

AGENDA MEMO

TO: CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT: National League of Cities Service Line Warranty Program

DATE: January 27, 2015

BACKGROUND: In Winter of 2014, the Council directed staff to research the National League of Cities (NLC) Service Line Warranty Program and provide information for Council consideration.

DISCUSSION: The National League of Cities (NLC) Service Line Warranty Program provides residents the option to obtain a warranty, which provides utility line repairs, such as broken or leaking water or sewer lines, for a monthly fee, with no deductible(s) or service fee. Licensed local plumbers perform the repair work within 24 hours. The program was endorsed by the NLC as of November 10, 2010. Utility Service Partners (USP) administers the Service Line Warranty program including marketing, customer service, performing all repairs to local code and billing. USP began servicing California based cities in 2012 including: City of San Diego; Daly City; City of Palmdale; Cathedral City and City of Lemon Grove.

The Service Line Warranty program covers the consumer-owned portion of the primary water or sewer service line from the foundation of the home (including portions of the line which may be buried or embedded in a concrete slab beneath the home) to the public utility connection. All homeowners have the option to enroll in the program regardless of the age of their residence.

The warranties fall under two categories: a) Water Line Warranty and b) Sewer Line Warranty. The Water Line Warranty covers the buried, outside water line, which runs from the point of the utility connection to the foundation of the home. The warranty provides coverage of up to \$4,000.00 for each water line repair plus an additional \$500.00 for public sidewalk cutting if needed. Residents have the option to pay a fee monthly of \$6.75 or a one-time fee of \$76.00 for the year.

The Sewer Line Warranty covers the buried, outside sewer line that runs from the foundation of the home to the main line. The warranty provides coverage of up to \$4,000.00 for each sewer line repair plus an additional \$4,000.00 for public road cutting if needed. Residents have the option to pay a fee monthly of \$9.75 or a

one-time fee of \$112.00 for the year.

Residents are notified about the program via direct mail. USP asks that the City provide the following for purposes of a high letter "open -rate": copy of the City seal for solicitation letterhead; City's return address for outer envelope; name, title and signature sample of designated solicitation signor and zip codes of the City to allow USP to purchase a mailing list of residents.

Utility Service Partners (USP) originally formed in 1998 within Columbia Energy, to provide service line warranties for its utility customers. USP was formed in September 2003 to purchase Columbia Service Partners from Columbia Energy. USP is a member of the Better Business Bureau.

FISCAL IMPACT: This is a no cost program to the City. USP will pay the City a royalty for every resident that participates; the City of Duarte will receive a flat fee of 75¢ per participant every month.

ATTACHMENT: Exhibit A - Program Brochure/Testimonials



National League of Cities Service Line Warranty Program

Building Peace of Mind, One Community at a Time

*Educating
homeowners
about their service
line responsibilities
while providing an
affordable solution
for repairs.*





Serving your local community

Overview

Offered at no cost to the municipality, the National League of Cities (NLC) Service Line Warranty Program, administered by Utility Service Partners, Inc. (USP), is an important tool for educating homeowners about their responsibility for the lateral service lines on their property. With more than 200 municipal and utility relationships, the NLC Service Line Warranty Program also offers a solution, with a proven track record of providing affordable, dependable service line repair protection, giving homeowners *and* municipal leaders peace of mind.

Offered through USP's consumer brand, Service Line Warranties of America, the program offers affordable coverage for buried, external water and sewer lines from the utility connection point to the home (including the portion buried under concrete slabs). Backed by a history of reputable service, Service Line Warranties of America was the 2013 Winner of the Western Pennsylvania Better Business Bureau (BBB) Torch Award for Marketplace Ethics.



“ It gives me peace of mind as an elected official that this program can be offered to the citizens. It gives citizens peace of mind because they have a program with local, reliable contractors from where they can get the service. The city has peace of mind because it gets our local economy going as well as revenue and income to help others. ”

Felicia A. Moore,
City Council Member
Atlanta, GA

Frequently Asked Questions



■ What will the warranty program cost the city and homeowners?

There is absolutely no cost to the city for this warranty program and homeowner participation is completely voluntary. For a small monthly fee, homeowners can protect the buried utility service lines on their property. The NLC Service Line Warranty Program provides generous coverage with no deductibles, service fees or annual/lifetime limits.

■ How does the program work?

The NLC Service Line Warranty Program handles all aspects of the program including marketing, billing, customer service, contractor management and completion of all repairs to local code.



■ What happens when a homeowner experiences a service line break or leak on their property?

One call to the NLC Service Line Warranty Program's toll-free number and a local, licensed contractor will be dispatched to quickly make repairs. There is no paper-work to complete; just one call for claims processing – available 24/7, 365 days a year. All contractors are local to the community served, which keeps dollars in your local economy.



■ Why is the warranty program important?

The American Society of Civil Engineers labeled the nation's infrastructure a D+ in 2013 and it's no surprise! Many people believe that water and sewer lines will last hundreds of years without failing, but the truth is, there are many reasons other than life expectancy of the pipes that can contribute to infrastructure failure – such as tree-root intrusion, rust and weather.

With the NLC Service Line Warranty Program, normal wear and tear, ground shifting, root-intrusion, and much more are covered.

Quick Facts

The program is offered at no cost to municipalities and utilities. Join us today and enjoy these program features:

- The only utility line warranty program endorsed by National League of Cities
- Educates homeowners about their service line responsibilities
- Service from licensed, local contractors keeps dollars in the local economy
- Low claim denial rates – more than 97% of all claims are typically approved
- Customer satisfaction rates over 95%
- Timely repairs that help conserve water and reduce ground contamination



USP's consumer brand, Service Line Warranties of America, was the 2013 Winner of the Western Pennsylvania BBB Torch Award for Marketplace Ethics.

About

Utility Service Partners, Inc.



USP's family of companies has been providing utility service line warranty products since 2003. USP has an A+ Better Business Bureau Rating and enjoys a customer satisfaction rating of over 95%.

National League of Cities



The National League of Cities is dedicated to helping city leaders build better communities, and serves as a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans.

Make a Difference in Your Community

To learn more about the NLC Service Line Warranty Program, visit NLC's website at www.nlc.org or contact 1-866-974-4801.

NLC Service Line Warranty Program Highlights

- Over 200 cities participating nationwide
- No cost to or liability for the city to participate
- Healthy, ongoing annual revenue stream for city
- Educates homeowners about their lateral line responsibilities
- The only utility line warranty program endorsed by the National League of Cities
- Utility Service Partners handles all marketing and management of the program
- 24/7/365 bilingual customer service
- All repairs performed to city code by local, licensed contractors
- Reduces calls from residents to City Hall for lateral water and sewer line issues
- Homeowner billed by NLC Service Line Warranty Program
- USP is a North Central Texas Council of Governments (NCTCG) Shared Services Program Partner
- City provides residents an affordable solution that covers cost of repairs to water and sewer lines for which the homeowner is responsible
- Saved more than 60,000 homeowners across the country over \$45 million in utility line repair costs
- Public funds are not used in the marketing, distribution or administration of the NLC Service Line Warranty Program
- The NLC Service Line Warranty Program must be supported by the city into which it is being introduced before any warranty offer letters are mailed to homeowners in the community.

PARTICIPATING CITIES (SAMPLE OF OVER 200)

LARGE

Atlanta, GA
Madison, WI
Phoenix, AZ
San Diego, CA

SMALL

Dayton, OH
Edgewood, CO
Franklin Park, IL
Overland Park, KS

NLC SERVICE LINE WARRANTY PROGRAM BENEFITS

CITY

- Provides non-tax revenue stream without any investment
- Reduces calls to City/Public Works when a homeowner's line fails
- Contractors undergo rigorous vetting process to ensure repairs meet city code
- Reduces costs associated with sending public works to residents' homes to assess lateral line issues
- Keeps money in the local economy by using contractors in the metro area
- Contractors must be current with insurance and required licenses

RESIDENTS

- Affordable utility line repair solution for families on a budget
- Educates homeowners about their service line responsibilities
- Prevents aggravation of having to find a reliable, reputable plumber
- Peace of mind – with one toll-free call a plumber is dispatched
- Keeps money in the homeowner's pocket; without warranty, repairs cost \$1,300 to \$4,000 or more
- No service fees or deductibles, paperwork or forms to complete

ACCOLADES & ACCOMPLISHMENTS



BBB Torch Award for Marketplace Ethics

Trust • Performance • Integrity

2013 Winner
Western Pennsylvania Better Business Bureau®

- **Accredited Better Business Bureau member with A+ rating for nearly a decade**
- **2013 Western Pennsylvania Better Business Bureau Torch Award winner for Marketplace Ethics**

- **More than 97%** of all submitted claims are approved
- **A customer satisfaction** rating that has **exceeded 95%** for more than a decade
- **9 of 10 customers surveyed** have recommended the program to friends, family and neighbors
- The **only** utility line warranty program endorsed by the National League of Cities



NLC Service Line Warranty Program City Testimonials



Felicia Moore
Councilmember
City of Atlanta, GA

"After four years of program participation (and over \$1 million spent by the NLC Program on Atlanta homeowner repairs), we continue to receive compliments from our constituents on our sharing this opportunity with them. Many have signed up and for those who have had to use the service; we have not received any complaints.

"The City places all program revenue in our *Care and Conserve Fund*. This fund is used to educate our citizens about water conservation, assist Senior and Low-income residents with their water bills and help them with minor repairs. I am sure your City will be happy with your partnership with the NLC Service Line Protection Program."

"The City of Hutchinson enrolled in the USP/NLC Warranty Program about two years ago. One of the significant selling points for the City Council and staff was the National League of Cities endorsement. NLC did the homework and vetted the program before endorsing it for its member cities. I believe the letter from the City provided a trust factor that is not present through direct solicitation to residents from other warranty companies who send letters that give the 'appearance' of coming from the city."

"The NLC program endorsed by the City provides certain comfort level residents are looking for in the decision of whether to enroll." "So far the USP/NLC Program has delivered what they said they would to the City of Hutchinson. I would be happy to visit with anyone about the program and our experience here in Hutchinson."



John Deardoff
City Manager
Hutchinson, KS



Jon Brodsky
Program Manager Fit
Phoenix & former Public
Information Officer

"The Service Line Warranty Program helps both Phoenix residents and the city government. Revenue from the program goes to core city services like police, fire, parks, libraries and senior centers.

The warranties give residents an innovative and affordable option for repairs to their sewer and water lines."



"The response to the program by the Rock Falls residents has been tremendous. Many of our homeowners contacted their insurance agent when they received the program offer in the mail and were shocked to find out that they were not covered by their homeowner's policy for repair replacement of their water and sewer lines."

"Our program is in its second year and the participation is still growing. We are very pleased that we can offer the Service Line Warranty Program to our residents of the City of Rock Falls. "



Robbin Blackert
City Administrator
Rock Falls, IL



Bryan Long
City Manager
Lawton, OK

"The program payouts have been huge for our homeowners; over \$230,000 in water and sewer line repairs alone in 24 months. It really illustrates the fact that the program is responsive."

"Please feel free to send potential participating cities to me for an outstanding reference! "

"SLW of America has done exactly what they claim and we have heard nothing but praise from our citizens for the program. The benefit for our City Sewer Department is fewer call-outs; because the homeowner's failing service lines are finally getting fixed. Local plumbers embraced the program and I have heard nothing but positive comments from them."

"We feel it is important to take every opportunity to endorse the SLW program, because the many copy-cat competitors mailing out enrollment forms cause confusion for our customers. I've researched each of the copy-cat offers mailed to El Dorado residents and all fall short of the SLW program "

"I whole-heartedly endorse the NLC-USP program and feel it will continue to be a valuable approach to proactively addressing the problem of decaying water and sewer infrastructure."



Kurt Bookout
Public Utilities Director
El Dorado, KS

Learn more about the program online at www.UtilitySP.net or call 1-866-974-4801.

NLC Service Line Warranty Program: Homeowner Testimonials

■ Letter from Atlanta homeowner to Felicia Moore, City of Atlanta Councilmember

Dear Felicia,

I am writing to you about the sewer line warranty that you recommended for your constituents. On Christmas Day my sewer line backed up into my house and into my tub! I could not flush toilets or take a shower or wash dishes or clothes or even my hands. It turned out to be due to a clogged sewer line in my front yard.

Thanks to you, I had the warranty and did not have to pay for the \$2000 plus repair! Thank you! The warranty company had good customer service and the local plumbing company that they sent to do the work, Atlanta Plumbing Plus, WAS AMAZING! They did a wonderful job and were very respectful of my property (and my anxiety about the situation).

Thank you so much Felicia for always looking out for us!" – *Cindy, Atlanta, GA*

- "Thank you so much. Your service was awesome in a time of need. I am forever grateful for the service you provide. Again, thank you!!" – *Felicia B., Decatur, AL*
- "We were very impressed with the concern shown from all involved and the quick responsiveness that we received. Thank you so much for the great service!" – *Ron D., Wexford, PA*
- "This is such a great service; one would be crazy not to pay for such a warranty. It is very affordable." – *Leticia E., Odessa, TX*
- "Excellent service! I have recommended SLWA to my entire community on nextdoor.com!" – *David H., Beckley, WV*
- "Having water and sewer line coverage is a Godsend. When I bought my home and turned on the water, there was a leak in the alley that the city said I was responsible for – the repair cost a small fortune. Thank you for this protection. It really eases my mind!" – *Patricia G., Abilene, TX*
- "The contractor was prompt, knowledgeable and neat in his work! I am so glad I had the services contract; it saved me money!" – *Donald & Judy K., Rock Falls, IL*
- "The positive experience with Service Line Warranties from my water line problem made my decision to enroll in the sewer line program a no-brainer!" – *Nila N., North Little Rock, AR*

Continued on back of page.

NLC SERVICE LINE WARRANTY PROGRAM: HOMEOWNER TESTIMONIALS

Continued

- "The professionalism of your company is as good as it gets. Thank you! I will be a life-long customer." – *Craig P., Englewood, CO*
- "I couldn't believe how easy it was and how quickly it was handled. We had an issue on Father's Day and it was completed that day. The service company was amazing!" – *Elina P., Berkley, MI*
- "Absolutely would recommend the program. It's nice that the city was proactive in making this available at a reasonable cost." – *Virginia P., Dayton, OH*
- "The Village of Brookfield recommended this warranty coverage and I believe all homeowners should consider having it." – *Michael P., Brookfield, IL*
- "Everyone should have your warranty service wherever it is available." – *Robert S., Marietta, GA*
- "Couldn't survive without your services! It's the best money I've ever spent on home services." – *Rose S., Greenville, SC*
- "It was a confusing day – plumbing problems, no one at home, calling from work. Everyone from our village to SLWA worked with me quickly and efficiently. Everyone was very pleasant and helpful. Hope it doesn't happen again soon, but if it does, we know we can count on your service!" – *Robert W., Hanover Park, IL*
- "Glad the city made this recommendation and that I purchased the warranty. Everyone from the warranty people to the contractor was fantastic!" – *Julie M., Mooresville, NC*
- "I like the purpose of your company; you are honest and caring and the quality of work is superb. Thank you!" – *Ramona N., Lawton, OK*
- "Awesome warranty for the price – why would you NOT get it? We got both – sewer and water!" – *William P., Phoenix, AZ*

NOTE: Service Line Warranties of America (SLWA) is the consumer brand of the National League of Cities Service Line Warranty Program.



**BBB Torch Award for
Marketplace Ethics**

Trust • Performance • Integrity

2013 Winner
Western Pennsylvania Better Business Bureau®

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 – JANUARY 13, 2015

At 6:00 p.m., a Reception was held to recognize employees for their years of service and achievements.

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 7:06 p.m.

RECORDATION OF ATTENDANCE

The following were in attendance:

PRESENT: Fasana, Finlay (7:09 p.m.), Kang, Reilly,
Paras-Caracci

ABSENT: None

ADMINISTRATIVE STAFF PRESENT: City Manager
George, City Attorney Melching

ADOPTION OF AGENDA

Fasana moved, Kang seconded to adopt the Agenda, and carried unanimously.

PLEDGE TO THE FLAG

Barbara Dickerson led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION

A moment of reflection was observed.

FITNESS/MENTAL WARM-UP

Paras-Caracci and Finlay provided the warm-up.

