videos shown were fantastic, the tentative date for the dedication of the Gold Line Station is August 15, this year is the 25th anniversary of the signing of the Americans With Disabilities Act, asked that information about the Act be made available at the City Picnic, attended L.A. County Commission program about women and provided statistics, she took an inspection trip of the State water project in the Bay Delta, and stated water is becoming more salinated.

KANG: Attended Easter egg hunt breakfast, stated Monrovia's lighting on Duarte Road for the Gold Line Station looks awesome, inquired about what our landscaping and sidewalk will look like (Hensley stated he will provide information), and stated he bought new speakers for the Fitness Center, and now there is

better sound.

PARAS-CARACCI: Attended event where she congratulated the three honorees from the 48th Assembly District, stated the Easter event was great, and stated when traveling on Highland and turning left onto Huntington, it is hard to see oncoming cars.

ADJOURNMENT

The meeting was adjourned at 10:24 p.m. in memory of Jimmy Mitchell, James McNeal, Jr., Michael Messina, and Walter Scott.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA (1) ADDING SECTION 19.60.112 "MASSAGE ESTABLISHMENTS" TO CHAPTER 19.60 "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO ARTICLE 4 "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO TITLE 19 "PLANNING AND ZONING," OF THE DUARTE MUNICIPAL CODE TO ADD CERTAIN STANDARDS APPLICABLE TO MASSAGE ESTABLISHMENTS; AND (2) AMENDING SECTIONS 19.160.140 "M' DEFINITIONS" AND 19.160.170 "P' DEFINITIONS," BOTH TO CHAPTER 19.160 "DEFINITIONS," TO ARTICLE 9 "DEFINITIONS," TO TITLE 19 "PLANNING AND ZONING," OF THE DUARTE MUNICIPAL CODE TO AMEND CERTAIN DEFINITIONS THAT ARE APPLICABLE IN THE REGULATIONS OF MASSAGE ESTABLISHMENTS (MCA 14-05)

THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. SECTION 19.60.112 ADDED

Section 19.60.112 "Massage Establishments" to Chapter 19.60 "Standards for Specific Land Uses and Activities," to Article 4 "Standards for Specific Land Uses and Activities," to Title 9 "Planning and Zoning," of the Duarte Municipal Code is added in its entirety to read as follows:

19.60.112 - Massage Establishments.

- A. Purpose. This Section provides locational and developmental standards for massage establishments.
- B. Applicability. The provisions in this Section shall apply to Massage Establishments, including Accessory Massage uses, as defined in Article 9 and where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), Chapter 5.56 of the Duarte Municipal Code.
- C. City standards. Massage Establishments shall comply with all of the following locational and developmental standards:
 - 1. Any Massage Establishment shall contain a minimum of 1,200 square feet of gross owned or leased floor area;
 - 2. There shall be a reception and front desk waiting area within the Massage Establishment, which shall be accessed directly through the front door of the premises and shall be used as a reception and waiting area for customers who are awaiting Massage services.
 - a. The reception/front desk area shall be no less than 200 square feet of the Massage Establishment floor area.

- b. The reception/front desk area shall be located at the front/side (corner) portions of the building and must be comprised of no less than 75% windows, as measured in area as a percentage of the total width and height of the front/side (corner) storefront elevations and as subject to the City's Site Plan and Design Review process.
 - c. The reception/front desk area shall be unobscured from view through the front and/or side (corner) windows through the use of curtains, drapes, louvers, shading devices, window tinting, furniture, displays or other methods that reduce visibility to where a reasonable person may not see into the establishment from the exterior of the premises.
3. Lighting at all Massage Establishments must be designed to illuminate both all off-street parking areas and all entries and exits serving any Massage business and/or establishment, subject to Planning Division approval of a Lighting and Illumination plan and subject to such additional requirements as may be imposed under Chapter 19.50.070 of the Duarte Municipal Code.

SECTION 2.

SECTION 19.160.140 AMENDED

Section 19.160.140 to Chapter 19.160 "Definitions," to Article 9 "Definitions," to Title 19 "Planning and Zoning," of the Duarte Municipal Code is is amended as follows (deletion shown as ~~strike-out~~ and addition as underline):

19.160.140 - "M" definitions.

Market Rate Units. Dwelling units in a residential development that are not inclusionary units.

Manufactured Housing Unit. A dwelling unit which is either wholly or mainly manufactured at an off-site location and is assembled on site on a permanent foundation with permanent service connections. The definition does not include a mobile home, mobile accessory structure, or an automobile trailer or recreational vehicle.

Maintenance and Repair Services. Establishments that provide home appliance and/or electronic or office equipment repair and maintenance, or building maintenance services. Does not include maintenance and repair of vehicles (see "Vehicle Repair and Service").

Massage Establishment. An establishment where massage services are provided. Massages are defined as the application of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client, which shall include but not be limited to services referred to as Reiki, applied oils, body sponge, reflexology, bodywork, and acupressure.

Medical Clinic. A facility that offers non-emergency medical care services on an out-patient basis.

Medical Use. Any use involving the care of persons' general health by licensed practitioners. Includes hospitals, urgent care clinics, out-patient facilities, doctor and dental offices, chiropractic and podiatric facilities, and similar practices of the medical arts and directly related laboratory services.

Ministerial. A government decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the action, including the issuance of a permit.

Mixed Use Development (Mixed Use Project). An approach to land use development that involves integrating two or more different but highly compatible types of uses on the same property as part of a unified development. Generally, Mixed Use Development consists of commercial and residential uses integrated either vertically in the same structure or group of structures, or horizontally on the same development site where parking, open spaces, and other development features are shared. However, light industrial and commercial development may also be considered as Mixed Use. In a Mixed Use Development, both uses are considered primary uses of the land.

Mobile Housing Unit (Mobile Home). A transportable structure that is built on a permanent chassis and designed to function as a dwelling when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems (pursuant California Health and Safety Code Sections 18007 and 18008) and placed on a pad intended for such housing unit. This definition does not include a trailer or recreational vehicle.

Mobile Home Park. A type of residential development, established either as a legal subdivision of land with individual mobile home pads and common areas or as a development where pads are leased or rented, for the purpose of accommodating mobile home units on individual pads as part of a coordinated development. A mobile home park may include common areas and facilities for the use of all park residents.

Moderate-income Households. Households whose gross income does not exceed the percentage of the median income for Los Angeles County, as published annually by the California Housing and Community Development Department and as set forth in Section 50093 of the California Health and Safety Code.

Modular Home. See "Manufactured Housing Unit."

Motel. A lodging establishment typically featuring a series of rooms whose entrances are immediately adjacent to a parking lot.

Motor Home. See "Recreational Vehicle."

Multi-family Dwelling. See "Dwelling, Multi-family."

Museum. See "Cultural Institution."

SECTION 3.**SECTION 19.160.170 AMENDED**

Section 19.160.170 to Chapter 19.160 “Definitions,” to Article 9 “Definitions,” to Title 19 “Planning and Zoning,” of the Duarte Municipal Code is is amended as follows (deletion shown as ~~strike-out~~ and addition as underline):

19.160.170 - "P" definitions.

Parking, Joint Use. The use of a single parking facility by several related uses occupying the same or adjacent parcels. For example, the use of a single parking facility by tenants of a shopping center.

Parking, Shared. The use of a single parking facility by two distinctly different uses with distinctly different hours of operation such that the shared use of the facility can be accomplished without limiting the ability of one use to occupy the facility to the detriment of the other. For example, distinctly different uses could be a place of religious assembly which generally has weekend parking demands and an office development, which typically uses the parking facility during the week.

Parking Space. An unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one motor vehicle.

- *Garage Parking Space.* A parking space provided within an enclosed structure, with a closing and locking door, whose primary use is the storage of vehicles.
- *Off-Street Parking Space.* A permanent parking space for a vehicle which is designed to City standards and not located on a dedicated street right-of-way.
- *On-Street Parking Space.* A parking space for a vehicle which is designed to City standards and located on a dedicated street right-of-way.

Parking Structure. A structure that is designed specifically for automobile parking and where there are a number of floors or levels on which automobiles park.

Parks and Recreation Facilities. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including sports courts. May include passive outdoor recreation areas that also may be located in conservation areas and/or qualify as "open space." Does not include the same facilities that are privately owned or commercial facilities ("Commercial Recreation and Entertainment").

Parkway. That portion of the public right-of-way between the curb and sidewalk or, where no sidewalk is provided, between the curb and adjacent private property line. A parkway generally includes landscape improvements.

Patio. A paved unenclosed outdoor area that is used for lounging, dining, etc.

Patio Cover. A solid or open roof structure and covering a patio, platform, or deck area, and that is either detached from or attached to another structure.

Pawn Shop. A commercial establishment that sells secondhand personal property and in which the operator provides loans secured by such personal property.

