

MEMORANDUM

TO: City Council
FROM: Assistant City Manager
DATE: November 8, 2018
SUBJECT: Comments on Agenda Items, Meeting of November 13, 2018

ITEM 6A. Gerard Batista will be introduced to City Council as our new Field Services Manager. As some of you know, Gerard first joined the City of Duarte in 2000 and served as our Field Services Supervisor for many years. In 2014, Gerard left our organization for a Manager position in the City of San Gabriel. After a full recruitment process, Gerard was selected as the top candidate and we are very excited to welcome Gerard back to Duarte. We know that Gerard will not only get up to speed quickly, but will bring the wealth of knowledge that he gained from his experience in San Gabriel and take our Field Services Division to the next level.

ITEM 6B. The City Council will be recognizing three groups for their participation and support of the flyover that took place on September 22nd during the Route 66 Parade. Global Eagle Aviation Group, who arranged the flyover, is a well-established team of pilots, skilled mechanics and aviation consultants passionate about aviation. Fulgent Genetics, who sponsored the flyover, is a company based out of Temple City that specializes in clinical genetics testing. The Chinese American Pilot and Aircraft Owner Association provided the pilots and aircraft. John Xie, the lead pilot for the flyover, is a member of the Association and also the COO of Fulgent Genetics.

ITEM 6C. The City Council will be recognizing Max's Mexican Cuisine Restaurant for their support of Public Safety, the Duarte EOC and the Community Emergency Response Team with donations of food and beverages during training and emergency events.

ITEM 6D. An update will be provided on activities undertaken by the Mayor's Youth Council.

ITEM 10D (Consent). Staff is recommending that the City Council adopt a resolution requesting to be exempt from the Congestion Management Program (CMP). The CMP is a state-mandated program that is supposed to assist local agencies in linking land use decisions with impacts on the regions' transportation systems. However, over the last several years, the CMP has become increasingly out of step with regional, state, and federal planning processes and requirements. Recognizing this, the Metro Board of Directors has initiated a process for jurisdictions to opt out of the CMP without penalty by adopting a resolution requesting to be exempt from the CMP. If a majority of the local jurisdictions representing a majority of the population in Los Angeles County opt out of the CMP, Duarte will no longer need to report the development activity to Metro, reducing staff time spent reporting. If the opt-out is successful, it will have no impact on the receipt of gas tax funds by the City.

ITEM 10E (Consent). Staff is recommending that City Council award a contract to FS Contractors in the amount of \$31,800 for the Removal of Architectural Barriers for ADA improvements FY 2018/19. This project was included in the 2018/19 budget and will be funded by CDBG funds.

Comments on Agenda Items
November 8, 2018

ITEM 10F (Consent). Staff is recommending that City Council award a contract to All American Asphalt in the amount of \$526,840 for the 2018 Street Rehabilitation Project. In addition, the item includes the request for a 2018/19 budget amendment in the amount of \$16,140 to account number 2250-8100 for SB1 funded capital projects as the bid came in slightly higher than the original engineer's estimate. A list of the specific section of roadways that will be overlaid and/or slurry sealed are listed in the staff report.

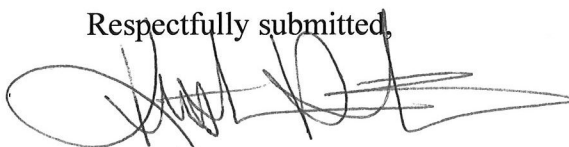
ITEM 12A. Staff is recommending that the City Council approve and authorize the City Manager to sign a lease agreement between the City of Duarte and Verizon Wireless for the construction and operation of a wireless communication facility in a portion of the Royal Oaks Park Extension. The lease term is 5 years, with four 5 year extensions. There is an initial one-time payment of \$210,000 and a monthly lease amount of \$1,750 for the first year with a 1% annual escalator. The facility tower includes the use of decorative art and design amenities that fully screen all equipment. Please note that the lease agreement includes important language that protects the City, including language for terminating the lease if it becomes necessary.

In June 2018, the Parks and Recreation Commission was presented with the proposed cell tower design and project. At that meeting the Commission formally made a recommendation to City Council and the Planning Commission to approve the project. Included in their recommendation was the suggestion that the City Council consider allocating a portion of the proceeds for the improvement of the parking lot and construction of a loop trail and outdoor exercise equipment in the Royal Oaks Park Extension. The Planning Commission reviewed and approved the required conditional use permit and design review application in August 2018.

ITEM 12B. Staff is requesting that City Council direct staff on the topics, services, or projects that they would like to have surveyed by FlashVote. The contract with FlashVote provides for six surveys with up to five questions each. Possible areas to survey are affordable housing, homelessness, retail development, community events, and City programs and services.

ITEM 13. On September 17, 2018, the Governor approved SB 946, which is related to sidewalk vendors. The requirements go into effect January 1, 2019. Staff is recommending that City Council adopt a sidewalk vending ordinance to remove the sections of the existing ordinance that are not in compliance with the new law, and to put into place limitations on sidewalk vending that are allowable under the new law. The new limitations would require that sidewalk vendors apply for a City permit that will identify among other things their name, proposed location, health department permit, type of merchandise, and a release of liability for being on public property. The ordinance also establishes certain administrative fines for violations as allowed under SB 946. A resolution will come back to City Council at the next meeting to establish the sidewalk vendor permit fee. Given the fact that the law becomes effective January 1, 2019, staff is recommending that this ordinance be adopted as an urgency ordinance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kristen Petersen', written over a horizontal line.

Kristen Petersen
Assistant City Manager

MINUTES

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY/COMMUNITY FACILITIES FINANCING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – OCTOBER 23, 2018

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 Fasana called the meeting to order at 6:36 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Finlay (arrived during Closed Session), Kang, Paras-Caracci (arrived during Closed Session), Reilly, Fasana ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Cosgrove
ADOPTION OF AGENDA	Reilly moved, Kang seconded to adopt the Agenda, as amended to adjourn in memory of Jamal Khashoggi, and carried with Finlay and Paras-Caracci not present.
CLOSED SESSION Pending Litigation	There was no public input. Cosgrove stated the Closed Session is pursuant to Government Code Section 54956.9(a), Conference with legal counsel, pending litigation – City of Duarte v. Levon H. Bardakjian, Sylvia R. Bardakjian, Grandpoint Bank, and Does 1 through 50; Case #EC067418 (1001 Las Lomas Road, Duarte). The Closed Session concluded at 7:00 p.m. City Council reconvened at 7:06 p.m., with all members present.
PLEDGE TO THE FLAG	Captain Flores led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	Reilly provided a moment of reflection.
FITNESS/MENTAL WARM-UP	Fasana and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION ITEM	Cosgrove announced the City Council met in Closed Session as stated above and discussed the matter, with no reportable action taken.
SPECIAL ITEMS Proclamation–Filipino-American History Month (Continued from 10/9/18)	Lino Paras thanked Council for recognizing Filipino-American History Month, and suggested there could be an All-American Heritage celebration. Mayor Fasana read and presented the Proclamation for Filipino-American History Month to Jo-Ann Oloteo, and congratulations were extended.
Proclamation–Red Ribbon Week	Mayor Fasana read and presented the Proclamation for Red Ribbon Week to Brian Villalobos, who provided information about the scheduled activities for the special week.

10/23/18

Recognition from LAEDC
“Most Business-Friendly City”
Finalist

Joseph Torres, District Manager, Los Angeles County Economic Development Corporation (LAEDC) described the Eddy Awards program, and presented a plaque to the City in recognition of being nominated as 2018 LAEDC “Most Business-Friendly City” finalist, and presented a certificate of congratulations from Supervisor Kathryn Barger

Steve Hernandez complimented the City on its nomination, and discussed upcoming economic developments.

“Duarte is Business Friendly”
Video

Craig Hensley showed the video “Duarte is Business Friendly,” of which portions were used in the video provided to LAEDC for the City’s nomination. The video highlights comments from community members about the City’s business friendliness.

Public Safety update

Brian Villalobos presented the monthly Public Safety update, and answered questions about graffiti and gang activity.

Paras-Caracci suggested the Public Safety Commission could discuss ways to perhaps support residents whose walls are regularly vandalized with graffiti.

Lino Paras stated his observation is that some taggers are sick, and not members of gangs.

ANNOUNCEMENTS

Jeremy Pascua announced upcoming community events, meetings, and programs in October, November, and December.

Joanna Gee, Duarte Library, announced upcoming classes, programs, events, workshops, and story times in October.

Steve Hernandez announced Rotary meeting tomorrow, and complimented Councilmember Kang on the senior dinner Friday.

Lino Paras discussed upcoming election, representation, and misinformation.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.
Steve Hernandez – Town Center.

CONSENT CALENDAR

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

Approve Items A, B, C, E, F, G, H, I, J, P.

Receive and File Item O.

Remove Items D, K, L, M, N.

Item E – RESOLUTION 18-40
Minimum Wage

Council Bill 18-R-40 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ADJUSTING THE HOURLY RATE SCHEDULE FOR COMPLIANCE WITH THE NEW MINIMUM WAGE REQUIREMENTS

Item F – RESOLUTION 18-41
Healthcare – All Employees

Council Bill 18-R-41 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE FIXING THE EMPLOYER CONTRIBUTION AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS UNDER THE PUBLIC EM-

	PLOYEES' MEDICAL AND HOSPITAL CARE ACT (PERS All Employees)
Item G – RESOLUTION 18-42 Healthcare – City Council	Council Bill 18-R-42 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE FIXING THE EMPLOYER CONTRIBUTION AT AN EQUAL AMOUNT FOR EMPLOYEES AND ANNUITANTS UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT (Non PERS City Council)
Item H – ORDINANCE NO. 884 Zone Change 15-1	Council Bill 18-O-02 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING THE CITY OF DUARTE ZONING MAP TO CHANGE THE ZONING OF THIRTY PARCELS OF LAND FROM "HOSPITAL (H)," "TWO-FAMILY RESIDENTIAL (R-2)," AND "MULTIPLE-FAMILY RESIDENTIAL-HIGH DENSITY (R-4)" TO "CITY OF HOPE SPECIFIC PLAN" (ZONE CHANGE 15-1) (Second Reading)
Item I – ORDINANCE NO. 885 City of Hope Specific Plan	Council Bill 18-O-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING THE CITY OF HOPE SPECIFIC PLAN DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, IDENTIFYING PROJECT INFRA-STRUCTURE AND SERVICES, AND PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE, FOR THIRTY PARCELS OF LAND GENERALLY BOUNDED BY DUARTE ROAD TO THE NORTH; CINCO ROBLES DRIVE, THE DUARTE FLOOD CONTROL CHANNEL, AND BUENA VISTA STREET TO THE WEST; AND THE SANTA FE FLOOD CONTROL BASIN TO THE EAST AND SOUTH (Second Reading)
Item J – ORDINANCE NO. 886	Council Bill 18-O-08 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING AND ADOPTING A DEVELOPMENT AGREEMENT BETWEEN CITY OF HOPE AND THE CITY OF DUARTE, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65864 ET SEQ., AND CHAPTER 19.148 OF THE DUARTE DEVELOPMENT CODE, FOR DEVELOPMENT OF THE PROPERTY AT 1500 EAST DUARTE ROAD IN THE CITY, IN ACCORDANCE WITH THE CITY OF HOPE CAMPUS PLAN, A DEVELOPMENT PLAN FOR THE LONG-TERM GROWTH AND BUILD-OUT OF THE CITY OF HOPE CAMPUS AND ITS SURROUNDING AREAS, INCLUDING NEW INPATIENT, OUTPATIENT, AND RESEARCH AREAS, OFFICE USES, AND RELATED DEVELOPMENT, KNOWN AS THE CITY OF HOPE CAMPUS PLAN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DUARTE AND THE CITY OF HOPE (Second Reading)
ITEMS REMOVED	
Item D – Council Bill 18-R-39 Shelter Crisis	Council Bill 18-R-39 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING A SHELTER

CRISIS PURSUANT TO SB 850 (CHAPTER 48, STATUTES OF 2018 AND GOVERNMENT CODE SECTION 8698.2)

Finlay discussed County tax measure, amount to be received by cities, and grant. George thanked Supervisor Barger's office for meeting with our City and others.

ITEM D – APPROVED
RESOLUTION NO. 18-39

Item K – Hardy & Harper, Inc.
Asphalt Concrete Pavement

ITEM K – APPROVED

Finlay moved, Paras-Caracci seconded to adopt Resolution No. 18-39, and carried unanimously.

Amanda Hamilton, Public Works Manager, answered questions about the project and provided information about the location.

Reilly moved, Fasana seconded to award the contract to Hardy & Harper, Inc., in the amount of \$27,951.24 for Citywide Removal and Replacement of Asphalt Concrete Pavement, and carried unanimously.

Item L – Elecnor Belco Electric
Traffic Signal Backup

Public Works Manager Hamilton presented a staff report on this item, discussed the power interruptions in the City, and provided an explanation as to why the lowest bidder did not qualify. Fasana suggested we could look into phased walk timers.

ITEM L – APPROVED

Reilly moved, Kang seconded to award the contract to Elecnor Belco Electric, Inc., in the amount of \$285,483 for Traffic Signal Battery Backup System and Pedestrian Head and Push Button Improvements, and to approve a budget amendment to add \$35,483 in Highway Users Tax Funds to the FY 2018-19 Highway Users Tax Fund funded project, and carried unanimously.

Item M – Crossing Guard
Agreement – DUSD

Brian Villalobos answered questions about current and future staffing.

ITEM M – APPROVED

Reilly moved, Finlay seconded to approve the Crossing Guard Agreement with Duarte Unified School District, and carried unanimously.

Item N – Crossing Guard
Agreement – CS-Arts

Brian Villalobos answered questions about the location and direction of the crossing guards.

ITEM N – APPROVED

Reilly moved, Finlay seconded to approve the Crossing Guard Agreement with California School of the Arts-San Gabriel Valley, and carried unanimously.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GEORGE: Stated he received notice that the modified EWMP plan was rejected by the Water Board, and thanked staff and Foothill Transit for arranging the Proterra bus facility tour.

PARAS-CARACCI: Congratulated Duarte Kiwanis Club on its installation of officers, attended the Amazing Family Race, she hopes everyone educates themselves and exercises their right to vote, and announced Family Fun Fest on November 11 at Encanto Park.

REILLY: Thanked staff for the Amazing Family Race, attended Mosquito Vector Control meeting where the Asian Citrus Psyllid and mosquito problem was discussed, thanked staff for the advisory message about agricultural inspectors, attended Proterra tour, and attended a meeting of the homeless consortium at the Hacienda La Puente District Adult School.

FINLAY: Thanked staff for the Proterra tour, thanked Councilmember Kang for the dinner at the Senior Center, a resident mentioned possibly filling in the empty tree well on Junipero, a family is concerned with people sitting on bus benches on Third Street who do not board the bus, stated perhaps there may be drug deals, and inquired if bus drivers are trained for that.

KANG: Inquired about the status of the timing of light signals on Duarte Road, Mountain, and Buena Vista. (George and Hensley responded).

FASANA: Stated the Proterra tour was interesting, and attended the Kiwanis installation, retirement dinner for Barbara Messina, and Senator Portantino's HIV Summit.

ADJOURNMENT

Finlay moved, Reilly seconded to adjourn the meeting at 9:14 p.m., in memory of Jamal Khashoggi, and carried unanimously.