SPECIAL ITEMS

Recognition – Employees Service Awards

Mayor Paras-Caracci introduced and congratulated the employees for their years of service. Awards were presented to Eddie Howard, Christine Frye, Sheryl Lefmann, Marilyn Mays, Nick Zigic, Kelly Barnes, Darrell George, Susana Ledesma, James Arcaro, Kenneth Bell, Efren Castro, Jason Golding, William Lawrence, Johnny McLaurin, Barbie Bylsma-Houghton, Peggy Diamond, and Pamela Romero. Achievement Awards were presented to Nohemi Hernandez, Marilyn Mays, and Michelle Brown.

Recognition – Foothill Unity Center – 35th Anniversary

Mayor Paras-Caracci introduced Foothill Unity Center Board Members, who provided information about the Center. Mayor Paras-Caracci presented a congratulatory Certificate of Appreciation to Foothill Unity Center for helping people and changing lives throughout the San Gabriel Valley for the past 35 years.

Recognition – Kristen Pugh

Mayor Paras-Caracci presented a Certificate of Appreciation to Kristen Pugh for her nine years of service as Associate Vice President for Government and Community Relations at the City of Hope, and congratulations were extended.

Public Safety Update

Brian Villalobos presented the public safety update, and provided information about the fingerprinting class process and mitigation of measures for homeless or transients at the transit platforms.

ANNOUNCEMENTS

Barbara Dickerson, Citrus College, announced 100th anniversary celebration in June, and provided information on the college's scholastic achievements.

Jack Ochoa, Duarte Historical Society, announced upcoming Sherlock Holmes and Hello Kitty exhibits, and board meeting.

Sheryl Lefmann, Duarte Chamber, announced upcoming Chamber events in January.

Joanna Gee, Duarte Library, announced upcoming classes, programs, and story times in January, February, and March.

Rainbow Yeung, AQMD, announced Martin Luther King, Jr., day of service, and upcoming workshop.

Karen Herrera presented community announcements about City events and activities in January and February.

Russ Decker, Olympia Youth Orchestra, thanked all who participate in and supported the recent concert.

CONSENT CALENDAR

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

Approve Items A, B, C, D, F.

Receive and File Item E.

BUSINESS ITEMS

2015/16 Budget Calendar

Fasana moved, Finlay seconded to approve the 2015/16 budget calendar as outlined in the staff report, and set 5:00 p.m. on May 4 and 5, 2015, for the Budget Workshops, and carried unanimously.

MIG Consulting – EIR

Town Center Specific Plan

Craig Hensley presented a staff report about the item, introduced Lisa Brownfield, MIG Consulting, and answered questions from Councilmembers pertaining to plan framework posters, funding, and geographic blueprint.

Reilly moved, Fasana seconded to authorize the City Manager to execute a Professional Services Agreement in the amount of \$283,946 with MIG Consulting as lead consultant for the preparation of a specific plan and supplemental EIR for the Town Center Specific Plan, to approve a budget amendment in the amount of \$325,000 to provide project funding, and directed staff to proceed with the formation of a Town Center Ad Hoc Committee, and carried unanimously.

Tipping Investment, LLC

Exclusive Negotiating Agmt.

Craig Hensley presented a staff report about the proposed Exclusive Negotiating Agreement, and answered questions from Councilmembers about outreach and deposit amounts.

Fasana moved, Kang seconded to authorize the City Manager to

execute an Exclusive Negotiating Agreement with Tipping Investment, LLC, for the properties located at 1101 Oak Avenue and 1634 Third Street, to consider possible residential development, and carried unanimously.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GEORGE: Thanked Digital Networks and Chad Grenawalt for their assistance with the new AV system.

KANG: Stated the new AV equipment looks great, commented about traffic congestion on Huntington Drive and the 210 Freeway, inquired if the trees at Huntington and Mount Olive were knocked down, and if they will be replaced.

REILLY: Congratulated Foothill Unity Center and Citrus College on their anniversaries, encouraged all to attend the transit study event as it is critical to give opinions, she likes the new look of the Council Chambers, and extended new year's wishes.

FASANA: Stated the artwork at the Gold Line Station is very nice, new cars will be delivered to Monrovia and the education campaign will be starting soon, regarding Azusa Rock, stated we need to see what we can do to get the trail open and accelerate the process, there is some graffiti on the Puente Largo bridge, attended San Gabriel Valley COG strategic planning session, appreciated the input from the AQMD, and asked that the meeting be adjourned in memory of Dr. Maher Hathout, George Raheb, and Trey Evans.

FINLAY: Asked that the meeting also be adjourned in memory of Kenneth Chavis, attended League meeting in Lakewood, there was no quorum, and attended legislative tour in Sacramento, where she met with a number of staff members, and HR 29 pertaining to taxing of services was discussed.

PARAS-CARACCI: Stated she hopes all enjoyed their holidays, she has attended a number of grand openings in the City, it was nice to celebrate over 235 years of service from employees and Commissioners, her husband and son celebrate their birthdays this month, she looks forward to 2015, thanked staff for their time and work in updating the Council Chambers, and asked that the meeting also be adjourned in memory of Trinidad Teresa Gibbons.

ADJOURNMENT

The meeting was adjourned at 9:22 p.m. in memory of Dr. Maher Hathout, George Raheb, Trey Evans, Kenneth Chavis, and Trinidad Teresa Gibbons.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council

From: Karen A. Herrera, Deputy City Manager

Date: January 21, 2015

Re: Approval of Amendment No. 4 to the Services Agreement Between the City of Duarte and Levon Yotnakhparian for City Council Meeting Cable Casting

Recommendation: City Staff is recommending that the City Council approve and authorize the City Manager to execute on behalf of the City Amendment No. 4 to the existing services agreement between Levon Yotnakhparian and the City of Duarte for City Council meeting cable casting services. (Exhibit A)

Background: Since January of 2001, the City of Duarte has been in a service agreement with the Levon Yotnakhparian for City Council meeting Cable Casting services. The current rate is \$800 per meeting for these services with Mr. Yotnakhparian. When adopting the most recent contract amendment in June of 2014, staff reported that a contract re-opener would more than likely occur based upon the final configuration of the upgraded Community Center camera system combined with the Granicus "cloud" based/live streaming system.

At the November 11th City Council meeting, staff presented two options involving Granicus. Council selected Option 2 whereby the city maintains both a cable presence and offers a live streaming/on demand option for City Council meeting viewing through Granicus. With this scenario, the City needs to maintain a professional services agreement for filming of City Council meetings to maintain a cable presence.

Discussion: The proposed amendment includes a per meeting fee reduction from \$800 to \$550 due to the operator time savings resulting from the new camera equipment in the Community Center and the striking of language in Section dealing with maintaining a playback presence on the DCTV website which is no longer needed due to the City's conversion to the Granicus system. Under the new scenario, Council meeting videos will be available to the public via both live streaming, "on demand" played back directly from the accessduarte.com website and on DCTV.

Fiscal Impact: The new approximate cost of a 12-month services agreement for Council meeting cablecasting is \$12,650 reflecting 23 City Council meetings @ \$550 each; an approximate annual savings of \$5,750 per year.

ATTACHMENTS:

Amendment No. 4 – Exhibit A

**AMENDMENT NO. 4 TO AGREEMENT
BY AND BETWEEN
THE CITY OF DUARTE AND LEVON YOTNAKHPARIAN**

THIS AMENDMENT NO. 4 TO AGREEMENT ("**Amendment No. 4**") by and between the CITY OF DUARTE, a municipal corporation ("**City**"), and LEVON YOTNAKHPARIAN, an individual ("**Contractor**"), is made and entered into as of January 1, 2015 ("**Effective Date**").

RECITALS:

A. In or about 2001, the City and Contractor entered into a Professional Services Agreement for the City Council meeting Cablecasting Services. That agreement has been amended on three prior occasions. (The original Professional Services Agreement together with the three prior amendments is hereafter collectively referred to as the "**Existing Agreement.**")

B. City and Contractor desire to enter into the Amendment No. 4 to the Existing Agreement as set forth below.

AMENDMENT:

NOW, THEREFORE, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the City and Contractor agree as follows:

Section 1. Recitals Incorporated. The foregoing Recitals are incorporated herein and made a part hereof.

Section 2. Amendments to Existing Agreement. The Existing Agreement is amended as follows:

A. Replace the clause **TERM** in the Existing Agreement with the following:

This Agreement shall be extended from the Effective Date and shall remain and continue in effect until June 30, 2015.

B. In the section titled "Contractor shall perform the following services," replace No. 2 with the following:

City Meetings: Provide staff and production support to telecast at City's discretion any and all regular and special, non-study session City Council meetings, throughout the year with a minimum of two (2) meetings each month of the City's choice being telecast. Additions to the minimum meeting coverage will be requested by the City and agreed to on a case by case basis between Consultant and the City. All meetings will be taped and available for broadcast within 24 hours. At such time the City has the infrastructure in place to broadcast meetings live, Consultant will do this, with additional showings available after 48 hours.

C. Replace No. 1 on page 2 of the Existing Agreement with the following:

1. City agrees to pay Contractor, One Thousand One Hundred dollars (\$1,100) per month based on the filming of two (2) meetings per month at Five Hundred Fifty dollars (\$550) per meeting (the

“Compensation”). If the City Council does not meet for any reason, Contractor will not be paid for that meeting. The Compensation shall constitute full reimbursement to Contractor for all direct and indirect costs incurred including compensation of Contractor’s employees.

Section 3. No Other Amendments. Except as set forth above, the Existing Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed and entered into this Amendment No. 4 to be effective as of the Effective Date.

CONTRACTOR

Date: _____

By: _____
Levon Yotnakhparian

CITY OF DUARTE

Date: _____

By: _____
Darrell J. George, City Manager

ATTEST:

Marla Akana, City Clerk

APPROVED AS TO FORM:

Jeff Melching, City Attorney

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council
From: Karen Herrera, Deputy City Manager
Date: 1/21/15
Re: Fireworks Permit/License Application Award 2015

Recommendation: That the City Council, by motion, grant firework permit/licenses for 2015 to the following five community groups 1) Duarte Kiwanis Club 2) Duarte Community & Education Foundation 3) Duarte High School Falcon Boosters 4) LULAC and 5) Duarte High School ASB.

Background: On October 28, 2008, the Duarte City Council unanimously adopted Ordinance No. 810 which made the below changes for organizations who had previously filed for permits in the past.

- Council may issue up to five fireworks permits;
- The deadline for filing an application for fireworks is 5:00 pm on the third Thursday of January each. For the 2015 Fourth of July fireworks application process, the deadline was 5:00 pm on Thursday, January 15, 2015.

Past applicants were sent a 2015 fireworks application and a copy of the ordinance on December 1, 2014. (See attachment A)

Discussion: This year, five permit applications were received and submittal fees were paid by the deadline of January 15, 2015. The five groups that submitted were as follows:

1. The Duarte Kiwanis Club – Ralph's Shopping Center, 1155 – 1247 Huntington Drive
2. Duarte Community & Education Foundation – Fresh N Easy Center – 2215-2245 Huntington Drive
3. Duarte High School Falcon Boosters – Big Lots/Rite Aid Center - 1325 Huntington Drive
4. LULAC – Wal Mart Center – 1600 S. Mountain Avenue
5. Duarte High School ASB - Mountain Vista Plaza – 1000 – 1096 Huntington Drive

All five applications were reviewed by staff and deemed complete based on the application standards and submittal requirements.

Fiscal Impact: None.

Attachments:

Application Process Letter – Attachment A

2015 Applications – Attachment B

December 1, 2014

2015 FIREWORKS APPLICATION PROCESS

Dear Previous Fireworks Applicant:

The deadline for the 2015 fireworks application process is fast approaching. Per Duarte Municipal Code Section 15.05.030, the Duarte City Council may issue a maximum of five fireworks permits. The deadline for filing an application for fireworks is 5:00 p.m. on the third Thursday of January of each year. For the 2015 Fourth of July application process, the deadline is **5:00 p.m. on Thursday, January 15, 2015.**

Since your organization has applied for a fireworks permit in the past, we are enclosing a fireworks application for your convenience. Should you wish to apply for a 2015 fireworks permit, please return the completed application, \$50 fee, and required documentation (as indicated on the application) to the City Clerk's office no later than the date/time stated above.

Also enclosed is a copy of recently adopted Ordinance No. 854, which will become effective beginning in January 2015. The ordinance revises Chapter 15.05 of the Duarte Municipal Code, and places additional restrictions and penalties on the sale and use of fireworks within the City of Duarte, restricts the discharge of fireworks exclusively to July 4th from noon to 11:00 p.m. (subject to a \$250 fine for a first offense, then \$500 for all subsequent violations), and imposes an administrative fine of \$1,000 on individuals possessing, selling, or discharging illegal fireworks.

Please feel free to call Deputy City Manager Karen Herrera at (626) 357-7931, ext. 221 if you have any additional questions.

Sincerely,

Darrell J. George
City Manager

Enclosures



RECEIVED

JAN 15 2015

CITY OF DUARTE

**2015 CITY OF DUARTE
APPLICATION FOR LICENSE PERMIT TO SELL
SAFE AND SANE FIREWORKS**

Name of Organization	<u>Duarte Kiwanis</u>	Telephone	<u>626-771-3268</u>
Address	<u>1217 Buena Vista St. Suite 101</u>	Email	<u>maria@dillb12.com</u>
President	<u>Mirna de Lima Lopez</u>	Telephone	<u>626-909-5078</u>
Address	<u>1217 Buena Vista St Suite 101</u>	Email	<u>Mirna@dillb12.com</u>
Secretary	<u>Tina Carey</u>	Telephone	<u>626-695-7443</u>
Address		Email	<u>tcarey@miyachianerica.com</u>
Treasurer	<u>Filippo Fenuwa</u>	Telephone	<u>626-255-1124</u>
Address		Email	<u>filippo@clbare.com</u>

We, a Duarte fraternal organization as defined by Duarte Municipal Code Section 15.05.020, do hereby submit this application to the City Council of the City of Duarte for a license permit to sell safe and sane fireworks. We understand that this application for a license permit to sell safe and sane fireworks, pursuant to Chapter 15.05 of the Duarte Municipal Code, shall be filed with the City Clerk on or before **5:00 p.m. on January 15, 2015**, with the following information attached to this application:

1. Non-refundable application fee of \$50.00.
2. Contract or letter of intent from proposed fireworks distributor.
3. Lease/license/use agreement and/or authorization letter from property owner authorizing and describing in detail the fireworks sales booth location.
4. Description of stand construction and a site map that confirms compliance with Section 15.05.060(e) of the Duarte Municipal Code.
5. Copy of applicant's organizational formation documents, such as its articles of incorporation and bylaws, or other evidence of the group's formation and status to show compliance with Municipal Code Section 15.05.020.
6. Liability insurance in the amount of One Million Dollars (\$1,000,000) from the selected fireworks provider for the designated sales period, insuring against death and personal injury to persons and against property damage, naming as additional insureds the City of Duarte and its officers, officials, employees, agents, representatives, and volunteers acting in an official capacity.
7. Staff schedule plan detailing booth operation dates, operating hours, and 24-hour-a-day on-site staffing plan.
8. Operational plan detailing storage of fireworks, booth security, fire prevention and other safety measures, theft prevention measures, and clean-up and booth removal.
9. Profit utilization plan detailing the youth activities for which the applicant proposes to use the net profits from the sale of the safe and sane fireworks in compliance with Duarte Municipal Code Section 15.05.040. Note: If the applicant received a license permit in the prior year, such plan must also include a statement that all net receipts from the prior year have been expended in accordance with the requirements of Section 15.05.040 of the Duarte Municipal Code.
10. Certified statement (roster) of the number and residency of the members of the organization. Duarte Municipal Code Section 15.05.020 states: *"Duarte membership," as used in this section, means membership consisting of at least 75% of juvenile or adult persons who are either: (a) Duarte residents; or (b) Employed in Duarte; or (c) Owners or operators of a business or other establishment located in Duarte.*

By submitting this application, we further agree to the following:

- a) To comply with Chapter 15.05 of the Duarte Municipal Code including, but not limited to, the requirement that the net profit from the sales shall be utilized only for youth activities/programs in accordance with Duarte Municipal Code Section 15.05.040, which states: *At least 75% of the youth participating in and benefiting from such activities shall be residents of the City of Duarte.*

b) Upon license permit approval, to comply with Resolution No. 11-04 adopted 2/8/11, requiring a \$375 deposit per license, refundable if applicant helps with clean-up at a designated City park after the July 4th festivities by 8:00 a.m., July 5.

c) Per City Council policy established 2/25/97, to comply with the requirement to have at least two representatives attend a meeting with the Public Safety Department prior to the approval of this application (date to be announced.)

d) Per City Council policy established 3/24/98, to submit a financial accounting of fireworks revenue, expenses and profits by September 30th of the current year detailing a description of proposed youth programs, associated budget, number of overall participants, and breakdown of the total numbers of participants by the categories set forth in subparagraphs (a), (b), and (c) of the Duarte Municipal Code Section 15.05.040, and a reconciled account statement showing revenue and expense and net profit, supported by receipts, including for fireworks purchased and booth-related expenses, etc.