Permeable Surfaces. A surface where the surfacing material itself is impermeable to the inflow of rainwater, but the surface has inlets or holes through it which water enters the soil or construction below.

Personal Services Business. Any business or enterprise that provides individual care to persons involving their personal health, fitness, grooming, or appearance.

- *Personal Services, General.* Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:
 - acupuncture and acupressure
 - barber and beauty shops (without massage services)
 - clothing rental shops
 - day spas
 - dry cleaning pick up stores with limited on-site cleaning equipment
 - laundromats (self service laundries)
 - locksmiths
 - ~~massage establishments with licensed massage technicians~~
 - nail salon
 - shoe repair shops
 - tailors and seamstresses
- *Personal Services, Restricted.* Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:
 - checking cashing
 - fortune-telling and psychic services
 - game arcades

- internet cafes
- massage establishments, in compliance with Chapters 5.56 and 19.60.112 of the Duarte Municipal Code
- palm and card readers
- pawn shops
- tanning salons
- tattoo and body piercing services

Personal Storage (Mini-Storage or Self-Storage, Indoor Only). A structure containing separate storage space that is designed to be leased or rented individually. Indoor storage shall mean that access to all storage spaces shall be from common interior corridors, and the facility has only shared loading areas. This use does not include outdoor storage of any kind. Further, such storage does not involve any manufacturing, retail or wholesale selling, office or business services, or human habitation in any storage space or anywhere on site.

Pharmacy. A place where prescription drugs are dispensed.

Places of Religious Assembly. Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers, full-time or part-time schools, or emergency housing) may be allowed but required separate discretionary approvals pursuant to the requirements of this Development Code.

Planned Development. An area of land, controlled by a landowner, to be developed as a unified project and single entity for a group of townhouse dwellings and/or detached dwelling units, the plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage, setback or required open space to the regulations in this Development Code.

Planning Commission or Commission. The Planning Commission of the City of Duarte.

Plant Nursery. A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

Pool House. A detached structure used as bathhouse. Structure shall not be used for sleeping purposes.

Porte-Cochere. An accessory structure open on three sides and attached to the side or front of a building through which cars pass and is established for the convenient loading and unloading of

passengers from an automobile. A porte-cochere is not a carport or garage nor may it be used to satisfy off-street parking requirements.

Postal Services. Establishments that provide commercial retail postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Primary Use. See "Use."

Printing and Duplicating Services. An establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

Public Assembly, Place of. See "Assembly/Meeting Facilities, Public or Private."

Public Facility. A site or structure owned and operated by the City of Duarte, or other public agencies, for the purpose of providing one or more services to residents of the City, and/or to support other City functions.

SECTION 4. CEQA DETERMINATION.

In adopting this Ordinance, the City Council finds and determines, based on all of the information in the record and on the basis of its independent judgment, that this Ordinance is exempt from the California Environmental Quality Act pursuant to the following exemptions, and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of this Ordinance proposes no activity that may have a significant effect on the environment, and pursuant to Title 14 California Code of Regulations Section 15301, in that this Ordinance involves no expansion of use of existing facilities.

SECTION 5. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 6. POSTING OF ORDINANCE.

The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this ____ day of _____, 2015.

Mayor Tzeitel Paras-Caracci

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 Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the ____ day of _____, 2015, by the following Roll Call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA AMENDING IN ITS ENTIRETY CHAPTER 5.56, "MASSAGE ESTABLISHMENTS," OF TITLE 5, "BUSINESS LICENSES AND REGULATIONS," OF THE DUARTE MUNICIPAL CODE TO REVISE CERTAIN REGULATIONS APPLICABLE TO THE OPERATION OF MASSAGE ESTABLISHMENTS (MCA 14-06)

THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. CHAPTER 5.56 AMENDED

Chapter 5.56, "Massage Establishments," of Title 5, "Business Licenses and Regulations," of the Duarte Municipal Code is amended in its entirety to read as follows:

5.56.010 - Purpose and intent.

The intent and purpose of this chapter is to comply with the provisions found in California Business and Professions Code section 4600 et seq. relating to the regulation of massage or massage services, which shall include but not be limited to services referred to as Reiki, applied oils, body sponge, reflexology, bodywork-, and acupressure (collectively "Massage"), and to allow legitimate massage uses while restricting business fronts for illicit sexual activity and/or human trafficking. Any terms used in this chapter that are not defined in this chapter shall have the same meaning as that defined by California Business and Professions Code section 4600 et seq. Nothing in this chapter shall serve to limit the city's authority under California Business and Professions Code section 4600 et seq.

5.56.020 - License required.

- (a) It shall be unlawful and a violation of this code for any individual person, association, partnership, corporation, or other entity to engage or permit to engage in, conduct, or carry on, ~~in or upon any premises within the city the business of massage in exchange for compensation without being currently certified as a massage practitioner or massage therapist by the operation of a Massage establishment unless:~~ (1) all persons providing Massages at the establishment are certified massage practitioners and/or certified Massage therapists pursuant to the California Massage Therapy Organization Council's certification procedures in accordance with California Business and Professions Code section 4600 et seq.; and (2) the Massage establishment operator has obtained a business license and a conditional use permit from the city as well any other permits, licenses and other approvals required by law. Procedures for obtaining a business license are set forth in chapter 5.04 of this code and section 5.56.040 of this chapter.
- (b) All persons administering Massages in the city for compensation must be a certified Massage practitioner and/or a certified Massage therapist holding a valid certification from the Massage Therapy Council. No person may administer massage within the city without first providing, to the Director of Administrative Services, a copy of his or her massage certificate and a list of the names and addresses of all Massage establishments at

which he or she will provide Massage for compensation. Any change in the locations at which a person will provide Massage for compensation shall be reported to the city within five (5) business days of the change.

- (c) This section applies to all independent contractors, sole proprietors, and owners of a Massage business. Accordingly, pursuant to Government Code section 51034(c)(8), any Massage business owner, including a sole proprietor or independent contractor who is California Massage Therapy Council certified, must obtain a business license and any other entitlement required by this Code to carry on the business of Massage therapy.

~~5.56.030 – Business license required; inspection of premises; notification to city.~~

~~(a) Any person, association, partnership, corporation, or other entity engaged in the businesses of massage described in Section 5.56.010 of this chapter shall apply for and secure a city business license under Chapter 5.04 prior to commencing any operation in the city.~~

5.56.040 – Massage Establishment business license required; inspection of premises; notification to city.

- (a) In addition to the information required to be provided under chapter 5.04 of this Code, a person applying for a business license for a Massage establishment as described in sections 5.56.020 of this chapter shall provide the following information:
- (1) The prior business and permit history of the applicant, including but not limited to whether the applicant has ever had any permit or license issued by any agency, board, city, county, territory, or state; the date of issuance of such a permit or license; whether the permit or license was revoked or suspended; and whether a vocational or professional license or permit was issued, revoked, or suspended, and the reason for any revocation or suspension.
 - (2) A description of the proposed Massage establishment, including the type of treatments to be administered;
 - (3) Authorization for the city, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application.
 - (4) A complete current list of the names and residence addresses of all proposed Massage technicians, aides, trainees and other employees who are or will be employed in the Massage establishment, if known, together with the State-issued Massage Technician's License for each proposed Massage technician. If not known at the time of submission of the application, the applicant shall provide the required information no later than five (5) business days prior to opening for business.
 - (5) For each person that the Massage establishment does or will employ, retain or permit to perform Massage for compensation: a copy of that person's legal form of identification with photograph, a copy of that person's current certificate issued

by the Massage Therapy Council, and a copy of that person's identification card issued by the Massage Therapy Council.

- (6) The name and residence addresses of the proposed operator(s) and manager(s) who will be principally in charge of the operation of the Massage establishment.
 - (7) The name and mailing address of the Landlord and the fee owner of the property at which the Massage establishment will be conducted.
 - (8) Evidence satisfactory to the Director of Administrative Services demonstrating that the proposed Massage establishment is authorized under city zoning to conduct Massage activities at the proposed Massage establishment site.
 - (9) A scaled floor plan of the Massage establishment, including, at minimum measurements and purposes labeled of all rooms and spaces within the building.
- (b) As a condition of issuance of a business license, the city shall have the right to inspect the premises to confirm compliance with this chapter and applicable state law.
 - (c) Except as otherwise specifically provided in this subdivision, once a business license is issued to a Massage establishment, the applicant shall submit to the city any change to any of the information required above within five (5) business days of discovering that change. Such changes include, but are not limited to, changes in the types of services to be provided, changes in the persons employed or retained by the Massage establishment to perform Massage for compensation and changes to the floor plan or physical arrangement of space within the Massage establishment.
 - (d) ~~(e)~~ The owner or operator of a ~~message~~-Massage establishment-, including independent contractors and sole providers, shall notify the city in writing of any intention to rename, change management, or convey the business to another person or entity at least fifteen five (5) business days prior to such renaming, change of management, or conveyance of the business.

