

April 24, 2012

**AGENDA**  
**REGULAR JOINT MEETING OF THE**  
**CITY COUNCIL OF THE CITY OF DUARTE,**  
**CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED**  
**REDEVELOPMENT AGENCY OF CITY OF DUARTE,**  
**AND DUARTE HOUSING AUTHORITY**

**TUESDAY, APRIL 24, 2012**

7:00 p.m. – Regular Session

COUNCIL CHAMBERS, 1600 HUNTINGTON DRIVE, DUARTE, CALIFORNIA 91010

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**MISSION STATEMENT**

*With integrity and transparency, the City of Duarte provides exemplary public services in a caring and fiscally responsible manner with a commitment to our community's future*

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MAYOR/HOUSING AUTHORITY CHAIR JOHN FASANA  
MAYOR PRO TEM/HOUSING AUTHORITY VICE CHAIR LIZ REILLY  
COUNCILMEMBER/HOUSING AUTHORITY BOARD MEMBER MARGARET FINLAY  
COUNCILMEMBER/HOUSING AUTHORITY BOARD MEMBER TZEITEL PARAS-CARACCI  
COUNCILMEMBER/HOUSING AUTHORITY BOARD MEMBER PHIL REYES

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*City/Authority Staff:*

Darrell George, City Manager/Housing Authority Executive Director  
Kristen Petersen, Assistant City Manager/Housing Authority Assistant Executive Director  
and Director of Administrative Services  
Craig Hensley, Community Development Director  
Cesar Monsalve, Interim Director of Parks and Recreation  
Brian Villalobos, Director of Public Safety Services  
Dan Slater, City Attorney/Housing Authority General Counsel  
Marla Akana, City Clerk

**ADDRESSING THE CITY COUNCIL AND HOUSING AUTHORITY:**

If you wish to address the City Council or Housing Authority on any item on the Agenda, you should fill out a Speaker Card indicating which item or items on the Agenda you wish to speak about, and hand the card to the City Clerk. You will be called to the Podium when that item is heard by the City Council/Authority. If you wish to address the City Council or Housing Authority on any item that is not on the Agenda, but that is within the subject matter jurisdiction of the City or Authority, you may do so under the "Oral Communications" portion of the Agenda. At the podium, before starting your remarks, please state your name and city of residence for the record.

**ADA ACCESSIBILITY NOTICE:**

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, you should contact the City Manager's office at (626) 357-7931. Notification no later than 1:00 p.m. on the day preceding the meeting will enable the City to make reasonable arrangements to assist your accessibility to this meeting.

Note: Any documents distributed by the City/Authority to a majority of the City Council/Housing Authority Board less than 72 hours prior to the City Council/Authority meeting will be made available for public inspection at City Hall, 1600 Huntington Drive, Duarte, CA 91010, during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable law.

4/24/12

1. CALL TO ORDER OF CITY COUNCIL AND HOUSING AUTHORITY, AND NOTATION OF ANY ABSENCES
2. ADOPTION OF THE AGENDA
3. PLEDGE TO THE FLAG
4. MOMENT OF REFLECTION
5. FITNESS/MENTAL WARM-UP
6. SPECIAL ITEMS – Page 1
  - A. Presentation by Mt. Olive High School’s Duarte Lemonade Brigade, and request for lemonade to become the official beverage of the City of Duarte, and consideration/action by City Council naming lemonade the official beverage of the City of Duarte
  - B. Public Safety update
7. ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS  
*Any person who wishes to make a brief announcement of a future community event that is open to the general public may do so at this time.*
8. ORAL COMMUNICATIONS—ITEMS NOT ON THE AGENDA (30 MINUTES)  
*Any person wishing to speak on any issue that is not on the Agenda, but that is within the subject matter jurisdiction of the City or Authority, may do so at this time. The opportunity to speak is on a first come, first serve basis. Each person may speak once for no more than 3 minutes and there is a maximum of 30 minutes for all Oral Communications at this time. Under the Brown Act, members of the City Council, Authority, and staff can respond only with a brief reply to issues raised in Oral Communications, and no action on such matters may take place at this meeting.*
9. ITEMS TO BE ADDED TO THE CONSENT CALENDAR (City Council/Housing Authority)
10. CONSENT CALENDAR (City Council/Housing Authority) – Page 2  
*All matters listed on the Consent Calendar are to be approved with one motion unless a member of the City Council/Authority removes an item for separate action. Any consent calendar item for which separate action is requested shall be heard as the next Agenda item.*
  - A. City Council/Housing Authority – Approval of Minutes – April 10, 2012
  - B. City Council/Housing Authority – Approval of warrants – April 24, 2012
  - C. City Council/Housing Authority – Motion to introduce and/or adopt all resolutions and ordinances presented for consideration by title only and waive further reading
  - D. Review of declaration of local emergency declared on December 5, 2011, due to wind storm, and determination of need to continue declaration of local emergency, pursuant to Government Code Section 8630(c)
  - E. Award of contract to lowest responsible bidder Gentry Brothers, Inc., in the amount of \$44,936.00 for Concrete Repair Program
  - F. Award of contract to lowest responsible bidder ValleyCrest Landscape Maintenance in the amount of \$174,000.00 for Maintenance of Landscaping for City Wide Landscape District
  - G. Acceptance of Crack Seal Area 1 Project (Road Works, Inc.) and authorization for City Clerk to initiate the Notice of Completion
  - H. Council Bill 12-R-08 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AUTHORIZING EXAMINATION OF SALES, USE, AND TRANSACTIONS TAX RECORDS
  - I. Proclamation – DMV/Donate Life California Month 2012
  - J. Council Bill 12-R-09 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING RESOLUTION NO. 12-07 TO ENABLE PERSONS WHO LIVE OUTSIDE OF THE CITY, BUT WHO ARE AN OWNER, DIRECTOR, OFFICER, OFFICIAL, OR EMPLOYEE OF A BUSINESS, ORGANIZATION, OR ENTITY LOCATED IN THE CITY, TO BE ELIGIBLE FOR APPOINTMENT TO THE TOWN CENTER AD HOC ADVISORY COMMITTEE