Mayor John Fasana

ATTEST:

City Clerk



City of Duarte

Council Warrant Register Over \$5000

By Payment Number

Payment Dates 10/24/2018 - 11/13/2018

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Account Number	Project Account Key	Payment Amount Item Amount
211204	10/25/2018	3655	ALL AMERICAN ASPHALT			103,521.66
	182225	Galen Street Improvement		260-2605-8070		103,521.66
211212	10/25/2018	5887	PCI			11,670.70
	20537	PCI Retention -Street Sweeping Sign P		100-1410-8100	201824-Cap Improv-Street Sweeping Signs	11,670.70
211216	10/25/2018	1124	WS PAVE INC			6,610.00
	3365	Additional Materials Needed		100-1410-7656		750.00
	3365	EMERGENCY GENERATOR REPAIR		100-1410-7656		5,860.00
211228	10/30/2018	0903	CITY OF MONROVIA			19,906.14
	1900191	Fuel-City Manager 8/2018		100-1010-7650		191.43
	1900192	Fuel-Field Services 8/2018		100-1410-7650		1,284.43
	1900193	Fuel-Parks & Recreation 8/2018		100-1605-7650		183.71
	1900193	Fuel-Parks & Recreation 8/2018		100-1610-7650		389.04
	1900194	Fuel-Public Safety 8/2018		100-1205-7650		731.38
	1900195	Fuel-Cmty Development 8/2018		100-1405-7650		115.79
	1900196	Fuel-Sheriff's Dept 8/2018		100-1205-7781		6,771.88
	1900197	Fuel-Transit Dept 8/2018		440-4405-7619		10,238.48
211262	11/13/2018	5086	ACCO ENGINEERED SYSTEMS			6,498.09
	1736322	SC and CC HVAC repair		100-1610-7652		3,201.34
	717101	TCr/SCr Maint Agreement - Oct 2018		100-1610-7652		3,296.75
211266	11/13/2018	5955	ALLIANCE RESOURCE CONSULTING LLC			6,125.00
	DUARTE-03-03	Recruiting Consultant, 3rd Billing		100-1810-7671		6,125.00
211270	11/13/2018	3889	BRIGHTVIEW LANDSCAPE SERVICES INC			22,264.41
	5976311	Landscape Maintenance 10/2018		100-1020-7724		115.00
	5976311	Landscape Maintenance 10/2018		100-1415-7916		2,130.00
	5976311	Landscape Maintenance 10/2018		100-1825-7945	250016-Oper of Acq Prop-1229 Pops Road	41.67
	5976311	Landscape Maintenance 10/2018		100-1825-7945	990002 - Oper of Acq Prop - Duarte Trailer Park	41.67
	5976311	Landscape Maintenance 10/2018		240-2410-7915		7,500.00
	5976311	Landscape Maintenance 10/2018		240-2410-7917		485.00
	5976311	Landscape Maintenance 10/2018		240-2410-7917		4,145.00
	5976311	Landscape Maintenance 10/2018		240-2420-7914		345.16
	5976311	Landscape Maintenance 10/2018		240-2421-7914		1,300.00
	5976311	Landscape Maintenance 10/2018		240-2422-7914		480.58
	5976311	Landscape Maintenance 10/2018		240-2422-7914		900.00
	5976311	Landscape Maintenance 10/2018		240-2423-7914		550.00
	5976311	Landscape Maintenance 10/2018		240-2424-7914		400.00
	5976311	Landscape Maintenance 10/2018		240-2425-7914		180.00
	5976311	Landscape Maintenance 10/2018		240-2426-7914		630.33
	5976311	Landscape Maintenance 10/2018		240-2427-7914		800.00
	5976311	Landscape Maintenance 10/2018		240-2431-7914		835.00
	5976311	Landscape Maintenance 10/2018		240-2432-7914		530.00
	5976311	Landscape Maintenance 10/2018		240-2433-7914		355.00
	5976311	Landscape Maintenance 10/2018		240-2434-7914		500.00
	5976311	Landscape Maintenance 10/2018		240-2435-7914		
211273	11/13/2018	5120	CHARLES ABBOTT ASSOCIATES INC			15,265.85
	58743	Buildig & Safety Srvcs 9/2018		100-1405-7800		15,265.85
211277	11/13/2018	1117	COUNTY OF LOS ANGELES PROBATION DEPARTMENT			21,750.00
	DUA1819-01	Abernathy: Probation PIP 7/1/18 - 6/		100-1205-7783		21,750.00

Council Warrant Register Over \$5000

Payment Dates: 10/24/2018 - 11/13/2018

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Account Number	Project Account Key	Payment Amount Item Amount
211302	11/13/2018	5344	MORSE PLANNING GROUP			12,871.80
	2018-0023	Huntington West 25 MND		100-1405-7965	201913-Prof Svcs-25 West Huntington MND	12,871.80
211303	11/13/2018	2461	MOUNTAIN VISTA PLAZA			11,098.59
	11012018	Public Safety Lease - November 2018		100-1205-7787		11,098.59
211306	11/13/2018	5224	PLACEWORKS			5,433.60
	66772	COH Profesional Svcs (EIR) Sept 2018		100-1405-7965	201406-Prof Serv-City of Hope EIR Reimb	5,433.60
211308	11/13/2018	0904	RKA CONSULTING GROUP			6,661.25
	124474	RO Signal, Sept 2018 Services		100-1405-7969	201725-Royal Oaks Signal-Cap Improvements	240.00
	28048	Contract Engineer 9/2018		100-1405-7969		2,737.50
	28049	Plan Check Eningeering Svcs 9/2018		100-1405-7969		1,760.00
	28050	Engineering Consulting 9/2018		100-1405-7969		1,923.75
211322	11/13/2018	4674	TYLER TECHNOLOGIES INC			11,684.25
	025-235384	Finance System Support 10/1/18 - 12		100-1815-7820		11,684.25
211324	11/13/2018	1521	WEST COAST ARBORISTS INC			20,048.00
	139674	City Wide Tree Trim, 8/1/18 - 8/15/18		240-2410-7906		13,100.00
	141340	Citywide Tree Trimming		240-2410-7906		6,948.00
Payment Total:						281,409.34

Report Summary

Fund Summary

Fund	Payment Amount
100 - GENERAL FUND	127,665.13
240 - LIGHTING AND LANDSCAPE DISTRICT FUND	39,984.07
260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDB	103,521.66
440 - PROPOSITION A TRANSIT FUND	10,238.48
Grand Total:	281,409.34

Account Summary

Account Number	Account Name	Payment Amount
100-1010-7650	Vehicle Maintenance	191.43
100-1020-7724	Post Office Parking	115.00
100-1205-7650	Vehicle Maintenance	731.38
100-1205-7781	Contract Law Enforceme	6,771.88
100-1205-7783	GAPP Program	21,750.00
100-1205-7787	Public Safety Cntr Lease	11,098.59
100-1405-7650	Vehicle Maintenance	115.79
100-1405-7800	Building Department Ser	15,265.85
100-1405-7965	Professional Services	18,305.40
100-1405-7969	City Engineer	6,661.25
100-1410-7650	Vehicle Maintenance	1,284.43
100-1410-7656	Emergency Generator	6,610.00
100-1410-8100	Other Capital Improvem	11,670.70
100-1415-7916	Landscape-Sport Park	2,130.00
100-1605-7650	Vehicle Maintenance	183.71
100-1610-7650	Vehicle Maintenance	389.04
100-1610-7652	Building Maint Services	6,498.09
100-1810-7671	Recruiting Advertisemen	6,125.00
100-1815-7820	Finance System Support	11,684.25
100-1825-7945	Operation Of Acq Prop	83.34
240-2410-7906	Tree Trim-Citywide	20,048.00
240-2410-7915	Landscape-Citywide	7,500.00
240-2410-7917	Landscape-Medians	4,630.00
240-2420-7914	Landscape Maintenance	345.16
240-2421-7914	Landscape Maintenance	1,300.00
240-2422-7914	Landscape Maintenance	480.58
240-2423-7914	Landscape Maintenance	900.00
240-2424-7914	Landscape Maintenance	550.00
240-2425-7914	Landscape Maintenance	400.00
240-2426-7914	Landscape Maintenance	180.00
240-2427-7914	Landscape Maintenance	630.33
240-2431-7914	Landscape Maintenance	800.00
240-2432-7914	Landscape Maintenance	835.00
240-2433-7914	Landscape Maintenance	530.00
240-2434-7914	Landscape Maintenance	355.00
240-2435-7914	Landscape Maintenance	500.00
260-2605-8070	Street Improvements (C	103,521.66
440-4405-7619	Fuel And Oil	10,238.48
Grand Total:		281,409.34

Project Account Summary

Project Account Key	Payment Amount
None	251,109.90
201406-Prof Serv-City of Hope EIR Reimb	5,433.60
201725-Royal Oaks Signal-Cap Improvements	240.00
201824-Cap Improv-Street Sweeping Signs	11,670.70
201913-Prof Svcs-25 West Huntington MND	12,871.80
250016-Oper of Acq Prop-1229 Pops Road	41.67

Project Account Summary

Project Account Key
990002 - Oper of Acq Prop - Duarte Trailer Park
Grand Total:

Payment Amount
41.67

281,409.34



City of Duarte

Council Warrant Register By Account

By Fund

Payment Dates 10/24/2018 - 11/13/2018

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 100 - GENERAL FUND					
100-1005-7641	FOOTHILLS PREGNANCY RESOURCE	JF-Foothills Pregnancy Resource Center Gala	211257		80.00
100-1005-7647	LIZ REILLY	LR-Travel Reimb (July-October 2018)	211307		851.61
100-1005-7647	FOOTHILLS PREGNANCY RESOURCE	LR-Foothills Pregnancy Resource Center Gala	211257		80.00
100-1010-7650	CITY OF MONROVIA	Fuel-City Manager 8/2018	211228		191.43
100-1010-7965	TRIPEPI SMITH & ASSOCIATES	Social Media Research/Training	211321		747.50
100-1010-7965	BECKER BOARDS SMALL LLC	Becker Boards 10/15/18 - 10/28/18	211267		750.00
100-1010-7980	BOTANICA FLORIST	Anniversary Arrangement	211206		43.80
100-1010-7980	BOTANICA FLORIST	Get Well, Lily Kang	211206		46.33
100-1010-7980	BOTANICA FLORIST	TC Patio Unvailling	211206		65.70
100-1020-7710	LUDECKE PROPERTY MANAGEMEN	Chamber Lease 11/2018	211211		1,600.00
100-1020-7722	TRIPEPI SMITH & ASSOCIATES	Constant Contact	211215		1,095.00
100-1020-7722	TRIPEPI SMITH & ASSOCIATES	Constant Contact	211321		378.00
100-1020-7724	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		115.00
100-1205-7610	DUARTE PUBLIC SAFETY PETTY CAS	Contract Cities Board Meeting	211237		75.00
100-1205-7614	DUARTE PUBLIC SAFETY PETTY CAS	Office Supplies	211237		15.84
100-1205-7636	TOM'S CLOTHING & UNIFORMS INC	Uniform E Lepone	211319		147.28
100-1205-7636	TOM'S CLOTHING & UNIFORMS INC	Uniform E Lepone	211319		9.86
100-1205-7650	CITY OF MONROVIA	Fuel-Public Safety 8/2018	211228		731.38
100-1205-7650	ADVANTAGE FORD LINCOLN	Veh #34 Troubleshoot Tire Mobility Light	211263		79.54
100-1205-7655	T-MOBILE	Asset Tracking 9/21/18 - 10/20/18	211318		27.75
100-1205-7655	THOMSON REUTERS-WEST PUBLIS	Emergency Software 9/20/18	211317		148.53
100-1205-7655	T-MOBILE	Emergency Asset Tracking 8/21/18-9/20/18	211318		15.00
100-1205-7761	DATA TICKET INC	Admin Citation Processing Sept 2018	211278		1,086.73
100-1205-7761	DATA TICKET INC	Parking Citation Processing Sept 2018	211278		1,881.15
100-1205-7779	DUARTE PUBLIC SAFETY PETTY CAS	A Team Supplies	211237		12.18
100-1205-7780	D & D SERVICES INC	Deceased Animal Disposal Sept 2018	211222		316.80
100-1205-7780	COUNTY OF LOS ANGELES - ANIMA	Animal Sheltering Svcs Sept 2018	211275		2,213.70
100-1205-7781	DUARTE PUBLIC SAFETY PETTY CAS	Tobacco Sting	211237	201904-Contract Law-Tobacco Grant	16.60
100-1205-7781	CITY OF MONROVIA	Fuel-Sheriff's Dept 8/2018	211228		6,771.88
100-1205-7781	LOS ANGELES COUNTY SHERIFF'S D	Tobacco Grant Enforcement 8/2018	211296	201904-Contract Law-Tobacco Grant	863.56
100-1205-7783	COUNTY OF LOS ANGELES PROBATI	Abernathy: Probation PIP 7/1/18 - 6/30/19	211277		21,750.00
100-1205-7787	MOUNTAIN VISTA PLAZA	Public Safety Lease - November 2018	211303		11,098.59
100-1205-7980	DUARTE PUBLIC SAFETY PETTY CAS	Supplies (Costco)	211237		18.99
100-1211	KAREN HERRERA	Computer Loan	211248		536.24
100-1405-7610	NICHOLAS BALDWIN	2018 APA Planning Conference Expenses	211242		686.61
100-1405-7610	DAVID EOFF	APA Conference Mileage	211209		134.07
100-1405-7650	CITY OF MONROVIA	Fuel-Cmty Development 8/2018	211228		115.79
100-1405-7800	CHARLES ABBOTT ASSOCIATES INC	Buildig & Safety Svcs 9/2018	211273		15,265.85
100-1405-7801	COUNTY OF LOS ANGELES DEPART	Industrial Waste Inspections September 2018	211276		2,652.85
100-1405-7965	LAND DESIGN CONSULTANTS INC	Mel canyon Debris Basin Grant Assistance	211293		97.65
100-1405-7965	MORSE PLANNING GROUP	Huntington West 25 MND	211302	201913-Prof Svcs-25 West Huntington M	12,871.80
100-1405-7965	LDM ASSOCIATES INC	FY19 Federal Grant Admin - Sept 2018	211295		450.00
100-1405-7965	PLACEWORKS	COH Profesional Svcs (EIR) Sept 2018	211306	201406-Prof Serv-City of Hope EIR Reimb	5,433.60
100-1405-7969	RKA CONSULTING GROUP	RO Signal, Sept 2018 Services	211308	201725-Royal Oaks Signal-Cap Improvem	240.00
100-1405-7969	RKA CONSULTING GROUP	Contract Engineer 9/2018	211308		2,737.50
100-1405-7969	RKA CONSULTING GROUP	Plan Check Eningeering Svcs 9/2018	211308		1,760.00
100-1405-7969	RKA CONSULTING GROUP	Engineering Consulting 9/2018	211308		1,923.75
100-1410-7621	AIRGAS USA LLC	Welding Cylinder Rental	211264		49.75
100-1410-7650	GARVEY EQUIPMENT COMPANY	Chipper Maintenance	211287		742.47
100-1410-7650	CITY OF MONROVIA	Fuel-Field Services 8/2018	211228		1,284.43
100-1410-7656	SUNWEST ENGINEERING	Underground fuel Tank Inspection 9/2018	211315		145.00
100-1410-7656	WS PAVE INC	Additional Materials Needed	211216		750.00
100-1410-7656	WS PAVE INC	EMERGENCY GENERATOR REPAIR	211216		5,860.00

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Payment Dates: 10/24/2018 - 11/13/2018

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
100-1410-7810	A1 MAINTENANCE SERVICES CA	Las Brisas street Sweeping	211261		58.00
100-1410-7810	A1 MAINTENANCE SERVICES CA	Los Posadas Homes	211261		58.00
100-1410-8100	PCI	PCI Retention -Street Sweeping Sign Project	211212	201824-Cap Improv-Street Sweeping Sign	11,670.70
100-1415-7889	SITONE LANDSCAPE SUPPLY HOLD	Sports Field Irrigation Repair	211311		63.37
100-1415-7916	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		2,130.00
100-1605-7610	DUARTE RECREATION PETTY CASH	Statewide Parks Offsite Meeting Lunch	211282		17.96
100-1605-7650	CITY OF MONROVIA	Fuel-Parks & Recreation 8/2018	211228		183.71
100-1605-7728	DUARTE RECREATION PETTY CASH	AmeriCorp VIP Event Supplies	211282	201909- Duarte's Promise - America's Pro	70.77
100-1605-7732	UNITED SITE SERVICES	City Picnic Portable Restroom	211252		456.78
100-1605-7733	SALAZAR, JOSE	SC Taco Event, Halloween	211251		420.00
100-1605-7733	DR BRICE HARRIS JR	SC Yemen Program, November	211247		50.00
100-1605-7733	DUARTE PETTY CASH/BINGO PRIZE	SC Bingo Prize Money	211223		100.00
100-1605-7733	THEODORE SIEGEL	SC 'Citizen Kane' Screening/Presentation	211310		150.00
100-1605-7733	DUARTE RECREATION PETTY CASH	SC Special Event Supplies	211282		85.62
100-1605-7733	NATIONAL PEN CORPORATION	SC Christmas Gift Calendars	211304		168.32
100-1605-7735	DUARTE PIZZA COMPANY	TC Duarte Dance Event	211281		37.57
100-1605-7736	AGI ACADEMY	Fall Instructor Fee - Math Workshop	211218		165.90
100-1605-7736	AGI ACADEMY	Fall Instructor Fee - Critical Reading	211218		221.20
100-1605-7736	ALEJANDRO FUENTES	Fall Instructor Fee, Circus Gymnastics	211225		519.75
100-1605-7736	AMERICASIA	Fall Instructor Fee - Golf	211205		318.50
100-1605-7736	YOUNG REMBRANDTS	Instructor Fees, Elem and Cartoon	211217		168.00
100-1605-7741	SOUTHERN CALIFORNIA MUNICIPA	SCMAF Team Registration and Books	211313		66.00
100-1605-7744	LEVON YOTNAKHPARIAN	Pre-Production/Production - Summer Health Camp #1	211325		200.00
100-1605-7744	LEVON YOTNAKHPARIAN	Pre-Production/Production - Summer Health Camp #2	211325		200.00
100-1605-7744	OLGALIVIER GARCIA	Teen Nutrition Council	211226		100.00
100-1605-7744	DYLAN FELICIANO	Teen Nutrition Council	211224		100.00
100-1605-7744	DALYLAH SANDOVAL	Teen Nutrition Council	211232		100.00
100-1605-7744	PEREZ, LUIS	Teen Nutrition Council	211229		100.00
100-1605-7744	ARANZASU CABALLERO	Teen Nutrition Council	211221		100.00
100-1605-7744	ALEXANDRA TAPIA	Teen Nutrition Council	211233		100.00
100-1605-7744	ELAYSSA AQUINO	Teen Nutrition Council	211219		100.00
100-1605-7750	INLAND EMPIRE STAGES LTC	SC Bus Transportation, Fallbrook and Escondido	211250		1,303.00
100-1610-7617	FULLER ENGINEERING INC	Pool Chemicals	211286		228.58
100-1610-7617	FULLER ENGINEERING INC	Pool Chemicals	211286		291.32
100-1610-7618	DUARTE RECREATION PETTY CASH	Maintenance Supplies	211282		9.81
100-1610-7618	MAINTEX INC	Building Supplies	211298		693.76
100-1610-7618	MAINTEX INC	Building Supplies	211298		482.73
100-1610-7618	GRAINGER	Kitchen Faucet	211288		271.36
100-1610-7618	GRAINGER	Brass Handle Kit	211288		45.75
100-1610-7618	GRAINGER	Vandal Resistant Faucet	211288		844.21
100-1610-7618	VICTOR STANLEY INC	Building Supplies Plastic Liners	211323		1,159.41
100-1610-7636	CINTAS CORPORATION #693	Uniforms	211274		98.98
100-1610-7636	CINTAS CORPORATION #693	Facility Maintenance Uniforms	211274		37.22
100-1610-7636	CINTAS CORPORATION #693	Uniforms	211274		66.31
100-1610-7636	CINTAS CORPORATION #693	Uniforms	211274		37.22
100-1610-7650	CITY OF MONROVIA	Fuel-Parks & Recreation 8/2018	211228		389.04
100-1610-7652	UNITED SITE SERVICES	Building Maint Services ROP	211252		456.78
100-1610-7652	DEWEY PEST CONTROL INC	TC October Service	211280		30.00
100-1610-7652	DEWEY PEST CONTROL INC	SC October Service	211280		49.00
100-1610-7652	DEWEY PEST CONTROL INC	FC October Service	211280		30.00
100-1610-7652	DEWEY PEST CONTROL INC	CC October Service	211280		30.00
100-1610-7652	DEWEY PEST CONTROL INC	CH October Service	211280		30.00
100-1610-7652	DEWEY PEST CONTROL INC	Yard October Service	211280		38.00
100-1610-7652	DEWEY PEST CONTROL INC	Museum October Service	211279		38.00
100-1610-7652	SIGN A RAMA COVINA	Vinyl Sign and Installation	211214		118.80
100-1610-7652	JOSEPH A MARTINEZ	Remove Damaged Carpet in CH due to flooding	211299		1,400.00
100-1610-7652	JOSEPH A MARTINEZ	Furnish & Install Carpet in CC Office (JR/IT/FSM)	211301		1,295.00
100-1610-7652	JOSEPH A MARTINEZ	Furnish and install Carpet in CC Conf Room	211300		2,580.00
100-1610-7652	ACCO ENGINEERED SYSTEMS	SC and CC HVAC repair	211262		3,201.34
100-1610-7652	A TO Z CARPETS, FLOOR & WINDO	TC Shade Rollers	211260		1,750.00