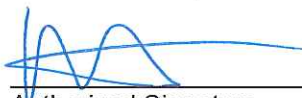
e) To indemnify, defend, and hold harmless the City of Duarte and its officers, officials, employees, agents, representatives, and volunteers acting in an official capacity, from and against any claims, costs, liabilities, expenses, judgments, fines, penalties, and the like, including but not limited to expert witness fees and attorney's fees arising out of the acts or omissions of applicant or any of its officers, officials, directors, managers, agents, representatives, or volunteers pertaining to this application or activities taken in furtherance thereof if a permit is issued including, but not limited to, as may be related to submission of this application, the granting of a permit if such permit is granted, applicant's sales booth and its location, construction and operation including, but not limited to, booth materials, booth staffing, and the display, sale, and storage of fireworks, the discharge of fireworks, applicant's agreement with the owner of booth site, applicant's contract with a fireworks distributor or provider, the use of funds raised from the sale of fireworks, or compliance or failure to comply with applicable law.

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g) That applicant is familiar with the provisions and has received a copy of Part 2 of Division 11 of the California Health & Safety Code, Sections 12500 et seq., with applicable provisions of the Fire Code of the County of Los Angeles as adopted by reference (including with amendments, if any) in Chapter 15.04 of the Duarte Municipal Code, and with Chapter 15.05 of the Duarte Municipal Code including that the applicant acknowledges the provisions of Section 15.05.100 which states: "Any person violating or failing to comply with any provisions of this chapter or any of the rules or regulations hereinabove set forth and adopted hereby, or who fails or refuses to perform any duty prescribed herein to be performed by him, is guilty of a misdemeanor."

h) That applicant acknowledges that (a) submission of an application does not guarantee that a license permit will be issued to applicant and (b) submission of an incomplete application by applicant will result in rejection of the application.

I hereby certify that the above information is true and correct, and that all required information and documents (#1-#10) are attached.



Authorized Signature

Name: Mirna de la Cruz Lopez
(Please print)

Title: President

Receipt No. 42256
Amount \$ 50.00
Date 7/5/15



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APPLICATION FOR LICENSE PERMIT TO SELL
SAFE AND SANE FIREWORKS**

RECEIVED

JAN 15 2015

CITY OF DUARTE

Name of Organization Duarte Education Foundation Telephone _____
Address P.O. Box 497, Duarte, 91009 Email _____
President Margaret Finlay Telephone 626-359-0416
Address 16000 Huntington Dr, Duarte Email margaretfinlay@gmail.com
Secretary Don LaPlante Telephone 562-965-2930
Address 11908 Susan Ave, Downey 90242 Email donlaplante@gmail.com
Treasurer Shakna Pierce Telephone 626-357-4704
Address 890 San Marcus Lane, Duarte Email shaknapierce@hotmail.com

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I hereby certify that the above information is true and correct, and that all required information and documents (#1-#10) are attached.



Authorized Signature
Name: M. Finlay
(Please print)
Title: President

Receipt No. 42237
Amount \$ 50.00
Date 7/5/15



2015 CITY OF DUARTE
APPLICATION FOR LICENSE PERMIT TO SELL
SAFE AND SANE FIREWORKS

RECEIVED

JAN 15 2015

CITY OF DUARTE

Name of Organization Duarte High Falcon Boosters Telephone 626 357-0708
Address 3204 Conata St, Duarte 91010 Email EReilly3@aol.com
President Henry Baltazar Telephone 626 672-9388
Address 3204 Conata St, Duarte 91010 Email Firebirdhb69@hotmail.com
Secretary Dolores Ortiz Telephone 626 672-9388
Address 3204 Conata St, Duarte, 91010 Email EReilly3@aol.com
Treasurer Lindy Ysnessi Telephone 626 357-0708
Address 1920 Oat St, Duarte, 91010 Email Ysnessi2@yahoo.com

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Elizabeth Reilly
Authorized Signature

Name: Elizabeth Reilly
(Please print)

Title: Financial Director

Receipt No. 42262
Amount \$ 50.00
Date 4/15/15



**2015 CITY OF DUARTE
APPLICATION FOR LICENSE PERMIT TO SELL
SAFE AND SANE FIREWORKS**

RECEIVED

JAN 15 2015

CITY OF DUARTE

Name of Organization LULAC Council 3033 Telephone 626 354-1961
Address P.O. Box 244, Duarte, CA 91009 Email _____
President ANTONIO OGAZ Telephone 626 354-1961
Address 451 W Serrano Blvd, Sierra Madre, CA 91024 Email A1099257@gmail.com
Secretary Kathy Vallejos Telephone 626-806-6564
Address 1244 Milano Pl, Phillips Ranch, CA 91766 Email kathrynvallejos@gmail.com
Treasurer Michael Vallejos Telephone 626-786-2482
Address 1244 Milano Pl, Phillips Ranch, CA 91766 Email Michaelvallejos@gmail.com

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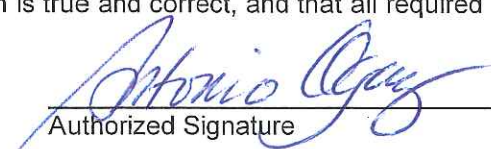
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Authorized Signature

Name: Antonio Ogas
(Please print)

Title: President

Receipt No. 42267
Amount \$ 50.00
Date 7/15/15



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APPLICATION FOR LICENSE PERMIT TO SELL
SAFE AND SANE FIREWORKS**

RECEIVED

JAN 15 2015

CITY OF DUARTE

Name of Organization Duarte High School ASB/ Telephone (626) 599-5700
Address 1565 E. Central Ave, Duarte Soccer Email _____
Chair President Chris McMahon Telephone (626) 893-6947
Address 1820 2nd St., Duarte Email mcSoccer69@verizon.net
Co-Chair Secretary Anne Larson Telephone (626) 318-7242
Address 822 Duncannon Ave, Duarte Email larsonbirds@msn.com
Treasurer Rosalie Palacios Telephone (626) 222-3525
Address 2535 Elda St. Duarte Email _____

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b) Upon license permit approval, to comply with Resolution No. 11-04 adopted 2/8/11, requiring a \$375 deposit per license, refundable if applicant helps with clean-up at a designated City park after the July 4th festivities by 8:00 a.m., July 5.

c) Per City Council policy established 2/25/97, to comply with the requirement to have at least two representatives attend a meeting with the Public Safety Department prior to the approval of this application (date to be announced.)

d) Per City Council policy established 3/24/98, to submit a financial accounting of fireworks revenue, expenses and profits by September 30th of the current year detailing a description of proposed youth programs, associated budget, number of overall participants, and breakdown of the total numbers of participants by the categories set forth in subparagraphs (a), (b), and (c) of the Duarte Municipal Code Section 15.05.040, and a reconciled account statement showing revenue and expense and net profit, supported by receipts, including for fireworks purchased and booth-related expenses, etc.

e) To indemnify, defend, and hold harmless the City of Duarte and its officers, officials, employees, agents, representatives, and volunteers acting in an official capacity, from and against any claims, costs, liabilities, expenses, judgments, fines, penalties, and the like, including but not limited to expert witness fees and attorney's fees arising out of the acts or omissions of applicant or any of its officers, officials, directors, managers, agents, representatives, or volunteers pertaining to this application or activities taken in furtherance thereof if a permit is issued including, but not limited to, as may be related to submission of this application, the granting of a permit if such permit is granted, applicant's sales booth and its location, construction and operation including, but not limited to, booth materials, booth staffing, and the display, sale, and storage of fireworks, the discharge of fireworks, applicant's agreement with the owner of booth site, applicant's contract with a fireworks distributor or provider, the use of funds raised from the sale of fireworks, or compliance or failure to comply with applicable law.

f) To waive, release, and discharge any claims or causes of action against the City of Duarte and its officers, officials, employees, agents, representatives, and volunteers acting in an official capacity, by the issuance or non-issuance of a license permit to applicant or to any other applicant.

g) That applicant is familiar with the provisions and has received a copy of Part 2 of Division 11 of the California Health & Safety Code, Sections 12500 et seq., with applicable provisions of the Fire Code of the County of Los Angeles as adopted by reference (including with amendments, if any) in Chapter 15.04 of the Duarte Municipal Code, and with Chapter 15.05 of the Duarte Municipal Code including that the applicant acknowledges the provisions of Section 15.05.100 which states: "Any person violating or failing to comply with any provisions of this chapter or any of the rules or regulations hereinabove set forth and adopted hereby, or who fails or refuses to perform any duty prescribed herein to be performed by him, is guilty of a misdemeanor."

h) That applicant acknowledges that (a) submission of an application does not guarantee that a license permit will be issued to applicant and (b) submission of an incomplete application by applicant will result in rejection of the application.

I hereby certify that the above information is true and correct, and that all required information and documents (#1-#10) are attached.

Anne Larson
Authorized Signature

Name: ANNE LARSON
(Please print)

Title: Co Chair

Receipt No. 42255
Amount \$ 50.00
Date 7/5/15

MEMORANDUM

TO: Darrell J. George, City Manager

FROM: Roger A. Cathey, Financial Services Manager

DATE: January 20, 2015

SUBJECT: **APPROVAL OF RESOLUTION NO. 15-R-02, ADOPTING A RETENTION SCHEDULE FOR FINANCIAL DIVISION DOCUMENTS**

Background

Concerning the retention of documents, the City of Duarte has historically elected to be guided by a model that was loosely based on the Code of Federal Regulations (CFR) and the Federal Guidelines applicable to the grants and contracts awarded to the City. As a result, there were inconsistencies in the definition of documents and voids with respect to the documents created in the normal course of business. In addition, the grouping and filing of documentation has changed with the implementation and development of the financial accounting software. We are recommending adoption of a new retention schedule, pertaining specifically to financial documents, that has been tailored to the specific needs of the City and complies with legal guidelines.

Discussion

Staff reviewed the retention policies of many cities, gleaned the portions that apply to financial documents and files. Staff also reviewed all legal references in relation to the documentation. When conflicts of retention length occurred, the longer time is suggested in the policy. Staff has confirmed that each record area (and associated timelines) conforms to legal guidelines and also addresses the City's specific informational needs. Staff is confident this schedule meets our current needs; however, it is standard for retention schedules to be updated on a regular basis, so we will return with schedule revisions as needed. Once approved, this schedule will establish a timely and systematic manner for the retention and destruction of our current documentation needs in accordance with appropriate legal requirements.

Recommendation

It is recommended that the City Council approve Resolution No. 15-R-02, adopting a retention schedule for Financial Division documents.

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE
ADOPTING A RECORDS RETENTION SCHEDULE FOR THE CITY'S
FINANCE DIVISION RECORDS AND DOCUMENTS**

WHEREAS, with certain exceptions, Government Code Section 34090 *et seq.* governs the retention of public records and documents by cities in California and provides for minimum time frames for retention of such records and documents; and

WHEREAS, various federal laws and regulations, principally with respect to accounting records and documents, also mandate retention for certain minimum time frames of specified records and documents; and

WHEREAS, the City's Finance Division has identified the need for a document retention schedule specific to the accounting records and documents in order to track files and assure that such records and documents are retained for not less than the legally required time period in accordance with applicable State and federal laws, regulations, and procedures; and

WHEREAS, the City's Finance Division undertook a complete review of the categories of accounting and related resources records and documents and prepared the "Records Retention Schedule for the City of Duarte Finance Division" attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, the Records Retention Schedule for the City of Duarte Finance Division attached hereto as Exhibit A conforms to legal requirements; and

WHEREAS, all actions required to be taken precedent to the adoption of this Resolution have been duly and regularly taken;

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

Section 1. The foregoing Recitals are true and correct and are incorporated herein.

Section 2. The Records Retention Schedule for the City of Duarte Finance Division attached hereto as Exhibit A is hereby approved and adopted.

PASSED, APPROVED, AND ADOPTED this 27th day of January, 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 Resolution No. 15-02 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 27th day of January, 2015, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

Resolution 15-02

Item No.	RECORD SERIES TITLE AND CONTENTS		NOTES
1.	Accounts Payable: Warrant Registers, Invoices, Supporting Documents Check copies, Vendor W-9 Annual 1099's (filed in the FY ending year)	A+5	Citation: California Government Code, ' 34090 California Government Code, ' 34090© California Government Code, ' 34090.7 CCP 337 26 CFR 160001-1 41 CFR 50-201.501 – W9, 1099 29 USC 436 – W9, 1099 26 CFR 31.601.1-4 – W9, 1099 IRS REG 31.6001-1 (e)(2) – W9, 1099 R&T 19530 – W9, 1099 29 CFR 516.5-516.6 – W9, 1099
	Purchasing Quotations (original held in Department) Requisitions (original held in Department) Purchase Orders (Finance Copy) Requests for Proposals/Bid (Unsuccessful)	A+5 A+5 A+5 A+2	Citation: California Government Code, ' 34090 Citation: California Government Code, ' 34090 Citation: California Government Code, ' 34090 Citation: California Government Code, ' 34090 CCP337 GC 025105-1
	Requests for Proposals/Notices/Contract And winning bid staff reports	A+4	Citation: California Government Code, ' 34090 CCP337 GC 025105-1
2.	Accounts Receivable: Invoices, Billing receipts, copies sent for fees owed, Billing related documents	A+5	Citation: California Government Code, ' 34090
3.	Bank Reconciliation: Statements, Summaries for receipts, disbursements and reconciliation	A+5	Citation: California Government Code, ' 34090 26 CFR 16001-1
4.	Budget and Budget-adjustments: Journal entries and supporting documentation	A+5	Citation: California Government Code, ' 34090
5.	Cash Collection information Checks, coins, currency, deposits and receipts	A+5	Citation: California Government Code, ' 34090, CCP 338
6.	Checks	A+5	Citation: California Government Code, ' 34090, CCP 337

**RECORDS RETENTION SCHEDULE
CITY OF DUARTE – FINANCE DIVISION**

	Includes voided checks		GC 34090©
7.	General Ledger Includes Journal Entries and Posting Reports	A+10	Citation: California Government Code, ' 34090, CCP 337
8.	Taxes, Receivable Direct Assessments – see item #21	A+5	CCP 338
9.	Fixed Asset Ledger Listing of property, reflects purchase date, cost GASB 34 report	P	Citation: California Government Code, ' 34090. CFR 301 65-1(F) 28 CFR 301-6501 (f)
10.	Fixed Asset Disposal Supporting documents	A+5	Citation: California Government Code, ' 34090 CCP 337
11.	Property Tax Revenue Records Assessed Values Total Statements, Communications with LA County Assessor, Correspondence, reports and studies	A+5	Citation: California Government Code, ' 34090
12.	Comprehensive Annual Financial Report Correspondence and backup data, Reference materials, Source materials, Worksheets and analysis	P	Citation: California Government Code, ' 34090.7
13.	Investment Transaction Report Summary of transactions, inventory and earnings report	P	Citation: California Government Code, ' 34090 California Government Code, ' 53607; CCP 337
14.	State Controller Reports (includes HCD and RDA)	P	Controller may destroy after 5 years Citation: California Government Code, ' 34090
15.	Sales Tax Reports (consultant reports) - Confidential	P	Citation: California Government Code, ' 34090
16.	Sale Tax Agreements	C+5	Citation: California Government Code, ' 34090
17.	Sales Tax Revenue Records Correspondence and Sales Tax Revenue Reports	P	Citation: California Government Code, ' 34090 CCP 337
18.	State and Local Revenue Correspondence, Statements and Reports	A+5	Citation: California Government Code, ' 34090 CCP 337
19.	Transient Occupancy Revenue Correspondence and TOT Statements	A+5	Citation: California Government Code, ' 34090 CCP 337