~~5.56.040~~ 5.56.060 - Display of permit and certifications.

- (a) Each person employed or retained ~~by a message~~, including independent contractors, by a Massage establishment to perform ~~message~~-Massage services in or on the premises ~~or through an outcall message service~~ shall ~~display on~~ keep in his or her person possession a copy of a valid certification identification card issued to that employee by the California Massage Therapy Council and a legal form of identification with photograph. ~~It should be the obligation of the message business or establishment to display a copy of each such permit or certification in an open and conspicuous place visible from the entrance and/or reception and waiting area of the message establishment and business. A passport-size photograph of the employee shall be affixed to each permit, certification, or identification card on display pursuant to this section. The home address of any employee need not be displayed.~~
- (b) The Massage business or establishment must also display a copy of each such certificate for every certified Massage therapist and certified Massage practitioner employed by the Massage establishment, as an employee, independent contractor or otherwise, in an open

and conspicuous place visible from the entrance and/or reception and waiting area of the massage establishment and business. A passport-size photograph of the employee shall be affixed to each permit, certification, or identification card on display pursuant to this section. The home address of any employee need not be displayed.

5.56.070 – Massage School Prohibited

No Massage establishment shall operate as a school of Massage or use, or permit use of, any portion of its facilities as a school of Massage.

~~5.56.050~~ 5.56.080 - Attire and physical hygiene requirements.

The following attire and physical hygiene requirements shall be applicable to all ~~massage~~ Massage businesses and establishments and to all ~~persons performing massage services in~~ owners, operators, managers, employees, and independent contractors of such Massage establishments located within the city.

- (a) All persons shall wear clean and sanitary outer garments at ~~all times~~ when present on the premises of the Massage establishment. ~~All outer garments shall be of a fully opaque, nontransparent material and provide complete covering from at least the mid thigh to two inches below the collarbone. The midriff shall not be exposed.~~
- (b) All outer garments shall comply with the standards set forth in Business and Professions Code section 4609, and, accordingly shall be of a fully opaque, nontransparent material, and shall not expose any genitals, pubic areas, buttocks or breasts.
- (c) All persons shall thoroughly wash their hands with soap and water or any equally affective cleansing agent immediately before providing any Massage service to a patron. No Massage services shall be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.
- (d) No person afflicted with an infection or parasitic infestation capable of being transmitted to a patron shall knowingly provide Massage services to a patron, or remain on the premises of a Massage business or establishment while so infected or infested. Infections or parasitic infestations capable of being transmitted to a patron include, but are not limited to:
 - (1) Cold, influenza or other respiratory illness accompanied by a fever, until twenty four hours after resolution of the fever;
 - (2) Streptococcal pharyngitis ("strep throat"), until twenty-four hours after treatment has been initiated and twenty-four hours after resolution of fever, whichever is the later;
 - (3) Purulent conjunctivitis ("pink eye"), until examined by a physician and approved for return to work;
 - (4) Pertussis ("whooping cough"), until five days of antibiotic therapy has been completed;

- (5) Varicella ("chicken pox"), until the sixth day after onset of rash or sooner if all lesions have dried and crusted;
- (6) Mumps, until nine days after onset of parotid gland swelling;
- (7) Tuberculosis, until a physician or local health department authority states that the person is noninfectious;
- (8) Impetigo (bacterial skin infection), until twenty-four hours after treatment has begun and twenty-four hours after resolution of the infection, whichever is later;
- (9) Pediculosis (head lice), until the morning after first treatment; and
- (10) Scabies ("crabs"), until after treatment has been completed.

Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this paragraph (c).

5.56.100 - Reception area separate from customer waiting area; screening of openings.

To ensure that the view of the interior of the premises is obscured, any building openings, entries, windows, and the like found in Massage businesses and establishments shall be located, covered, or screened in such a manner as to prevent a view into the interior from outside the building with the exception of the reception, front desk, and/or customer waiting area which shall be visible from the exterior through the front door and/or store-front window. To ensure that the view of each of the Massage rooms of the premises is partially obscured, all interior openings, entries, windows, doorways, and the like into Massage rooms found in Massage businesses and establishments shall use obscured glass doors without use of any type of additional covering, such that use of a Massage room may be visually confirmed, but the identity of the room occupants is protected.

5.56.110 - Construction.

The following construction standards are adopted to ensure the personal health and safety of patrons and employees by imposing reasonable hygiene requirements:

- (a) Construction of rooms used for toilets, tubs, steam baths, and showers at all Massage businesses and establishments shall be made waterproof with approved waterproofed material and shall be installed in accordance with all applicable state and local laws and regulations. Plumbing fixtures shall be in accordance with all applicable state and local laws and regulations.
- (b) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the city.
- (c) Floors of wet and dry heat rooms shall be adequately pitched to one or more drains properly connected to the sewer. However, dry heat rooms with wooden floors need not be provided with pitched floors and drains.
- (d) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

5.56.100 - Unlocked exterior doors.

~~To protect the personal health and safety and security of patrons and employees, all exterior doors of a massage business and establishment shall remain unlocked during business hours.~~

5.56.110 - Locked interior doors prohibited.

~~To protect the personal safety and security of patrons and employees, it shall be unlawful for any massage service to be carried on within any cubicle, room, booth, or any area within a massage business and establishment which is fitted with a door capable of being locked.~~

5.56.120 - Minimum number of employees and unlocked exterior and interior doors

- (a) All Massage businesses and/or establishments shall utilize a minimum of two (2) employees during all business hours.
- (b) All exterior doors of a Massage business and/or establishment shall remain unlocked during business hours.
- (c) It shall be unlawful for any Massage service to be carried on within any cubicle, room, booth, or any area within a Massage business and establishment which is fitted with a door capable of being locked.
- (d) Toilets and cubicles used solely for the application of liquid and vapor baths shall have no such opening in the covering door or curtain, but shall be clearly marked as to such purpose on the exterior door or curtain of the cubicle, room or booth.
- (e) Nothing contained in this section shall be construed to eliminate other requirements of statute, ordinance, or this code concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police or health departments, or by the city to assure compliance with the provisions of this chapter and applicable fire, health, and safety requirements.

5.56.130 - Video security

- (a) The reception or front desk area, all hallways, and every entry and exit of every Massage business and/or establishment shall utilize a video security system that provides surveillance of such areas during all business hours. All video footage shall be retained in a digital format for a minimum of 30 calendar days. The Massage business establishment owner, operator, manager, and/or employee shall make the recorded surveillance immediately available for inspection upon reasonable demand of the City Manager, City Manager's designee, city law enforcement or any city code compliance officer. The owner of the Massage business establishment shall submit to the Director of Public Safety a Supplemental Security Plan, before the issuance of a city business license, prepared to the Director's satisfaction outlining implementation of the following measures, which shall be monitored by the Public Safety Department. Upon plan approval by the Director of Public Safety, the plan components shall be installed and made operational prior to the Massage establishment commencing operation. At a minimum, the security plan shall provide the following:

- (1) A Closed Circuit Television (CCTV) System capable of viewing and recording events inside and outside the premises. The quantity, type, and location of cameras shall be subject to Public Safety Director approval.
- (2) Details on the location of the CCTV system recorder and storage of recorded content. The recorder shall be locked in a cabinet within an office; access to the cabinet shall be available to employees on duty at all times.
- (3) Details on clearly distinguishable height markers on the interior side of the doorjamb, or on the interior edge of a pair of doors, for all doors used by the public to access the establishment. 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".

5.56.150 - Cleanliness.

- (a) Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of Massage shall be provided.
- (b) Hot and cold running water shall be provided at all times.
- (c) A washer and dryer, for thoroughly cleaning soiled linens, shall be located within the interior of the massage establishment.
- (d) Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen" and "Soiled Linen."

5.56.160 - Separate rooms and group massage.

Massage services for one gender must be provided in a room separate from members of the opposite gender. Establishments that provide massage services to a group of two or more persons (e.g. group massage), may only do so for members of the same gender in a room separate from members of the opposite gender. Group massage may be provided to members of the opposite gender in a separate single room, only if such persons are related by blood, marriage, registered domestic partnership, or adoption.

5.56.170 - Genders served. Lockers, dressing, and toilet facilities.

Massage services shall be offered to members of both genders. Adequate dressing, locker, and toilet facilities shall be provided for patrons. A minimum of one separate locker for each patron served at any given time shall be provided, which locker shall be capable of being locked. Separate dressing and separate toilet facilities shall be provided for both male and female patrons.

5.56.180 - Washbasins.

A minimum of one separate washbasin shall be provided in each Massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of Massage services. In addition, there shall be provided at each washbasin, sanitary towels placed in permanently installed dispensers.

5.56.190 - Services to minors.