- K. City Council/City Manager Conference Attendance – World Trade Center Association Los Angeles/Long Beach and L.A. County Economic Development Corporation International Trade Outlook 2012, May 16, 2012, Long Beach
- 11. ITEMS REMOVED FROM CONSENT CALENDAR (City Council/Housing Authority)
- 12. CONSENT CALENDAR (City Council as Successor Agency to Redevelopment Agency) – Page 22
  - A. Approval of Minutes – April 10, 2012
  - B. Approval and adoption of Recognized Obligation Payment Schedule for January-June 2012
  - C. Approval and adoption of Recognized Obligation Payment Schedule for July-December 2012
  - D. Approval and adoption of Successor Agency Administrative Budget for January-June 2012
  - E. Approval and adoption of Successor Agency Administrative Budget for July-December 2012
- 13. ITEMS REMOVED FROM CONSENT CALENDAR (City Council as Successor Agency to Redevelopment Agency)
- 14. COMMISSION ITEMS – Page 28
  - A. Recommendation from Traffic Safety Commission – Foothill Transit Bus Signal Priority Demonstration Project, and approval of Signal Priority Agreement
  - B. Recommendation from Parks and Recreation Commission – City Park and Facility Naming and Renaming Policy, and approval of Policy
- 15. BUSINESS ITEM  
Appointment by Councilmember Finlay to the Town Center Ad Hoc Advisory Committee
- 16. CONTINUATION OF ORAL COMMUNICATIONS  
*Any person who did **not** speak during the initial 30 minute Oral Communications period earlier in the meeting, who wishes to speak on any issue that is not on the Agenda but that is within the subject matter jurisdiction of the City or Authority, may do so at this time. Each person may speak once for no more than 3 minutes. Under the Brown Act, the City Council, Authority, and staff can respond only with a brief reply to issues raised in Oral Communications and no action on such matters may take place at this meeting.*
- 17. ITEMS FROM CITY COUNCIL/AUTHORITY MEMBERS AND CITY MANAGER/EXECUTIVE DIRECTOR (AB 1234 reports on trips, conference attendance, and meetings)
- 18. ADJOURNMENT – To Budget Workshop, April 30, 2012, 4:00 p.m.

## MEMORANDUM

**TO:** City Council  
**FROM:** City Manager  
**DATE:** April 19, 2012  
**SUBJECT:** Comments on Agenda Items, Meeting of April 24, 2012

**ITEM 6.A.** A presentation will be given by representatives of Mt. Olive High School's Lemonade Brigade. They are also making a request that lemonade become the official beverage of the City of Duarte.

**ITEM 6.B.** The Public Safety Director will provide the City Council with his monthly update.

**ITEM 10.D (Consent Calendar).** Due to ongoing work and associated costs related to the City's response to the wind storm of late 2011, there is the need to continue the declaration of the local emergency.

**ITEM 10.E (Consent Calendar).** This item recommends that the City Council award the Concrete Repair Program contract to the lowest responsible bidder Gentry Brothers, Inc., in the amount of \$44,936. This annual project consists of the removal and replacement of concrete sidewalks, curb and gutters, driveway approaches, cross-gutters, and ADA ramps that have been damaged by tree roots or other factors.

**ITEM 10.F (Consent Calendar).** This item recommends that the City Council award the Maintenance of Landscaping for City Wide Landscape District to the lowest responsible bidder ValleyCrest Landscape Maintenance in the amount of \$174,000. The contractor shall be responsible for performing all mowing operations, fertilization, trash pickup, weed eradication, pruning of shrubs and trees, edging, and the cleaning of paved surfaces. Areas of responsibility include all the City parks (including those owned by the School District), multiple bike trail areas, median islands, greenbelts throughout the City, and our Plaza Duarte.

**ITEM 10.H (Consent Calendar).** This is a resolution to update the language that designates who can review the sales tax data. It has been over 20 years since the original resolution designated the City Manager, Finance Officer, and Hinderliter, de llamas & Associates to examine records.

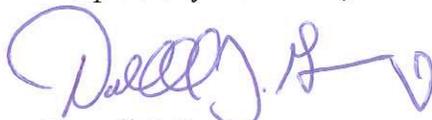
**ITEM 10.J (Consent Calendar).** On March 27, 2012, the City Council adopted Resolution No. 12-07 establishing the Town Center Ad Hoc Advisory Committee. Under that resolution, Council appointees to the Committee must be residents of the City. Subsequent to the adoption of the resolution, it was requested that persons who may not live in the City but who are an owner, director, officer, official, or employee of a business, organization, or entity located in the City also be eligible for appointment to the Committee. A resolution to amend the residency requirement set forth in Resolution No. 12-07 is presented for City Council consideration.

**ITEM 14.A.** This is a recommendation from the Traffic Safety Commission that the City Council approve the implementation of the Foothill Transit Bus Signal Priority Project, with the additional stipulation that Foothill Transit considers the relocation of the eastbound Huntington Drive bus stop at the southwest corner of Buena Vista Street to the southeast corner of Buena Vista Street. In

addition, an MOU between Foothill Transit and the City of Duarte is being recommended to implement this project. The project involves equipment placed in our signal boxes that would communicate with the Foothill buses and give them signal priority. There is no cost to the City.

**ITEM 14.B.** This is a recommendation from the Parks and Recreation Commission to approve the establishment of a City Park and Facility Naming and Renaming Policy. For the past four months, the Parks and Recreation Commission has worked with staff to refine the draft policy into an acceptable policy and application process that will clearly define how to name or rename City-owned land, buildings, and parks, and determine how objects such as plaques and trees can be donated or added. Staff developed the original draft policy by researching policies from different cities and by using ideas provided by the Joint Powers Insurance Authority. Staff is recommending that the City Council adopt the policy.