**RECORDS RETENTION SCHEDULE
CITY OF DUARTE – FINANCE DIVISION**

20.	Bank Statements	A+5	Citation: California Government Code, ' 3368, 30210, 43900, et seq
21.	Bonds Monthly Account Statements and supporting documents	C+10	Citation: California Government Code, ' 34090, CCP337.5
22.	Damage Reports, Assessments and Supporting Data Direct Assessments Claims Against the City	C+5	Citation: California Government Code, ' 34090
23.	Business Licenses Applications and renewal/updates Fixed location only	C+5	Citation: California Government Code, ' 34090 CCP 337
	Business Licenses Applications and renewal/updates Non-Fixed locations	C+1	Citation: California Government Code, ' 34090 CCP 337
24.	Audit Information (Internal and External reports) Audit Work papers	A+5	Citation: CG 34090 OMB Circular A-128
25.	Audit Proposals RFP	C+4	Citation: California Government Code, ' 34090, CCP337
26.	Finance Department initiated Contracts (Finance Copy) Insurance Certifications Original Held by City Clerk	C+4	Citation: California Government Code, ' 34090, CCP337
27.	State and Federal Grants	C+3	CG34090 OMB Circular A-128 Unless extenuating circumstances exist
28.	Finance Initiated Resolutions, agenda items Original held in City Clerks Office	A+5	GC 34090
29.	Vehicle Ownership and Title	C	CG34090 VC 9900 et seq
30.	Annual Streets Reports	State Audit+3	3 years after State Audit Occurs
31.	CDBG Reports and Support Applications, reports, supporting documents Original Grant Document filed in Community Development	T+5	CDEBG Bulletin 08-0019 24 CFR 570.502 (b)(3) 24 CFR 85.42 OMB Circular A-102, A-110, A-128

**RECORDS RETENTION SCHEDULE
CITY OF DUARTE – FINANCE DIVISION**

32.	Fee Schedules, Fee Studies	P	CG 34090
33.	JPIA – Insurances (Property, Employee, Workers Comp	A+5	CG 6410 29 CFR 1910.2



MEMORANDUM

TO: CITY COUNCIL

FROM: PARKS AND RECREATION COMMISSION

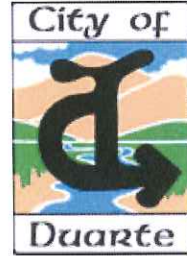
SUBJECT: REORGANIZATION

DATE: JANUARY 27, 2015

At the regular meeting of the Parks and Recreation Commission on Monday, January 12, 2015, Barbie Blysmá Houghton was nominated to be the new Chairperson and Ed Houlemarde was nominated to be the Vice-Chair for the Committee. The motion carried unanimously.

Parks and Recreation Commission Chairperson – Barbie Blysmá Houghton
Parks and Recreation Commission Vice-Chairperson – Ed Houlemarde

Receive and File



Memorandum

To: City Council

From: Planning Commission

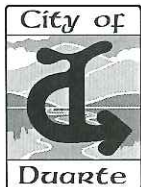
CC: Craig Hensley, Director, Community Development

Date: 1/21/15

Subject: Commission Reorganization

At the regular meeting of the Planning Commission held on Tuesday, January 20, 2015, the Commission organized as follows:

Chairperson – Sheryl Lefmann
Vice-Chairperson – Ana Lisa Hernandez



MEMORANDUM

To: Mayor and City Council

From: Rafael Casillas, P.E., Public Works Manager *Poc*

Date: January 27, 2015

Subject: City Council Acceptance – City Hall LED Message Board Sign and Clock Tower Demolition, City Project #14-2

RECOMMENDED ACTION

Staff recommends that the City Council accept the project "City Hall LED Message Board Sign and Clock Tower Demolition" and authorize the City Clerk to initiate the Notice of Completion.

Architectural Design & Signs Inc., has satisfactorily completed the above project. The cost for this project is \$96,550.00.

BACKGROUND

On July 8, 2014, the City Council awarded the contract and authorized a budget amendment for the construction of the LED message board, clock tower demolition and landscaping. The scope of work consisted of the removal of the existing clock tower and the installation of a LED message board.

DISTRIBUTION: Community Development Director
City Clerk
Staff



AGENDA MEMO

TO: CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT: Duarte Community Health Fair Co-Sponsorship Request

DATE: January 27, 2015

RECOMMENDATION: That the Duarte City Council, by motion, co-sponsor the Duarte Health Fair scheduled for Saturday, March 14, 2015, at Westminster Gardens Packard Hall.

BACKGROUND: The Duarte Health Fair committee led by the Duarte Chamber of Commerce is requesting that the City of Duarte officially co-sponsor the upcoming Community Health Fair on Saturday, March 14, 2015, from 8:00 to 11:30 am at Westminster Gardens' Packard Hall. The event is free of charge and open to all members of the public. The following screening services will be available at the Health Fair: bone density; dental; vision; blood pressure and Body Mass Index (BMI). Additionally, a free, full panel blood test will be available for those who fast prior to the event.

DISCUSSION: The Duarte Community Health Fair event is striving to attract a cross section of the Duarte community and greater surrounding areas in an effort to improve the overall quality of health for the region. The committee, led by the Duarte Chamber of Commerce consists of Methodist Hospital, Monrovia Providers Group, Duarte Unified School District, the City of Duarte, HealthCare Partners and Westminster Gardens.

In terms of co-sponsorship, the group is asking the City to provide volunteers, access to City marketing venues, etc. and use of Duarte Transit services to provide a dedicated shuttle from the Senior Center to Westminster Gardens during the event hours.

FISCAL IMPACT: The cost to the City for the Transit bus usage for shuttle services is approximately \$200.

ATTACHMENT: Event Flyer

FREE
NO ID REQUIRED



DUARTE Health Fair

Methodist Hospital in partnership
with Duarte Chamber of Commerce,
Westminster Gardens and City of Duarte

Saturday, March 14
8 a.m. – 11:30 a.m.

Westminster Gardens, Packard Hall

1420 Santo Domingo Avenue, Duarte, CA 91010

Screenings:

- Full Panel Blood Test
- Must fast 8 hours before test
- Bone Density Screening
- Dental Screening
- Vision Screening
- Blood Pressure Screening
- BMI Screening

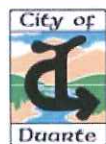
For more information call:

Methodist Hospital 626-821-2344

Westminster Gardens 626-358-2569 ext. 151

Duarte Chamber of Commerce 626-357-3333

www.duartechamber.com/healthfair



Foothills Resources For The Aging



MEMORANDUM

TO: Mayor and Councilmembers
FROM: Darrell J. George, City Manager
DATE: January 22, 2015
SUBJECT: Conference Attendance – City Council Meeting of January 27, 2015

Los Angeles County Economic Development Corporation
Economic Forecast Event
February 18, 2015
LA Hotel Downtown, Los Angeles
Tickets \$95 each

LOS ANGELES COUNTY ECONOMIC DEVELOPMENT CORPORATION

ECONOMIC FORECAST

FEATURING
Tourism & Hospitality



Register now to attend this event on

FEBRUARY 18, 2015

7-8am - Networking Breakfast with Exhibitors / 8-11am - Speaker Program
LA Hotel Downtown / 333 S. Figueroa Street, Los Angeles, CA 90071

TITLE SPONSOR:

Bank of America



**TURKISH
AIRLINES**



**MEDIA
SPONSOR:**

**KNX1070
NEWSRADIO**

Join LAEDC, expert speakers, and hundreds of leaders as we present the 2015-2016 economic forecast for the LA region.

This year's deep-dive focus is on our regional tourism and hospitality industry cluster, the challenges and opportunities it faces and the forecast for growth.

PANEL ONE: The Shared Economy:
Enhancers in Tourism and Their Role in the
Regional Economy

**Lyft
AirBnB**

Moderated by: **Sean O. Burton**
**Los Angeles Board of Airport
Commissioners, President**

PANEL TWO: Trends in Tourism and their
Economic Impact on the Regional Economy

Troy L. Jones
Ernst & Young
Principal, West Leader | Real Estate/Hospitality

Dr. Christine Cooper
LAEDC Institute for Applied Economics

KEYNOTE SPEAKER:

The current infrastructure of Los Angeles County,
and what needs to happen in order to meet LA
County's goal of 50 million visitors by the year 2020.

Ernest Wooden, Jr.
Los Angeles Tourism & Convention Board,
President & CEO

Frank Mottek, Moderator
Anchor, Business Hour - KNX1070 Newsradio

ECONOMIC FORECAST:

presented by LAEDC's Chief Economist,
Dr. Robert Kleinhenz

Q&A with all panelist, moderators and speakers

SPONSORSHIPS:

\$20,000 • \$10,000 • \$7,500 • \$5,000
Exhibit \$250

Early bird ticket pricing

Public Ticket \$125 / LAEDC Member Ticket Price \$95

CONTACT:

Nancy Jordan
213.453.3909 / Nancy.jordan@laedc.org

**Register
today!**

**[laedc.org/economic-
forecast-february/](http://laedc.org/economic-forecast-february/)**

Legal Notice

Legal Notice

Legal Notice

Legal Notice

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Duarte will conduct a public hearing on Tuesday, January 27, 2015, 7:00 pm in the City Hall Council Chambers, 1600 Huntington Drive, Duarte, California.

The City Council will solicit input regarding the use of the City of Duarte's Community Development Block Grant (CDBG) funding allocations for Fiscal Year 2015-2016 (July 1, 2015 - June 30, 2016). The City anticipates receiving an allocation of \$140,017 in CDBG funds from the Los Angeles Community Development Commission.

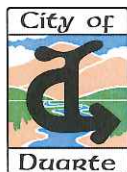
Any interested party may appear in person, or by agent, and be heard. If this matter is challenged in Court, there will be a limit to only those issues that were raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, 1600 Huntington Drive, Duarte, CA 91010. Further information may be obtained from Irma Hernandez, Community Development Department at 626-357-7931. Si usted quiere hacer un comentario o quiere mas información sobre esta noticia, usted puede llamar a Irma Hernández al numero (626) 357-7931.

Marla Akana
City Clerk

PUBLISHED: Duartean, January 17, 2015

POSTED: January 13, 2015
Duarte City Hall
Duarte Public Safety Office
Duarte Senior Center
City Website

Ad#619754



MEMORANDUM

To: Honorable Mayor and Councilmembers

From: Irma Hernandez, Senior Planner

Date: January 27, 2015

Subject: Community Development Block Grant Program (CDBG) Budget for Fiscal Year 2015-2016 (July 1, 2015 – June 30, 2016)

RECOMMENDATION

Staff recommends that the City Council hold a public hearing and review and approve the recommended CDBG projects and funding allocations for FY 2015-2016:

1. Allocate \$140,017 in CDBG funding as described in Tables 1 and 2 to:
 - a. Remove architectural barriers in the public right of way and install new ADA curb ramps; and
 - b. Improve a parking lot in a low-moderate income area within a community satellite park and remove architectural barriers
2. Include language giving staff the ability to make adjustments to projects and funding levels described in Tables 1 and 2, due to final funding allocations and as needed due to programmatic interpretations by CDC.

BACKGROUND

In 1974, Congress initiated the Community Development Block Grant (CDBG) Program as part of the Housing and Community Development Act. The mission of the CDBG Program is to improve the quality of life for people of low-moderate incomes, aid in the prevention of neighborhood deterioration and meet other urgent community development needs. The Los Angeles County, Community Development Commission (CDC) administers CDBG funding on behalf of the Los Angeles Urban County and oversees over 45 non-entitlement communities throughout the County, of which Duarte is a Participating City.

The City's grant allocation from the County is determined by a HUD formula which takes into account the extent of poverty, population, housing overcrowding, age of housing stock, and population growth. The CDC informed all cities that the projected FY 2015-2016 CDBG funding allocations are expected to decrease approximately two percent from current funding levels. As a result, the City's estimated Fiscal Year 2015-2016 CDBG funding allocation is \$140,017. The expected reduction in funding continues to be due to primarily the impact of federal budget cuts to the CDBG program.

The CDC requires participating cities to submit the proposed use of their annual CDBG allocation by February 2, 2015, including general project descriptions, budgets, with documentation of Council action and proof of public meeting notification.

ANALYSIS

For the upcoming FY 2015-2016 (July 1, 2015 - June 30, 2016), it is staff's recommendation that the City Council continue to fund public works capital improvements projects. The proposed projects will benefit persons with disabilities and/or people in low-moderate income areas which is consistent with Community Development Block Grant Program National Objectives.

Proposed Project #1 - Removal of Architectural Barriers (ADA Curb Ramps)

The first proposed project includes the removal of barriers by installing new ramps and grading existing curb ramps to removal architectural barriers to allow paths of travel for elderly and/or severely disabled. It is anticipated that 30 accessible curb ramps would be installed at predetermined locations throughout the City. The proposed curb ramp locations are being prioritized by the Public Works Division and will likely be located in major arterial streets like Duarte Road and Las Lomas Road. The proposed budget for this project is \$85,017. CDBG funds will be used to pay for construction and consultant costs. City staff will prepare design and engineering specifications and bid documents. CDBG funds have been used to upgrade ADA curb ramps in FY 2013-2014 and 2014-2015.

Proposed Project # 2 - Low Mod Area Parking Lot Improvements at City Park

The second proposed project consists of parking lot improvements at the Duarte Sports Park. The Duarte Sports Park serves as a community satellite park. The proposed project location is located in a low-moderate income area (**Map #1, Photos - Exhibit A**). The project will benefit a low-moderate income population which is a National Objective of the CDBG Program. The low-moderate income areas in Duarte were recently revised (June, 2014) for the CDBG program based on American Community Survey data.

The parking lot rehabilitation consists of asphalt grinding, removal and repaving of the parking lot just west of the City skate park ("lower parking lot") which is accessible from Central Avenue. The lower parking lot improvements will incorporate removal of architectural barriers such as wheel stops and irregular parking grades, in order to install accessible ADA parking, an accessible path of travel and compliant parking stall striping. The proposed budget for this project is \$55,000. CDBG funds will be used to pay for construction and consultant costs. City staff will prepare design and engineering specifications and bid documents.

If the project is approved by City Council, staff will work with CDC to demonstrate that the project is consistent with the National Objective for low-moderate income area

projects. For example, it will likely be necessary for staff to demonstrate to CDC that the park facilities benefit primarily low-moderate income persons even though it is already located in a low-moderate income area.

Table 1 (Preferred, Plan A Budget) Proposed CDBG Projects for FY 2015-2016		
Proposed Project	Proposed Funding	Qualifying Criteria - National Objective
Project #1: Removal of Architectural Barriers (ADA Curb Ramps)	\$85,017	Removal of Architectural Barrier: Accessibility for severely disabled adults and elderly person (presumed low-moderate income)
Project #2: Park Parking Lot Rehabilitation "Lower Parking Lot"	\$ 55,000	Low-moderate income area (LMA)
Total FY 2015-2016 CDBG Allocation	\$140,017	

Alternate Project #2 - Low Mod Area Parking Lot Improvements at City Park

In the event that the parking lot location west of the skate park (lower parking lot) is not approved by CDC, Staff proposes an alternate parking lot location. The alternate parking lot location is within the same community satellite park (Duarte Sports Park) and is referred to as the "middle parking lot" with access from Brycedale Avenue (**Map #1, Photos - Exhibit B**). The alternate parking lot rehabilitation is expected to cost \$108,000 (Table 2). This alternate "middle parking lot" site is in similar disrepair and need as compared to the "lower parking lot" but has a larger area which is why it is much costlier. If the CDC approves the scope of the "middle parking lot" improvements, then the budget for the ADA curb ramps will be reduced accordingly to stay within the anticipated CDBG allocation.

Table 2 (Alternate, Plan B Budget) Proposed CDBG Projects for FY 2015-2016		
Proposed Project	Proposed Funding	Qualifying Criteria - National Objective
Project #1: Removal of Architectural Barriers (ADA Curb Ramps)	\$32,017	Removal of Architectural Barrier: Accessibility for severely disabled adults and elderly person (presumed low-moderate income)
Project #2, Alternate: Parking Lot Rehabilitation "Middle Parking Lot"	\$ 108,000	Low-moderate income area (LMA)
Total FY 2015-2016 CDBG Allocation	\$140,017	

Conclusion

The proposed projects will benefit the community by focusing on the National Objectives of the CDBG program and continuing to remove architectural barriers (ADA improvements) and serving the low-moderate income area of Duarte. Staff can realistically administer the proposed projects with the assistance of a CDBG consultant in a manner consistent with CDBG federal program regulations.