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Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
100-1610-7652	FAITH FIRE EXTINGUISHER & SAFET	CC Semi Annual Hood Maint	211285		155.06
100-1610-7652	FAITH FIRE EXTINGUISHER & SAFET	TC Snack Bar Semi Annual Hood Maint	211285		142.80
100-1610-7652	ALBERTOS PLUMBING	Chamber Plumbing Services	211203		435.00
100-1610-7652	ALBERTOS PLUMBING	TC Plumbing Services, Drinking Fountain	211203		950.00
100-1610-7652	ALBERTOS PLUMBING	ROP Pluming Services, ladies Room Faucett	211203		195.00
100-1610-7652	ALBERTOS PLUMBING	Aloysia Moore Park, Drinking Fountain	211265		950.00
100-1610-7652	ALBERTOS PLUMBING	FC Shower Repair	211265		395.00
100-1610-7652	ALBERTOS PLUMBING	ROP Ladies Room Drain Repair	211265		120.00
100-1610-7652	ALBERTOS PLUMBING	TC Utility Room Sink Drain Repair	211265		120.00
100-1610-7652	ACCO ENGINEERED SYSTEMS	TCr/SCr Maint Agreement - Oct 2018	211262		3,296.75
100-1610-7652	EXECUTIVE ELEVATOR INC	SC Elevator Maint Oct 2018	211284		132.00
100-1805-7610	KRISTEN PETERSEN	Mtg with Council Member	211239		35.85
100-1805-7610	SOUTHERN CALIFORNIA ASSOCIATI	SCAG 9th Annual Econ Summit	211312		100.00
100-1805-7980	KRISTEN PETERSEN	Police Report Reimbursment (Monrovia)	211213		50.00
100-1810-7610	GOVERNMENT TAX SEMINARS, LLC	2018 Government Tax Seminar	211227		395.00
100-1810-7671	ALLIANCE RESOURCE CONSULTING	Recruiting Consultant, 3rd Billing	211266		6,125.00
100-1810-7980	NAVIA BENEFIT SOLUTIONS	Participant Fee, October 2018	211305		85.00
100-1815-7820	TYLER TECHNOLOGIES INC	Finance System Support 10/1/18 - 12/31/18	211322		11,684.25
100-1820-7771	SUPERIOR PROPERTY SERVICES INC	Emergency Paint Cleanup	211316		850.00
100-1825-7613	CANON SOLUTIONS AMERICA INC	Copier Paper	211208		104.08
100-1825-7613	CANON SOLUTIONS AMERICA INC	Copier Paper	211208		103.21
100-1825-7613	CANON SOLUTIONS AMERICA INC	Copier Paper	211272		162.06
100-1825-7626	FEDEX	Document Delivery	211210		76.10
100-1825-7626	FEDEX	Document Delivery	211255		66.81
100-1825-7626	MAILFINANCE	Postage Machine Maint, 11/23/18 - 2/22/19	211297		354.14
100-1825-7630	CANON FINANCIAL SERVICES INC	Copier Lease CH (2) 10/1/18 - 10/30/18	211207		869.55
100-1825-7631	CANON FINANCIAL SERVICES INC	Copier Maintenance PS 9/1/18 - 9/30/18	211244		563.50
100-1825-7631	CANON SOLUTIONS AMERICA INC	Copier Maintenance CH (2) 9/16/18 - 10/15/18	211208		501.93
100-1825-7631	CANON SOLUTIONS AMERICA INC	SC Copier Maintenance 9/16/18 - 10/15/18	211208		179.17
100-1825-7631	CANON SOLUTIONS AMERICA INC	TC Copier Maintenance 6/19/18 - 10/15/18	211208		26.67
100-1825-7674	CATHERINE BRATTA	Health Insurance Reimbursement	211269		435.00
100-1825-7674	JACQUELINE BURCKHARD	Health Insurance Reimbursement	211271		218.00
100-1825-7674	STEVE ESBENSHADE	Health Insurance Reimbursement	211283		218.00
100-1825-7674	GINNY JOYCE BELBA	Health Insurance Reimbursement	211268		218.00
100-1825-7674	LINDA HENDERSON	Health Insurance Reimbursement	211289		435.00
100-1825-7674	JIM KIRCHNER	Health Insurance Reimbursement	211291		435.00
100-1825-7747	ANDY MIRANDA	Recycling Worker	211238	201803-Beverage Container Recycle Progr	63.00
100-1825-7747	DYLAN RODRIGUEZ	Recycling Worker	211241	201803-Beverage Container Recycle Progr	31.50
100-1825-7747	ANDY MIRANDA	Recycling Worker	211238	201803-Beverage Container Recycle Progr	31.50
100-1825-7747	SOPHIA ROCHA	Recycling Worker	211240	201803-Beverage Container Recycle Progr	31.50
100-1825-7747	YESENIA CHAVEZ	Recycling Worker	211245	201803-Beverage Container Recycle Progr	53.00
100-1825-7747	ARANZASU CABALLERO	Recycling Worker	211235	201803-Beverage Container Recycle Progr	31.50
100-1825-7747	YESENIA CHAVEZ	Recycling Worker	211236	201803-Beverage Container Recycle Progr	66.25
100-1825-7747	MONICA BARRAGAN	Recycling Worker	211234	201803-Beverage Container Recycle Progr	66.25
100-1825-7945	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270	990002 - Oper of Acq Prop - Duarte Traile	41.67
100-1825-7945	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270	250016-Oper of Acq Prop-1229 Pops Roa	41.67
100-1825-7980	SHRED-IT USA LLC	Document Shredding	211309		287.60
100-2012	CALIFORNIA BUILDING STANDARDS	Green Building Fees Q3 2018	211243		182.00
100-2013	DEPARTMENT OF CONSERVATION	Strong Motion Fees Q3 2018	211246		685.30
100-2023	LUZ YESENIA SERNA	City Kitty Wedding Gift YS	211258		50.00
100-2120	ROSANO, KRISTINA	Baby Shower Dep Refund 10/20/2018	211231		500.00
100-2120	AVINA, MARCELLA	Bday Party Refund	211220		150.00
100-2120	HERRERA, REYNALDO	CC Rental Dep Refund	211249		500.00
100-2120	FERRER, MARIA	ROP Bldg Deposit Refund	211256		150.00
100-2120	SAMUEL KANG	2018 Election Deposit Refund	211290		400.00
100-2121	SUCCESSOR AGENCY OF DUARTE R	US Bank Interest Income (Closing TAB C)	211259		606.61
100-2124	PEREZ, MICHAEL	Bday Party Refund	211230		50.00
100-4201	ALGATTAS, JOHN	Overpayment of Bldg Permit 2018-503	211253		263.80
100-4404	ELIZABETH CALVO	Building Rental Refund	211254		150.00
100-5004	CALIFORNIA BUILDING STANDARDS	Green Building Fees Q3 2018	211243		-18.20

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Account Number	Vendor Name	Description (Item)
100-5004	DEPARTMENT OF CONSERVATION	Strong Motion Fees Q3 2018

Payment Dates: 10/24/2018 - 11/13/2018

Payment No	Project Key	Amount
211246		-34.27
Fund 100 - GENERAL FUND Total:		177,911.47

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Payment Dates: 10/24/2018 - 11/13/2018

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 220 - GAS TAX FUN					
220-2210-7813	TRAFFIC MANAGEMENT INC	No Parking Signs	211320		246.37
Fund 220 - GAS TAX FUN Total:					246.37

Council Warrant Register By Account

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 240 - LIGHTING AND LANDSCAPE DISTRICT FUND					
240-2405-7877	STATE OF CALIFORNIA DEPT OF TRA	Cal Trans Signal Maint 7/18 - 9/18	211314		1,361.41
240-2410-7888	LANDSCAPE WAREHOUSE INC	Encanto Park Maint Services	211294		247.89
240-2410-7888	SITEONE LANDSCAPE SUPPLY HOLD	Citywide Repairs	211311		8.69
240-2410-7888	SITEONE LANDSCAPE SUPPLY HOLD	Citywide Repairs	211311		152.47
240-2410-7906	WEST COAST ARBORISTS INC	City Wide Tree Trim, 8/1/18 - 8/15/18	211324		13,100.00
240-2410-7906	WEST COAST ARBORISTS INC	Citywide Tree Trimming	211324		6,948.00
240-2410-7915	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		7,500.00
240-2410-7917	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		485.00
240-2410-7917	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		4,145.00
240-2420-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		345.16
240-2421-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		1,300.00
240-2422-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		480.58
240-2422-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		900.00
240-2423-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		550.00
240-2424-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		400.00
240-2425-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		747.00
240-2426-7810	A1 MAINTENANCE SERVICES CA	Grocery Outlet Parking Lot Sweeping	211261		180.00
240-2426-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		630.33
240-2427-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		800.00
240-2431-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		835.00
240-2432-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		530.00
240-2433-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		94.28
240-2434-7887	LANDSCAPE WAREHOUSE INC	Citrus Villas Irrigation Repair	211294		355.00
240-2434-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		500.00
240-2435-7914	BRIGHTVIEW LANDSCAPE SERVICES	Landscape Maintenance 10/2018	211270		
Fund 240 - LIGHTING AND LANDSCAPE DISTRICT FUND Total:					42,595.81

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Payment Dates: 10/24/2018 - 11/13/2018

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)					
260-2605-8060	LDM ASSOCIATES INC	FY19 CDBG ADA Curb Ramp	211295	201912-Sidewalk Imprv-CDBG ADA Ramp	650.00
260-2605-8070	ALL AMERICAN ASPHALT	Galen Street Improvement	211204		103,521.66
260-2605-8070	LDM ASSOCIATES INC	CDBG Galen Street Improvement	211295	201825-Cap St Improv-Galen St Improv. Pr	400.00
Fund 260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) Total:					104,571.66

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Payment Dates: 10/24/2018 - 11/13/2018

Account Number	Vendor Name	Description (Item)	Payment No	Project Key	Amount
Fund: 440 - PROPOSITION A TRANSIT FUND					
440-4405-7619	CITY OF MONROVIA	Fuel-Transit Dept 8/2018	211228		10,238.48
440-4405-7887	LA MOBO BUS SERVICE INC	Veh 30 R/R Overheating	211292		419.58
Fund 440 - PROPOSITION A TRANSIT FUND Total:					10,658.06
Grand Total:					335,983.37

Report Summary

Fund Summary

Fund	Payment Amount
100 - GENERAL FUND	177,911.47
220 - GAS TAX FUN	246.37
240 - LIGHTING AND LANDSCAPE DISTRICT FUND	42,595.81
260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDB	104,571.66
440 - PROPOSITION A TRANSIT FUND	10,658.06
Grand Total:	335,983.37

Account Summary

Account Number	Account Name	Payment Amount
100-1005-7641	Travel & Exp - Fasana	80.00
100-1005-7647	Travel & Exp - Reilly	931.61
100-1010-7650	Vehicle Maintenance	191.43
100-1010-7965	Professional Services	1,497.50
100-1010-7980	Other Expenses	155.83
100-1020-7710	Chamber Of Commerce	1,600.00
100-1020-7722	City Web Site	1,473.00
100-1020-7724	Post Office Parking	115.00
100-1205-7610	Travel, Mtgs & Conf	75.00
100-1205-7614	Office Supplies	15.84
100-1205-7636	Uniforms	157.14
100-1205-7650	Vehicle Maintenance	810.92
100-1205-7655	Emergency Services	191.28
100-1205-7761	Parking Ticket Collect	2,967.88
100-1205-7779	Youth Programs	12.18
100-1205-7780	Animal Control	2,530.50
100-1205-7781	Contract Law Enforceme	7,652.04
100-1205-7783	GAPP Program	21,750.00
100-1205-7787	Public Safety Cntr Lease	11,098.59
100-1205-7980	Other Expenses	18.99
100-1211	Computer Loan Program	536.24
100-1405-7610	Travel, Mtgs & Conf	820.68
100-1405-7650	Vehicle Maintenance	115.79
100-1405-7800	Building Department Ser	15,265.85
100-1405-7801	Industrial Waste Inspecti	2,652.85
100-1405-7965	Professional Services	18,853.05
100-1405-7969	City Engineer	6,661.25
100-1410-7621	Other Supplies	49.75
100-1410-7650	Vehicle Maintenance	2,026.90
100-1410-7656	Emergency Generator	6,755.00
100-1410-7810	Street Sweeping	116.00
100-1410-8100	Other Capital Improvem	11,670.70
100-1415-7889	Repairs-Sports Park	63.37
100-1415-7916	Landscape-Sport Park	2,130.00
100-1605-7610	Travel, Mtgs & Conf	17.96
100-1605-7650	Vehicle Maintenance	183.71
100-1605-7728	Americorp's VIP Progra	70.77
100-1605-7732	City Picnic	456.78
100-1605-7733	Senior Center	973.94
100-1605-7735	Teen Center	37.57
100-1605-7736	Recreation Classes	1,393.35
100-1605-7741	Sports/Playground Progr	66.00
100-1605-7744	Nutrition Program Costs	1,100.00
100-1605-7750	Bus Rentals	1,303.00
100-1610-7617	Pool Chemicals	519.90
100-1610-7618	Building Supplies	3,507.03
100-1610-7636	Uniforms	239.73
100-1610-7650	Vehicle Maintenance	389.04

Account Summary

Account Number	Account Name	Payment Amount
100-1610-7652	Building Maint Services	17,938.53
100-1805-7610	Travel, Mtgs & Conf	135.85
100-1805-7980	Other Expenses	50.00
100-1810-7610	Travel, Mtgs & Conf	395.00
100-1810-7671	Recruiting Advertisemen	6,125.00
100-1810-7980	Other Expenses	85.00
100-1815-7820	Finance System Support	11,684.25
100-1820-7771	Repair Of City Property	850.00
100-1825-7613	Duplications And Photos	369.35
100-1825-7626	Postage	497.05
100-1825-7630	Equipment Lease	869.55
100-1825-7631	Equipment Maintenance	1,271.27
100-1825-7674	Retiree Health Insurance	1,959.00
100-1825-7747	Beverage Cont Recycling	374.50
100-1825-7945	Operation Of Acq Prop	83.34
100-1825-7980	Other Expenses	287.60
100-2012	Green Building Fees Pay	182.00
100-2013	Strong Motions Fees Pay	685.30
100-2023	EE City Kitty Contributio	50.00
100-2120	Refundable Deposits	1,700.00
100-2121	Pass Through Deposits	606.61
100-2124	Gazebo Refundable Dep	50.00
100-4201	Building Permits	263.80
100-4404	Other Building Rentals	150.00
100-5004	Other Revenue	-52.47
220-2210-7813	Regulatory Signs	246.37
240-2405-7877	Electric-Traffic Signal	1,361.41
240-2410-7888	Repairs-Citywide	409.05
240-2410-7906	Tree Trim-Citywide	20,048.00
240-2410-7915	Landscape-Citywide	7,500.00
240-2410-7917	Landscape-Medians	4,630.00
240-2420-7914	Landscape Maintenance	345.16
240-2421-7914	Landscape Maintenance	1,300.00
240-2422-7914	Landscape Maintenance	480.58
240-2423-7914	Landscape Maintenance	900.00
240-2424-7914	Landscape Maintenance	550.00
240-2425-7914	Landscape Maintenance	400.00
240-2426-7810	Street Sweeping	747.00
240-2426-7914	Landscape Maintenance	180.00
240-2427-7914	Landscape Maintenance	630.33
240-2431-7914	Landscape Maintenance	800.00
240-2432-7914	Landscape Maintenance	835.00
240-2433-7914	Landscape Maintenance	530.00
240-2434-7887	Repairs & Replacements	94.28
240-2434-7914	Landscape Maintenance	355.00
240-2435-7914	Landscape Maintenance	500.00
260-2605-8060	Sidewalk Improvements	650.00
260-2605-8070	Street Improvements (C	103,921.66
440-4405-7619	Fuel And Oil	10,238.48
440-4405-7887	Repairs & Replacements	419.58
	Grand Total:	335,983.37

Project Account Summary

Project Account Key	Payment Amount
None	303,308.50
201406-Prof Serv-City of Hope EIR Reimb	5,433.60
201725-Royal Oaks Signal-Cap Improvements	240.00
201803-Beverage Container Recycle Program	374.50

Project Account Summary

Project Account Key	Payment Amount
201824-Cap Improv-Street Sweeping Signs	11,670.70
201825-Cap St Improv-Galen St Improv. Project	400.00
201904-Contract Law-Tobacco Grant	880.16
201909- Duarte's Promise - America's Promise Exp	70.77
201912-Sidewalk Imprv-CDBG ADA Ramp Proj	650.00
201913-Prof Svcs-25 West Huntington MND	12,871.80
250016-Oper of Acq Prop-1229 Pops Road	41.67
990002 - Oper of Acq Prop - Duarte Trailer Park	41.67
Grand Total:	335,983.37



CITY COUNCIL STAFF REPORT

Date: November 13, 2018

Project: Electing to be Exempt from Metropolitan Transportation Authority (MTA) Congestion Management Program

Location: Citywide

Applicant: City of Duarte

SUMMARY

The Congestion Management Program (CMP) is a state-mandated program that assists local agencies in linking land use decisions with impacts on the region's transportation systems. It became effective in 1990 after voter approval of Proposition 111, and requires every city in Los Angeles County to implement the provisions of the County's CMP. Implementation and conformance of the program is necessary to assure the City of Duarte continues to receive State gas tax funds (Section 2105) and remains eligible for other State and Federal transportation funding.