Respectfully submitted,



Darrell J. George  
City Manager

Duarte Unified School District  
**Mt. Olive High School**

1400 Mt. Olive Drive Duarte, CA 91010

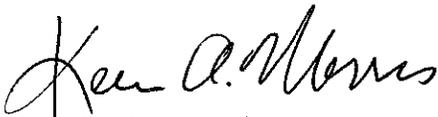
(626) 599-5900 / (626) 599-5984 FAX / [www.duarte.k12.ca.us](http://www.duarte.k12.ca.us)

April 13, 2012

John Fasana, Mayor of Duarte:

The Duarte Lemonade Brigade is requesting the privilege of becoming the official beverage of the City of Duarte. The students and staff thank you for your unwavering support and consideration.

Sincerely,



Kevin A. Morris  
Mt. Olive High School Principal



*WASC Six Year Clear Accredited High School*  
*California Model Continuation High School Winner*



## MINUTES

### JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – APRIL 10, 2012

**CALL TO ORDER** The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Pro Tem Reilly called the meeting to order at 6:02 p.m.

**RECORDATION OF ATTENDANCE** The following were in attendance:  
**PRESENT:** Finlay, Paras-Caracci (arrived prior to Closed Session), Reilly, Reyes, Fasana (arrived prior to Closed Session)  
**ABSENT:** None  
**ADMINISTRATIVE STAFF PRESENT:** City Manager George, City Attorney Slater

**ADOPTION OF AGENDA** Finlay moved, Reilly seconded to adopt the Agenda, and carried unanimously.

**CLOSED SESSION**  
Threatened Litigation  
Two Potential Cases  
George announced the Closed Session is pursuant to Government Code Section 54956.9(b)(1); Threatened litigation; Number of potential cases: 2. The Closed Session concluded at 6:58 p.m. City Council reconvened at 7:06 p.m., with all members present.

**PLEDGE TO THE FLAG** Adrianna Arroyo led the Pledge of Allegiance to the Flag.

**MOMENT OF REFLECTION** A moment of reflection was observed.

**FITNESS/MENTAL WARM-UP** George and Finlay provided the warm-up.

**PUBLIC REPORT OF CLOSED SESSION** Slater stated the Closed Session consisted of two items pertaining to threatened litigation. Mayor Fasana did not participate in the first item. During the first item, City Council received an update from legal counsel concerning potential litigation, and unanimously (4-0 with Fasana not present) provided direction to staff and legal counsel on responding should the threatened litigation become actual litigation. During the second item, City Council received an update on the facts and circumstances that could lead to litigation and, after discussion, unanimously (5-0) provided staff and legal counsel input and direction on the matter, with no reportable action taken.  
  
Mayor Fasana announced that the meeting would be adjourned in memory of James Coughlin.

**SPECIAL ITEMS**  
Presentation – Adopt-A-Block  
Brian Villalobos introduced Crime Prevention Specialist Aida Torres, who provided an overview of the Adopt-A-Block event held on April 7, 2012, at Lena Valenzuela Park, and introduced Martin Martinez, who thanked all for their participation.

Presentation – Youth Smoking Prevention

Guadulesa Rivera, Duarte Community Advocacy Youth Coalition presented an overview of the Coalition of Arts and Advocacy About Tobacco, including ways to protect Duarte youth from tobacco, outreach efforts, and education. Miguel Olivares, Laura Cortez, Alondra Cabiedes, and James Urias provided additional information about smoking statistics, youth tobacco purchase survey, usage rate in Duarte School District, American Lung Association control grade, and tobacco retail license policy, and displayed their mural called “Power of Choice.”

Presentation – Homeless Council Funding Request – \$2,500

Scott Chamberlain, San Gabriel Valley Housing and Homeless Coordinating Council, provided information about a regional strategy to address homelessness in the San Gabriel Valley, including permanent supportive housing, funding, and partnership with Los Angeles County, and discussed the Coordinating Council’s request for funding support in the amount of \$2,500.

Finlay moved, Paras-Caracci seconded to provide \$2,500 in funding support to the San Gabriel Valley Housing and Homeless Coordinating Council to address homelessness in the San Gabriel Valley, and carried unanimously. Paras-Caracci asked for an update on the program in the next few months.

#### ANNOUNCEMENTS

Joanna Gee, Duarte Library, announced upcoming workshops and programs, and Book Sale on April 14.

Roy Torres stated the Duarte High School swim team made \$900 at its car wash, thanked Mr. Zigic and the community, and announced fundraiser April 11-17 at Rancho’s.

Henry Baltazar announced LULAC Cinco de Mayo celebration on May 5, Food Court on April 21, and upcoming Citizen’s Oversight Committee and School Board Meeting.

#### ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.  
Tom Reyes – Oleanders at Westminster Gardens.  
Joe Gardner – 48<sup>th</sup> Assembly District.  
Roy Torres – Weekly City events, smoking.

CONSENT CALENDAR  
(City Council/Housing Authority)

Finlay moved, Reyes seconded to approve the Consent Calendar (City Council/Housing Authority), as follows, and carried unanimously.

Approve Items A, B, C, D, F, G, H, I.  
Receive and File Item E.

CONSENT CALENDAR  
(City Council as Successor Agency)

Finlay moved, Paras-Caracci seconded to approve the Consent Calendar (City Council as Successor Agency), as follows, and carried unanimously.

Approve Items A, B.

BUSINESS ITEM  
Presentation/Discussion  
Project Labor Agreements (PLA)

Dan Slater presented a staff report about Project Labor Agreements (PLA), and highlighted the key points of the detailed report, including asserted advantages and disadvantages, debate

about costs, local hire provisions, mandates vs. goals, legal considerations, and City of Duarte's capital project list.

Ron Miller, L.A./Orange Counties Building and Construction Trades Council, discussed the PLA for Hoover Dam, the Trade Council's negotiated projects, efficiency, affiliates, apprentices, pathway to careers, and small business.

Ray Vandernat, Building Trades Council, discussed local PLA projects, cost savings, requirements, apprentices, joint labor management committees, and LAUSD contracts.