To ensure safety and security, minors are not permitted to enter the premises of a Massage business or establishment without being accompanied at all times by a parent or legal guardian and the building entrance to any Massage business and establishment shall be clearly and legibly posted by a notice indicating that minors are precluded from entering the premises unless accompanied by a parent or legal guardian at all times. As used herein, the term "minor" means an individual under the age of eighteen years.

5.56.200 - Harmful displays.

To protect minors from viewing displays of harmful materials, no display or exhibit which emphasize or direct the viewer's attention to the subject's genitals or which depict or describe sexual activities or specified anatomical areas, shall be placed in, on, or at a Massage business and establishment in such a manner as to be visible from the exterior of the premises.

5.56.210 - Permitted hours.

To ensure the personal safety and security of patrons and employees and limit negative secondary impacts to surrounding uses, Massage businesses and establishments shall only operate between the hours of 8:00 a.m. and 8:00 p.m.

5.56.220 - List of services display.

All Massage businesses and establishments shall post a list of services available, described in English, and at the option of the Massage business and establishment one or more other language, and the cost of such services in a conspicuous place on the premises. No service shall be included on the list unless it is a service that falls within the professionally recognized scope of practice of a certified Massage therapist or certified Massage practitioner. No owner, manager or operator of a Massage establishment shall allow, and no person shall perform or offer to perform, any service other than those posted pursuant to this paragraph.

5.56.230 – Records of Services Rendered.

To ensure the personal safety and security of patrons and employees and to aid law enforcement officials in their investigation of illegal activities, all Massage businesses and establishments and independent Massage therapists and Massage practitioners shall maintain a record which includes, at minimum, the date and time of each service, the full name and complete address of the patron (which information shall be verified through the presentation of a proper form of legal identification), the full name of any certified Massage practitioner or certified Massage therapist who administered any portion of such service, and the type of Massage given. Such records shall be retained for a minimum of two (2) years from the date of service, and shall be made available, upon request, for inspection by the City Manager or City Manager's designee, city law enforcement or any city code compliance officer. The information contained in such records shall be confidential unless otherwise required under applicable law.

5.56.240 – Records of Employees and Independent Contractors

The operator and/or manager of a Massage establishment shall maintain on the premises a register of all Massage therapists and Massage practitioners, including employees and independent contractors, providing Massage services at said establishment. Information concerning an employee or independent contract shall be maintained for a minimum of two years after the person ceases to work for the establishment. The operator and/or manager shall make the register immediately available for inspection upon reasonable demand of the City Manager,

City Manager's designee, city law enforcement or any city code compliance officer. The register shall include, but not be limited to, the following information:

- (a) The name, nicknames and/or aliases used by an employee.
- (b) The employee's home address and relevant phone numbers (including but not limited to home, cellular and pager numbers.)
- (c) The employee's age, date of birth, gender, height, weight, color of hair and eyes.
- (d) The employee's Social Security number.
- (e) The date of employment and termination, if any.
- (f) The duties of each employee.
- (g) A legal form of identification with photograph

5.56.250 – Advertisement

No Massage establishment owner, operator, manager, employee or independent contractor shall place, publish or distribute, or cause or allow to be placed, published or distributed, any advertising matter that would reasonably suggest to prospective patrons that any service is available unless such service is listed on the Massage establishment's list of available services required under section 5.56.220, above.

5.56.255 - Prohibited procedures and equipment.

No invasive procedures shall be performed on any patron. Invasive procedures include, but are not limited to:

- (a) Application of electricity which contracts the muscle;
- (b) Application of topical lotions, creams, or other substances which affect living tissue, such as chemical peel preparations or bleaches;
- (c) Penetration of the skin by metal needles;
- (d) Abrasion of the skin below the non-living, epidermal layers;
- (e) Removal of skin by means of any razor-edged instrument or other device or tool; and
- (f) Any needle-like instrument which is used for the purpose of extracting skin blemishes and other similar procedures.
- (g) Any table shower massage, Vichy massage or other procedure that involves a table or other flat surface that is intended for patrons to lay on while receiving bathing and/or massage services (in any location, including, without limitation, a shower or lavatory).
- (h) Any table shower device, or other device that is intended for patrons to lay on while receiving bathing and/or massage services (in any location, including, without limitation, a shower or lavatory).

5.56.260 - Restrictions on garments provided.

All bathrobes, bathing suits and/or other garments that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be laundered after each use.

5.56.270 - Restrictions on grooming and hygiene products provided.

All combs, brushes, and or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

5.56.280 - Required footwear while showering.

No patrons shall be allowed to use any shower facilities of the business or establishment unless such patrons are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-flops that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

5.56.290 - Prohibited conduct.

To protect the personal health and safety of patrons and employees, the following conduct is prohibited from taking place within a Massage establishment:

- (a) No person present at a Massage establishment may expose or touch an anatomical area, whether his or her own, or those of another person.
- (b) A Massage of the genitals or anal region of a patron, or any other person located within the Massage establishment, as provided in Business and Professions Code section 4609(a)(1)(E).
- (c) No Massage services shall be rendered to a patron, unless the patron's genitals are fully covered. In the case of a female patron, the patron's breasts must also be covered to the point immediately above the top of the areola. In addition, no patron's genitals or breasts of a any female patron shall intentionally be touched while the patron is on the premises of the Massage establishment.
- (d) It is unlawful for any massage establishment to allow any of its employees, independent contractors, patrons, or any other person present where Massage services are being offered or performed, to engage in any sexual activity.
- (e) It is unlawful for any person owning, operating or managing a Massage businesses and establishment knowingly to cause, allow or permit in or about such Massage businesses and establishment any agent, employee or any other person under his control or supervision to perform such acts prohibited in this section.
- (f) For purposes of this section, the phrase "anatomical area" means human genitals, anus, or a female breast below a point immediately above the top of the areola.
- (g) For purpose of this section, the phrase "sexual activity" means any of the following: (a) the fondling or other touching of human genitals, anus, or female breasts; (b) sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, masturbation, or sodomy; or (c) excretory functions as part of or in connection with the fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts, sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.

This section does not prohibit any certified massage practitioner or certified massage therapist from performing:

- (h) A Massage of the gluteal muscles for compensation.
- (i) A massage of female breasts with (1) the written consent of the person receiving the Massage and (2) a referral from a licenses California health care provider pursuant to Business and Professions Code section 4609(a)(1)(F).
- (j) Specific techniques recognized by the California Massage Therapy Council as legitimate.

5.56.300 – Alcohol, prophylactic devices and non-prescription drugs prohibited.

No alcoholic beverage or drug, other than a prescription medication in the possession of the person for whom the prescription was written, and no condoms or other prophylactic devices, shall be stored or allowed on a Massage establishment's premises. Service of alcoholic beverages shall not be permitted.

5.56.310 - Minors—Employment or services prohibited.

No holder of a Massage businesses and establishment license shall employ any person under eighteen years of age.

5.56.320 - Violations a public nuisance, penalties and nuisance abatement; license revocation for repeated violations; notifications to Landlord

- (a) Any Massage establishment operated, conducted, or maintained contrary to the provisions of this or related chapters shall be, and the same is hereby declared to be unlawful and a public nuisance, and the City Manager or City Manager's designee, City Attorney or City Prosecutor may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, against the Massage establishment owner and/or its agents and/or employees, and/or the landlord and/or fee owner of the property on which the Massage establishment is operated, for the abatement, removal and enjoinder thereof, in the manner provided by law. Such remedies shall be in addition to any other penalties or remedies available to the city under this code, or under state law.
- (b) In addition to any other penalty authorized by law or this code, the penalty for violating any of the terms, conditions, or requirements of this chapter shall be as follows:
 - (1) First Violation. When a person or business is found to violate any provision of this chapter, that person or business shall be issued a formal, written warning from a city code enforcement officer to cease the prohibited activity.
 - (2) Second Violation. When a person or business is found to violate any provision of this chapter after being issued a formal, written warning within the prior twelve (12) month period for a previous violation, that person or relevant agent for the business shall be given a second written notice of violation advising that any further violations will result in the revocation of the business license for such establishment, and a prohibition on a re-application for a business license for a period of one (1) year from the subsequent violation.
 - (3) Third Violation. When a person or business is found to violate any provision of this chapter for a third time within a twelve (12) month period following receipt

of a second violation, that person or business shall be given written notice by the Code Enforcement Officer that its business license for the premises in question is immediately and summarily revoked, and that continued operation of the business in question thereafter shall be deemed an additional violation of the city's Municipal Code. A copy of such notice shall be posted at a prominent location upon the property in question. An action to revoke a business license under this section may be appealed within ten (10) days of the date of the written notice of the summary revocation, pursuant to the procedure set forth in section 5.04.260 of this Code. Notwithstanding any provision of the Municipal Code to the contrary, and because the City Council has declared that a business operating in violation of this chapter poses an immediate threat to public health, safety and welfare, the filing of an appeal in connection with the immediate, summary revocation of a business license under this chapter shall not stay the effectiveness of the revocation during the pendency of an appeal. Upon revocation of a business license pursuant to this section, (1) the applicant and any affiliate thereof shall be prohibited from re-occupancy of a Massage Establishment during the twelve (12) month period following the revocation., and (2) all persons shall be prohibited from applying for a business license to operate a Massage Establishment at the subject location during the twelve (12) month period following the revocation.