Staff recommends that the City Council hold a public hearing; review and approve the recommended projects and funding allocations for FY 2015-2016 as described in the report. Once the CDBG program allocations are approved by the City Council, they will be forwarded to the CDC for their review and approval.

Attachments

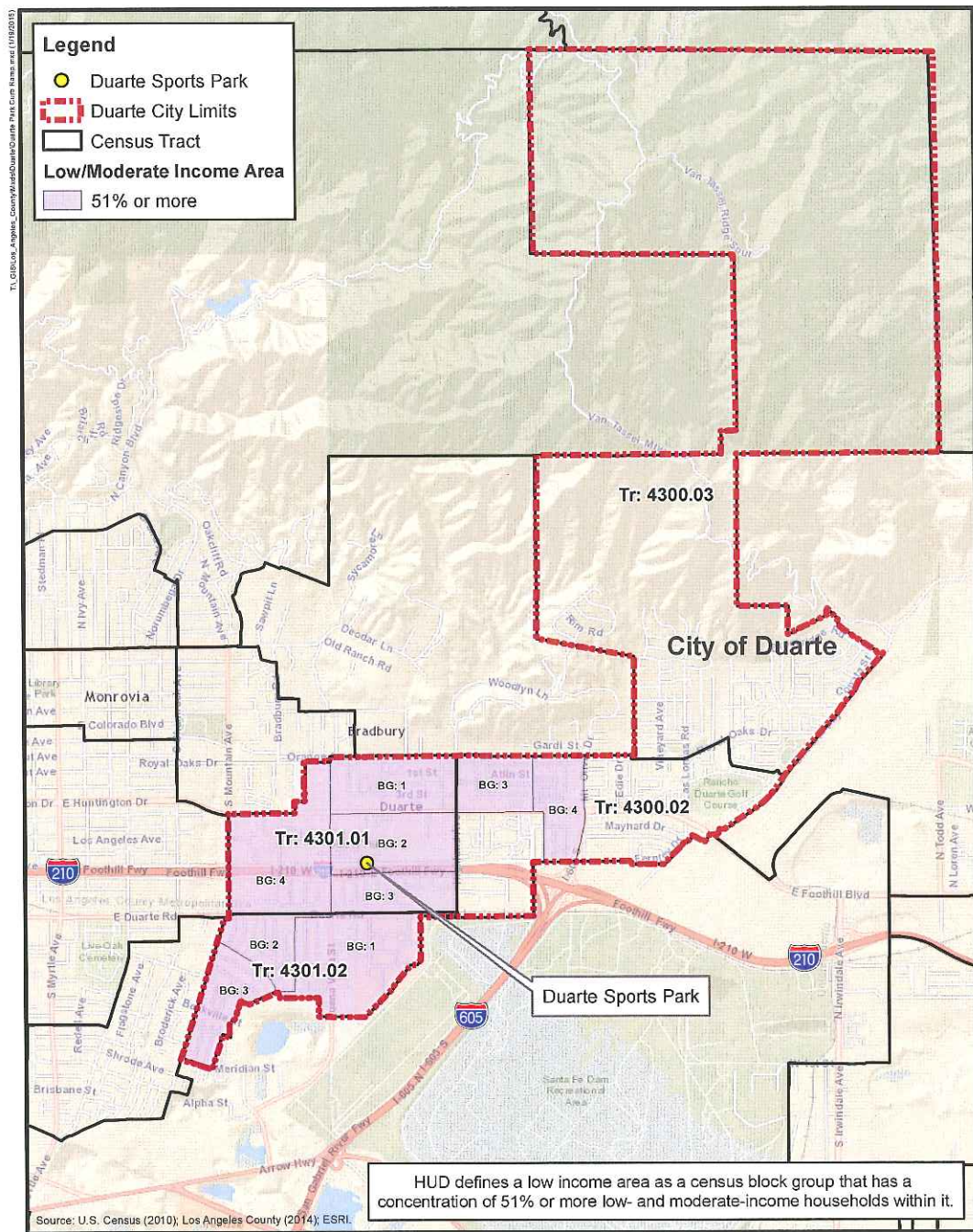
Map #1 - Low-Moderate Income Areas

Exhibit A - "Lower Parking Lot"

Exhibit B - "Middle Parking Lot"

Exhibit C - Review and Status of Current CDBG Projects

Map #1 – Low Moderate Income Areas in Duarte



City of Duarte Low and Moderate Income Areas

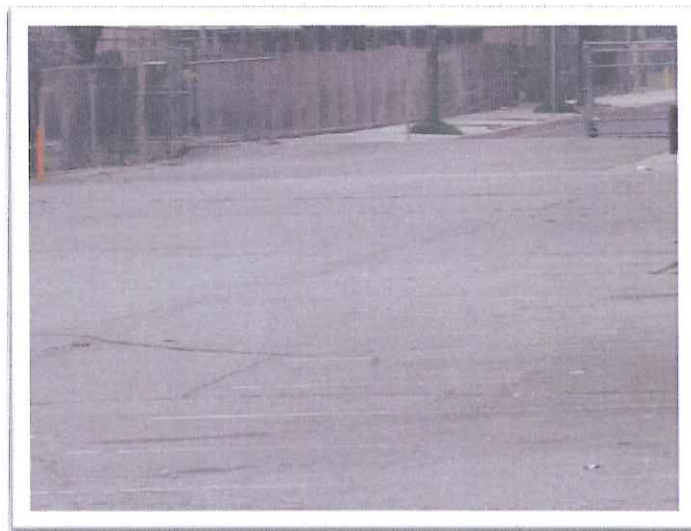
PMC

Exhibit A
“Lower Parking Lot” at Duarte Sports Park
a Community Satellite Park (Project #2, Preferred)



Lower Parking Lot – Existing Conditions

Exhibit B
“Middle Parking Lot” at Duarte Sports Park
a Community Satellite Park, (Project #2, Alternate)



Middle Parking Lot – Existing Conditions

Exhibit C
Review and Status of Currently Funded CDBG Projects (FY 2014-2015)

ADA Curb Ramps Project (FY 2014-2015) – Architectural barriers will be removed by installing new ramps and grading existing curb ramps to allow for an accessible path of travel in the cities of Duarte and Bradbury. Construction is scheduled to be completed in May 2015 and is 100% CDBG funded.

ADA Curb Ramp Project (SEC Mountain & Huntington) – This project will remove an existing curb located on the southeast corner of Mountain Ave. and Huntington Drive to remove a material barrier and will provide for grading and installation of a curb ramp to allow for an accessible path of travel. Construction is scheduled to be completed in May 2015.

ADA Bus Stop Improvements – This project will remove existing barriers by replacing bus shelters, benches and trash receptacles to create an ADA accessible path of travel within the public right of way. This project will be completed in FY 2015-2016. The City's transit bus stops are currently under review.

ADA Parking Stalls and Curb Ramp Project – This project will remove existing architectural barriers by reconfiguring/relocating the ADA parking stalls to create an ADA accessible path of travel within the Town Center public facility. The project includes the replacement of ADA parking lot signage and striping. This project will be completed in FY 2015-2016. The City's ADA Transition Plan will identify and prioritize the parking needs and staff will then prepare the design specifications for the project.

Legal Notice

Legal Notice

Legal Notice

Legal Notice

**NOTICE OF PUBLIC HEARING
TO BE HELD BY THE DUARTE CITY COUNCIL**

NOTICE IS HEREBY GIVEN that pursuant to State Law, the City Council of the City of Duarte will hold a Public Hearing at 7:00 p.m., on Tuesday, January 27, 2015, in the Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following:

Municipal Code Amendment 15-2: The City Council will consider adoption of Municipal Code Amendment 15-2, a City initiated request to amend Duarte Municipal Code (DMC) Chapter 6.15 (Stormwater and Urban Runoff Pollution Control) to control non-point source and point source Discharges to the Municipal Separate Storm Sewer System (MS4). Staff recommends that the City Council approve the recommended language proposed in MCA 15-2.

The proposed municipal code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions, each of which is independently sufficient to support the City's environmental determination. (1) Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of the municipal code amendments propose no activity that may have a significant effect on the environment, (2) Title 14 California Code of Regulations Section 15301, in that the municipal code amendments involve no expansion of use of existing facilities, and (3) Title 14 California Code of Regulations Section 15378, in that the municipal code amendment is not a project under CEQA because they will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. All of these exemptions apply to all of the proposed municipal code amendment because all of the proposed municipal code amendment is regulatory measures that do not involve a land use application.

Any interested party may appear in person, or by agent, and be heard. If this matter is challenged in Court, there will be a limit to only those issues that were raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, at 1600 Huntington Drive, Duarte, CA 91010.

For further information regarding this application, please contact Rafael O. Casillas P.E., Public Works Manager in the Community Development Department, 1600 Huntington Drive, Duarte, CA., 91010, Monday through Thursday at (626) 357-7931, ext. 233, between the hours of 7:30 a.m. and 6:00 p.m.

Marla Akana
City Clerk

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1/6/15 Ad#619746



CITY COUNCIL STAFF REPORT

Date: January 27, 2015

To: Honorable Mayor and City Council

From: Rafael O. Casillas P.E., Public Works Manager *ROC*

Subject: **MUNICIPAL CODE AMENDMENT 15-02** (Ordinance 15-O-01) - The City Council will consider a City initiated request to amend Duarte Municipal Code (DMC) Chapter 6.15 (Stormwater and Urban Runoff Pollution Control) to control non-point source and point source Discharges to the Municipal Separate Storm Sewer System (MS4).

Location/Applicant City Initiated Municipal Code Amendment

SUMMARY

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region adopted the Municipal Separate Storm Sewer System (MS4) permit (Order No. R-2012-0175) to control non-point source and point source Discharges to the MS4. The MS4 Permit requirements became effective on December 28, 2012, with provisions that allow permittees the flexibility to customize their stormwater programs to achieve compliance over time. Municipalities electing to develop an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) are required to adopt a Low-Impact Development (LID) ordinance.

In February 2013, the Los Angeles Permit Group retained Larry Walker and Associates to develop a draft LID ordinance that complies with the guidelines of the MS4 Permit. The City Attorney's office and staff reviewed the draft LID ordinance document for consistency with the Duarte Municipal Code (D.M.C.). The draft LID ordinance document was submitted to the Regional Water Quality Control Board (RWQCB) on June 28, 2013. The first reading public hearing for the final LID ordinance is set for January 27, 2015.

The City Council will consider MCA 15-02, a City initiated request to amend D.M.C. Chapter 6.15 "Stormwater and Urban Runoff Pollution Control," is hereby amended by deleting it in its entirety and replacing it with the attached Ordinance 15-O-01.

ANALYSIS

The LID Ordinance is provided as Attachment A of this staff report. Guidance for understanding the LID Ordinance is provided below:

- The City of Duarte has an ordinance in place associated with the stormwater quality program including a provision regarding Standard Urban Storm Water Mitigation Plan (SUSMP) requirements, D.M.C. Chapter 6.15. In this situation, the proposed LID Ordinance is intended to replace the SUSMP portion of Duarte's Stormwater and Urban Runoff Pollution Control ordinance.
- The LID Ordinance is designed to ensure compliance with LID requirements for development and redevelopment projects. The ordinance is meant to provide enforceable language for the proposed LID Guidance Manuals while also providing a compliance mechanism for new permit requirements. The ordinance addresses onsite retention and treatment MS4 Permit requirements.
- The LID Ordinance is organized to include Findings, Definitions and Stormwater Pollution Control Measures for Development Planning and Construction Activities. Permittees were provided the option for more detail language that mentions hydromodification requirements, alternative compliance options and refers to the MS4 Permit for additional requirements (e.g., how to manage and track developer offsite mitigation).

The Duarte Municipal Code (DMC), Chapter 6.15 "Stormwater and Urban Runoff Pollution Control," is hereby amended by deleting it in its entirety and replacing it with the attached Ordinance 15-O-01. The proposed amendments to the Duarte Development Code (MCA 15-02) will address Code compliance with the MS4 Permit.

RECOMMENDATION

Staff recommends that City Council hold a public hearing, review, consider and approved the proposed Ordinance as follows:

- (1) Review, consider and approve **Municipal Code Amendment 15-02 (Attachment A, Ordinance 15-O-01)**; to delete D.M.C. Chapter 6.15 "Stormwater and Urban Runoff Pollution Control" entirely and replace it with the attached Ordinance 15-O-01.

ATTACHMENTS

Attachment A - Ordinance 15-O-01



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 6.15, "STORMWATER AND URBAN RUNOFF POLLUTION CONTROL," TO TITLE 6, "HEALTH AND SANITATION," OF THE DUARTE MUNICIPAL CODE (MCA 15-2)

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

SECTION 1. Title 6, "Health and Sanitation" of the City of Duarte Municipal Code, Chapter 6.15, "Stormwater and Urban Runoff Pollution Control," is hereby amended by deleting it in its entirety and replacing it with the following:

Chapter 6.15 Stormwater and Urban Runoff Pollution Control

- 6.15.010 General Provisions and Legislative Findings.**
- 6.15.011 Short Title.**
- 6.15.020 Definitions.**
- 6.15.030 Responsibility for Administration.**
- 6.15.040 Prohibition and Elimination of Illicit Discharges and Illicit Connections.**
- 6.15.050 Pollutant Discharge Control.**
- 6.15.060 Controlling Spills, Dumping, or Disposal of Materials Other Than Stormwater to the Storm Drain System.**
- 6.15.070 Construction Pollutant Reduction.**
- 6.15.080 Best Management Practices.**
- 6.15.090 Compliance with State and Federal Discharge Requirements.**
- 6.15.100 Inspections.**
- 6.15.110 Enforcement.**
- 6.15.120 Permits.**
- 6.15.130 New Development and Redevelopment Pollutant Reduction.**
- 6.15.140 Low Impact Development Plan.**
- 6.15.150 Filing of the Low Impact Development Plan.**
- 6.15.160 Fees.**
- 6.15.170 Interagency Cooperation.**
- 6.15.180 Judicial Review.**

6.15.010 General Provisions and Legislative Findings.

- A. **AUTHORITY.** The United States Congress passed the Clean Water Act as a mandate, in part, that cities obtain permits to "effectively prohibit non-stormwater discharges into the storm sewers" and "require controls to reduce the discharge of Pollutants to the maximum extent practicable."

This permitting authority has been delegated by the United States Environmental Protection Agency (EPA) to the State of California, which has authorized the State Water Resources Control Board and its regional boards to control non-point source and point source Discharges to waters of the United States. The City is a permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except those Discharges Originating from the City of Long Beach MS4," issued by the Regional Board (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law. The City of Duarte is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.

- B. **APPLICABILITY.** The provisions of this Chapter shall apply to the Discharge, deposit or disposal of any Stormwater and/or Urban Runoff to the Storm Drain System and/or Receiving Waters within any incorporated areas of the City of Duarte.
- C. **PURPOSE AND INTENT.** The purpose and intent of this Chapter is to protect and enhance the quality of the waters of the State and the United States located within and/or flowing out of the City of Duarte, in accordance with the requirements of the Clean Water Act and State law, by:
 - 1. Imposing requirements designed to ensure compliance with all Federal and State laws, regulations and orders applicable to Runoff within the City of Duarte.
 - 2. Effectively prohibiting Non-Stormwater Discharges into the Municipal Stormwater System.
 - 3. Reducing the Discharge of Pollutants to the Municipal Stormwater System, to the Maximum Extent Practicable, including those Pollutants associated with Industrial and Commercial Activities, as needed for the City of Duarte to be determined to be in compliance with applicable water quality standards/receiving water limitations.
 - 4. Prohibiting and eliminating Illicit Discharges and Connections to the Municipal Stormwater System.
 - 5. Establishing measures to control the Discharge of spills, dumping, or disposal of materials other than Stormwater to the Municipal Stormwater System.
 - 6. Developing and implementing a progressive enforcement policy to ensure that regulated Industrial/Commercial Facilities, construction

Project Sites, Development and Redevelopment Project Sites with post-construction controls, and Illicit Discharges are each brought into compliance with all Stormwater and Non-Stormwater requirements within a reasonable time period.

- D. **CONSTRUCTION AND APPLICATION.** This Chapter shall be interpreted to be consistent with the requirements of the Municipal NPDES Permit. This Chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose more protective standards for human health or the environment shall take precedence.