Francisco Negrete stated he is from Whittier and is a labor compliance specialist, he was community outreach coordinator for Staples Center, and discussed prevailing wage, apprentices, and non-compliant contractors, and stated PLA is an added form of accountability.

There was discussion and questions answered concerning workers' benefits, prevailing wage, moral obligation, commitment to community, and apprentice programs.

Reyes moved, Reilly seconded to direct staff to negotiate a PLA within the next 45-60 days.

There was further discussion about hearing all sides before making a decision, whether it can negatively affect us, preference for more information, life cycle costs, prevailing wage, compliance, maximize value for residents, project-based approach vs. jurisdiction-based approach, practical, enforceable, and need for more information on smaller agreements.

Reyes withdrew his motion. Reilly accepted the withdrawal.

Reyes moved, Paras-Caracci seconded to direct staff to bring back an Agenda item regarding Project Labor Agreements within the next 45 days, with additional information to address concerns raised, and carried unanimously.

ORAL COMMUNICATIONS  
(Continued)

The following spoke on items not on the Agenda.  
Jack Collins – Student video competition.  
Lino Paras – Merge cities, administration, PLA.

ITEMS FROM CITY COUNCIL/  
CITY MANAGER

PARAS-CARACCI: Requested an update on the status of speeding on Greenbank after being heard at the Traffic Safety Commission, stated there has been an uptick of persons sleeping in the corner and on benches at the Ralphs Center and would like us to take a pro-active role on that situation, congratulated the Kiwanis Club on the magic show, and stated James Coughlin will be missed.

FINLAY: Stated this is the final week to submit projects for Congressman Chu's artistic discovery program, the reception

will be held on May 5 at City of Hope, attended SCAG General Assembly where the Regional Transportation Plan/Sustainable Communities Strategy was approved, she will provide an update at the next meeting about the Asian citrus psyllid citrus pest, provided information to the City Manager about the Next Door Organization, a private social network for neighborhoods, for a possible presentation, and attended Rotary Club's breakfast with the Easter bunny, League L.A. Division meeting at USC, and League Policy Committee meeting in Ontario.

REILLY: Attended the first meeting of the Town Center Ad Hoc Advisory Committee, stated home-based business trucks parked in driveways or in front of houses are getting cited and requested a staff report about what other cities do and what options are available, and stated she would like the tobacco retail license policy agenda item for discussion and review.

FASANA: Received an email from a resident about regulating tobacco and tobacco control policies, provided information to the City Manager received from the Board of Equalization Chair about SB 1185 to combat the underground economy, suggested it be brought back if we should support it, congratulated Carmel Padgett and Debbie Cook who were honored by the Girl Scouts, attended breakfast with the Easter bunny and Adopt-A-Block event, and announced Rev. William and Tamala Kelly will have an event at Pamela Park on April 14.

ADJOURNMENT

Finlay moved, Reilly seconded to adjourn the meeting at 9:25 p.m., in memory of James Coughlin, and carried unanimously.

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Mayor John Fasana

ATTEST:

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City Clerk



# CITY COUNCIL AGENDA REPORT

**DATE:** April 18, 2012

**PROJECT:** CONCRETE REPAIR PROGRAM  
PROJECT 12-1

**SUBJECT:** AWARD OF CONCRETE REPAIR PROGRAM CONTRACT TO GENTRY BROTHERS INC. AT 384 LIVE OAK AVENUE, IRWINDALE CA 91706

**FROM:** TERESA RENTERIA, ASSISTANT CIVIL ENGINEER

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## RECOMMENDED ACTION

Staff recommends that the City Council award the Concrete Repair Program contract to Gentry Brothers Inc. at 384 Live Oak Avenue, Irwindale CA.

## BACKGROUND

For many years the Engineering Division in collaboration with the Field Services staff have assessed the sidewalks and curb and gutters citywide to address risks associated with these areas. This annual project consists of the removal and replacement of concrete sidewalks, curb and gutters, driveway approaches, cross-gutters, and ADA ramps that have been damaged by tree roots or other factors. This practice has greatly reduced the number of trip and fall claims in the City of Duarte and has become an integral part of our risk management plan.

On April 17th, 2012, the City Clerk publicly opened bids for the above project. The results of the bid opening are as follow:

Gentry Brothers, Inc.	\$44,936.00
Martinez Concrete, Inc.	\$56,575.84
Hardy & Harper, Inc.	\$66,000.00
E.C. Construction	\$97,340.00

**ANALYSIS**

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Gentry Brothers, Inc. has performed acceptable work previously for the City.

**CONCLUSION**

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Staff recommends that the City Council award the Concrete Repair Program contract to Gentry Brothers Inc. at 384 Live Oak Avenue, Irwindale CA.

DISTRIBUTION:     Community Development Director  
                          City Clerk  
                          Staff





## CITY COUNCIL AGENDA REPORT

**DATE:** April 12, 2012

**PROJECT:** THE MAINTENANCE OF LANDSCAPING FOR CITY WIDE LANDSCAPE DISTRICT PROJECT 09-7

**SUBJECT:** AWARD OF THE MAINTENANCE OF LANDSCAPING FOR CITY WIDE LANDSCAPE DISTRICT CONTRACT TO VALLEYCREST LANDSCAPE MAINTENANCE, AT 201 EAST LONGDEN AVENUE, IRWINDALE, CA 91706

**FROM:** TERESA RENTERIA, ASSISTANT CIVIL ENGINEER

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### RECOMMENDED ACTION

Staff recommends that the City Council award the Maintenance of Landscape for City Wide Landscape District contract to ValleyCrest Landscape Maintenance, at 201 East Longden Avenue, Irwindale, CA.