Over the last several years, the CMP has become increasingly out of step with regional, state and federal planning processes and requirements. As a result, the Metro Board of Directors has initiated the process for jurisdictions to opt out of the CMP.

Staff recommends that the City Council adopt Resolution 18-R-43 electing to be exempt from the Congestion Management Program.

BACKGROUND

The Metropolitan Transportation Authority (MTA) oversees the CMP for Los Angeles County. Cities are required to submit a Local Development Report, or LDR, to MTA on an annual or bi-annual basis to assist with tracking new building activity. Typically, the City of Duarte is required to hold a public meeting to adopt the LDR. Following the adoption, the LDR and other necessary documents must be submitted to the Los Angeles County MTA for review to determine if the City is in conformance with the provisions of the CMP.

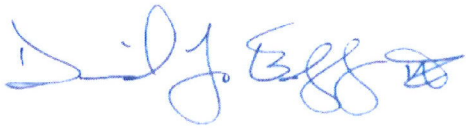
The framework of CMP is rooted in the concept that congestion can be mitigated by continuing to add capacity to roadways. This is measured by a metric known as Level of Service (LOS). Over the past several years, a variety of laws have been passed that move away from LOS and ultimately contradicts CMP policies and Metro's own efforts to promote a sustainable region. Duarte last reported the CMP in 2015. The program was suspended by MTA in 2017 to allow Metro to analyze the CMP. In reviewing the CMP, Metro determined the program has become outdated as a result of the new State requirements. In June of 2018, the Metro Board adopted a recommendation to initiate the CMP opt-out process.

Pursuant to Government Code 65088.3, jurisdictions within a county may opt out of the CMP requirement without penalty, if a majority of local jurisdictions representing a majority of the county's population formally adopt resolutions requesting to opt out of the program. In order for the City of Duarte to opt-out, the City must adopt the attached resolution requesting to be exempt from the CMP. Upon receipt of adopted resolutions from a majority of local jurisdictions representing a majority of the population, Metro will notify the State Controller, Caltrans, and SCAG that Los Angeles County has opted out of the CMP in accordance with statutory requirements. By opting out, the City will no longer need to report the development activity to Metro, eliminating some Staff time and hours to monitor and comply with the program. The City will also continue to receive gas tax funds if/when the opt-out is successful.

RECOMMENDATION

Staff recommends the Duarte City Council adopt Resolution 18-R-43 requesting to be exempt from the Congestion Management Program.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "D. F. Eoff IV", with a stylized flourish at the end.

David F. Eoff IV
Associate Planner

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ELECTING TO BE EXEMPT FROM THE CONGESTION MANAGEMENT PROGRAM**

WHEREAS, in 1990 the voters of California passed Proposition 111 and the requirement that urbanized counties to develop and implement a Congestion Management Program; and

WHEREAS, the legislature and Governor established the specific requirements of the Congestion Management Program by passage of legislation which was a companion to Proposition 111 and is encoded in California Government Code Section 65088 to 65089.10; and

WHEREAS, the Los Angeles County Metropolitan Transportation Authority (Metro) has been designated as the Congestion Management Agency responsible for Los Angeles County's Congestion Management Program; and

WHEREAS, California Government Code Section 65089.3 allows urbanized counties to be exempt from the Congestion Management Program based on resolutions passed by local jurisdictions representing a majority of a county's jurisdictions with a majority of the county's population; and

WHEREAS, the Congestion Management Program is outdated and increasingly out of step with current regional, State, and federal planning processes and requirements, including new State requirements for transportation performance measures related to greenhouse gas reduction; and

WHEREAS; on June 20, 2018, the Metro Board of Directors took action to direct Metro staff to work with local jurisdictions to prepare the necessary resolutions to exempt Los Angeles County from the Congestion Management Program.

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

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. That the City of Duarte hereby elects to be exempt from the Congestion Management Program as described in California Government Code Section 65088 to 65089.10.

PASSED, APPROVED, AND ADOPTED this 13th day of November, 2018.

Mayor John Fasana

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. 18-43 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 13th day of November, 2018, by the following Roll Call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California



MEMORANDUM

To: Mayor and City Council

From: Teresa Renteria, Assistant Civil Engineer

Date: November 13, 2018

Subject: Bid Results and Award of Contract for Removal of Architectural Barriers for ADA Improvements FY 2018-19

RECOMMENDED ACTION

Staff recommends that the City Council award the Removal of Architectural Barriers for ADA Improvements FY 2018-19 contract to FS Contractors, Inc. at 14838 Bledsoe Street, Sylmar CA 91342 in the amount of \$31,800.00.

BACKGROUND

The City Council approved Community Development Block Grant (CDBG) funding for the Citywide ADA Ramps Improvement Project for FY2018-19. The Project will allow for the installation of seven accessible curb ramps within the public right-of-way. Installation of accessible curb ramps will remove barriers to allow for a more accessible and safer path of travel for all pedestrians including the elderly and/or severely disabled.

The project consists of the removal of non-ADA compliant existing ramps and obstructions, grading, forming and installation of new Portland cement concrete curb ramp with detectable warning surfaces for compliance with the Americans with Disabilities Act along the area of Duarte Road. This project will continue to address the path of travel on Duarte Road that leads to the Duarte Gold Line Station. The ramps are located on Duarte Road at the intersections of Park Rose Avenue, Wardell Avenue, Warrington Avenue and Bradbury Avenue.

The specifications for the Project were made available and the Project was published in accordance with the Duarte Municipal Code (DMC) Section 2.36.060.

On October 30, 2018, the City publicly opened eight bids for the subject project. The results of the bid opening are as follow:

Contractor	Total Bid
FS Contractors, Inc.	\$31,800.00
Kalban Inc.	\$38,640.00
Gentry General Engineering, Inc.	\$41,958.40
SDC Engineering, Inc.	\$42,584.20
I.E. Engineering	\$46,800.00
Hardy & Harper	\$49,204.00
E.C. Construction	\$50,579.60
Leonida Builders, Inc.	\$83,200.00

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

ANALYSIS

The lowest responsible and responsive bidder, FS Contractors, Inc. successfully completed work in the past for the City of Duarte and their federal and state license status has been verified by staff.

CONCLUSION

Staff recommends that the City Council award the Removal of Architectural Barriers for ADA Improvements FY 2018-19 contract to FS Contractors, Inc. at 14838 Bledsoe Street, Sylmar CA 91342 in the amount of \$31,800.00.



MEMORANDUM

To: Mayor and City Council

From: Amanda Hamilton, Public Works Manager

Date: November 13, 2018

Subject: Award of Contract for the 2018 Street Rehabilitation Project No. 18-13 and Budget Amendment

RECOMMENDED ACTION

Staff recommends that the City Council award the construction contract for the 2018 Street Rehabilitation Project to All American Asphalt as the lowest responsive and responsible bidder in the amount of \$526,840.00. Staff also recommends a budget amendment in the amount of \$16,140.00.

BACKGROUND

The 2018 Street Rehabilitation Project is focused primarily on the rehabilitation of 14 street segments. The project will focus on asphalt street overlays and slurry seal applications on various streets throughout Duarte. In 2017 the Public Works Division contracted with Bucknam Infrastructure Group to provide the City with a pavement management system. As part of the pavement management system each street segment in the City was analyzed for pavement condition. Based upon budget and pavement condition, staff has determined the best applications for road repair for the 2018 Street Rehabilitation Project.

The sections of roadway that have a pavement index of poor to very poor condition will be cold milled and paved back. For the 2018 Street Rehabilitation Project, there are 6 sections of roadway that will be overlaid.

1. Highland Avenue – From Duarte Road to Central Avenue
2. Mountain Avenue East Side of Street – Meridian Street to Joella Street
3. Santo Domingo Avenue – From Central Avenue to Huntington Drive
4. Fairlee Avenue – Central Avenue to Maynard Drive
5. Bloomdale Street – From Mount Olive Drive to Crestfield Drive
6. Francita Avenue – From Royal Oaks Drive to End of Street

The sections of roadway that have a fair rated pavement will have slurry seal applied to the asphalt to preserve and improve the pavements condition. Some of the sections

determined for the slurry seal application have recently undergone trenching by utility companies. To ensure preservation of the existing pavement and to extend the life of the pavement, staff has identified 10 sections of roadway for the slurry seal application.

1. Calle Martos – From Calle Andra to Las Lomas Road
2. Calle Adra – From Huntington Drive to Calle Martos
3. Calle Linares – From Calle Martos to End of Street
4. Calle Malaga – From Calle Martos to End of Street
5. Calle Villada – From Calla Arda to Calla Arda
6. Bashor Street – From Las Lomas Road to Vineyard Avenue
7. Brinsey Avenue – From Royal Oaks to End of Street
8. Vineyard Avenue – From Royal Oaks to End of Street

On September 22, 2018 and September 29, 2018, the City published an invitation to bid on the 2018 Street Rehabilitation Project in accordance with Duarte Municipal Code (DMC) Section 2.36.060. On October 23, 2018, the City Clerk publicly opened five (5) bids for the subject project. The bids were reviewed for responsiveness to the bid specification requirements.

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

Responsive and responsible bidder results:

1. All American Asphalt	\$526,840.00
2. Hardy & Harper Inc.....	\$558,125.00
3. Onyx Paving Co.....	\$567,000.00
4. Gentry Brothers Inc.....	\$578,190.00
5. Excel Paving.....	\$582,495.00

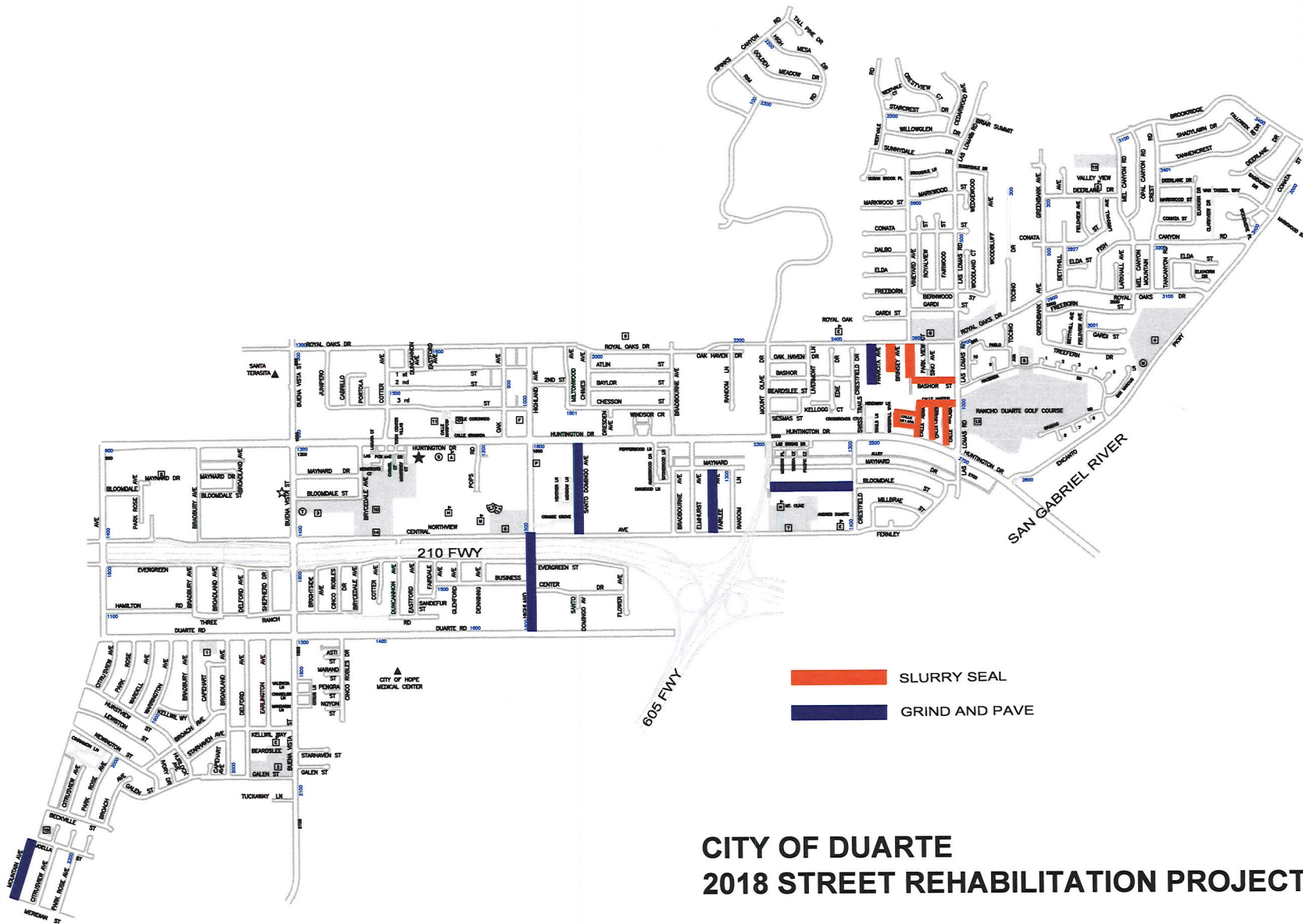
Funding for the 2018 Street Rehabilitation Project will be partially funded through the Road Maintenance Rehabilitation Account and through local transportation funds from the Los Angeles County Metropolitan Transporting Authority.

CONCLUSION

Staff recommends that the City Council motion to approve a budget amendment in the amount of \$16,140.00 and award the 2018 Street Rehabilitation Project to All American Asphalt as the lowest responsive and responsible bidder in the amount of \$526,840.00

Attachments:

1. Project Location Map



MEMORANDUM

TO: Mayor and Councilmembers

FROM: Darrell J. George, City Manager

DATE: November 8, 2018

SUBJECT: Conference Attendance – City Council Meeting of November 13, 2018

California Contract Cities Association
2019 Sacramento Legislative Tour
Monday, January 7, 2019 – Wednesday, January 9, 2019
The Citizen Hotel, 926 J Street, Sacramento 95814
Conference Cost: \$550
Hotel Rate: \$179/night



CALIFORNIA CONTRACT CITIES ASSOCIATION

2019 Sacramento Legislative Tour

WHEN: January 7, 2019 @ 7:30 am –
January 9, 2019 @ 8:00 am

WHERE: The Citizen Hotel
926 J St
Sacramento, CA 95814
USA

CONFERENCE COST: \$550

HOTEL RATE: \$179/NIGHT

January 7 – 9, 2019 Citizen Hotel

Critical to the California Contract Cities Association and its diverse membership is our proactive intergovernmental relations effort. Accordingly, the annual Sacramento Legislative Tour – held over several days in early January to coincide with the start of the new legislative session – affords our members the chance to directly interface with our legislators to share issues impacting our cities and directly hear from the legislative leadership and various state constitutional officers regarding their priorities for the year.

Because of the annual nature of our legislative tour, the California Contract Cities Association is well known in the State Capitol, which acts to strengthen our voice on issues of local and regional concern. If you are an elected or appointed local government official or a proactive member of the business and/or for-profit community, we encourage you to consider attending this critical annual event.

For 2019 Legislative Tour, we will be hosting in-depth introductions on the legislative process and key briefings on legislative policy we anticipate will come before the Legislature.