- (c) The Landlord and the fee owner of the property at which the Massage establishment is conducted, as identified in the business license application, shall be notified of each citation, violation, conviction, and/or business license revocation action taken pursuant to this chapter.

5.26.330 – Management; liability of management.

One or more managers shall be designated to act as the person(s) in charge of managing day-to-day operations of the Massage establishment, including receiving all complaints. The names of such managers must be provided to the city. At least one manager shall be on premises of the massage establishment at all times during all business hours of operation. In addition to the holder of the Massage facility's business license, on-site managers shall be responsible for all violations taking place on the massage establishment premises during their respective shifts.

5.56.340 - Exemptions from chapter.

This chapter shall not apply to:

- (a) Persons holding a valid certificate to practice the healing arts under the laws of the State of California and their employees, including, but not limited to, holders of medical degrees such as physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, acupuncturists, physical therapists, registered nurses, and licensed vocational nurses;
- (b) State-licensed hospitals, nursing homes, sanitariums, physiotherapy establishments, or other state-licensed physical or mental health facilities and their employees;
- (c) Barbers and cosmetologists who are licensed under the laws of the State of California while providing massage services within the scope of their licenses, provided that such massage services are limited solely to the neck, face, scalp, feet and lower limbs up to the knees, and hands and arms, of their patrons;

- (d) Persons who provide Massage services to amateur, semi-professional or professional athletes or athletic teams, facilities or events, so long as such persons do not practice Massage services as their primary occupation within city limits;

5.56.350 – Compliance with applicable laws.

Massage establishments shall be operated in compliance with all applicable laws and regulations, including without limitation, the California Massage Therapy Act (Business and Professions Code section 4600 et seq.).

5.56.360 – Pre-Existing Massage Establishments.

- (a) Except as set forth in subsection 5.56.360(b), all requirements of this chapter shall be applicable effective within the timeframes described below.
- (1) The city shall notify both the tenants and the property owners of all Massage Establishments that were legally operating with the city prior to May 1, 2015 of (1) the city's then-current Massage Establishment regulations, (2) an opportunity to meet and confer with city staff concerning the then-current Massage Establishment regulations, and (3) a list of materials that must be submitted to the city under this chapter.
- (2) All existing Massage Establishments shall, within sixty (60) days after receiving the notifications required in subsection 5.56.360(a)(1), provide to the city any and all documentation required by this chapter, and shall authorize an inspection of the Massage Establishment by city staff. Following receipt of the documentation and completion of the inspection, city staff shall notify the tenants and the property owners of the Massage Establishment of all required corrections or changes as necessary to achieve compliance with this chapter.
- (3) All existing Massage Establishments shall, within sixty (60) days after receiving the notifications required in subsection 5.56.360(a)(2), make any necessary changes to the physical structure or operations of said Massage Establishment as necessary to be in compliance with this chapter (except to the extent required compliance is deferred pursuant to section 5.56.360(b)).
- (b) Notwithstanding subsection 5.56.360(a), all Massage Establishments that were legally operating in the city prior to May 1, 2015 and determined by the Director of Community Development to be out of compliance with the requirements of sections 5.56.100, 5.56.130, 5.56.150(c) and/or 5.56.170 of this chapter, shall achieve full compliance with such sections on or prior to July 1, 2018.

SECTION 2. CEQA DETERMINATION.

In adopting this Ordinance, the City Council finds and determines, based on all of the information in the record and on the basis of its independent judgment, that this Ordinance is exempt from the California Environmental Quality Act pursuant to the following exemptions, and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of this Ordinance proposes no activity that

may have a significant effect on the environment, and pursuant to Title 14 California Code of Regulations Section 15301, in that this Ordinance involves no expansion of use of existing facilities.

SECTION 3. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 4. POSTING OF ORDINANCE.

The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this ____ day of _____, 2015.

Mayor Tzeitel Paras-Caracci

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

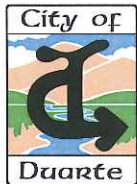
I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the ____ day of _____, 2015, by the following Roll Call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California



AGENDA MEMO

TO: CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT: KIWANIS MAGICAL MYSTERY SHOW Co-Sponsorship Request

DATE: 4/28/15

RECOMMENDATION: That the Duarte City Council, by motion, co-sponsor the Duarte Kiwanis Magical Mystery Show on Saturday, November 7, 2015.

BACKGROUND: The Duarte Kiwanis Club is requesting that the City of Duarte officially co-sponsor its upcoming Magical Mystery Show on Saturday, November 7, 2015 @ the Duarte Performing Arts Center starting at 6:30 pm. All proceeds go to local organizations and events. Examples of the events and groups sponsored by the Duarte Kiwanis Club include the Youth Leadership Summit, the Annual Senior Center Softball Opening Day ceremonies, Duarte's Promise: The Alliance for Youth, DART, the Duarte Boxing Program, etc.

DISCUSSION: The Duarte Kiwanis Club supports numerous community organizations in the community with a special emphasis on the youth and seniors. For example, in their recently submitted Profit Utilization Plan in conjunction with the group's 2014 Fireworks submittal, they listed financial support for the following: Mayor's Prayer Breakfast, Senior Center, City Picnic, Duarte's Promise; The Alliance for Youth, etc. In terms of co-sponsorship, in addition to the City providing volunteers (if available), access to City marketing venues, etc. which generally comes with a co-sponsorship designation, they would like to use one of the City's ten, no-cost uses of the DUSD's Performing Arts Center consistent with the 1991 agreement with the District. Traditionally, the City does not use all of these dates thus it will not conflict with any City previous programs.

FISCAL IMPACT: None

ATTACHMENT: Letter from Kiwanis



**Duarte Kiwanis Club
P.O. Box 46
Duarte, CA 91009**

April 7, 2015

City of Duarte
1600 Huntington Drive
Duarte, CA 91010

On November 7, 2015 the Duarte Kiwanis Club will be hosting Magician Garry Carson in a wonderful family event – Magical Mystery Show – which will be held at the PAC. It would be our honor to have the City of Duarte sponsor the show with us. The proceeds from the show will go to support Duarte Youth in our city.

I hope we can count on the City of Duarte's support again this year.

Sincerely,

Mirna de Lira Lopez
Duarte Kiwanis President

Kiwanis is a global organization of volunteers dedicated to changing the world one child and one community at a time.



Proclamation

100TH ANNIVERSARY OF THE ARMENIAN GENOCIDE – DAY OF REMEMBRANCE

WHEREAS, on April 24, 1915, in an effort to annihilate the Armenian Nation, the Turkish Government perpetrated against Armenian people what is commonly referred to as the first genocide of the 20th century, which continued until 1923 and resulted in the death of 1.5 million Armenian men, women, and children; and

WHEREAS, these crimes against humanity also had the consequence of permanently removing all traces of the Armenian people and other targeted people from their historic homelands, and enriching the perpetrators with the lands and other property of the victims of these crimes; and

WHEREAS, since memories do fade with time, it is appropriate to remind ourselves that human tragedies take place; and

WHEREAS, the United States is on record as having officially recognized the Armenian Genocide, and President Obama entered office having stated his “firmly held conviction that the Armenian Genocide is not allegation, a personal opinion, or a point of view, but rather a widely documented fact supported by an overwhelming body of historical evidence”; and

WHEREAS, those who survived the Armenian genocide and their successors have had to work hard to make this atrocity known to the world, battling cover-ups, misinformation, and denial; and

WHEREAS, it is important to examine the past and heed history’s lessons for the sake of future generations who inherit our civilization; and

WHEREAS, as a community, we proudly uphold human and civil rights, and reaffirm our commitment to ensure that similar crimes against humanity are prevented against any people in the future, and we encourage teachers to engage in discussions about the best practices for teaching the subject of genocide;

NOW, THEREFORE, BE IT RESOLVED that the City of Duarte hereby recognizes April 24, 2015, as the 100th Anniversary of the Armenian Genocide by proclaiming April 24, 2015, as a DAY OF REMEMBRANCE OF THE ARMENIAN GENOCIDE, and hereby commemorates the victims and survivors on this most solemn remembrance of the 100th anniversary of the Armenian Genocide.