### BACKGROUND

The current contract for City Wide Landscape Maintenance ends on June 30 of this year. Over the past several years, the City has reduced the level of maintenance across the city to reduce the general fund subsidy necessary to augment funds generated from the citywide landscape assessment. This bid process included a reduction of pruning from weekly to monthly and added annual weed removal and fertilization of field areas. The result was a contract cost that is approximately 10% lower than the last contract, a savings of about \$20,000 annually. Staff feels that the reduction in pruning will not create a negative impact as similar reductions were made last year in some of our neighborhood maintenance districts. Also, since fertilization and weed control hasn't been done in some time, it is essential to perform this process on heavy used areas to preserve turf areas that may become expensive to repair.

This new contract is a one-year contract commencing on the 1<sup>st</sup> day of July, 2012 and ending on the 30<sup>th</sup> day of June, 2013. This one-year contract has an option to renew in one-year increments up to a maximum of 4 yearly extensions. The contractor shall be responsible for performing all mowing operations, fertilization, trash pickup, weed eradication, pruning of shrubs and trees, edging and the cleaning of paved surfaces. Areas of responsibility include all the city parks – including those owned by the school district, multiple bike trail areas, median islands and greenbelts throughout the city, and our Plaza Duarte.

On April 10th, 2012 the City Clerk publicly opened bids for the above project. The results of the bid opening are as follow:

ValleyCrest Landscape Maintenance	\$174,000.00
CLS Landscape Management, Inc.	\$193,089.60
California Landscape and Design	\$194,160.00
Mariposa Landscapes, Inc.	\$233,964.00
Far East Landscape & Maintenance, Inc.	\$272,640.00
TruGreen Landcare	\$348,000.00
Parkwood Landscape Maintenance, Inc.	\$369,408.00

**ANALYSIS**

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ValleyCrest Landscape Maintenance has performed acceptable work for the City for multiple years.

**CONCLUSION**

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Staff respectfully requests that the City Council award "The Maintenance of Landscape for City Wide Landscape District" contract to ValleyCrest Landscape Maintenance, at 201 East Longden Avenue, Irwindale, CA for the bid price submitted.

DISTRIBUTION:     Community Development Director  
                          City Clerk  
                          Staff





# Memorandum

**To:** Mr. Craig Hensley, Community Development Director  
**From:** Mr. Steve Esbenshade, Engineering Division Manager  
**Date:** April 24, 2012  
**Re:** City Council Acceptance – Crack Seal Area 1

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Recommendation:

Road Works, Inc. of Pomona, Ca. has satisfactorily completed the above project. This office respectfully recommends that the City Council accept project “Crack Seal Area 1” and authorize the City Clerk to initiate the Notice of Completion.

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Background:

This work is part of the preparation of the residential streets west of Highland Ave. for the application of a slurry seal or a cape seal surface treatment. The surface treatment is scheduled to be completed this summer. In order to insure the longevity of the surface coating, it was necessary to seal all cracks ¼” or greater with an asphalt rubber sealant.

During the course of this project, Road Works, Inc. sealed approximately 445,000 linear feet of pavement cracks.

The final construction cost for this work is \$150,000.00. This project is funded by L.A. County Measure R funds.

# MEMORANDUM

**TO:** Darrell J. George, City Manager  
**FROM:** Kristen Petersen, Assistant City Manager  
**DATE:** April 19, 2012  
**SUBJECT:** Sales, Use and Transactions Tax Examination

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## **Recommendation**

It is recommended that the City Council approve Resolution No. 12-08.

## **Background**

We were recently notified by the State Board of Equalization that we should adopt an updated resolution for our examination of sales, use and transactions tax. Our previous resolution, which was adopted in 1989, does not include the new confidentiality language that is needed. No other changes have been made, including the provision that the City Manager and the Assistant City Manager (Finance Officer) will be the ones allowed to examine the tax information. Once adopted, we will forward a copy to SBE for their records.

**RESOLUTION NO.****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
DUARTE, CALIFORNIA, AUTHORIZING EXAMINATION OF  
SALES, USE, AND TRANSACTIONS TAX RECORDS**

**WHEREAS**, pursuant to Ordinance No. 24 adopted August 26, 1957, the City of Duarte entered into a contract with the State Board of Equalization to perform all functions incident to the administration and collection of local sales, use, and transactions taxes; and

**WHEREAS**, the City Council of the City of Duarte ("City") deems it desirable and necessary for authorized representatives of the City to examine confidential sales, use, and transactions tax records of the State Board of Equalization ("Board") pertaining to sales, use, and transactions taxes collected by the Board for the City pursuant to that contract; and

**WHEREAS**, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records, and establishes criminal penalties for the unlawful disclosure of information contained in, or derived, from the sales, use, and transactions tax records of the Board.

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

Section 1. That the City Manager and Assistant City Manager, or other officer or employee of the City designated in writing by the City Manager to the Board, is hereby appointed to represent the City of Duarte with authority to examine sales, use, and transactions tax records of the Board pertaining to sales, use, and transactions taxes collected for the City by the Board pursuant to the contract between the City and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales, use, and transactions taxes by the Board pursuant to that contract.

Section 2. That the City Manager and Assistant City Manager, or other officer or employee of the City designated in writing by the City Manager to the Board, is hereby appointed to represent the City with authority to examine those sales, use, and transactions tax records of the Board, for purposes related to the following governmental functions of the City.

- (a) City administration
- (b) Revenue management and budgeting
- (c) Community and economic development
- (d) Business license tax administration

The information obtained by examination of Board records shall be used only for those governmental functions of the City listed above.

Section 3. That Hinderliter, de Llamas & Associates is hereby designated to examine the sales, use, and transactions tax records of the Board pertaining to sales, use, and transactions taxes collected for the City by the Board. The person or entity designated by this section meets all of the following conditions:

- (a) Has an existing contract with the City to examine those sales, use, and transactions tax records;
- (b) Is required by that contract to disclose information contained in, or derived from, those sales, use, and transactions tax records only to the officer or employee authorized under Sections 1 or 2 of this resolution to examine the information;

- (c) Is prohibited by that contract from performing consulting services for a retailer during the term of that contract; and
- (d) Is prohibited by that contract from retaining the information contained in, or derived from, those sales, use, and transactions tax records, after that contract has expired.