California Contract Cities Association



****SCHEDULE SUBJECT TO CHANGE****

Monday, January 7, 2019

7:00 AM – 9:00 AM	Registration Opens – <i>The Citizen Hotel</i>
7:30 AM – 8:30 AM	Orientation Breakfast – <i>The Citizen Hotel</i>
9:00 AM – 9:45 AM	Session 1 – <i>Capitol Committee Hearing Room</i>
10:00 AM – 10:45 AM	Session 2 – <i>Capitol Committee Hearing Room</i>
11:00 AM – 11:45 AM	Session 3 – <i>Capitol Committee Hearing Room</i>
12:00 PM – 1:15 PM	Lunch with a Speaker – <i>The Citizen Hotel</i>
2:00 PM – 4:30 PM	Capitol Briefing Sessions – <i>Capitol Committee Hearing Room</i>

EVENING FREE TO DINE WITH YOUR LEGISLATOR

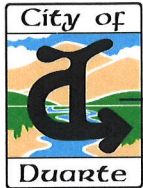
Tuesday, January 8, 2019

9:00 AM – 9:30 AM	Meet with Small Group Assignments – <i>The Citizen Hotel</i>
10:00 AM – 11:30 AM	Legislative Small Group Meetings – <i>State Capitol</i>
12:00 PM – 1:30 PM	Lunch with a Speaker – <i>The Citizen Hotel</i>
2:00 PM – 4:00 PM	Legislative Small Group Meetings – <i>State Capitol</i>
5:00 PM – 7:00 PM	Annual Legislative Reception – <i>The Citizen Hotel</i>

EVENING FREE TO DINE WITH YOUR LEGISLATOR

Wednesday, January 9, 2019

Cities Free to meet with Legislators



CITY COUNCIL STAFF REPORT

Date: November 13, 2018

Project: Lease Agreement Between the City of Duarte and Verizon Wireless for Construction and Operation of a Wireless Communication Facility

Location: 2701 Royal Oaks Drive (Royal Oaks Park Extension)

Applicant: Verizon Wireless

SUMMARY

Verizon Wireless submitted a request to construct and operate a new, freestanding, wireless communication facility at Royal Oaks Park Extension (2701 Royal Oaks Drive). Wireless facilities are allowed within the Open Space zone with a Conditional Use Permit and Site Plan and Design Review approval. Verizon received Planning Commission approval of its conditional use permit and design review applications on August 20, 2018. Since Royal Oaks Park is owned and maintained by the City of Duarte, Verizon is required to enter into a lease agreement with the City of Duarte as the last component to the project.

Staff recommends the City Council approve, and authorize the City Manager to sign, the lease agreement between the City of Duarte and Verizon Wireless.

BACKGROUND

Over the past several months, the Community Development Department and the City Attorney have worked cooperatively to develop a lease agreement for the Verizon Wireless facility at Royal Oaks Park. In summary, the major terms of the lease are listed below:

- **Lease Term:** Initial five (5) year term, with four (4) automatic five year extensions (25 years).
- **Initial Up-Front Payment:** \$210,000.00 as a one-time, non-refundable, lump sum payment.
- **Monthly Lease Payment:** \$1,750.00 a month for the first year, with a 1% annual escalator.
- **Parking Lot Construction and Loss of Park Use Fee:** Use of a portion of the parking lot for a 180-day period as a construction staging area. The fee for the staging area is included in the "Initial Up-Front Payment". The City will also have the option to grant additional time, if necessary for construction, for use of the parking lot at a rate of \$5,000.00 per month.
- **Facility Tower:** Construction of a high-quality cell tower that fully screens all facility equipment and incorporates the use decorative art and design amenities.
- **Public Art Maintenance:** In addition to the standard maintenance of the structure, the lessee will be responsible for the maintenance of all art and design amenities on the

structure and will be required to keep all features in good repair throughout the term of the lease.

Several months back the City Council discussed the proposed lease terms in closed session and agreed, in concept, to terms for the lease. Since that time, an additional up-front payment for park improvements has been included and Verizon has agreed to all terms of the lease. In addition to the major lease points, the agreement includes important language that protects the City and the Community, including language for terminating the lease in the event it becomes necessary. The lease agreement is consistent with other agreements the City currently has with other carriers.

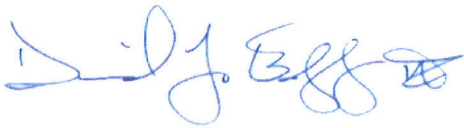
The economic value of the lease agreement will be beneficial to the City and the community. At the completion of construction, a portion of the proceeds could be used to upgrade the parking lot with improved access, compliant ADA accessibility, and installation of new sidewalks. A portion of the proceeds could also be used to construct a loop trail and outdoor exercise equipment in the park, as requested by the Parks and Recreation Department and the Parks and Recreation Commission. This improvement was the addition to the originally proposed lease.

Ultimately, the wireless facility will provide an improved service and capacity for the community by fulfilling a coverage gap in the northeast area of the City. The facility will not impact the use of the park as it is placed in an underutilized area that is separated from the higher-use recreational areas of the park. The facility is also well designed and will fully screen all the wireless equipment. The approved plans are attached as Exhibit A for reference.

RECOMMENDATION

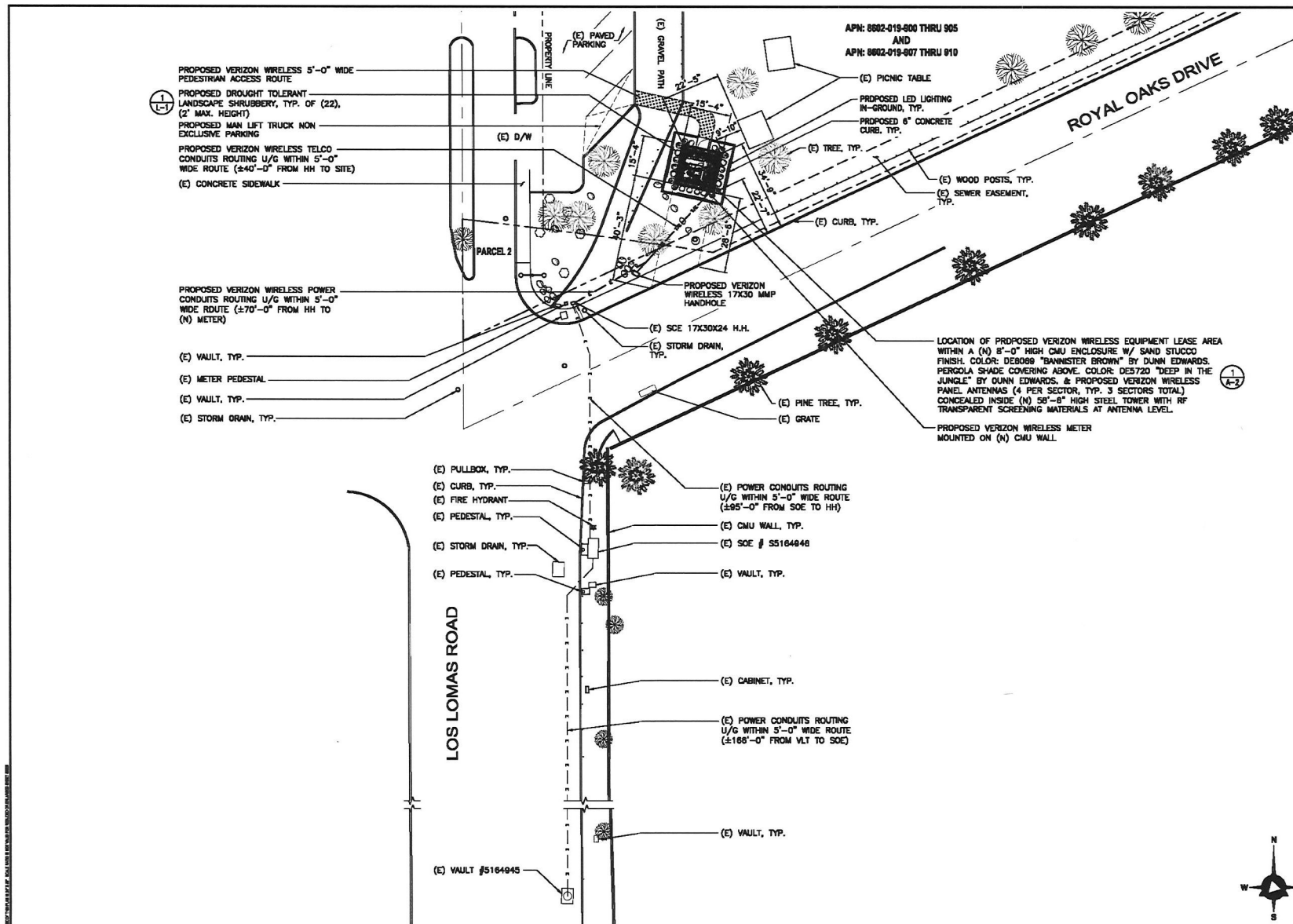
Staff recommends the City Council approve, and authorize the City Manager to sign, the lease agreement between the City of Duarte and Verizon Wireless for the wireless communication facility located at 2701 Royal Oaks Drive in Royal Oaks Park (Extension).

Respectfully Submitted,



David F. Eoff IV
Associate Planner

Attachment: Exhibit A - Approved Plans



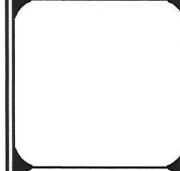
ISSUE STATUS			
REV.	DATE	DESCRIPTION	BY
0	06/12/18	50% 2D	
1	06/12/18	100% 2D	
2	11/15/18	100% 2D	
3	12/02/18	100% 2D	J.D.
4	12/02/18	100% 2D	J.D.
5	09/01/17	100% 2D	J.D.
6	09/01/17	100% 2D	J.D.
7	09/01/18	80% 2D, RELOCATED	TT

DELTA GROUPS ENGINEERING, INC.
CONSULTING ENGINEERS
2282 MAGGAIN AVE. IRVINE, CA 92614
TEL: 949-422-0285 FAX: 949-422-0281
DGE_JOS # 131990338

PROPRIETARY INFORMATION
THIS INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY AND A CONFIDENTIAL TO VERIZON WIRELESS.
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS EXPRESSLY PROHIBITED.

verizon

15505 SAND CANYON AVENUE, D1
IRVINE, CA 92618



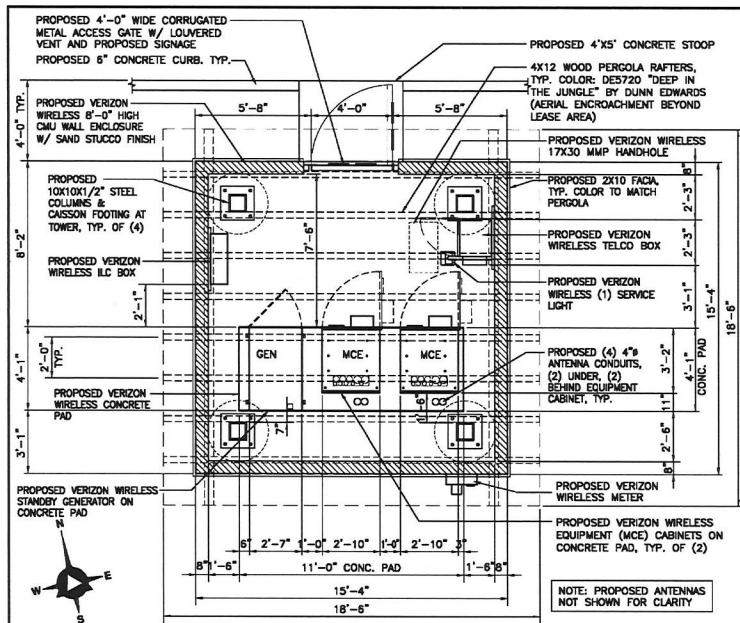
ROYAL OAKS CITY PARK
2701 ROYAL OAKS DR.
DUARTE, CA 91010

SHEET TITLE:
SITE PLAN

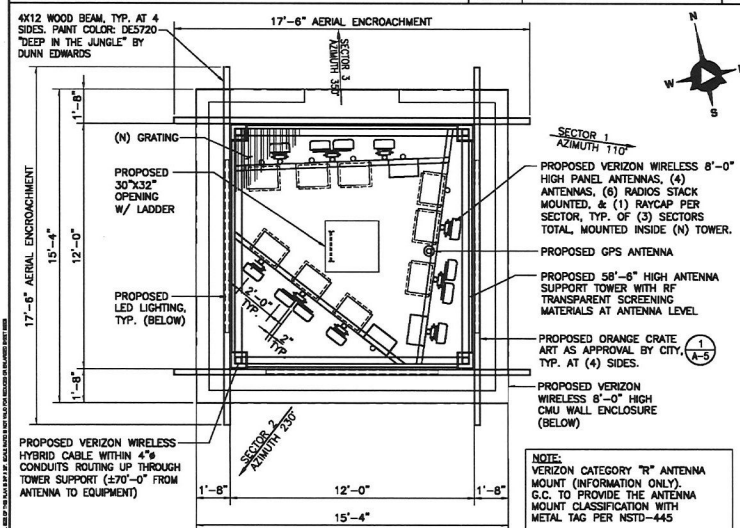
A-1.1

SITE PLAN

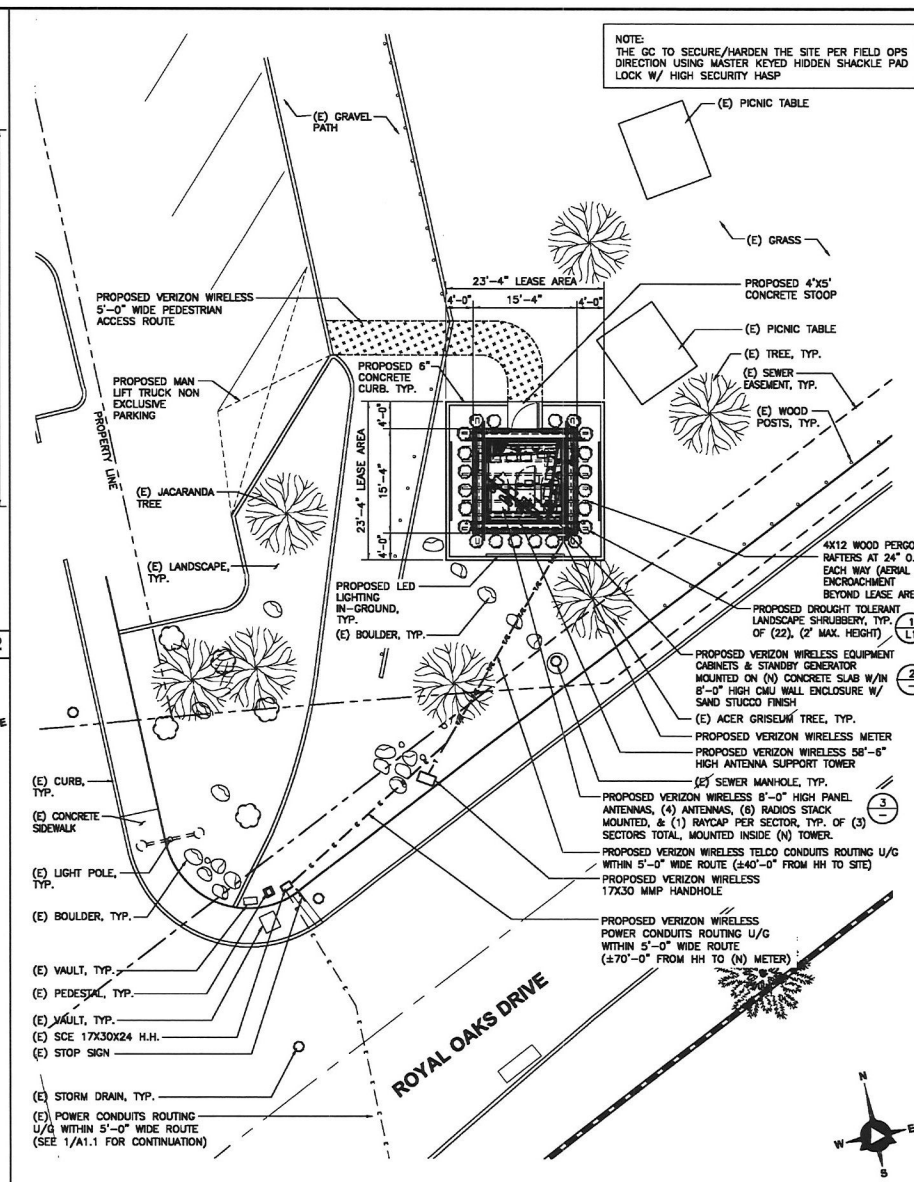




EQUIPMENT AREA PLAN



ANTENNA LAYOUT



ENLARGED SITE PLAN

ISSUE STATUS

REV	DATE	DESCRIPTION	BY
0	06/12/19	80% 2D	
1	06/12/19	100% 2D	
2	11/01/19	100% 2D	
3	12/02/19	100% 2D	J.D.
4	12/02/19	100% 2D	J.D.
5	06/01/17	100% 2D	J.D.
6	06/01/17	100% 2D	J.D.
7	05/09/18	80% 2D - RELOCATED	J.D.

DELTA GROUPS ENGINEERING, INC.
CORPORATE OFFICE
2382 MAGAW AVE. IRVINE, CA 92614
TEL: 949-422-0333 FAX: 949-422-0331
DGE JOB #113VW0308

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED

verizon
15505 SAND CANYON AVENUE, D1
IRVINE, CA 92618

ROYAL OAKS
CITY PARK
2701 ROYAL OAKS DR.
DUARTE, CA 91010

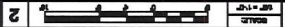
SHEET TITLE:
ENLARGED SITE PLAN, EQUIPMENT PLAN & ANTENNA LAYOUT

A-2

NOTES

ORANGE CRATE LABELS TO BE
REPRODUCED USING SILSCREEN OR
APPROVED EQUIVALENT METHOD OF
FULL COLOR REPRODUCTION APPLIED
DIRECTLY TO RAMP SURFACE. LABELS
TO BE SCALD TO FULL SURFACE TO
WITHIN 12" OF BORDER ON 4 SIDES.

* ANTENNA AZIMUTH SUBJECT TO
CHANGE



MOJAVE
-ORANGE
CRATE LABELS TO BE
REPRODUCED USING SILSCREEN OR
APPROVED EQUIVALENT METHOD OF
FULL COLOR REPRODUCTION APPLIED
DIRECTLY TO RFP SURFACE. LABELS
TO BE SCALD TO FULL SURFACE TO
WITHIN 1/2" OF BORDER ON 4 SIDES.