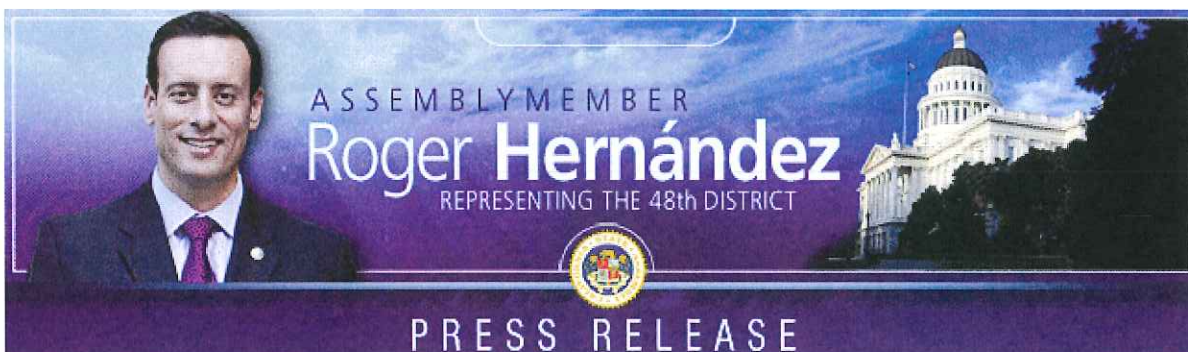
ATTEST:

City Clerk Marla Akana
Duarte, California

April 28, 2015

Mayor Tzeitel Paras-Caracci





FOR IMMEDIATE RELEASE

Date: February 6, 2015

CONTACT: Dayana Partida

Office: (626) 960-4457

Hernández Bill Calls for Cop Assassinations to be Classified as Hate Crimes

AB 246 would safeguard law enforcement officials from individuals targeting them for killings.

SACRAMENTO, CA—Assemblymember Roger Hernández (D –West Covina) introduced legislation today, AB 246, that will define “hate crimes” to include the assassination or the attempted assassination of a peace officer. The legislation stems from Assemblymember Hernández’s personal family experience when his brother, Gilbert Hernández, was involved in a shooting that targeted police officers.

“Police officers across our state put their lives at risk daily when they proudly put on their uniform,” said Assemblymember Hernández. “No one should be targeted simply for wearing a badge. AB 246 will send a loud and clear message: we value our law enforcement officers as those who stand between our families and those who wish to harm them.”

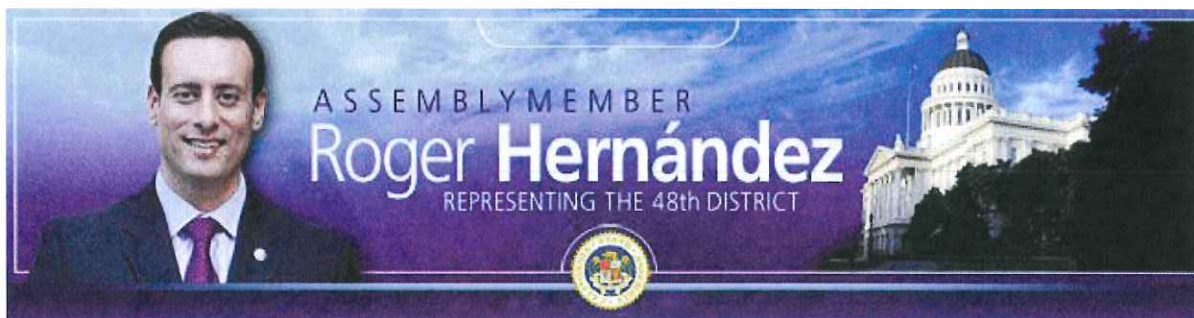
California has experienced multiple shootings which have targeted police officers solely because of their occupation. In February 2013, Christopher Dorner targeted law enforcement and their families in his shootings. He issued a manifesto declaring an “unconventional and asymmetric warfare” upon the Los Angeles Police Department. The search for Dorner spanned three counties in Southern California: Orange, Los Angeles and Riverside—endangering the lives of those residents.

On December 22, 2006, Long Beach Police Officers Abe Yap and Roy Wade Jr., pulled over a vehicle which had failed to stop at a red light. Suddenly, they were attacked by the driver, Oscar Gallegos when he surprised the officers when he jumped out of his vehicle and immediately started firing. He struck the patrol car's windshield at least six times. It was widely known that he held a grudge against law enforcement. A search for Gallegos ended in Santa Ana on December 27, 2006, when he was located by officers of the Santa Ana Strike Force tactical detail. The strike force officers involved in locating the shooting suspect were Det. John Rodriguez, Gilbert Hernández and Jason Viramontes. The confrontation with the suspect involved multiple exchanges of gunfire.

AB 246 is sponsored by the Association for Los Angeles Deputy Sheriffs.

###

Hernández proudly serves the cities of Azusa, Baldwin Park, Bradbury, City of Industry, Covina, El Monte, Glendora, Irwindale, Monrovia, West Covina and the unincorporated communities of: Bassett, Charter Oak, East Arcadia, Ramona, Royal Oaks and Valinda. Hernández also serves as Chair of the Assembly Labor and Employment Committee and the Select Committee on Post-Secondary Access and Matriculation.



AB 246 - Calls for Cop Assassinations to be Classified as Hate Crimes

SUMMARY

AB 246 defines “hate crimes” to include the assassination or the attempted assassination of a peace officer.

EXISTING LAW

Current law defines “hate crime” as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation.

Existing law also provides punishments for hate crimes that range from misdemeanors with specified penalties to felonies with additional terms of one to three years in state prison, depending on the underlying criminal act and other circumstances.

RATIONALE

California has experienced multiple shootings which have targeted police officers solely because of their occupation.

In February 2013, Christopher Dorner targeted law enforcement and their families in his shootings.

He issued a manifesto declaring an “unconventional and asymmetric warfare” Upon the Los Angeles Police Department.

The search for Dorner spanned three counties in Southern California: Orange, Los Angeles and Riverside—endangering the lives of those residents.

On December 22, 2006, Long Beach Police Officers Abe Yap and Roy Wade Jr., pulled over a

vehicle which failed to stop at a red light. Suddenly, they were attacked by the driver,

Oscar Gallegos when he surprised the officers and immediately started firing at them.

A search for Gallegos ended in Santa Ana on December 27, 2006, when he was located by officers of the Santa Ana Strike Force tactical detail. The confrontation with the suspect involved multiple exchanges of gunfire.

Every day police officers across our state put their lives at risk when they proudly put on their uniform.

It is necessary to increase the awareness of crime on cops as a danger to our society. AB 246 sends a loud and clear message: we value our law enforcement officers as those who stand between our families and those who wish to harm them.

PREVIOUS LEGISLATION

None

SUPPORT

Association for Los Angeles Deputy Sheriffs (sponsor)

OPPOSITION

None received.

CONTACT INFORMATION

Juan Torres and Erica Martinez
916-319-2048

Juan.Torres@asm.ca.gov

Erica.Martinez@asm.ca.gov

BILL NUMBER: AB 246 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Roger Hernández

FEBRUARY 9, 2015

An act to amend Section 422.55 of the Penal Code, relating to hate crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 246, as introduced, Roger Hernández. Hate crimes: peace officers.

Existing law defines "hate crime" as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Under existing law, that definition applies unless an explicit provision of law or the context clearly requires a different meaning. Existing law provides punishments for hate crimes that range from misdemeanors with specified penalties to felonies with additional terms of one to 3 years in state prison, depending on the underlying criminal act and other circumstances. Existing law requires, with conditions, the Attorney General to direct local law enforcement agencies to report specified information relative to hate crimes to the Department of Justice. Existing law requires the department to annually submit a report to the Legislature that analyzes the results of information obtained from local law enforcement pursuant to these provisions. Local law enforcement entities are required by existing law to provide a brochure on hate crimes to victims of these crimes and to the public, and the Department of Fair Employment and Housing is required by existing law to revise those brochures as needed and to provide those brochures to local law enforcement agencies upon request.

This bill would further define "hate crime" to include the assassination, or attempted assassination, of a peace officer. By expanding the scope of an existing crime, this bill would impose a state-mandated local program. By expanding the information that law enforcement agencies are required to report to the Department of Justice and by expanding the number of victims to whom a brochure must be provided, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 422.55 of the Penal Code is amended to read:

422.55. For purposes of this title, and for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

(a) "Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability.
- (2) Gender.
- (3) Nationality.
- (4) Race or ethnicity.
- (5) Religion.
- (6) Sexual orientation.
- (7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) "Hate crime" includes, but is not limited to, a violation of Section 422.6.

(c) (1) "Hate crime" also means the assassination, or attempted assassination, of a peace officer.

(2) For the purposes of this subdivision, the following terms have the following meanings:

(A) "Assassination" means murder, as defined in Section 187, when the victim and the defendant have not had a professional or personal encounter.