The information obtained by examination of Board records shall be used only for purposes related to the collection of City sales, use, and transactions taxes by the board pursuant to the contract between the City and the Board, and for purposes relating to the governmental functions of the Cist listed in Section 2 of this resolution.

APPROVED and ADOPTED this 24th day of April, 2012.

\_\_\_\_\_  
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. 12-08 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 24th day of April, 2012, by the following vote:

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

\_\_\_\_\_  
City Clerk Marla Akana  
City of Duarte, California

FEB 23 REC'D

89-R-3

RESOLUTION NO. 89-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE  
AUTHORIZING CERTAIN CITY OFFICIALS AND A CITY  
CONTRACTOR ACCESS TO SALES AND USE TAX RECORDS  
PURSUANT TO GOVERNMENT CODE SECTION 7056

The City Council of the City of Duarte hereby resolves as follows:

Section 1. The following City officials are hereby authorized to receive and review sales and use tax transactions for the City of Duarte from the Board of Equalization:

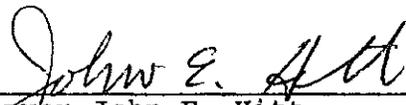
City Manager  
Finance Officer

Section 2. The following independent contractor for the City of Duarte is hereby also authorized to receive and review sales and use tax transactions for the City of Duarte:

Hinderliter, de Llamas & Associates  
Robert Hinderliter, Principal  
Lloyd de Llamas, Principal

Section 3. The City of Duarte hereby certifies that Hinderliter, de Llamas & Associates has an existing contract with the City of Duarte to receive sales and use tax records.

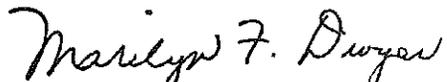
PASSED and ADOPTED this 14th day of February, 1989.

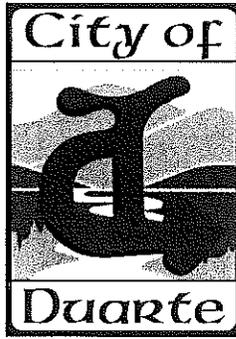
  
\_\_\_\_\_  
Mayor John E. Hitt

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

I, Marilyn F. Dwyer, 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. 89-3 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 14th day of February, 1989, by the following vote:

- AYES: Councilmembers: Michaelis, Van Doren, Fasana, Joyce, Hitt
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

  
\_\_\_\_\_  
City Clerk Marilyn F. Dwyer  
City of Duarte, California



## Proclamation

### DMV/DONATE LIFE CALIFORNIA MONTH 2012

**WHEREAS**, organ, tissue, marrow, and blood donation are life-giving acts recognized worldwide as expressions of compassion to those in need; and

**WHEREAS**, more than 100,000 individuals nationwide and more than 20,000 in California are currently on the national organ transplant waiting list, and every ninety minutes one person dies while waiting, due to the shortage of donated organs; and

**WHEREAS**, more than 600,000 units of blood per year are needed to meet the need in California, and at any given time, 6,000 patients are in need of volunteer marrow donors, and the need for donated organs is especially urgent in Hispanic and African American communities; and

**WHEREAS**, a single individual's donation of the heart, lungs, liver, kidneys, pancreas, and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 50 others; and a single blood donation can help three people in need; and

**WHEREAS**, the spirit of giving and decision to donate are not restricted by age or medical condition; and

**WHEREAS**, California residents can sign up to be organ and tissue donors with the state-authorized Donate Life California Registry when applying for or renewing their driver's licenses or ID cards at the California Department of Motor Vehicles;

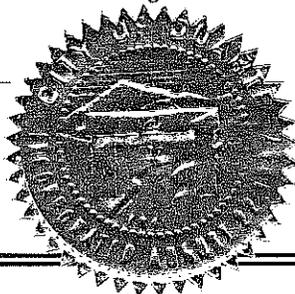
**NOW, THEREFORE, BE IT RESOLVED** that the City of Duarte hereby proclaims April 2012 as DMV/DONATE LIFE CALIFORNIA MONTH in the City of Duarte, and invites all residents to participate in the Donate Life Run/Walk Family Festival on April 28, 2012, and encourages all residents to check "YES" when applying for or renewing their driver's license or I.D. card, or by signing up at [www.donateLIFEcalifornia.org](http://www.donateLIFEcalifornia.org) or [www.doneVIDAcalifornia.org](http://www.doneVIDAcalifornia.org).

\_\_\_\_\_  
Mayor John Fasana

ATTEST:

\_\_\_\_\_  
City Clerk Marla Akana  
Duarte, California

April 24, 2012



**RESOLUTION NO.****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING RESOLUTION NO. 12-07 TO ENABLE PERSONS WHO LIVE OUTSIDE OF THE CITY, BUT WHO ARE AN OWNER, DIRECTOR, OFFICER, OFFICIAL, OR EMPLOYEE OF A BUSINESS, ORGANIZATION, OR ENTITY LOCATED IN THE CITY, TO BE ELIGIBLE FOR APPOINTMENT TO THE TOWN CENTER AD HOC ADVISORY COMMITTEE**

WHEREAS, the City Council of the City of Duarte, at its regular meeting of March 27, 2012, approved and adopted Resolution No. 12-07 establishing the Town Center Ad Hoc Advisory Committee as described and set forth in said Resolution; and

WHEREAS, the City Council desires to amend one section of Resolution No. 12-07 to enable persons who live outside of Duarte, but who are an owner, director, officer, official, or employee of a business, organization, or entity located in Duarte, to be eligible for appointment to the Committee;

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

SECTION 1. Amendment of Resolution No. 12-07. Section 1.C of Resolution No. 12-07 is amended and restated in its entirety to read as follows (deletions shown as strike-out and additions as underline):

C. Committee Member Eligibility. Current members of the Economic Development Commission shall automatically become members of the Committee upon the adoption of this Resolution. Candidates for appointment to the remaining ten (10) Committee seats shall be residents of the City, provided, however, candidates shall be eligible for appointment even if not a resident of the City if the candidate is an owner, director, officer, official, or employee of a business, organization, or entity located in the City. Candidates for appointment to the remaining ten (10) Committee seats shall not have been convicted of a felony.