SHEET TITLE: NORTH & EAST ELEVATIONS

ROYAL OAKS
CITY PARK
2701 ROYAL OAKS DR.
DUARTE, CA 91010

verizon
15505 SAND CANYON AVENUE, D1
RYAN, CA 92616

DELTA GROUPS
ENGINEERING, INC.
CORPORATE OFFICES

2225 W. 14TH AVE., SUITE 400
DENVER, CO 80202
TEL: 346-6222 FAX: 346-6222-3041
DOE JOB # 14200005

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF
DRAWINGS IS PROPRIETARY AND CONFIDENTIAL TO
DELTA GROUPS ENGINEERING, INC.

UNLESS OTHERWISE NOTED, THIS PLAN IS RELATIVE
TO THE EXISTING CONDITIONS.

REV	DATE	DESCRIPTION	AMT
0	06/07/95	50% XJ	
1	08/12/95	10% XZ	
2	01/03/96	10% XZ	
3	01/03/96	10% XZ	
4	01/03/96	10% XZ	
5	01/03/96	10% XZ	
6	01/03/96	10% XZ	
7	01/03/96	10% XZ	
		CALCULATION	JL

ISSUE STATUS

PROPOSED VERIZON WIRELESS 8'-0" HIGH PANEL ANTENNAS, (4) ANTENNAS, (6) RADIOS STACK MOUNTED, & (1) RAYCAP PER SECTOR, TYP. OF (3) SECTORS TOTAL, MOUNTED INSIDE (N) TOWER.

PROPOSED 4X12 WOOD BEAM, TYP. AT 4 SIDES. PAINT COLOR: DUNN EDWARDS DE5720 "DEEP IN THE JUNGLE" EGGSHELL ARISTOSHIELD PAINT, TYP.

PROPOSED FAUX WOOD FINISH FRP SCREENING, PAINT COLOR: DUNN EDWARDS DE8089 "BANNISTER BROWN" FLAT EVERSHIELD PAINT.

PROPOSED ORANGE CRATE ART AS APPROVAL BY CITY, TYP. AT (4) SIDES. NOWACOLOR PAINTS (COLORS AS REQUIRED BY ARTWORK).

PROPOSED LED LIGHTING, TYP.

PROPOSED SQUARE TUBE STEEL BRACING, PAINT COLOR: DUNN EDWARDS DE8089 "BANNISTER BROWN" FLAT EVERSHIELD PAINT.

PROPOSED 10X10 SQUARE TUBE STEEL TOWER LEGS, PAINT COLOR: DUNN EDWARDS DE8089 "BANNISTER BROWN" FLAT EVERSHIELD PAINT.

PROPOSED PAINTED STEEL "ORANGE" MEDALLIONS THE PLATE COVER, TYP. PAINT COLOR: VALSPAR EE2036A "MOLTEN PENNY" VIBRANT METALLIC BRILLIANT METALS PAINT.

PROPOSED VERIZON WIRELESS HYBRID CABLE WITHIN 4" CONDUITS ROUTING UP THROUGH TOWER SUPPORT (±70'-0" FROM ANTENNA TO EQUIPMENT).

(E) LIGHT POLE.

(E) CONCRETE CURB, TYP.

(E) METER.

(E) STOP SIGN, TYP.

PROPOSED DROUGHT TOLERANT LANDSCAPE SHRUBBERY, TYP. (2' MAX. HEIGHT)

(E) JACARANDA TREE (BEYOND)

(E) TREE, TYP.

PROPOSED 4X12 WOOD PERGOLA MEMBER, TYP. PAINT COLOR: DUNN EDWARDS DE8089 "BANNISTER BROWN" FLAT EVERSHIELD PAINT.

PROPOSED 2X10 FASCIA, TYP. COLOR TO MATCH PERGOLA.

(E) WOOD POSTS W/ CHAIN, TYP.

PROPOSED VERIZON WIRELESS METER

PROPOSED VERIZON WIRELESS EQUIPMENT CABINETS & STANDBY GENERATOR W/IN 8'-0" HIGH CMU WALL ENCLOSURE W/ SAND STUCCO FINISH, PAINT COLOR: DUNN EDWARDS DE8089 "BANNISTER BROWN" FLAT EVERSHIELD PAINT.

(E) BOULDER, TYP. (IN FOREGROUND)

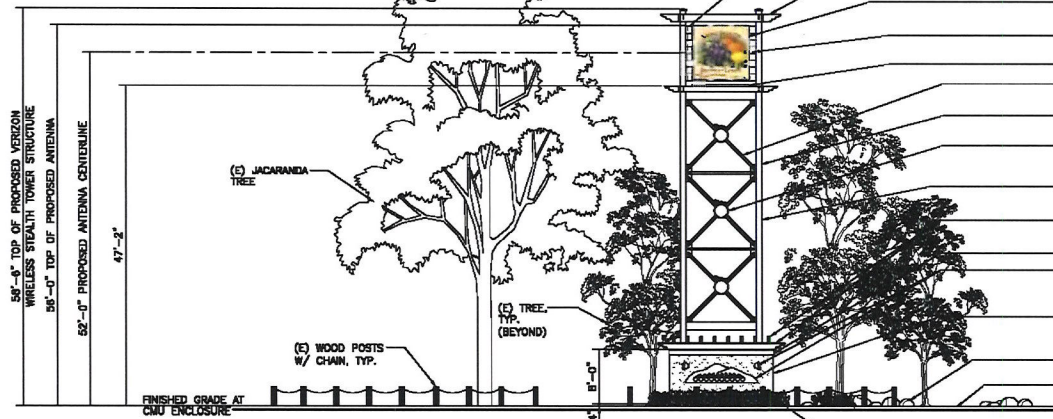
NOTES:
- ORANGE CRATE LABELS TO BE REPRODUCED USING SILKSCREEN OR APPROVED EQUIVALENT METHOD OF FULL COLOR REPRODUCTION APPLIED DIRECTLY TO FRP SURFACE. LABELS TO BE SCALED TO FILL SURFACE TO WITHIN 12" OF BORDER ON 4 SIDES.

* ANTENNA AZIMUTHS SUBJECT TO CHANGE

SOUTH ELEVATION

SCALE: 1/8" = 1'-0" 1

NOTES:
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PROPOSED 2X10 FASCIA, TYP. COLOR TO MATCH PERGOLA.

PROPOSED METAL ARTWORK, TYP. PAINT COLOR: DUNN EDWARDS DE8366 "MIDLAND TAN" FLAT EVERSHIELD PAINT.

PROPOSED VERIZON WIRELESS EQUIPMENT CABINETS & STANDBY GENERATOR W/IN 8'-0" HIGH CMU WALL ENCLOSURE W/ SAND STUCCO FINISH, PAINT COLOR: DUNN EDWARDS DE8089 "BANNISTER BROWN" FLAT EVERSHIELD PAINT.

(E) BOULDER, (BEYOND), TYP.

(E) CONCRETE CURB, TYP.

PROPOSED DROUGHT TOLERANT LANDSCAPE SHRUBBERY, TYP. (2' MAX. HEIGHT)

* ANTENNA AZIMUTHS SUBJECT TO CHANGE

WEST ELEVATION

SCALE: 1/8" = 1'-0" 2

ISSUE STATUS

REV	DATE	DESCRIPTION	BY
0	08/10/16	00% CD	
1	08/10/16	100% CD	
2	11/09/16	100% CD	
3	12/09/16	100% CD	JL
4	12/09/16	100% CD	JL
5	08/09/17	100% CD	JL
6	08/09/17	100% CD	JL
7	08/09/18	90% CD - RELOCATED	YT

DELTA GROUPS
ENGINEERING, INC.
7289 BROADWAY AVE., IRVINE, CA 92614
TEL: 949-453-0223 FAX: 949-453-0251
DGE_JOB # 170400028

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS.
ANY USE OR DISCLOSURE OTHER THAN AS IF RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED.

verizon
1500 SAND CANYON AVENUE, D1
IRVINE, CA 92618

ROYAL OAKS
CITY PARK
2701 ROYAL OAKS DR.
DUARTE, CA 91010

SHEET TITLE:
SOUTH & WEST ELEVATIONS

A-4

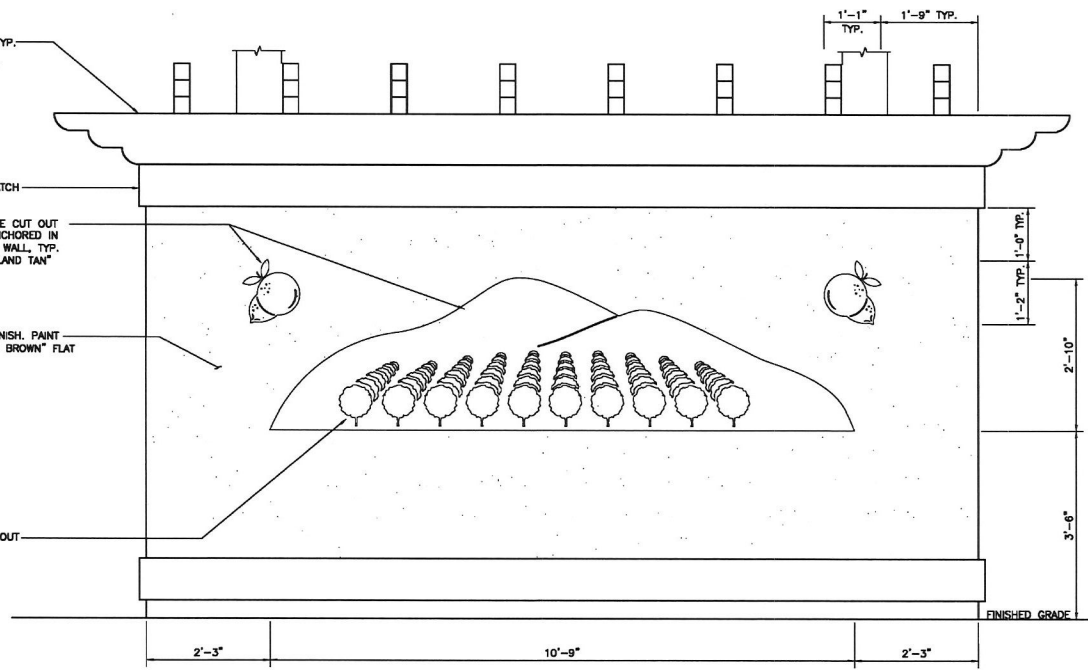
PROPOSED 4X12 WOOD PERGOLA MEMBER, TYP.
PAINT COLOR: DUNN EDWARDS DE8069
"BANNISTER BROWN" FLAT EVERSHIELD PAINT

PROPOSED 2X10 FASCIA, TYP. COLOR TO MATCH
PERGOLA

PROPOSED HEAVY GAUGE SHEET METAL PLATE CUT OUT
ARTWORK MOUNTED ON STANDOFF STUDS ANCHORED IN
CMU BLOCK. STANDOFF ±3" FROM FACE OF WALL, TYP.
PAINT COLOR: DUNN EDWARDS DE5366 "MIDLAND TANT"
FLAT EVERSHIELD PAINT

CMU WALL ENCLOSURE W/ SAND STUCCO FINISH. PAINT
COLOR: DUNN EDWARDS DE8069 "BANNISTER BROWN" FLAT
EVERSHIELD PAINT

PROPOSED CITRUS ORCHARD NEGATIVE CUT-OUT



ENLARGED ARTWORK DETAIL

REV	DATE	DESCRIPTION	BY
0	06/12/16	60% 2D	
1	06/12/16	100% 2D	
2	11/02/16	100% 2D	
3	12/02/16	100% 2D	JG
4	12/02/16	100% 2D	JG
6	06/09/17	100% 2D	JG
8	06/09/17	100% 2D	JG
7	06/09/18	90% 2D - RELOCATED	TT

**DELTA GROUPS
ENGINEERING, INC.**
CONSULTING ENGINEERS

2562 BIGGAM AVE. IRVINE, CA 92614
TEL: 949-422-0333 FAX: 949-422-0331
DGE JOB # 113W00330

PROPRIETARY INFORMATION
THE INFORMATION CONTAINED IN THIS SET OF
DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO
VERIZON WIRELESS

ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES
TO VERIZON WIRELESS IS STRICTLY PROHIBITED

verizon
15555 SAND CANYON AVENUE, D1
IRVINE, CA 92618

ROYAL OAKS
CITY PARK
2701 ROYAL OAKS DR.
DUARTE, CA 91010

SHEET TITLE:
**ENLARGED ARTWORK
DETAIL**

A-5

DATE: 12/02/16, DESIGNED BY: JG, CHECKED BY: JG, SCALE: 1/8" = 1'-0", DRAWING NO: 113W00330, SHEET NO: A-5

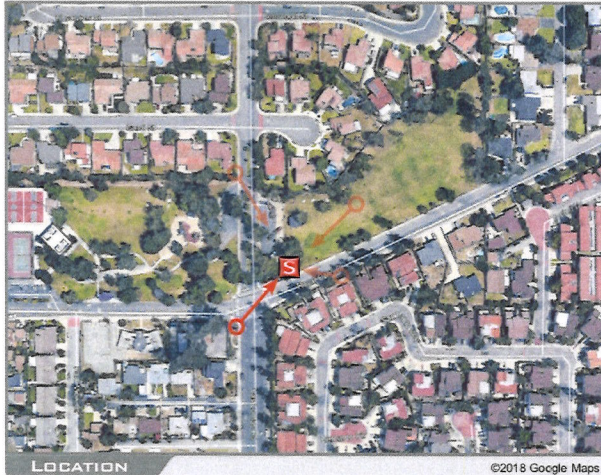


ROYAL OAKS

2701 ROYAL OAKS DRIVE DUARTE CA 91010



VIEW 1



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

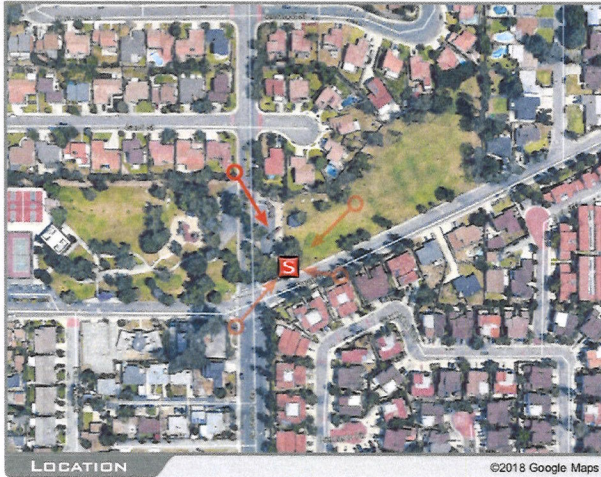


ROYAL OAKS

2701 ROYAL OAKS DRIVE DUARTE CA 91010



VIEW 2



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

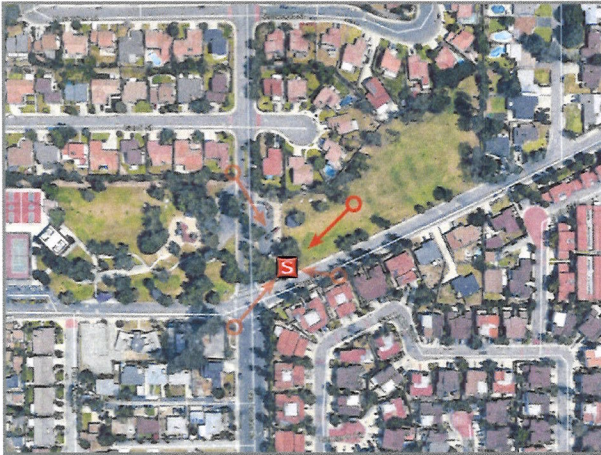


ROYAL OAKS

2701 ROYAL OAKS DRIVE DUARTE CA 91010



VIEW 3

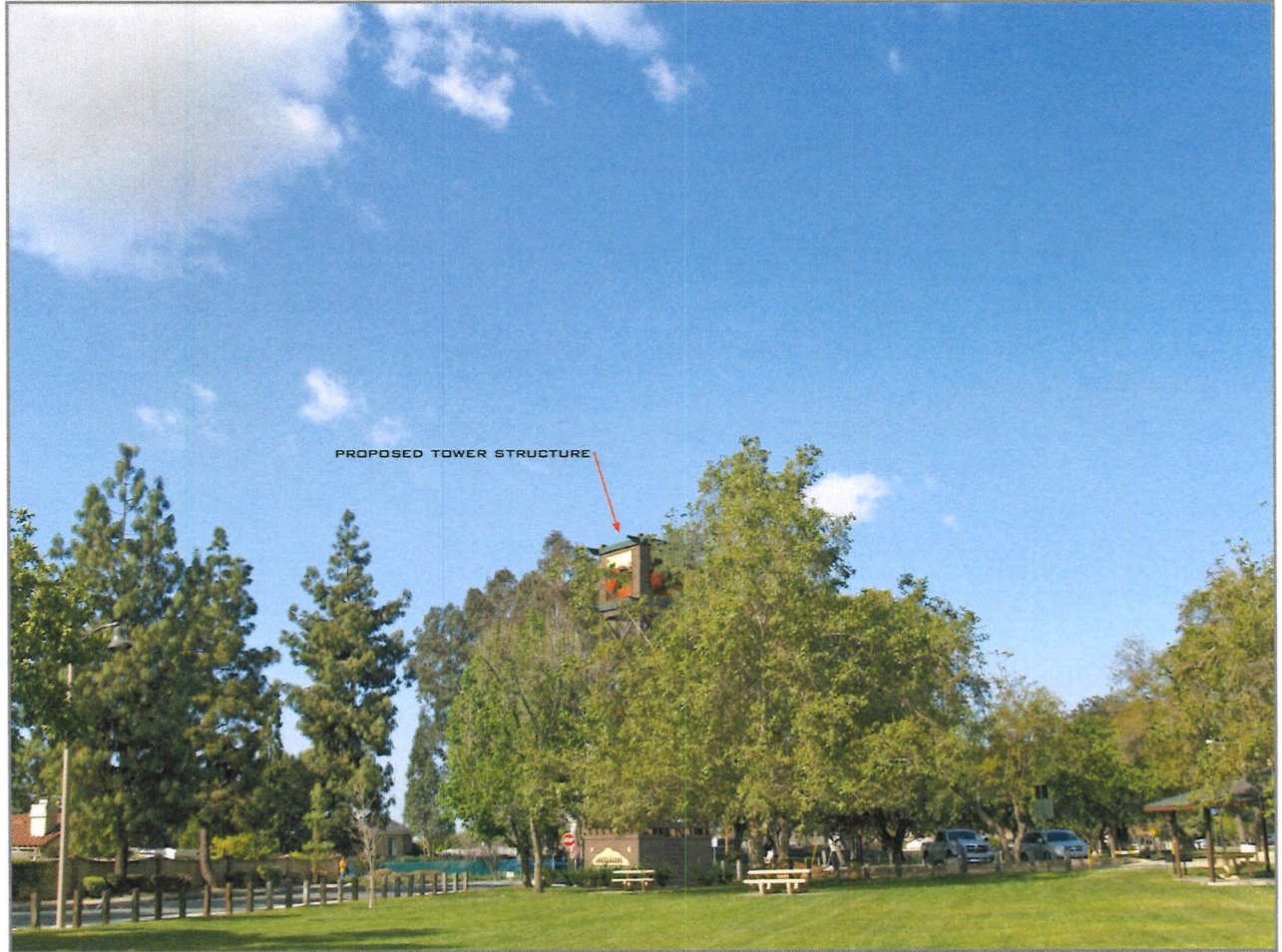


LOCATION

©2018 Google Maps



EXISTING



PROPOSED

LOOKING SOUTHWEST FROM PARK

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

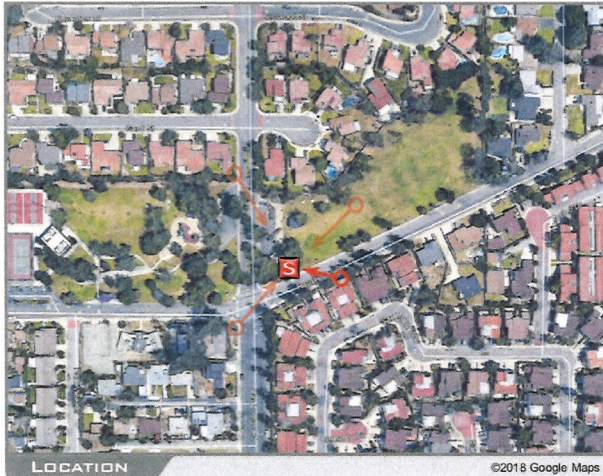


ROYAL OAKS

2701 ROYAL OAKS DRIVE DUARTE CA 91010



VIEW 4



ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

Agenda Memo City Manager's Office

To: Mayor John Fasana and Members of the Duarte City Council
From: Karen A. Herrera, Deputy City Manager
Date: 11/6/18
Re: FlashVote

RECOMMENDATION: That the Duarte City Council, by motion, provide staff direction on topics, services or projects that they would like to gather more community input on from using the FlashVote community survey tool during the balance of Fiscal Year 2018-19.

BACKGROUND: The City of Duarte and FlashVote are working to make civic participation accessible and simple for everyone in the Duarte Community. Prior to the beginning of Summer, the City of Duarte entered into a contract with FlashVote, a cutting-edge scientific survey provider that collects timely resident feedback in 48 hours on current or long-term municipal topics of concern. The service creates 1-minute surveys on timely City issues that residents from all areas of the community may participate in via email, phone call, or text message, depending on the method the participant chooses. Surveys can be designed to cover any topics of interest like public safety concerns, recreational services, potential City programs, and much more.

Prior to launching the service, staff has been working all Summer to build the community of local FlashVote users. These efforts included attendance at all City Summer events with an information table, promoting the program regularly on social media platforms as well as displaying the service prominently in the City News, and on the City website via the icon tray, latest news section and linking to their custom Duarte page. See image below.

FlashVote helps you make a difference in your community

Sign up for the Duarte, CA FlashVote Community

Sign Up Today!
Free, fast and fun
Help make your government better. Civic participation has never been easier.
Take a minute to register now and be heard many times in the future.

Full privacy. No spam. We will not share your personal information with anyone.

[Sign up with your Facebook account](#)

[Sign up with your Google account](#)

[Sign up with your Twitter account](#)

[Sign up with your email](#)

Name

Email

Password

Confirm Password

☐ Male ☐ Female

Year of Birth

[Feedback](#)

How does it work? After a resident successfully signs up to be part of the survey pool, they will receive notifications when a survey is released by the City of Duarte. Note: Participants personal information is not shared with anyone. Participants will then have up to 48 hours to complete the survey before it closes using a variety of methods to respond. Once the survey closes, FlashVote immediately tabulates all the responses, and provides anonymized feedback to Duarte City Hall staff, Council and public. The first survey is expected to launch this Winter, 2018.

DISCUSSION: Per the contract, the City has the ability to conduct up to six surveys and each instrument may have up to five questions of many different types. (See attachment A) In anticipation of the official launch of the service, staff wanted to give City Council the opportunity to provide input to staff and the consultant on subjects they would like to gather more community input on. Some areas to consider surveying include:

- Affordable Housing Development
- Retail Development
- Community Events
- City Programs
- City Services
- Hot Topics i.e. Homelessness, Fireworks, etc.

A representative from FlashVote, Co-Founder & CEO Kevin Lyons, will be in attendance to present information and answer questions about the service, how other governments use it and how Duarte might best utilize it.

FISCAL IMPACT: The annual cost for the FlashVote contract is \$4,900. Costs associated with this contract were included in the FY 2018-19 budget.

Attachment A: FlashVote Scope of Work

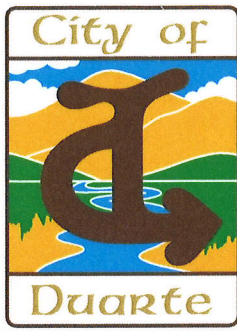
EXHIBIT "B"
SCOPE OF SERVICES

SURVEYS

- Provide Participation rates & PDF result reporting with selectable filters
- Provide all user management and user technical support
- Train City staff on all User self-management and activity opportunities
- Provide (24/7) citizen/user technical support for issues
- Provide Starter Service package which includes 6 surveys plus up to 4 Custom Surveys. Customer may substitute Tailored Surveys for Stock Surveys. Note: Custom Surveys are new surveys created for unique customer needs that are not expected to have future usefulness with other customers & Tailored Surveys are surveys created that are expected to have future use for other customers
- Provide expert survey design and quality control service
- Provide drafting of questions/design of Custom FlashVote Surveys
- Provide quality control reviews as part of survey finalization and launch

LAUNCH

- FlashVote will provide set-up guide with sample text and links for email invitations and a custom website link to promote sign ups and surveys
- FlashVote to provide recommendations for co-branded brochures or mailer inserts that can be self-printed. Note: Goal is to start database with a minimum of 200 participants and grow to 400
- FlashVote to provide an in-person results and recommendations presentation to City Council within 6 to 8 weeks of launch



City of Duarte

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

To: The Honorable Mayor and City Council

From: Brian Villalobos; Director of Public Safety Services

Subject: Adoption of an Urgency Ordinance No. 18-0-09 Creating a Program to Regulate and Permit Sidewalk Vending Pursuant to California Senate Bill 946

Date: November 5, 2018

Background:

On September 17, 2018, Governor Brown approved Senate Bill 946 (Lara) (SB 946), a bill regulating sidewalk vendors in the state by adding Chapter 6.2, sections 51036 to 51039, inclusive to Part 1 of Division 1 of Title 5 of the Government Code.

- SB 946 (Section 51037) states, "a local authority **shall not** regulate sidewalk vendors," except in accordance with the bill.
- Under SB 946, a City has limited authority to restrict sidewalk vending in its jurisdiction unless findings are made related to public health, safety, and welfare.
- In limited circumstances, a City may limit sidewalk vending in public parks, near swap meets, farmers' markets, and in areas utilizing temporary use permits.
- SB 946 provides that violations of sidewalk vending laws, cannot exceed \$100 for the first violation and \$1,000 for the third or additional violations. Moreover, violations of sidewalk vending laws and failure to pay sidewalk vending fines cannot be deemed infractions or misdemeanors. Also, local authorities must take into account a sidewalk vendor's ability to pay when issuing or collecting fines.

The City of Duarte currently allows street vending within its jurisdiction per Municipal Code Sections 5.16 – Solicitors and Peddlers and 9.60 – Street Vending. However, in order to comply with SB 946 it is necessary to amend both sections by January 1, 2019, or SB 946 becomes the default sidewalk vending law.

Summary:

At this time in the calendar year, it is not feasible to do two separately noticed readings of a proposed sidewalk vending ordinance before January 1, 2019. Thus, in order to meet the January 1, 2019, deadline, the City is required to adopt the sidewalk vending ordinance as an urgency ordinance. Failure to adopt an ordinance by January 1, 2019, means that the City could not prohibit sidewalk vending in areas that pose public health, safety, or welfare concerns specific to the City.

Named "Most Business Friendly City 2012" by LAEDC

 = Brand of the original Andres Duarte Rancho

The City Attorney, City Manager's Office, Finance Department, and Community Development Department, all reviewed and approved Ordinance No. 18-O-09.

Fiscal Impact:

None. The required vendor permit will be set by Council Resolution and will require cost recovery analysis.

Recommended Action:

Staff recommends the Mayor and City Council adopt Urgency Ordinance No. 18-O-09, thereby creating a program to regulate and permit sidewalk vending pursuant to California Senate Bill 946.

Attachments:

1. Redlined version of Urgency Ordinance No. 18-O-09.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF DUARTE CREATING A PROGRAM TO REGULATE
AND PERMIT SIDEWALK VENDING PURSUANT TO
CALIFORNIA SENATE BILL 946**

WHEREAS, on September 17, 2018, California Governor Edmund Gerald Brown signed Senate Bill (“SB”) 946 into law, which regulates sidewalk vendors throughout the state including within the City of Duarte (“City”);

WHEREAS, SB 946 takes effect January 1, 2019, and limits the authority of the City to regulate sidewalk vendors, except as provided under California Government Code Sections 51038 and 51039;

WHEREAS, the Duarte Municipal Code (“DMC”), and specifically Chapters 5.16 and 9.60, currently regulate or impact the activities of sidewalk vendors, which the City desires to harmonize SB 946;

WHEREAS, the City Council adopts this ordinance under the authority of SB 946 and the City Council finds the regulations and requirements provided in this ordinance are directly related to the City’s objective in protecting the health, safety and welfare of its residents, businesses, and visitors;

WHEREAS, the City Council finds this ordinance regulates the time, place, and manner of sidewalk vending, as specified, to address health, safety, and welfare concerns;

WHEREAS, the City Council finds the regulations in this ordinance, including, but not limited to those regulations governing minimum sidewalk widths, sidewalk vending receptacle sizes, distance requirements, and food and merchandise storage are necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards;

WHEREAS, the City Council finds this ordinance is necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of City parks and areas devoted to temporary activities pursuant to a special event temporary use permit; and

WHEREAS, the City desires to retain the ability for local enforcement of sidewalk vendor regulations, including the imposition and collection of fines for violations, to the extent consistent with State Law.

WHEREAS, this ordinance is adopted as an urgency measure under authority of Government code section 36937, in that the State legislation which prompts the ordinance has been signed close in time to its effective date of January 1, 2019, and the City requires time to develop the permit forms, procedures, and processes in order to be able to implement it in a timely fashion, to retain local control over such activities to the extent permitted by State law,

and to afford the residents of the City ,and the sidewalk vendors and sidewalk vending activities which are the subject of the ordinance, its procedural protections, clarifications, and permit processes prior to the effective date of SB 946.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 5.16.010 of the Duarte Municipal Code is hereby amended to amend the definition of "Peddler" and "Solicitor, Canvasser," to read as follows:

Peddler. The term "peddler" shall mean any person, other than a sidewalk vendor, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicles or conveyance. The word "peddler" shall include the words "hawker" and "hucksters."

Solicitor, Canvasser. The terms "solicitor" or "canvasser" shall mean any individual, other than a sidewalk vendor, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition also includes any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop, wagon automobile vehicle, railroad boxcar, or any other place within the city for the sole purpose of exhibiting samples and taking order for future delivery. Further, "solicitor" or "canvasser" shall mean and include any person other than a sidewalk vendor who requests, offers, entices or exhibits actions which announces the availability for or of employment, the sale of goods, or a request for money or other property; or any request, offer, enticement or action which seeks to purchase or secure goods or employment, or to make a contribution of money or other property. As defined herein, a solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

SECTION 2. Section 5.16.020 of the Duarte Municipal Code is amended to read as follows: Except for sidewalk vendors, whose activities are regulated under Chapter 9.60 of this code, no person shall engage in, conduct or carry on the business of peddler, solicitor or canvasser as herein defined without first applying for and receiving a permit therefor from the director of finance.

SECTION 3. Section 5.16.070 of the Duarte Municipal Code is amended to read as follows: It is unlawful for any person to engage in peddling or soliciting between the hours of eight p.m. and eight a.m. in the City of Duarte.

SECTION 4. Section 5.16.080 of the Duarte Municipal Code is amended to read as follows: Except for sidewalk vendors, every person, conducting or carrying on the business of a peddler or solicitor shall pay a license fee of sixty-one dollars a day; provided, however, that no permit shall be required for the sale of goods, wares or merchandise at wholesale or for soliciting orders at wholesale; and provided further, that each such permit shall authorize not to exceed ten salesmen or solicitors, each of whom shall furnish full identification to the director of public safety or designee. Such identification shall include fingerprints, photograph or photographs, and such other data and information as the director of public safety or designee may deem necessary or advisable in order to furnish complete and satisfactory identification. All nonprofit organizations qualified to receive tax deductible contributions under IRC 501(c)(3) shall be exempt from the payment of the license fee of sixty-one dollars a day.

SECTION 5. Section 5.16.100 is hereby added to the Duarte Municipal Code, to read as follows:

5.16.100 Construction with Sidewalk Vending Regulations

In the event of any conflict between this Chapter 5.16 and regulations pertaining to sidewalk vendors or sidewalk vending activities under Chapter 9.60, the provisions of Chapter 9.60 shall control. The provisions of this Chapter 5.16 apply only to those activities undertaken by a Peddler, Solicitor, or Canvasser that do not fit within the definition of Sidewalk Vending Activities, pursuant to Chapter 9.60 hereunder.

SECTION 6. Existing Chapter 9.60 of the Duarte Municipal Code is hereby repealed. A replacement Chapter 9.60 is hereby adopted, to read as follows:

~~Chapter 9.60—STREET VENDING~~

~~Sections:~~

~~9.60.010—Vending near school restricted.~~

~~It is unlawful for any person, firm or corporation, either as owner, agent, employee or otherwise, to keep, maintain or conduct, or to cause or permit to be kept, maintained or conducted, any vehicle, cart, wagon or stand from which food or merchandise of any kind is sold at retail, in or upon any public street, sidewalk, alley, court or other public place within three hundred feet of the nearest property line of any property upon which a public or private school building is located, during regular day school hours or for a period of one hour immediately before and after regular day school hours; provided, however, that the provisions of this section shall not apply to retail sales of food or merchandise to adult persons residing within such three hundred foot area of prohibition.~~

~~(Ord. 141 § 1, 1964)~~

~~9.60.020—Time limit for remaining in block.~~

~~It is unlawful for any person having charge, custody or control of any vehicle, cart, wagon or stand from which food or merchandise of any kind is sold at retail to allow such~~

~~vehicle, cart, wagon or stand to remain within the limits of any one block for the purpose of vending at retail from such vehicle, cart, wagon, or stand, for a period longer than ten minutes in any one day, except while vending to the residents of such block.~~

~~(Ord. 141 § 2, 1964)~~

~~9.60.030—Noise devices for soliciting sales.~~

~~It is a nuisance and it is unlawful for any person vending, advertising or soliciting the sale of, or assisting in the vending, advertising or soliciting the sale of any kind of food or merchandise in the city to use a mechanical noise device, or to sing, or call out or to make any noise to attract persons for the purpose of vending, advertising or soliciting the sale of such products, except while the vehicle from which these items are sold is in motion.~~

~~(Ord. 141 § 3, 1964)~~

~~9.60.040—Prohibited hours for mechanical noise devices.~~

~~It is unlawful for any person having charge, custody or control of any vehicle, cart, wagon or stand from which food or merchandise of any kind is sold at retail to use any mechanical noise device between the hours of eight p.m. and eight a.m. "Mechanical noise device," as used herein, means any machine of amplification of the human voice, music or any other sound, including radios, horns, bells or other sound or musical device used for the purpose of attracting customers to said vehicles or vendor.~~

~~(Ord. 141 § 4, 1964)~~

~~9.60.050—Penalty for violation.~~

~~Any person, firm or corporation violating any provision of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1.04.100 of this code.~~

~~(Ord. 141 § 5, 1964)~~

Chapter 9.60-SIDEWALK VENDING

9.60.010. Definitions

(a) Sidewalk Vendor. The term "sidewalk vendor" shall mean a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

(b) Sidewalk Vending Activity. The term "sidewalk vending activity" means actions that qualify a person as a sidewalk vendor or actions done in anticipation of becoming a sidewalk vendor such as, but not limited to, installation, placement, or maintenance of any sidewalk vendor receptacles.

(c) Sidewalk Vending Receptacle. The term “sidewalk vending receptacle” sidewalk means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other motorized or non-motorized conveyance used for sidewalk vending activities.

(d) Sidewalk. For the purposes of this Chapter, “sidewalk” shall mean that portion of a public right of way, pathway, street or highway, other than the roadway, set apart by curbs, parkways, barriers, markings or other delineation, for pedestrian travel.