(B) "Peace officer" means any person designated as a peace officer pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



MEMORANDUM

To: City Council

From: Teresa Renteria, Assistant Civil Engineer

CC: Craig Hensley, Community Development Director
Marla Akana, City Clerk

Date: April 23, 2015

Subject: Bid Results and Award Of Contract for ADA Curb Ramp Project
(Southeast Corner of Mountain Ave and Huntington Drive)

RECOMMENDED ACTION

Staff recommends that the City Council award the ADA Curb Ramp Project (Southeast Corner of Mountain Ave and Huntington Drive) contract to FS Construction at 14838 Bledsoe Street, Sylmar CA 91342.

BACKGROUND

An assessment of the curb ramp at the southeast corner of Mountain Ave and Huntington Drive was conducted and it was determined that the ramp presented an architectural barrier to pedestrians along the path of travel. In addition, this ramp will be constructed per direction of the risk management consortium due to a claim filed against the City. As a result of the claim, an out of court decision was made that requires the City to construct an ADA ramp at the subject location. This project will remove barriers to allow for a more accessible and safe path of travel for all pedestrians including the elderly and/or severely disabled. The project consists of the removal of the existing ramp and obstructions, grading, and installation of new curb ramp with truncated domes to be compliant with the Americans with Disabilities Act.

On April 21, 2015, the City Clerk publicly opened seven bids for the above project. The bids were reviewed for responsiveness to the bid specification requirements.

The following proposals were determined to be in conformance with the bid documents and specifications therefor staff recommends that the bid be awarded to the lowest responsive and responsible bidder.

Responsive and responsible bidder results:

FS Construction	\$27,110.00
All American Asphalt	\$27,827.00
Martinez Concrete Inc.	\$28,980.00
Torres Construction	\$53,800.00

Other proposals were submitted and were determined to be incomplete and non-responsive to the bid specification requirements. Therefore proposals from Vido Samarzich Inc., ILV Contractors Inc. and Gentry Brothers Inc. are not in compliance with the bid specifications.

The funding source for this project consists of Community Development Block Grant (CDBG) funds from the City of Duarte.

ANALYSIS

Staff contacted several references listed in the lowest bidder's proposal package. FS Construction has performed similar work for various cities and they indicated that the contractor performed the work per the contract specifications and found the construction to be acceptable. All of the staff contacted at the various cities stated they would hire FS construction again.

CONCLUSION

Staff recommends that the City Council award the ADA Curb Ramp Project (Southeast Corner of Mountain Ave and Huntington Drive) contract to FS Construction at 14838 Bledsoe Street, Sylmar CA 91342.



MEMORANDUM

To: City Council

From: Teresa Renteria, Assistant Civil Engineer

CC: Craig Hensley, Community Development Director
Marla Akana, City Clerk

Date: April 22, 2015

Subject: Bid Results and Award Of Contract for the Concrete Repair Program FY 2014/15

RECOMMENDED ACTION

Staff recommends that the City Council award the Concrete Repair Program FY 2014/15 contract to FS Construction at 14838 Bledsoe Street, Sylmar CA 91342.

BACKGROUND

For many years the Engineering Division in collaboration with the Field Services staff has surveyed the sidewalks and curb/gutters citywide to assess the accessibility and risks associated with these areas. This annual project consists of the removal and replacement of concrete sidewalks, curb and gutters, and driveway approaches that have been damaged by tree roots or other factors. This practice has improved the accessibility and safety for pedestrians and greatly reduced the number of trip and fall claims in the City of Duarte, therefor has become an integral part of the City's Risk Management Plan.

On April 21, 2015 the City Clerk publicly opened bids for the above project. The results of the bid opening are as follow:

FS Construction	\$41,270.00
TSR Construction and Inspection	\$48,690.00
Vido Samarzich Inc.	\$49,425.00
C.J. Concrete Construction	\$50,955.00
Martinez Concrete, Inc.	\$60,540.00

All American Asphalt	\$60,560.00
IVL Contractors, Inc.	\$76,626.00
E.C. Construction	\$79,344.25
Torres Construction	\$85,330.00

ANALYSIS

FS Construction has performed acceptable work within other City agencies including Santa Clarita where they have worked for over 10 years and completed small and large concrete projects varying in cost, up to \$800,000.00.

CONCLUSION

Staff recommends that the City Council award the Concrete Repair Program FY 2014/15 contract to FS Construction at 14838 Bledsoe Street, Sylmar CA 91342.



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

To: Darrell George; City Manager

From: Brian Villalobos; Director of Public Safety Services

Subject: 2015/2016 Citizens Options for Public Safety (COPS) Grant Funding

Date: April 21, 2015

The 2015/2016 Budget Account for the State Supplemental Law Enforcement Services Grant Fund (SLESF) is expected to receive \$100,000 this fiscal year from the State of California.

Therefore, the Supplemental Law Enforcement Services Grant Fund is budgeted at \$100,000 for the fiscal year 2015/2016.

The use of these funds will continue to be used in front line law enforcement services. Specifically, the grant monies will continue to fund the City of Duarte's Motorcycle Deputy and Special Event overtime patrols.

The expenditure of grant funds has been discussed with Captain Corrone Jacob the Temple Station Commander.

Based on the above information, it is staff's recommendation that the City Council approve the use of the 2015/2016 State Supplemental Law Enforcement Services Grant Funds as outlined.



Jim McDonnell, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

*4700 Ramona Boulevard
Monterey Park, California 91754-2169*



April 20, 2015

Mr. Darrell George, City Manager
City of Duarte
1600 Huntington Drive
Duarte, California 91010

Dear Mr. George:

The State Supplemental Law Enforcement Services Funds for the 2015-2016 fiscal year Citizens Options for Public Safety (COPS) program have been provided to the city of Duarte on a per capita formula. The below listed recommendations will afford us the opportunity to further enhance our community policing efforts and overall service.

Therefore, I recommend the city of Duarte utilize these funds to pay for a motorcycle traffic enforcement deputy position.

Secondly, I recommend the city of Duarte place approximately ten percent of the funds in a special overtime account to be drawn upon to enhance the current level of service. These funds would provide bike patrol in the parks and businesses, extra holiday patrols for impaired drivers, extra patrols for occasional special problems and expanded community relations activities.

Should you have any questions, please contact me at 626 292-3300.

Sincerely,

JIM McDONNELL, SHERIFF

Coronne L. Jacob, Captain
Temple Station



AGENDA MEMO

TO: CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT: Consideration For Approval of Social Media Policy

DATE: April 23, 2015

RECOMMENDATION: That the Duarte City Council adopt the proposed Social Media Policy and approve the proposed City of Duarte Social Media Roll-Out Schedule for Facebook, Instagram, YouTube and LinkedIn.

BACKGROUND: The City Council directed staff to expand the City's presence on online social media platforms, including Facebook, Instagram, LinkedIn and YouTube. These commonly utilized social networking websites enable users to connect with a wider online community by sharing various media forms, including text(s), photo(s) and video(s).

Staff previously established a City Twitter account in October 2010 based on a Twitter policy approved by the City Council. Twitter is a free social network, micro-blogging platform, which allows registered users to share 140 character messages referred to as "tweets." To date, the City has accumulated 1,365 followers/users who receive City tweets, and has shared 3,130 tweets. The City Manager's office utilizes the account daily to communicate information regarding City meetings, emergencies, community activities and related news.

In preparation for this Social Media roll-out, staff researched and analyzed existing social media policies adopted by other cities including: La Cañada Flintridge, Palo Alto, Arcadia and Santa Fe Springs. Staff also analyzed the Joint Powers Insurance Authority's (JPIA) social media policy template. Based on this research and discussions with the City Attorney, staff drafted the proposed social media policy, which establishes guideline for (1) the use of social media sites by the City and (2) interaction with social media site users, posters or commenters.

DISCUSSION:

Social Media Policy

The proposed social media policy outlines the intent of and guidelines for the use of social media sites by the City of Duarte. The intended use of the City's social media sites is to provide an efficient means of communication between the City and the community at large.

The proposed policy defines the following key terms which are foundational to the goal of establishing clear parameters for the purposes of the proposed policy: "*social media sites*," "*City social media*," and "*post(s)*." "*Social media sites*" are described as websites and Internet based applications where user-created content exists electronically. The user-created content is accessible, expandable and upgradable through and on the Internet. Facebook, Instagram, LinkedIn, YouTube and Twitter are examples of "social media sites." "*City social media*" refers to a pages, location or other means for collection of digital information on a social media platform over which the City controls City staff generated postings, except for advertisements or hyperlinks by the social media site's owners, vendors or partners. "*Post(s)*" refers to information, articles, pictures, videos or any other form of communication posted by City staff on a City social media page.