SECTION 2. No Other Amendment. Except as set forth in Section 1, all of the terms, provisions, and conditions set forth in Resolution No. 12-07 shall remain in full force and effect.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24<sup>th</sup> day of April, 2012.

---

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. 12-09 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 24th day of April, 2012, by the following vote:

AYES:       Councilmembers:

NOES:       Councilmembers:

ABSENT:     Councilmembers:

\_\_\_\_\_  
City Clerk Marla Akana  
City of Duarte, California

**MEMORANDUM**

**TO:** Mayor and Councilmembers

**FROM:** Darrell J. George, City Manager

**DATE:** April 19, 2012

**SUBJECT:** Conference Attendance – City Council Meeting of April 24, 2012



World Trade Center Association Los Angeles/Long Beach and  
Los Angeles County Economic Development Corporation  
International Trade Outlook 2012  
May 16, 2012  
Long Beach, California  
\$55 LAEDC Members

Contact [WTCA LA-LB and LAEDC](#) for event and ticket information.

Email | Share | Tweet

# International Trade Outlook 2012

Wednesday, May 16, 2012 from 8:00 AM to 11:00 AM (PT)  
Long Beach, CA



## Ticket Information

TICKET TYPE	SALES END	PRICE	FEE	QUANTITY
<b>Early Bird - General Public</b> Early bird rate ends on April 27 at Noon. Early Bird payment by check must be received by April 27th. Regular price is \$80. Day of Registration is \$100. Cooperating Organizations: please use coupon code we provided for your discount.	Apr 27, 2012	\$65.00	\$0.00	0
<b>LAEDC Primary Member ONLY - Complimentary ticket (# of comp tickets is based on membership level)</b> Please check your LAEDC membership level for the number of qualifying "comp" seats or call Marilyn at 213-236-4812.	May 14, 2012	\$0.00	\$0.00	0
<b>LAEDC Member Company / Nonprofit / Student</b> Individual ticket for employees of LAEDC members, nonprofit organizations and students. Students must submit a copy of valid ID.	May 14, 2012	\$55.00	\$0.00	0
<b>Foreign Consulate "Comp Ticket"</b> Complimentary tickets for Foreign Consulates only.	May 14, 2012	\$0.00	\$0.00	0
<b>Table of Ten - Early Bird rate</b> Reserve your Table of Ten. Early bird rate ends on April 27th at Noon. Early bird payment must be received by April 27th. Regular Price for Tables will be \$750. Please submit guest list (name and company) by May 9th.	Apr 27, 2012	\$600.00	\$0.00	0
<b>Table of Ten - LAEDC Member Company / Nonprofit</b> Reserve your table of Ten. Discount applies to LAEDC Members, and Nonprofit Organizations. Please submit guest list by May 9th.	May 14, 2012	\$500.00	\$0.00	0
<b>Exhibit Displays</b> Exhibit space to display your company's products, services and marketing collateral. Includes 6' draped table, 2 chairs and 1 comp ticket.	May 14, 2012	\$250.00	\$0.00	0
<b>MEDIA</b> Media Registration is by invitation only. Please contact Colin Maynard at (213) 236-4845.	May 14, 2012	\$0.00	\$0.00	0

Enter promotional code



Order Now

## When & Where



**Hyatt Regency Long Beach**  
200 South Pine Avenue  
Long Beach, CA 90802

Wednesday, May 16, 2012 from 8:00 AM to 11:00 AM (PT)

[Add to my calendar](#)

## Hosted By

**WTCA LA-LB and LAEDC**

[Contact the Host](#)

World Trade Center Association Los Angeles - Long Beach and the Los Angeles County Economic Development Corporation

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SPEAKER  
SPOTLIGHT

SPEAKERS | TICKETS | REGISTER NOW | CONTACT US

World Trade Center Association Los Angeles - Long Beach  
and  
The Los Angeles County Economic Development Corporation

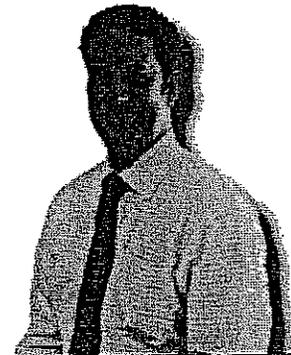
CELEBRATING LOS ANGELES COUNTY

AS AMERICA'S INTERNATIONAL TRADE CAPITAL AND GATEWAY TO THE GLOBAL ECONOMY

May 16, 2012 • Hyatt Regency Long Beach • 8:00 a.m. - 11:00 a.m.

FERDINANDO  
GUERRA

*Presentation Topic - Growing Together Korea and Los Angeles County*



Ferdinando Guerra is the International Economist for the Kyser Center for Economic Research at the LAEDC. Mr. Guerra prepares the international sections of LAEDC's Economic Forecasts and is a primary contributor to the annual *International Trade Trends* report. He was the principal author of the LAEDC's recently-released country reports, *Growing Together: China and Los Angeles County* and *Growing Together: Japan and Los Angeles County*. Mr. Guerra will present the LAEDC's *Growing Together: Korea and Los Angeles County* report, which will focus on the close ties between Korea and Los Angeles County by describing the historical, personal, trade, investment, business and future ties that make this partnership so strong. The report is a valuable resource that will be utilized to increase business, trade, and investment between Korea and L.A. County.

REGISTER NOW!

## Event Details

### **Celebrating LA County as America's International Trade Capital and Gateway to the Global Economy**

**Register today to hear what is expected for international trade in 2012-2013!**

How will the economic outlook for our top trading partners impact the local economy?  
How will the newly implemented Korea - U.S. Free Trade Agreement impact two-way trade?  
What lies ahead for Southern California and U.S. manufacturing?  
How are our ports becoming "big ship" ready?