6.15.011 Short Title.

This Chapter is entitled "Stormwater and Urban Runoff Pollution Control Ordinance of the City of Duarte" and shall be known by this title throughout this Code.

6.15.020 Definitions.

The following words and phrases, whenever used in this Chapter, shall have the meanings defined in this Section unless the context clearly requires otherwise. The following words and phrases shall have the following meanings when used in this Chapter:

(a) "Authorized Enforcement Staff" means any City employee, including Code Enforcement, Building Inspectors and Public Works staff, assigned to duties involving permits and other City approvals, inspections, and enforcement related to this Chapter.

(b) "Automotive Service Facility" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes: 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539. For inspection purposes, this term does not include SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to Stormwater.

(c) "Basin Plan" means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994, and including subsequent amendments.

(d) "Best Management Practice (BMP)" means practices or physical devices or systems designed to prevent or reduce Pollutant loading from

Stormwater or Non-Stormwater Discharges to the Municipal Stormwater System, or designed to reduce the volume of Stormwater or Non-Stormwater Discharges to the Municipal Stormwater System.

(e) “Biofiltration” means a LID BMP that reduces Stormwater Pollutant Discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Biofiltration BMPs include Bioretention systems with an underdrain and Bioswales.

(f) “Bioretention” means a LID BMP that reduces Stormwater Discharges to the Municipal Stormwater System by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. Bioretention systems typically include a minimum top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES Permit, a Bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a Bioretention BMP is designed or constructed with an underdrain it is regulated under this Chapter and under the Municipal NPDES Permit as a Biofiltration BMP.

(g) “Bioswale” means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are to be designed to collect Stormwater Discharges and to achieve a uniform sheet flow through the use of dense vegetation for a period of several minutes.

(h) “City” means the City of Duarte or its duly authorized representatives.

(i) “Clean Water Act” means the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., and all amendments thereto and all regulations thereunder.

(j) “Co-Permittee” means Los Angeles County Flood Control District, the County of Los Angeles, and any one of the 84 municipalities (including the City), who are identified as “permittees” under the Municipal NPDES Permit.

(k) “Commercial Activity” means any public or private activity involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.

(l) “Commercial Development” means any development on private land that is not heavy industrial or residential. Commercial Development includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

(m) "Commercial Malls" means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A Commercial Mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

(n) "Community Development Director" or "Director" means the Director of Community Development of the City of Duarte, and his or her duly authorized agent, deputy, or representative designated to administer, implement or enforce the provisions of this Chapter.

(o) "Construction Activity" means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or Routine Maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, or to maintain the original line and grade, hydraulic capacity, or the original purposes of the facility.

(p) "Control Measure" means a method to minimize, reduce or eliminate by technological, legal, contractual or other means, the Discharge of Pollutants from an activity or activities.

(q) "Development" means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include Routine Maintenance to maintain the original line and grade, hydraulic capacity, or the original purpose of the facility; nor does it include emergency construction activities required to immediately protect public health and safety.

(r) "Directly Adjacent" means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of an Environmentally Sensitive Area.

(s) "Discharge" means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance. The term includes additions of Pollutants from: Runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other Persons which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

(t) "Disturbed Area" means an area that is altered as a result of clearing, grading, and/or excavation.

(u) "Environmentally Sensitive Areas (ESAs)" is an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). The term includes areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area otherwise identified by the City or a Co-Permittee as environmentally sensitive.

(v) "Flow-through BMPs" means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.

(w) "Green Roof" means a LID BMP using planter boxes and vegetation to intercept rainfall on a roof surface. A Green Roof includes a roof that intercepts rainfall by vegetation leaves and through evapotranspiration. Green Roofs may be designed as either a Bioretention BMP or as a Biofiltration BMP. If designed as a Bioretention BMP, the Green Roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.

(x) "Hazardous Materials" means any material defined as a "hazardous material," a "hazardous substance" or a "hazardous waste" as such terms are defined within section 25501 of the California Health and Safety Code, and as may be amended from time to time.

(y) "Hillside" means a property located in an area with known erosive soil conditions, where the Development contemplates grading on any natural slope that is 25° or greater and where grading contemplates cut or fill slopes.

(z) "Hydromodification" means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation.

(aa) "Illicit Connection" means any man-made device through or by which an Illicit Discharge is conveyed into the Municipal Stormwater System without a permit, including but not limited to floor drains, pipes, channels, inlets, or any fabricated or natural conduits, excluding roof drains which convey only Stormwater.

(bb) "Illicit Discharge" means any Discharges to or from the Municipal Stormwater System that is prohibited under local, state or federal statutes, ordinances, codes or regulations. Illicit Discharges include all Non-Stormwater Discharges that are prohibited by the NPDES Permit and not otherwise exempted or conditionally exempted thereunder or otherwise allowed by a special waiver or exemption granted by the Regional Board.

(cc) "Impervious Surface" means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in Runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to Development. Examples of places that commonly exhibit Impervious Surfaces include: Parking Lots, driveways, roadways, storage areas, and rooftops utilizing paving, compacted gravel, compacted earth, and/or oiled earth.

(dd) "Industrial Activity" means any public or private activity that is associated with any of the eleven categories of activities specified in 40 Code of Federal Regulations 122.26(b)(14) and required to obtain an NPDES permit.

(ee) "Industrial/Commercial Facility" means any facility involved and/or used in either the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing industrial or commercial services. This category of facility includes, but is not limited to, any facility falling within the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

(ff) "Industrial Park" means land development areas set aside specifically for industrial operations. Industrial Parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which allow for both office and light industry uses.

(gg) "Infiltration BMP" means a LID BMP that reduces Stormwater Runoff by capturing and infiltrating the Runoff into in-situ soils or amended onsite soils. Examples of Infiltration BMPs include infiltration basins, dry wells, and pervious pavement.

(hh) "LID" means Low Impact Development. LID consists of building and landscape features designed to retain or filter Stormwater and Non-Stormwater Runoff.

(ii) "Maximum Extent Practicable" means such term as used and interpreted in accordance with the Clean Water Act.

(jj) "Municipal NPDES Permit" means the California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, NPDES

No. CAS004001 Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles, or such subsequent NPDES permit that may be issued in its place, including all amendments to such permits. The operative Municipal NPDES Permit will be kept on file with the City Clerk.

(kk) "Municipal Separate Storm Sewer System ("MS4" or "Municipal Stormwater System")" means a conveyance or system of conveyances owned or operated by the City, designed or used for collecting or conveying Stormwater including but not limited to flood control channels, roads with drainage systems, alleys, streets, catch basins, grates, inlets, curbs, gutters, ditches, storm drains, canals, pipes and fabricated and natural channels.

(ll) "National Pollutant Discharge Elimination System (NPDES)" means a permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Clean Water Act.

(mm) "Natural Drainage System" means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a Natural Drainage System shall not cause said system to otherwise be classified as an improved drainage system.

(nn) "New Development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of Impervious Surfaces, and land subdivision.

(oo) "Non-Stormwater" means any Discharge that is not composed entirely of Stormwater.

(pp) "Owner" as applied to a building or real property, means any legal owner of such building or real property, including any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of such building or real property.

(qq) "Parking Lot" means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.

(rr) "Person" means any natural person, firm, association, organization, partnership, business trust, corporation, or company.

(ss) "Pollutant" has the same meaning as set forth in the California Water Code section 13373. Pollutants include, but are not limited to garbage, debris, lawn clippings, leaves, fecal waste, biological waste, sediment, sludge, manure, fertilizers, pesticides, oil, grease, gasoline, paints, solvents, cleaners, and

any fluid or solid containing toxic or nontoxic chemicals and metals, including batteries.

(tt) "Project" means all Development and Redevelopment land disturbing activities. The term is not limited to "Project" as that term is defined under the California Environmental Quality Act ("CEQA" – Cal. Pub. Resources Code §21000 et. seq.).

(uu) "Rainfall Harvest and Use" means a LID BMP system designed to capture Runoff, typically from a roof, but can also include Runoff capture from elsewhere within the property, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department.

(vv) "Receiving Waters" means all rivers, lakes, oceans, or other bodies of water that are considered waters of the United States under the Clean Water Act.

(ww) "Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of Impervious Surface area on an already developed Site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of Impervious Surface area that is not part of Routine Maintenance activity; and land disturbing activity related to structural or Impervious Surfaces. It does not include Routine Maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency Construction Activities required to immediately protect public health and safety.

(xx) "Regional Board" means the California Regional Water Quality Control Board, Los Angeles Region.

(yy) "Restaurant" means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

(zz) "Retail Gasoline Outlet" means any facility engaged in selling gasoline and lubricating oils.

(aaa) "Routine Maintenance" includes but is not limited to Projects conducted to:

- i. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

- ii. Perform, as needed, restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
- iii. Includes road shoulder work, re-grading dirt or gravel roadways and shoulders and performing ditch cleanouts.
- iv. Update existing lines (which includes replacing existing lines with new materials and/or pipes) and facilities to comply with applicable codes, standards, and regulations regardless if such Projects result in increased capacity.
- v. Repair leaks.

Routine Maintenance does not include the construction of new lines or facilities required to comply with applicable codes, standards and/or regulations. New lines are those that are not associated with existing facilities and are not part of a Project to update or replace existing lines.

(bbb) "Runoff" means any surface runoff, including Stormwater and dry weather flows, from a drainage area within or entering the jurisdiction of the City of Duarte. During dry weather Runoff is typically comprised of base flow either contaminated with Pollutants or uncontaminated, and nuisance flows.

(ccc) "Significant Ecological Areas" (SEAs) means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

- i. The habitat of rare, endangered, and threatened plant and animal species.
- ii. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.
- iii. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.
- iv. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating ground and is limited in availability either regionally or within Los Angeles County.
- v. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations,

or represent an unusual variation in a population or community.

- vi. Areas important as game species habitat or as fisheries.
- vii. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.
- viii. Special areas.

(ddd) "Site" means commonly identified land or water areas, where activities of any kind or nature are or can be conducted thereon. The term includes, but is not limited to, any improvements, structures, buildings, piping, or equipment located within such area, and further includes any adjacent land or water used in any way in connection with such area.

(eee) "State General Permit" means any general NPDES permit adopted by the State Board which authorizes Discharges from Construction Activities or Industrial Activities under certain conditions.

(fff) "Storm Drain System" means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of Runoff.

(ggg) "Stormwater" means any snow melt runoff, and surface runoff and drainage related to precipitation events.

(hhh) "Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of Pollutants in Runoff (e.g. canopy, structural enclosure). The term includes both what are commonly understood to be treatment control BMPs and source control BMPs.

(iii) "State Stormwater Pollution Prevention Plan (SWPPP)" is a plan, as required by a State General Permit, identifying potential Pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent Non-Stormwater Discharges and reduce Pollutants in Stormwater Discharges during activities covered by the State General Permit.

(jjj) "Untreated" means any Non-Stormwater Runoff, wastewater or wash waters that have not been subjected to an applicable treatment control BMP, or that are not otherwise in compliance with conditions of an applicable NPDES permit.

(kkk) "Urban Runoff" means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

6.15.030 Responsibility for Administration.

The administration, oversight and implementation of this Chapter is delegated to the Community Development Director.

6.15.040 Prohibition and Elimination of Illicit Discharges and Illicit Connections.

A. **ILLICIT DISCHARGES PROHIBITED.** No Person shall cause, permit allow or facilitate an Illicit Discharge to enter the Storm Drain System

1. All Persons who cause, permit, allow, or facilitate Non-Stormwater to enter the Storm Drain System pursuant to an exemption or a conditional exemption under the Municipal NPDES Permit must comply with the following requirements:

- a. Notify the City of the planned Discharge in advance, consistent with the requirements in the Municipal NPDES Permit;
- b. Obtain any local permits required by the City;
- c. Provide documentation of any other necessary permits or water quality certifications;
- d. Conduct monitoring of the Discharge if required by the City;
- e. Implement BMPs and/or Control Measures as specified in the Municipal NPDES Permit as a condition of the approval to Discharge into the MS4; and
- f. Maintain records of the Discharge into the MS4, consistent with the requirements in the Municipal NPDES Permit.

B. **ILLICIT CONNECTIONS PROHIBITED.** No Person shall construct, utilize, maintain, operate or permit the existence of any Illicit Connection on any premises owned, controlled, or operated by such Person. All Illicit Connections constructed, utilized, maintained, operated or permitted in the past must be terminated and removed.

6.15.050 Pollutant Discharge Control.

A. **GENERAL DISCHARGE PROHIBITIONS.** No Person shall cause, permit, allow, or facilitate a Discharge of any of the following to the Storm Drain System or a Receiving Water:

1. Any liquids, solids or gases which by reason of their nature or quantity are flammable, reactive, explosive, corrosive, or radioactive, or by interaction with other materials could result in fire, explosion or injury.
2. Any solid or viscous materials which could cause obstruction to the flow or operation of the Storm Drain System.
3. Any Pollutant that injures or constitutes a hazard to human, animal, plant, or fish life, or creates a public nuisance.
4. Any noxious or malodorous liquid, gas, or solid in sufficient quantity, either singly or by interaction with other materials, which creates a public nuisance, hazard to life, or inhibits authorized entry of any Person into the Storm Drain System.
5. Any medical, infections, toxic or hazardous material or waste.
6. Any product registered under the Federal Insecticide, Fungicide, and Rodenticide Act unless it is a product used for lawn and agricultural purposes.

B. CONTROLLING THE DISCHARGE OF POLLUTANTS ASSOCIATED WITH COMMERCIAL, INDUSTRIAL, OR CONSTRUCTION ACTIVITIES.

1. All Persons engaged in Construction or Industrial Activities requiring a State General Permit shall have the following readily available on-site and shall, upon reasonable request from Authorized Enforcement Staff, provide such documents:
 - a. One (1) copy of the Notice of Intent for the State General Permit.
 - b. The waste discharge identification number issued by the State Board.
 - c. One (1) copy of the SWPPP and Stormwater monitoring plan.

The documents must be retained for three (3) years from the date generated or submitted, whichever is later.

2. Except as allowed under a State General Permit, no Person performing any Industrial or Commercial Activity shall cause, permit, allow, or facilitate a Discharge of any of the following into the Storm Drain System:

- a. Untreated wastewater from steam cleaning, mobile carpet cleaning, or from other such mobile commercial or industrial operations;
- b. Untreated Runoff containing grease, oil, antifreeze, other fluids from machinery, equipment, tools or motor vehicles, or hazardous substances;
- c. Untreated Runoff from the washing of toxic materials from paved or unpaved areas;
- d. Wastewater from the washing out of concrete trucks;
- e. Untreated wash water from Retail Gasoline Outlets and Automotive Service Facilities; and
- f. Untreated Runoff from the washing of Impervious Surfaces unless the washing is specifically required by State or local health and safety codes or unless the Discharge is conditionally exempt by the Municipal NPDES Permit.

6.15.060 Controlling Spills, Dumping, or Disposal of Materials Other Than Stormwater to the Stormwater Drain System.

- A. LITTERING. This Section is in addition to any other anti-littering provisions provided in this Code. If any provision contained in this Section conflicts with another provision of the Code, the more stringent, restrictive provision shall govern.
 1. No Person shall cause, permit, allow, or facilitate the Discharge of any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, gutter, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City so that such materials, when exposed to Stormwater or any Runoff, become a Pollutant in the Storm Drain System.
 2. No Person shall intentionally dispose or cause the disposal of leaves, dirt, or other landscape debris into the Storm Drain System.
 3. No Person shall spill, dump or dispose of any pesticide, fungicide, or herbicide, directly into the Storm Drain System.
 4. No Person shall cause, permit, allow, or facilitate the Discharge of Hazardous Materials in a manner that results or potentially could result in a Discharge of these materials onto any sidewalk, street or gutter that flows into the Storm Drain System.

5. No Person shall store oil or oily material, fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries and any toxic or Hazardous Material(s) in a manner that causes or potentially could cause a Discharge of these materials or wastes into the Storm Drain System.
6. No Person shall cause, permit, allow, or facilitate the Discharge of any sanitary or septic wastes from any source into the Storm Drain System.