Use of the City social media sites by officials, officers, and/or employees of the City shall be in compliance with all applicable laws including the Ralph M. Brown Act. To achieve compliance with the Brown Act, City Council members, Commissioners and standing committee members shall not participate in requests to "like," "share," retweet or otherwise respond to any published postings on City social media pages. City Council members, Commissioners and standing committees also shall not use the City social media sites to blog or engage in serial meetings, or otherwise discuss, deliberate or express opinions on any issue(s) within the subject matter jurisdiction of the City.

A comment or posting by a member of the public on any City social media page is the opinion of the commenter or poster only. As detailed in the proposed policy, the City reserves the right, to the extent permitted by law, to remove specific types of objectionable comments or content. Any content removed will be retained, including time, date and identity of the user/poster when available, in accordance with the City's policy on retention. Additionally, the City reserves the right to ban users/posters from participating in City social media pages based on repeated postings, which are eligible for removal in accordance with the detailed list of objectionable comments or content.

Selected Social Media Platforms

In order to design the implementation and rollout timetable for LinkedIn, Facebook and Instagram, staff drew key findings from the Communications Assessment Report prepared by Trippepi Smith and Associates, which was completed in 2014. The City engaged Trippepi Smith and Associates in an effort to continue strengthening the City's communication and transparency initiatives and overall citizen engagement.

Trippepi Smith and Associates conducted interviews with City staff, outside public agencies and other key community members. Additionally, the group analyzed the City's existing communication platforms to provide direction as to

how the City could best improve and expand current communication methods. Specifically, Trippepi Smith recommended that the City expand its social media presence (currently limited to Twitter) to include Instagram, Facebook, and LinkedIn, to complement on-going efforts in maximizing the City's connectivity with residents, the business community and beyond. The following are basic descriptions of the platforms:

- **Instagram** is an online photo sharing social Web service, which allows users to share photos; and
- **Facebook** is a social networking website which allows registered users to post and share content such as information and photos; and
- **LinkedIn** is a social networking tool designed predominantly for professional networking.

According to social media industry "best practices", to yield the maximum benefit from each platform is to utilize each outlet as a unique communication tool to promote engagement while avoiding duplicative messages. This information coupled with additional research, allowed staff to strategically identify a specific usage for each platform consistent with other governmental entities. For example:

1) *Instagram* will be utilized to provide an exclusive "behind the scenes" or "day in the life" photo-focused perspective and insight into City events, community activities, services, businesses, geographical attributes, etc. For example, staff could focus on visuals at Parks and Recreation Department activity down to and community improvements.

2) *Facebook* will be utilized to provide current information regarding City news including but not limited to City public safety news and/or alerts, City events and highlights as it provides a diverse user experience. For example, staff will focus on curating media, including content and photos, which pushes news and information.

3) *LinkedIn* will be utilized to provide current information regarding economic development related news and employment opportunities. For example, staff will focus on highlighting business-focused activities such as licensing, new or revised commercial codes, retail data and city employment.

Social Media Management

City social media sites will be managed and moderated by the Deputy City Manager/ Public Information Officer, and designated staff. As such, the PIO or designee will monitor all comments or postings on the City's social media platforms.

To effectively manage the various platforms, staff will utilize Hootsuite Pro, a commonly used tool that allows social media managers to concurrently monitor Twitter, Instagram, Facebook and LinkedIn. Over 10 million users currently use a Hootsuite social media management program. The Hootsuite Pro program includes the following features: multiple site management, message scheduling; analytic reports, message archiving and educational tools such as webinars.

Social Media Roll-out Schedule

Staff will leverage existing communication methods, such as the Duarte City News, electronic sign, City website, Duarte View and twitter to announce new social media sites as they roll-out. Staff will also be designing and experimenting with on-line advertising in the various platforms to determine the best and most cost effective marketing mix.

Staff has designed the following implementation schedule:

Social Media Platform	Roll Out Timeline
Instagram	Spring 2015
Facebook	Summer 2015
LinkedIn	Fall 2015

Fiscal Impact: Staff is requesting a an approximate \$4,000 budget for Fiscal Year 2015-16 be appropriated to support social media expenses which includes Hootsuite Pro fees, a new IPAD, \$200 monthly on-line advertising, photo image access, and video accessories.

CITY OF DUARTE

Subject: City of Duarte, Social Media Policy

I. Purpose

The Social Media Policy establishes guidelines for the use of social media sites by the City of Duarte ("City") as a means to disseminate information regarding the City's mission, meetings, activities, events and current issues to members of the general public.

The City of Duarte's intended use of City social media sites is to relate solely to matters of agency business and does not intend to create general public forum.

II. Definitions

- A. "Social media sites" means, but not exclusive to, websites and internet based applications where user created content exists electronically. The user created content is accessible, expendable and upgradable through and on the Internet. Examples of social media sites include but are not limited to: Twitter, Facebook, LinkedIn and Instagram.
- B. "City social media" means a page, location or other means for collection of digital information on a social media platform over which the City controls City staff generated postings, except for advertisements or hyperlinks by the social media site's owners, vendors or partners.
- C. "City post" or "City postings" mean information, articles, pictures, videos or any other form of communication posted by City staff on a City social media page.
- D. "Post" or "postings" mean information, articles, pictures, videos or any other form of communication posted by an agency or user on a City social media page.

III. Policy

The City's website www.accessduarte.com shall remain the City's primary source for online communication. To the extent possible, a link to the City's Website shall be included on all City social media pages. City social media pages may supplement, but not replace, the City's legally required notices. To the extent possible, City social media pages shall link back to the City Website for forms, documents, online services and other information necessary to conduct business with and/or in the City of Duarte.

Ralph M. Brown Act

Use of the City social media sites by officials, officers and/or employees of the City shall be in compliance with all applicable laws including the Ralph M. Brown Act. Members of the City Council, Commissions and standing committees shall not participate in requests to “like,” “share,” retweet or otherwise respond to any published postings on City social media sites, or use the City social media sites to blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinion on any issue(s) within the subject matter jurisdiction of the City.

Termination of Site

The City reserves the right to terminate any City social media site at any time without notice.

Social Media Site Providers

City social media sites are subject to the usage rules and regulations required by the site provider including privacy policies. The City does not control the privacy and use policies of social media sites, including City social media sites. Users of social media sites are subject to the terms and conditions they have agreed to when registering to use social media sites. Social media site providers may, from time to time, modify their terms, conditions and usage policies with little to no notification.

Public Records Act

The City’ Social Media Policy shall be displayed to users or made available by hyperlink at www.accessduarte.com

City social media sites are subject to the California Public Records Act, Records Retention Policy of the City and the State of California as they may be amended from time to time. Any content maintained in a social media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, and that is otherwise retained by the City in accordance with applicable laws and policies, may be a public record subject to disclosure.

Content Management

a. City social media sites shall be managed and moderated by the Public Information Officer (“PIO”), person or designee(s) designated by the Public Information Officer. Establishment of City social media sites require approval of the PIO.

b. The PIO of City social media sites shall create profiles using a City owned email address only.

c. All comments or postings to the City's social media platforms will be monitored. A comment or post by a member of the public on any City social media page is the opinion of the commenter or poster only and does not imply endorsement of or agreement. The City reserves the right, to the extent permitted by law, to remove comments or content including those that:

1. Contain profane language;
2. Contain pornography;
3. Promotes, fosters or perpetuates discrimination of protected classes;
4. Are sexually harassing;
5. Solicitation commerce or advertisements including promotion or endorsement, unless already part of a City-sponsored or City co-sponsored event;
6. Promotion or endorsement of political groups or individuals;
7. Conduct or encouragement of illegal activity;
8. Information that encourages injury to the public, public officials or public facilities;
9. Defame any person, group or organization;
10. Violates a legal ownership interest of any party, such as trademark or copyright infringement;
11. False statements of fact;
12. Content that includes threats of violence;
13. Disclosure information otherwise protected from disclosure of law;

d. Any content removed based on items (c)1-13 above must be retained, including time, date and identity of the user/poster when available, in accordance with the agency's policy on the retention of such information.

e. The City reserves the right to respond to any posting on City social media sites.

f. The City reserves the right to ban users from participating in City social media sites based on repeated postings that are eligible for removal in accordance to items (c) 1-13 above.

g. The city may post links to external sites which are government sites, City-related sites or sites with specific ties to the City.

h. The City shall control posting rights to City social media services and only allow comment on City initiated postings and not allow direct posting by outside entities on City social media services.

i. Content generated by agencies or users whether favorable or unfavorable, shall be allowed to remain provided it is relevant to the conversation topic and is not in violations of items 1-13 above in section C. All comments, whether favorable or unfavorable, will be removed after a 1 week period.

j. All City of Duarte social media pages shall clearly indicate that the site(s) is maintained by the City and shall prominently display City contact information. Branding the City's social media pages as the "official page of the City of Duarte" is required. All City-maintained social media pages shall include the City logo.

k. This policy may be revised at any time by or upon approval by the City Manager.