9.60.020. Sidewalk Vendor Regulations

(a) The City Council hereby finds that, to promote the health, safety and welfare, restrictions on sidewalk vendors and sidewalk vending activity are necessary to:

1. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles;

2. Provide reasonable access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, firefighting apparatus, mailboxes, as well as access to locations used for public transportation services; and

3. Reduce exposure to the City for personal injury or property damage claims and litigation.

(b) No person, either for himself/herself or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the Finance Director, or his or her designee, under this Chapter. The applicable fee for the permit shall be as set by resolution of the City Council. A sidewalk vendor permit shall be effective for one (1) year following its issuance, after which time it must be renewed. A sidewalk vendor permit is non-transferable, and any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this Chapter. A written application for a sidewalk vendor permit shall be filed with the Finance Director, or his or her designee, on a form provided by the City, and shall contain the following information:

1. The name, address, and telephone number of the person applying to become a sidewalk vendor, along with proof of a valid California Driver’s license or State identification card;

2. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle;

3. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle, along with proof of a valid California Driver’s license or State identification card for each such person;

4. The number of sidewalk vending receptacles the sidewalk vendor will operate within the City under the permit;
 5. The location(s) in the City where the sidewalk vendor intends to operate;
 6. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);
 7. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
 8. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit;
 9. Whether the sidewalk vendor will be selling food, merchandise, or both;
 10. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, and whether such foods will require a heating element inside or on the sidewalk vending receptacle for preparation;
 11. If the vendor is selling merchandise, a description of the merchandise to be sold;
 12. A copy of any health permit required for any sidewalk vendors selling food, as required by law;
 13. Proof of his or her possession of a valid California Department of Tax and Fee Administration seller's permit, which shall be maintained during the pendency of the sidewalk vendor's permit;
 14. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws, including Health and Safety Code sections 113700 et seq. regarding food safety;
 15. A certification that, to his or her knowledge and belief, the information contained within the application is true;
 16. An acknowledgement that the sidewalk vendors use of public property is at their own risk, the City does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities, and the sidewalk vendor uses public property at his or her own risk; and
 17. Any other relevant information required by the Finance Director, or his or her designee.
- (c) Sidewalk vendors shall comply with the following operating criteria:

1. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section.

2. The sidewalk vendor permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person. If multiple sidewalk vendors are staffing a sidewalk vendor receptacle or working as roaming sidewalk vendors, each person shall wear their permit on their person in a conspicuous manner.

3. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended to solicit business for their sidewalk vending activities. Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a vendor.

4. Sidewalk vending receptacles shall not exceed a total height of four (4) feet, a total width of four (4) feet, and a total length of four (4) feet.

5. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.

6. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path on sidewalks free from obstructions, including sidewalk vending receptacles and customer queuing area.

7. Sidewalk Vendors shall be subject to, comply with, the noise standards of Chapter 9.68. Sidewalk vending receptacles shall not be equipped with any electronic, fuel-powered, or manual device emitting flashing or strobe lighting, noise, smoke, or fog.

(d) Sidewalk Vendors shall be prohibited from engaging in any of the following:

1. Renting merchandise to customers;

2. Displaying merchandise or food that is not available for immediate sale;

3. Selling of adult oriented material, marijuana, tobacco, or alcohol products;

4. Using an open flame on or within any sidewalk vending receptacle;

5. Engaging in sidewalk vending activity between the hours of eight p.m. and eight a.m.;

6. Engaging in sidewalk vending activity within three hundred feet of the nearest property line of any property upon which a public or private school building is located,

during regular day school hours or for a period of one hour immediately before and after regular day school hours; and

7. Engaging in sidewalk vending activity within an area subject to an active temporary use permit for a special event issued under Duarte Development Code section 19.124.050, as may be amended, but only during the time of the special event for which the temporary use permit was granted.

8. Engaging in sidewalk vending activities within the shoulder or traffic lanes of any public street, highway, or public right of way.

(e) Violations of the Sidewalk Vendor regulations contained herein shall be subject to the following fines and penalties, which, if applicable, shall take exclusive priority over any other fines or penalties relating to sidewalk vending activities under the Municipal Code or the Development Code:

1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.

2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.

3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

SECTION 7. Duarte Municipal Code section 9.68.080 is hereby amended to read as follows:

It is unlawful for any person to sound any horn or signaling device on an automobile, motorcycle, sidewalk vending receptacle, or other vehicle on any street or public place of the city, except as a danger warning; to create by means of any such signaling device any unreasonably loud or harsh sound; to sound any such device for an unnecessary and unreasonable period of time; to use any signaling device except one operated by hand or electricity; to sound any horn, whistle or other device operated by engine exhaust; and to use any such signaling device when traffic is for any reason held up.

SECTION 8. Duarte Municipal Code section 9.68.130 is hereby amended to read as follows:

It is unlawful for any person within the city, including sidewalk vendors, to sell anything by outcry within any area of the city zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

SECTION 9. If any Section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional.

SECTION 10. This Ordinance is declared to be an urgency ordinance by authority conferred on the City Council of the City of Duarte by Government Code Sections 36934 and 36937(b), and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council. the facts constituting the urgency are that the State legislation which prompts the ordinance has been signed close in time to its effective date of January 1, 2019, and the City requires time to develop the permit forms, procedures, and processes in order to be able to implement it in a timely fashion, to retain local control over such activities to the extent permitted by State law, and to afford the residents of the City ,and the sidewalk vendors and sidewalk vending activities which are the subject of the ordinance, its procedural protections, clarifications, and permit processes prior to the effective date of SB 946.

SECTION 11. This Ordinance shall be published in accordance with the provisions of Government Code section 36933.

SECTION 12. 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.

THE FOREGOING ORDINANCE IS PASSED, APPROVED, AND ADOPTED by no less than four-fifths vote at a regular meeting of the City Council of the City of Duarte held on the 13th day of November, 2018.

Mayor John Fasana

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. _____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____ 20____, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

URGENCY ORDINANCE NO.**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF DUARTE CREATING A PROGRAM TO
REGULATE AND PERMIT SIDEWALK VENDING
PURSUANT TO CALIFORNIA SENATE BILL 946**

WHEREAS, on September 17, 2018, California Governor Edmund Gerald Brown signed Senate Bill ("SB") 946 into law, which regulates sidewalk vendors throughout the state including within the City of Duarte ("City");

WHEREAS, SB 946 takes effect January 1, 2019, and limits the authority of the City to regulate sidewalk vendors, except as provided under California Government Code Sections 51038 and 51039;

WHEREAS, the Duarte Municipal Code ("DMC"), and specifically Chapters 5.16 and 9.60, currently regulate or impact the activities of sidewalk vendors, which the City desires to harmonize SB 946;

WHEREAS, the City Council adopts this ordinance under the authority of SB 946 and the City Council finds the regulations and requirements provided in this ordinance are directly related to the City's objective in protecting the health, safety and welfare of its residents, businesses, and visitors;

WHEREAS, the City Council finds this ordinance regulates the time, place, and manner of sidewalk vending, as specified, to address health, safety, and welfare concerns;

WHEREAS, the City Council finds the regulations in this ordinance, including, but not limited to those regulations governing minimum sidewalk widths, sidewalk vending receptacle sizes, distance requirements, and food and merchandise storage are necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards;

WHEREAS, the City Council finds this ordinance is necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of City parks and areas devoted to temporary activities pursuant to a special event temporary use permit; and

WHEREAS, the City desires to retain the ability for local enforcement of sidewalk vendor regulations, including the imposition and collection of fines for violations, to the extent consistent with State Law.

WHEREAS, this ordinance is adopted as an urgency measure under authority of Government code section 36937, in that the State legislation which prompts the ordinance has been signed close in time to its effective date of January 1, 2019, and the City requires time to develop the permit forms, procedures, and processes in order to be able to implement it in a timely fashion, to retain local control over such activities to the extent permitted by State law,

and to afford the residents of the City ,and the sidewalk vendors and sidewalk vending activities which are the subject of the ordinance, its procedural protections, clarifications, and permit processes prior to the effective date of SB 946.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 5.16.010 of the Duarte Municipal Code is hereby amended to amend the definition of "Peddler" and "Solicitor, Canvasser," to read as follows:

Peddler. The term "peddler" shall mean any person, other than a sidewalk vendor, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicles or conveyance. The word "peddler" shall include the words "hawker" and "hucksters."

Solicitor, Canvasser. The terms "solicitor" or "canvasser" shall mean any individual, other than a sidewalk vendor, whether a resident of the city or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, provided that such definition also includes any person who, for himself, or for another person, hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop, wagon automobile vehicle, railroad boxcar, or any other place within the city for the sole purpose of exhibiting samples and taking order for future delivery. Further, "solicitor" or "canvasser" shall mean and include any person other than a sidewalk vendor who requests, offers, entices or exhibits actions which announces the availability for or of employment, the sale of goods, or a request for money or other property; or any request, offer, enticement or action which seeks to purchase or secure goods or employment, or to make a contribution of money or other property. As defined herein, a solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

SECTION 2. Section 5.16.020 of the Duarte Municipal Code is amended to read as follows: "Except for sidewalk vendors, whose activities are regulated under Chapter 9.60 of this code, no person shall engage in, conduct or carry on the business of peddler, solicitor or canvasser as herein defined without first applying for and receiving a permit therefor from the director of finance."

SECTION 3. Section 5.16.070 of the Duarte Municipal Code is amended to read as follows: It is unlawful for any person to engage in peddling or soliciting between the hours of eight p.m. and eight a.m. in the City of Duarte.

SECTION 4. Section 5.16.080 of the Duarte Municipal Code is amended to read as follows: Except for sidewalk vendors, every person, conducting or carrying on the business of a peddler or solicitor shall pay a license fee of sixty-one dollars a day; provided, however, that no permit shall be required for the sale of goods, wares or merchandise at wholesale or for soliciting orders at wholesale; and provided further, that each such permit shall authorize not to exceed ten salesmen or solicitors, each of whom shall furnish full identification to the director of public safety or designee. Such identification shall include fingerprints, photograph or photographs, and such other data and information as the director of public safety or designee may deem necessary or advisable in order to furnish complete and satisfactory identification. All nonprofit organizations qualified to receive tax deductible contributions under IRC 501(c)(3) shall be exempt from the payment of the license fee of sixty-one dollars a day.

SECTION 5. Section 5.16.100 is hereby added to the Duarte Municipal Code, to read as follows:

5.16.100 Construction with Sidewalk Vending Regulations

In the event of any conflict between this Chapter 5.16 and regulations pertaining to sidewalk vendors or sidewalk vending activities under Chapter 9.60, the provisions of Chapter 9.60 shall control. The provisions of this Chapter 5.16 apply only to those activities undertaken by a Peddler, Solicitor, or Canvasser that do not fit within the definition of Sidewalk Vending Activities, pursuant to Chapter 9.60 hereunder.

SECTION 6. Existing Chapter 9.60 of the Duarte Municipal Code is hereby repealed. A replacement Chapter 9.60 is hereby adopted, to read as follows:

Chapter 9.60-SIDEWALK VENDING

9.60.010. Definitions

(a) **Sidewalk Vendor.** The term “sidewalk vendor” shall mean a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.

(b) **Sidewalk Vending Activity.** The term “sidewalk vending activity” means actions that qualify a person as a sidewalk vendor or actions done in anticipation of becoming a sidewalk vendor such as, but not limited to, installation, placement, or maintenance of any sidewalk vendor receptacles.

(c) **Sidewalk Vending Receptacle.** The term “sidewalk vending receptacle” sidewalk means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other motorized or non-motorized conveyance used for sidewalk vending activities.

(d) **Sidewalk.** For the purposes of this Chapter, “sidewalk” shall mean that portion of a public right of way, pathway, street or highway, other than the roadway, set apart by curbs, parkways, barriers, markings or other delineation, for pedestrian travel.

9.60.020. Sidewalk Vendor Regulations

(a) The City Council hereby finds that, to promote the health, safety and welfare, restrictions on sidewalk vendors and sidewalk vending activity are necessary to:

1. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles;
2. Provide reasonable access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, firefighting apparatus, mailboxes, as well as access to locations used for public transportation services; and
3. Reduce exposure to the City for personal injury or property damage claims and litigation.

(b) No person, either for himself/herself or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the Finance Director, or his or her designee, under this Chapter. The applicable fee for the permit shall be as set by resolution of the City Council. A sidewalk vendor permit shall be effective for one (1) year following its issuance, after which time it must be renewed. A sidewalk vendor permit is non-transferable, and any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this Chapter. A written application for a sidewalk vendor permit shall be filed with the Finance Director, or his or her designee, on a form provided by the City, and shall contain the following information:

1. The name, address, and telephone number of the person applying to become a sidewalk vendor, along with proof of a valid California Driver's license or State identification card;
2. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle;
3. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle, with proof of a valid California Driver's license or State identification card for each such person;
4. The number of sidewalk vending receptacles the sidewalk vendor will operate within the City under the permit;
5. The location(s) in the City where the sidewalk vendor intends to operate;
6. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);

7. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;

8. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit;

9. Whether the sidewalk vendor will be selling food, merchandise, or both;

10. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, and whether such foods will require a heating element inside or on the sidewalk vending receptacle for preparation;

11. If the vendor is selling merchandise, a description of the merchandise to be sold;

12. A copy of any health permit required for any sidewalk vendors selling food, as required by law;

13. Proof of his or her possession of a valid California Department of Tax and Fee Administration seller's permit, which shall be maintained during the pendency of the sidewalk vendor's permit;

14. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws, including Health and Safety Code sections 113700 et seq. regarding food safety;

15. A certification that, to his or her knowledge and belief, the information contained within the application is true;

16. An acknowledgement that the sidewalk vendors use of public property is at their own risk, the City does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities, and the sidewalk vendor uses public property at his or her own risk; and

17. Any other relevant information required by the Finance Director, or his or her designee.

(c) Sidewalk vendors shall comply with the following operating criteria:

1. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section.

2. The sidewalk vendor permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person. If multiple sidewalk

vendors are staffing a sidewalk vendor receptacle or working as roaming sidewalk vendors, each person shall wear their permit on their person in a conspicuous manner.

3. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended to solicit business for their sidewalk vending activities. Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a vendor.

4. Sidewalk vending receptacles shall not exceed a total height of four (4) feet, a total width of four (4) feet, and a total length of four (4) feet.

5. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.

6. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path on sidewalks free from obstructions, including sidewalk vending receptacles and customer queuing area.

7. Sidewalk Vendors shall be subject to, comply with, the noise standards of Chapter 9.68. Sidewalk vending receptacles shall not be equipped with any electronic, fuel-powered, or manual device emitting flashing or strobe lighting, noise, smoke, or fog.

(d) Sidewalk Vendors shall be prohibited from engaging in any of the following:

1. Renting merchandise to customers;
2. Displaying merchandise or food that is not available for immediate sale;
3. Selling of adult oriented material, marijuana, tobacco, or alcohol products;
4. Using an open flame on or within any sidewalk vending receptacle;
5. Engaging in sidewalk vending activity between the hours of eight p.m. and eight a.m.;

6. Engaging in sidewalk vending activity within three hundred feet of the nearest property line of any property upon which a public or private school building is located, during regular day school hours or for a period of one hour immediately before and after regular day school hours;

7. Engaging in sidewalk vending activity within an area subject to an active temporary use permit for a special event issued under Duarte Development Code section 19.124.050, as may be amended, but only during the time of the special event for which the temporary use permit was granted; and

8. Engaging in sidewalk vending activities within the shoulder or traffic lanes of any public street, highway, or public right of way.

(e) Violations of the Sidewalk Vendor regulations contained herein shall be subject to the following fines and penalties, which, if applicable, shall take exclusive priority over any other fines or penalties relating to sidewalk vending activities under the Municipal Code or the Development Code:

1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.

2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.

3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

SECTION 7. Duarte Municipal Code section 9.68.080 is hereby amended to read as follows:

It is unlawful for any person to sound any horn or signaling device on an automobile, motorcycle, sidewalk vending receptacle, or other vehicle on any street or public place of the city, except as a danger warning; to create by means of any such signaling device any unreasonably loud or harsh sound; to sound any such device for an unnecessary and unreasonable period of time; to use any signaling device except one operated by hand or electricity; to sound any horn, whistle or other device operated by engine exhaust; and to use any such signaling device when traffic is for any reason held up.

SECTION 8. Duarte Municipal Code section 9.68.130 is hereby amended to read as follows:

It is unlawful for any person within the city, including sidewalk vendors, to sell anything by outcry within any area of the city zoned for residential uses. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

SECTION 9. If any Section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses be declared unconstitutional.

SECTION 10. This Ordinance is declared to be an urgency ordinance by authority conferred on the City Council of the City of Duarte by Government Code Sections 36934 and 36937(b), and shall be in full force and effect immediately upon its adoption by a four-fifths

vote of the City Council. the facts constituting the urgency are that the State legislation which prompts the ordinance has been signed close in time to its effective date of January 1, 2019, and the City requires time to develop the permit forms, procedures, and processes in order to be able to implement it in a timely fashion, to retain local control over such activities to the extent permitted by State law, and to afford the residents of the City, and the sidewalk vendors and sidewalk vending activities which are the subject of the ordinance, its procedural protections, clarifications, and permit processes prior to the effective date of SB 946.

SECTION 11. This Ordinance shall be published in accordance with the provisions of Government Code section 36933.

SECTION 12. 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.

THE FOREGOING ORDINANCE IS PASSED, APPROVED, AND ADOPTED by no less than four-fifths vote at a regular meeting of the City Council of the City of Duarte held on the 13th day of November, 2018.

Mayor John Fasana

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. _____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 20____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California