6.15.070 Construction Pollutant Reduction.

A. DEVELOPMENT CONSTRUCTION REQUIREMENTS. Runoff from Construction Activity at all construction Project Sites shall meet the following minimum requirements:

1. Sediments generated on the Project Site shall be retained using adequate Structural BMPs;
2. Construction-related materials, wastes, spills, or residue shall be retained at the Project Site to avoid a Discharge to streets, drainage facilities, Receiving Waters, or adjacent properties by wind or Runoff;
3. Non-Stormwater Runoff from equipment and vehicle washing and any other activity shall be contained at the Project Site; and
4. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planning and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

B. CITY REVIEW AND PLAN APPROVAL.

1. Prior to the issuance of a permit for a New Development or Redevelopment Project, the Project will be evaluated using the applicable State General Permit, and erosion and grading requirements of the City to determine (i) its potential to generate the flow of Pollutants into the MS4 during construction; and (ii) the effectiveness of the SWPPP for the proposed Project in complying with the requirements of this Chapter. Each SWPPP will be evaluated on its own merits according to the particular characteristics of the Project and the Site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in addition to any required by the State General Permit for the Project, in order to minimize the flow of Pollutants into the MS4.

2. No grading permit for Developments requiring coverage under the State General Permit shall be issued unless the applicant can show that a proper Notice of Intent to comply with the State General Permit has been filed and that an SWPPP has been prepared for the Project.
3. Stormwater Runoff containing sediment, construction waste or other Pollutants from the construction Site and parking areas shall be reduced to the Maximum Extent Practicable. The following BMPs shall apply to all construction Projects within the City, and shall be required from the time of demolition of existing structures or commencement of construction until receipt of a certificate of occupancy or other evidence of completion of the Project:
 - a. Sediment, construction waste, and other Pollutants from Construction Activities shall be retained on the construction Site to the Maximum Extent Practicable;
 - b. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter beams and similar controls shall be utilized to the Maximum Extent Practicable in order to minimize the escape of sediment and other Pollutants from the Site;
 - c. All excavated soil shall be located on the Site in a manner that minimizes the amount of sediments running onto the street, drainage facilities or adjacent properties. Soil piles shall be covered with plastic or similar material until the soil is either used or removed from the Site;
 - d. No washing of construction or other vehicles is permitted adjacent to a construction Project Site. No water from the washing of construction or other vehicles is permitted to run off the construction Project Site, or to otherwise enter the MS4.
4. As a condition to granting a building permit or grading permit, the City may set reasonable limits on the clearing of natural vegetation from construction Project Sites, in order to reduce the potential for soil erosion. These limits may include, but are not limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.
5. The Community Development Director may require, prior to the issuance of any building or grading permit, the preparation of an appropriate wet weather erosion control plan, an SWPPP or other plans consistent with the goals of this chapter.

6. If the applicant determines that compliance with this section is technically infeasible for its Project, the Project applicant may apply for alternative compliance for technical infeasibility by showing that the incorporation and design elements that address the objectives set forth in this section are impracticable, non-economical, or otherwise physically impossible due to the Site characteristics or other characteristics unique to the Project. Any request for alternative compliance shall be in writing to the Community Development Director and may only be approved where permitted in accordance with the terms of the existing State General Permit.

6.15.080 Best Management Practices.

- A. BMPs. All Persons engaged in Commercial, Industrial, and Construction Activities, shall use BMPs in the use, maintenance, repair and operation of all machinery and equipment utilized on such property, to the Maximum Extent Practicable, in order to minimize and eliminate the Discharge of Pollutants to the Storm Drain System. Such BMPs are to be consistent with those BMPs prescribed by the Municipal NPDES Permit and/or established by resolution of City Council.
- B. STRUCTURAL TREATMENT CONTROL. All Persons conducting activities on Project Sites subject to a Structural BMP shall:
 1. Ensure that each and every Structural BMP is operating effectively and is being adequately maintained; and
 2. Document the operation and maintenance of Structural BMPs and their effectiveness in reducing the Discharge of Pollutants to the Municipal Stormwater System.

6.15.090 Compliance with State and Federal Discharge Requirements.

All Persons engaged in Commercial, Industrial, or Construction Activities, shall comply with all Discharge requirements of the United States Environmental Protection Agency and/or the State Board or Regional Board. Proof of compliance with such Discharge requirements may be required by the City in a form acceptable to the Director, prior to the issuance of any grading, building, or occupancy permit, or any other type of permit or license issued or to be issued by the City.

6.15.100 Inspections.

- A. AUTHORITY TO INSPECT. The Director may, on twenty-four hour oral or written notice, unless exigent circumstances justify a shorter time period, enter upon and inspect any private premises for the purposes of

verifying compliance with the terms and conditions of this Chapter and is authorized to perform the following duties at that time:

1. Inspect, take samples of any Runoff, Discharge or materials within any exposed waste storage area, and perform tests for the purpose of determining the potential for the contribution of Pollutants to the Storm Drain System;
2. Place on the property of the inspected facility or Site any such devices as are reasonably necessary to sample, monitor, measure and record flows of Discharge or threatened Discharge;
3. Inspect, examine and copy all records of the Owner or occupant of the inspected property that pertain to any Discharge to the Storm Drain System, including records relating to chemicals or processes presently or previously occurring on the Site, a General Construction or Industrial Activities Storm Water Permit, a Notice of Intent to comply with a General Construction or Industrial Activities Permit, waste discharge records, waste manifests, monitoring plans, test results, any records or plans relating to discharge connections to the Storm Drain System, and any other information required by this Chapter;
4. Inspect and enforce the provisions of this Chapter requiring the implementation of applicable Best Management Practices;
5. Photograph any materials, storage or process areas, wastes, waste containers, vehicles, connections, Best Management Practices, treatment systems, discharge location(s), or any violation(s) discovered during the inspection; and
6. Abate, correct or prevent Pollutants from entering the Storm Drain System or Receiving Waters.

B. **REPORTING REQUIREMENTS.** Following the completion of an inspection, the Director may require the Owner or operator of the facility to submit regular reports on the facility operations, for so long as the Director determines in his discretion is necessary, as needed to verify compliance with the terms and conditions of this Chapter, or to otherwise show the facility has corrected any violation(s) of this Chapter.

6.15.110 Enforcement.

- A. **ADMINISTRATIVE CITATIONS.** Violations of this Chapter may be abated by administrative action in accordance with the terms and provisions of Chapter 1.08 of this Code.
- B. **NUISANCE.** Violations of this Chapter may be deemed a public nuisance and abated in accordance with the terms and provisions of Chapter 9.32 of this Code.
- C. **CRIMINAL SANCTIONS.**
 - 1. The enforcing attorney may act on the request of the Community Development Director or Authorized Enforcement Staff to pursue enforcement actions in accordance with the provisions of this Chapter.
 - 2. Any Person who may otherwise be charged with a misdemeanor under this Chapter may be charged, at the discretion of the prosecuting attorney, with an infraction punishable by a fine of not more than \$100.00 for a first violation, \$200.00 for a second violation, and a fine not exceeding \$500.00 for each additional violation occurring within one year.
 - 3. Any Person who negligently or knowingly violates any provision of this Chapter, undertakes to conceal any violation of this Chapter, continues any violation of this Chapter after notice thereof, or violates the terms, conditions and requirements of a permit or approval issued pursuant to this Chapter, shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than six months, or both.
- D. **CONSECUTIVE VIOLATIONS.** Each day in which a violation occurs and each separate failure to comply with either a separate provision of this Chapter, an administrative compliance order, a cease and desist order, or a permit issued pursuant to this Chapter, shall constitute a separate violation of this Chapter punishable by fines or sentences issued in accordance herewith.
- E. **NON-EXCLUSIVE REMEDIES.** Each and every remedy available for the enforcement of this Chapter shall be non-exclusive of any other remedies available to the City under any applicable federal, state or local law. It is within the discretion of the Community Development Director, Authorized Enforcement Staff, or enforcing attorney to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this Chapter.

- F. CITATIONS. Pursuant to California Penal Code section 836.5, the Community Development Director or Authorized Enforcement Staff shall have the authority to cause the arrest of any Person committing a misdemeanor or infraction pursuant to the provisions of the Chapter. The Person shall be released and issued a citation to appear before a magistrate in accordance with Penal Code section 853.5, section 853.6, and section 853.9, unless the Person demands to be taken before the magistrate. Following issuance of any citation, the Community Development Director or Authorized Enforcement Staff may refer the matter to the enforcing attorney. All such criminal citations and hearings shall be in accordance with the terms and provisions of Chapter 1.04.
- G. VIOLATIONS OF OTHER LAWS. Any Person acting in violation of this Chapter also may be acting in violation of the Clean Water Act or the California Porter-Cologne Water Quality Control Act (California Water Code § 13000 et seq.) and other laws, and also may be subject to criminal and civil penalties, the payment of restitution, damages, and costs, and injunctive relief under such other laws. Accordingly, the enforcing attorney is authorized to file a citizen suit pursuant to the Clean Water Act (Title 33 U.S.C. § 1365(a)), seeking penalties and injunctive and declaratory relief, the recovery of attorney fees and costs, and other appropriate relief. The enforcing attorney may notify United States Environmental Protection Agency, the State Water Resources Control Board, the Regional Board, or any other appropriate State or local agency, of any alleged violation of this Chapter.
- H. INJUNCTIONS. At the request of the Community Development Director or Authorized Enforcement Staff, the enforcing attorney may cause the filing, in a court of competent jurisdiction, of a civil action seeking an injunction against any threatened or continuing noncompliance with the provisions of this Chapter. Any temporary, preliminary, or permanent injunction issued pursuant hereto may include an order for reimbursement to the City of all costs incurred in enforcing this Chapter, including costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the City, legal expense, including costs and attorney fees, and consultant and expert fees and costs, and costs relating to restoration of the environment.
- I. RECOVERY OF COSTS.
1. The Community Development Director and Authorized Enforcement Staff may recover from any other Person who has been found in violation of this Chapter all costs incurred in the enforcement of the Chapter, including but not limited to:
 - a. All costs relating to investigation, sampling, inspection, monitoring, administrative expenses, legal expenses,

including costs and attorney fees, and consultant and expert fees and costs, and consequential damages;

- b. All costs incurred in mitigating harm to the environment or reducing the threat to human health; and
 - c. Damages for irreparable harm to the environment.
2. The Community Development Director or Authorized Enforcement Staff may cause the enforcing attorney to file an action for civil damages in a court of competent jurisdiction seeking recovery of such costs.

J. OTHER CIVIL REMEDIES

1. The enforcing attorney is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the Stormwater drainage system from any violation of this Chapter where the same has caused damage, contamination or harm to the environment, public property, or the Stormwater drainage system.

6.15.120 Permits.

A. DISCHARGE PERMIT PROCEDURE FOR INDIVIDUAL PERMITS.

1. On application of the Owner of private property or the operator of any facility and/or Site/source, where such private property is not otherwise subject to the requirements of an existing NPDES permit, the Community Development Director may issue an individual permit authorizing Discharges to the MS4 if:
- a. The Discharge of material or constituents is reasonably necessary for the conduct of otherwise legal activities on the private property; and
 - b. The Discharge will not cause or contribute to a violation of the Municipal NPDES Permit.
2. The applicant shall provide all information requested by the Community Development Director for review and consideration of the application, including, but not limited to, specific detail as to the activities to be conducted on the private property, plans and specifications for facilities located on the private property, identification of equipment or processes to be used on-site and other information as may be requested in order to determine the constituents and quantities thereof which may be Discharged if permission is granted.

3. The permit applicant shall be notified whether the permit was granted or denied within sixty (60) business days following the completion and acceptance of the application, as determined by the Community Development Director. The applicant shall be notified in person or by first-class mail of the action taken.
4. The permit may include terms, conditions and requirements to ensure compliance with the objectives of this Chapter, including but not limited to:
 - a. Identification of the discharge location on the private property and the location at which the Discharge will enter the MS4;
 - b. Identification of the constituents and quantities thereof to be Discharged into the MS4;
 - c. Specification of pollution prevention techniques and structural or non-structural control requirements as reasonably necessary to prevent prohibited Discharges;
 - d. Requirements for self-monitoring of any Discharge;
 - e. Requirements for submission of documents or data, such as technical reports, production data, discharge reports, self-monitoring reports and waste manifests; and
 - f. Other terms and conditions appropriate to ensure compliance with the provisions of this Chapter, including requirements for compliance with Best Management Practice guidance documents approved by any federal or regional agency.

B. **DISCHARGE PERMIT PROCEDURE FOR GENERAL PERMITS.** In the discretion of the Community Development Director and in accordance with the conditions identified in this Section, the permit may be prepared as a general permit applicable to a specific category of activities. If a general permit is issued, any Person intending to Discharge within the scope of the authorization provided by the general permit may do so by filing an application to Discharge with the Community Development Director. No Discharge within the scope of the general permit shall occur until such application is filed and has been approved. Notwithstanding the foregoing in this Section, the Community Development Director in his or her discretion may eliminate the requirement that an application be filed for coverage under an already approved general permit.

C. FEES. The permit to Discharge shall be conditioned upon the applicant's payment of the City's costs, in accordance with a fee schedule adopted by City Council resolution, as follows:

1. For individually issued permits, the costs of reviewing the permit application, preparing and issuing the permit and the costs reasonably related to administering this permit program; and
2. For general permits, the costs of reviewing the permit application, that portion of the costs of preparing the general permit which is reasonably attributable to the permittee's application for the general permit and the costs reasonably related to administering the general permit program.

D. PERMIT SUSPENSION, REVOCATION OR MODIFICATION.

1. The Community Development Director may suspend or revoke any permit when it is determined that:
 - a. The permittee has violated any term, condition or requirement of the permit or any applicable provision of this Chapter;
 - b. The permittee's Discharge or the circumstances under which the Discharge occurs have changed so that it is no longer appropriate to exempt the Discharge from the prohibitions contained within this Chapter;
 - c. The permittee failed to comply with any schedule for compliance issued pursuant to this Chapter; or
 - d. Any regulatory agency, including the United States Environmental Protection Agency, the State Water Resources Control Board, the County of Los Angeles, the Los Angeles County Flood Control District, or the Regional Board, having jurisdiction over the Discharge, provides written notice to the City that the Discharge should be terminated.
2. The Community Development Director may modify any permit when it is determined that:
 - a. Federal law, state law, or applicable permit requirements have changed in a manner that necessitates a change in the permit;
 - b. The permittee's Discharge or the circumstances under which the Discharge occurs have changed so that it is

appropriate to modify the permit's terms, conditions or requirements; or

- c. A change to the permit is necessary to ensure compliance with the objectives of this Chapter and/or the Municipal NPDES Permit. The permittee shall be informed of any change in the permit terms and conditions at least forty-five (45) business days prior to the effective date of the modified permit.
3. The determination that a permit shall be denied, suspended, revoked or modified may be appealed by a permittee pursuant to the same procedures applicable to appeal of an administrative compliance order hereunder. In the absence of a judicial order to the contrary, the permittee may not continue to Discharge pending issuance of the final administrative decision by the Hearing Officer.
- E. PERMIT ENFORCEMENT, PENALTIES. Any violation of the terms, conditions and requirements of any permit issued by the Community Development Director shall constitute a violation of this Chapter and subject the violator to the administrative, civil and criminal remedies available under this Chapter.
- F. COMPLIANCE. Compliance with the terms, conditions and requirements of a permit issued pursuant to this Chapter shall not relieve the permittee from compliance with all other federal, state and local laws, regulations and permit requirements applicable to the activity for which the permit is issued.
 1. Permits issued under this Chapter are for the Person identified therein as the "permittee" only, and authorize the specific operation at the specific location identified in the permit. The issuance of a permit does not vest the permittee with a continuing right to Discharge.
 2. No permit may be transferred to allow:
 - a. A Discharge to the MS4 at a location other than the location stated in the permit; or
 - b. A Discharge by a Person other than the permittee named in the permit or identified in a written transfer approved by the Community Development Director.

6.15.130 New Development and Redevelopment Pollutant Reduction.

- A. **OBJECTIVE.** The provisions of this section establish requirements for Construction Activities and facility operations of Development and Redevelopment Projects to comply with the MS4 permit, to lessen the water quality impacts of Development by using smart growth practices, and to integrate LID practices and standards for Stormwater pollution mitigation through means of Infiltration, evapotranspiration, Biofiltration, and Rainfall Harvest and Use. LID shall be inclusive of New Development and/or Redevelopment requirements.
- B. **SCOPE.** This section contains requirements for Stormwater pollution Control Measures in Development and Redevelopment Projects. Nothing in this section shall limit the City from further defining and adopting Stormwater pollution Control Measures, and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies.
- C. **APPLICABILITY.** All Persons engaged in the following Development and Redevelopment Projects shall comply with the requirements of this Chapter:
 - 1. All Development Projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of Impervious Surface area.
 - 2. Industrial Parks with 10,000 square feet or more of surface area.
 - 3. Commercial Malls with 10,000 square feet or more of surface area.
 - 4. Retail Gasoline Outlets with 5,000 square feet or more of surface area.
 - 5. Restaurants with 5,000 square feet or more of surface area.
 - 6. Parking Lots with 5,000 square feet or more of Impervious Surface area, or with 25 or more parking spaces.
 - 7. Street and road construction with 10,000 square feet or more of Impervious Surface area.
 - 8. Automotive Service Facilities with 5,000 square feet or more of surface area.
 - 9. Projects located in or Directly Adjacent to, or discharging directly to an Significant Ecological Area (SEA) where the Development will:

- a. Discharge Stormwater that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of Impervious Surface area
- 10. Single-family Hillside homes.
- 11. Redevelopment Projects.
 - a. Where Redevelopment results in an alteration to more than fifty percent of Impervious Surfaces of a previously existing Development, and the existing Development was not subject to post-construction Stormwater quality control requirements, the entire Project must be mitigated.
 - b. Where Redevelopment results in an alteration of less than fifty percent of Impervious Surfaces of a previously existing Development, and the existing Development was not subject to post-construction Stormwater quality control requirements, only the alteration must be mitigated, and not the entire Development.
 - c. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such Projects create, add, or replace 10,000 square feet of Impervious Surface area.

D. REQUIREMENTS.

All Persons engaged in the Projects identified in this Section shall design their Project Sites to control Pollutants, Pollutant loads, and Runoff volume to the Maximum Extent Practicable by minimizing Impervious Surface area and controlling Runoff from Impervious Surfaces through infiltration, evapotranspiration, Bioretention and/or Rainfall Harvest and Use. The Project applicant shall prepare an LID Plan which implements set LID standards and practices for pollution mitigation and provides documentation demonstrating compliance with the Municipal NPDES Permit on the plans and permit application submitted to the City. LID Plans shall comply with the following:

- 1. The County of Los Angeles Department of Public Works Low-Impact Development Standard Manual. A copy of the manual shall be kept on file with the City Clerk.
- 2. A new single-family Hillside home Development shall include mitigation measures to:
 - a. Conserve natural areas;

- b. Protect slopes and channels (including compliance with Chapter 19.46 of the Duarte Municipal Code) ;
 - c. Provide Storm Drain System stenciling and signage;
 - d. Divert roof Runoff to vegetated areas before Discharge unless the diversion would result in slope instability; and
 - e. Direct surface flow to vegetated areas before Discharge, unless the diversion would result in slope instability.
3. Street and road construction of 10,000 square feet or more of Impervious Surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the Maximum Extent Practicable.
4. The remainder of the Projects identified in this Section shall prepare a LID Plan to comply with the following:
- a. Retain Stormwater Runoff onsite for the Stormwater Quality Design Volume (SWQDV) defined as the Runoff from:
 - i. The 85th percentile 24-hour Runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - ii. The volume of Runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
 - b. Minimize Hydromodification impacts to Natural Drainage Systems as defined in the Municipal NPDES Permit.

Notwithstanding these requirements, no person shall be excused from complying with Chapter 15.09 of the Duarte Municipal Code.

E. ALTERNATIVE COMPLIANCE FOR TECHNICAL INFEASIBILITY.

If the applicant determines that a LID Plan is technically infeasible for its Project, the Project applicant may apply for alternative compliance for technical infeasibility by showing that the incorporation and design elements that address the objectives set forth in this section are impracticable, non-economical, or otherwise physically impossible due to the Project Site characteristics or other characteristics unique to the Project. Any request for alternative compliance shall be in writing to the Community Development Director and may only be approved where permitted in accordance with the terms of the MS4 permit and when all Structural BMPs have been considered and rejected as infeasible.

1. To demonstrate technical infeasibility, the Project applicant must demonstrate that the Project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of Green Roofs and Rainwater Harvest and Use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a Site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:
 - a. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or Bioretention BMPs in retaining the SWQDv on-site;
 - b. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - c. Locations within 100 feet of a groundwater well used for drinking water;
 - d. Brownfield Development Sites or other locations where Pollutant mobilization is a documented concern;
 - e. Locations with potential geotechnical hazards;
 - f. Smart growth and infill or Redevelopment locations where the density and/or nature of the Project would create significant difficulty for compliance with the onsite volume retention requirement.
2. If partial or complete onsite retention is technically infeasible, the Project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
3. Additional alternative compliance options such as offsite infiltration and groundwater replenishment projects may be available to the Project Site. The Project applicant should contact the Community Development Director to determine eligibility.
4. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce Pollutant loading. BMPs must be selected and designed to meet Pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-

through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

- a. 0.2 inches per hour, or
- b. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

6.15.140 Low Impact Development Plan.

- A. **LID PLAN.** Prior to the issuance of a permit for a New Development or Redevelopment Project, the applicant shall submit a LID Plan to the Community Development Director. The LID Plan shall be prepared by a California registered Civil Engineer, Architect, Landscape Architect knowledgeable about Stormwater management issues. The Project will be evaluated using the applicable State General Permit, and erosion and grading requirements of the City to determine (i) its potential to generate the flow of Pollutants into the MS4 after construction; and (ii) how well the LID plan for the proposed Project meets the goals of this chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the Project and the Site to be developed. Based upon the review, the City may impose conditions upon the issuance of the building permit, in addition to any required by the State General Permit for the Project, in order to minimize the flow of Pollutants into the MS4.
- B. **CITY APPROVAL.** No building or grading permit shall be issued until an LID plan has been approved by the Community Development Director.
- C. **EXPIRATION OF CITY APPROVAL.** If no building permit has been issued or no construction has begun on a Project within a period of one hundred eighty (180) days of approval of an LID plan, the LID plan for that Project shall expire. The Community Development Director may extend the time by written extension for action by the applicant for a period not to exceed one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the LID plan, the applicant shall resubmit all necessary forms and other data and pay a new LID plan check fee.

6.15.150 Filing of the Low Impact Development Plan.

Upon approval and acceptance of the LID Plan by the City, the applicant shall file a signed original of the plan with the Los Angeles County Recorder. The document shall contain a sufficient legal description to identify the property covered and shall be binding upon the applicant and all successors in interest to

the property. The format shall be approved by the City and shall only be amended or removed from title with the consent of the City.

6.15.160 Fees.

The City may establish fees for the services provided under this Chapter by resolution of City Council.

6.15.170 Interagency Cooperation.

The Clean Water Act provides for cooperative implementation of requirements and interagency allocations of program resources and burdens. The City intends to cooperate with other Co-Permittees and other MS4 permittees (where appropriate) to ensure that the regulatory purposes underlying surface water Runoff regulations promulgated pursuant to the Clean Water Act are met.

The City may, to the extent authorized by law, elect to contract for the services of any public agency or private enterprise to carry out the planning approvals, inspections, permits and enforcement authorized by this Chapter.

6.15.180 Judicial Review.

The provisions of sections 1094.5 and 1094.6 of the Code of Civil Procedure set forth the procedure for judicial review of any act taken pursuant to this Chapter. Parties seeking judicial review of any action taken pursuant to this Chapter shall file such action within ninety (90) days of the occurrence of the event for which review is sought.

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 enacting this Ordinance is a condition of the Municipal NPDES Permit, the requirements of which are exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code § 21000, including but not limited to sections 21083 and 21084 et seq. The ordinance is subject to CEQA categorical exemptions classes 4, 6 through 9, 21, and 22, pursuant to the CEQA Guidelines, respectively, Title 14, California Code of Regulations Sections 15304, 15306, 15307, 15308, 15309, 15321, and 15322.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, 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, phrases, or portions be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after its passage.

SECTION 5. 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.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2015.

Mayor Tzeitel Paras-Caracci

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

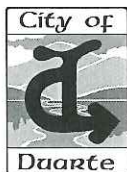
I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. _____ was adopted by the City Council of the City of Duarte at a regular meeting of said Council held on the ____ day of _____, 2015 by the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

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California



CITY COUNCIL STAFF REPORT

Date: January 27, 2015

To: Honorable Mayor and City Council

From: Rafael O. Casillas P.E., Public Works Manager *Pol*

Subject: **RESOLUTION NO. 15-R-01** - The City Council will consider a City initiated request to adopt a Green Street Policy by resolution.

Location/Applicant City Initiated Resolution

SUMMARY

On November 8, 2012, the California Regional Water Quality Control Board, Los Angeles Region adopted the Municipal Separate Storm Sewer System (MS4) permit (Order No. R-2012-0175) to control non-point source and point source Discharges to the MS4. The MS4 Permit requirements became effective on December 28, 2012, with provisions that allow permittees the flexibility to customize their stormwater programs to achieve compliance over time. Municipalities electing to develop an Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Monitoring Program (CIMP) are required to adopt a Green Street Policy.

In February 2013, the Los Angeles Permit Group retained Larry Walker and Associates to develop a draft Green Street Policy that complies with the guidelines of the MS4 Permit. The City Attorney's office and staff reviewed the draft Green Street Policy. The draft Green Street Policy document was submitted to the Regional Water Quality Control Board (RWQCB) on June 28, 2013. The Green Street Policy Resolution adoption is set for January 27, 2015.

The City Council will authorize the adoption of Resolution 15-R-01 establishing Green Street Policy strategies.

ANALYSIS

A green streets policy is not defined within the MS4 Permit with the exception of a reference to USEPA's *Managing Wet Weather with Green Infrastructure: Green Streets* that is cited under the Planning and Land Development provision as guidance for street and road post-construction compliance. This reference is stated below:

- “(1) Development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate storm water pollution, prior to completion of the project(s), are:

....

(g) Street and road construction of 10,000 square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.”

- In the absence of a formal MS4 Permit prescribed definition or guidance for green streets, the purpose green street policy is appropriate for the Los Angeles Permit Group consistent with the requirements of the MS4 Permit. According to US EPA’s *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets*¹, the functional goals of green streets are to “provide source control of stormwater, limit its transport and pollutant conveyance to the collection system, restore predevelopment hydrology to the extent possible, and provide environmentally enhanced roads.”
- The policy details the design elements of green streets design which are summarized below:
 - Street Widths: Minimize impervious cover by narrowing minimum street width requirements. Local governments should examine codes to determine if minimum streets widths can be reduced.
 - Swales: Treat and convey runoff from streets using swales (versus standard curb and gutter). Local governments should ensure that codes, ordinances and standard specifications do not place swales at the bottom of the street development hierarchy with curb and gutter at the top.
 - Bioretention Curb Extensions and Sidewalk Planters: Utilize bioretention areas in the form of planter boxes or curb extensions to treat runoff from streets and sidewalks. Local governments should modify standard specifications to incorporate the specifications for street bioretention areas.
 - Permeable Pavement: Utilize permeable concrete, permeable asphalt, permeable interlocking concrete pavers, and grid pavers. Local

¹ EPA-833-F-08-009, December 2008



governments should incorporate standard specifications for permeable pavement.

- Sidewalk Trees and Tree Boxes: Provide adequate soil volume and good soil mixture to extend the longevity and health of street trees. This can be accomplished through structural soils, root paths, “silva cells”, and permeable pavement.

The City Council will authorize the adoption of Resolution 15-R-01 establishing Green Street Policy strategies. The proposed Resolution will address Code compliance with the MS4 Permit.

RECOMMENDATION

Staff recommends that City Council review, consider and approve the adoption of the Resolution as follows:

- (1) Review, consider and approve the adoption of Resolution 15-R-01 Green Street Policy.

ATTACHMENTS

Attachment A - Resolution 15-R-01

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE,
CALIFORNIA, ADOPTING A GREEN STREET POLICY**

WHEREAS, the Municipal Separate Storm Sewer System (MS4) Permit (Order No. R-2012-0175) was adopted by the California Regional Water Quality Control Board, Los Angeles Region on November 8, 2012. Municipalities electing to prepare a Watershed Management Program or an Enhanced Watershed Management Program under this Permit are required to demonstrate that Green Street policies are in place that specify the use of green street strategies for transportation corridors; and

WHEREAS, The City of Duarte Department of Community Development shall implement green street BMPs for transportation corridors associated with new and redevelopment street and roadway projects, including Capital Improvement Projects (CIPs). This policy is enacted to demonstrate compliance with the NPDES MS4 Permit for the Los Angeles Region (Order No. R4-2012-0175); and

WHEREAS, Green streets are an amenity that provides many benefits including water quality improvement, groundwater replenishment, creation of attractive streetscapes, creation of parks and wildlife habitats, and pedestrian and bicycle accessibility. Green streets are defined as right-of-way areas that incorporate infiltration, biofiltration, and/or storage and use BMPs to collect, retain, or detain stormwater runoff as well as a design element that creates attractive streetscapes;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE,
CALIFORNIA, RESOLVES AS FOLLOWS:**

Section 1. Application. The Department of Community Development shall require new development and/or redevelopment streets and roadway projects and CIP projects conducted within the right-of-way of transportation corridors to incorporate green street BMPs. Transportation corridors projects are major arterials as defined in the City of Duarte's General Plan which add at least 10,000 square feet of impervious surface. Routine maintenance or repair and linear utility projects are excluded from these requirements. Routine maintenance includes slurry seals, repaving, and reconstruction of the road or street where the original line and grade are maintained.

Section 2. Amenities. The Department of Community Development shall consider opportunities to replenish groundwater, create attractive streetscapes, create parks and wildlife habitats, and provide pedestrian and bicycle accessibility through new development and redevelopment of streets and roadway projects and CIPs.

Section 3. Guidance. The Department of Community Development shall use the City of Los Angeles Green Streets guidance, USEPA's *Managing Wet Weather with Green Infrastructure Municipal Handbook: Green Streets (EPA-833-F-08-009, December 2008)*, or equivalent guidance developed by the Department of Community Development for use in public and private developments.

Section 4. Retrofit Scope. The Department of Community Development shall use the City's Watershed Management Program or Enhanced Watershed Management Program to identify opportunities for green street BMP retrofits. Final decisions regarding implementation will be determined by the City Engineer based on the availability of adequate funding.

Section 5. Training. The Department of Community Development shall incorporate aspects of green streets into internal annual staff trainings.

PASSED, APPROVED, AND ADOPTED this 27th day of January, 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 Resolution No. 15-01 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 27th day of January, 2015, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

MEMORANDUM

TO: Darrell J George, City Manager

FROM: Kristen Petersen, Assistant City Manager

DATE: January 20, 2015

SUBJECT: PROPOSITION A FUND EXCHANGE WITH CITY OF LANCASTER

Background

In the Fall of 2014, the City Council directed staff to reach out to cities in Los Angeles County who were interested in exchanging General Fund monies for uncommitted Proposition A transportation funds, which are restricted in use. The City of Duarte, needing funds for its Transit Study and Bicycle and Pedestrian Plan will also need funds to match grants that have been applied for in order to purchase new Duarte Transit buses. While we have not been awarded these grants, if awarded, matching funds will be required and if not awarded the funds will be needed to outright purchase new vehicles, because the existing fleet has far exceeded its useful life. Staff would like to acquire Prop A dollars and use those in lieu of General Funds for the study, the plan, the possible grant matches and/or purchases.

Discussion

The Los Angeles County Metropolitan Transportation Authority (LACMTA) permits cities to exchange their Proposition A funds between cities in Los Angeles County, provided that the City identifies a need for the exchange. The City of Lancaster has identified \$2 Million of its Proposition A funds that could be exchanged for general fund dollars. The proposed exchange of funds with the City of Lancaster provides it with additional funds for general operations and helps the City of Duarte provide funds for the two Transit studies and the anticipated purchase of new Duarte Transit buses.

The proposed exchange is for \$700,000 of Lancaster's uncommitted Proposition A transportation Funds in return for \$490,000 of City of Duarte general fund dollars. The accepted rate of exchange is \$.70 for each \$1.00 in Proposition A funds. The deadline to notify Lancaster of the City's official offer is February 1, 2015. Further, staff will not complete the transaction until all MTA requirements have been satisfied.

Recommendation

That the Duarte City Council, by motion, (1) Authorize the appropriation of \$490,000 in general fund dollars for the purchase of Prop A dollars from the City of Lancaster and, (2) Authorize the City Manager to execute the ensuing agreement.