#### **PROGRAM SPEAKERS**

- **Growing Together: South Korea and Los Angeles County** - *Ferdinando Guerra*, International Economist, The Kyser Center for Economic Research
- **Manufacturing's Wake Up Call: The Challenge for Southern California and U.S. Competitiveness** - *Tom Mayor*, Senior Executive Advisor, Booz & Company, Inc.
- **2012-2013 International Trade Outlook report** - *Dr. Robert Kleinhenz*, Chief Economist for The Kyser Center for Economic Research / LAEDC
- **Port of Long Beach Economic Update** - *Sean Strawbridge*, Managing Director of Trade Relations and Port Operations, Port of Long Beach

Ticket price includes continental breakfast and both the *Growing Together: South Korea and Los Angeles County* and *International Trade & Trends Reports*.

- 8am to 9am - Breakfast & Networking: Regency foyer (4th floor)
- 9am to 11am - Program: Regency ballroom (4th floor)

**NOTE: LAEDC member representatives** receive complimentary registration subject to membership level. Please check your membership benefits.

Please contact Marilyn McPoland for more information (213) 236-4812.

Register at [www.LAEDC.org/andecoutlook](http://www.LAEDC.org/andecoutlook)

No Refunds will be issued after Friday, May 11th.

Day of Tickets will be available for \$100 at the door.

# MEMORANDUM

**TO:** Darrell J. George, City Manager, City of Duarte As Successor Agency to Dissolved Redevelopment Agency of the City of Duarte

**FROM:** Kristen Petersen, Assistant City Manager, City of Duarte As Successor Agency to Dissolved Redevelopment Agency of the City of Duarte

**DATE:** April 18, 2012

**SUBJECT:** **Recognized Obligation Payment Schedules and Administrative Budget**

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## Recommendation

It is recommended that the Successor Agency:

- (1) Approve and adopt the revised Recognized Obligation Payment Schedule for January 2012 through June 2012;
- (2) Approve and adopt the Recognized Obligation Payment Schedule for July 2012 through December 2012;
- (3) Approve and adopt the Successor Agency's Administrative Budget for January-June 2012; and
- (4) Approve and adopt the Successor Agency's Administrative Budget for July-December 2012.

## Background

Pursuant to the terms of AB 1x 26, the Duarte City Council as Successor Agency prepared and adopted a Recognized Obligation Payment Schedule (ROPS) of the Enforceable Obligations of the former Redevelopment Agency covering the period January 2012 through June 2012 on February 28, 2012. This ROPS specified the payments we believe to be enforceable obligations and for which we believe the Los Angeles County Auditor-Controller should be sending us property taxes so that we can make payments.

Since that time we have received several suggestions from the Department of Finance, the LA County Auditor Controller, related professional organizations, and our own legal counsel on the ROPS. Taking into consideration these opinions and directions, we have made revisions to the January/June ROPS and it is attached for your review and adoption. Once adopted this revised ROPS will be presented to the Oversight Board for approval once the Oversight Board meets.

As you know the Successor Agency is supposed to prepare a new ROPS for each six month period after the initial one for the January-June period with each of these subsequent ROPS submitted to the Oversight Board for approval. As a result, we have also prepared a ROPS for the period July 2012 through December 2012 and it is attached for review and adoption by the Successor Agency. The revised ROPS for the January-June period is subject to certification by the LA County Auditor-Controller, and both ROPS are subject to approval by the Oversight Board Auditor and final approval by the State Department of Finance.

Also attached are administrative budgets for the Successor Agency for each of the two six-month periods (January-June and July-December, 2012), which reflect our estimate of what it will cost to administer the Successor Agency's obligations during those periods. The administrative budgets are attached for review and adoption by the Successor Agency. As with the ROPS, the administrative budgets are subject to approval by the Oversight Board.

Once adopted, the City is required to post the two ROPS on the City's website. Staff will present the two ROPS and the Administrative Budgets to the Oversight Board for consideration and approval once the Oversight Board meets.

Duarte Redevelopment Agency  
Merged Project Area

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE**

January 1, 2012 through June 30, 2012

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Paid YTD	Payments by month						Pmt Source			
						Jan	Feb	Mar	Apr	May	June		Total		
1) TA Refund Bond 2007 - Series A	US Bank	Bonds issued to fund non-housing projects	14,824,701.00	1,331,037.50	1,111,122.50				219,925.00				\$ 1,331,037.50	(3)	
2) TA Refund Bond 2007 - Series B	US Bank	Bonds issued to fund non-housing projects	9,258,569.00	1,324,475.00	1,142,475.00				182,945.88				\$ 1,324,475.00	(3)	
3) TA Refund Bond 2007 - Series C	US Bank	Bonds issued to fund non-housing projects	4,346,000.00	540,800.00	474,400.00				66,400.00				\$ 540,800.00	(3)	
4) TA Refund Bond 2007*	US Bank	Compliance w. special redemption covenant	300,000.00	300,000.00	0.00							300,000.00	\$ 300,000.00	(3)	
5) Jacobsen DDA	Jacobsen Family Holdings	Additional Purchase Price Payments	2,735,320.40	383,823.20	0.00							181,912.00	\$ 181,912.00	(3)	
6) Jacobsen DDA	City of Duarte	Steiff, legal & engineering costs to finalize development	325,600.00	108,600.00	0.00							36,166.67	\$ 36,166.67	(3)	
7) Contract for Legal Svc	Rutan & Tucker	Project administration	1,090,000.00	120,000.00	6,485.00			10,000.00	10,000.00			10,000.00	\$ 108,500.00	(3)	
8) Property Tax Admin Fee	LA County	Project administration	1,365,000.00	140,000.00	129,000.00								\$ 65,465.00	(3)	
9) Contract for Trustee Services	US Bank	Trustee fees for Bonds listed above	135,000.00	15,000.00	11,590.00							5,000.00	\$ 15,000.00	(3)	
10) Contract for Consulting Svc	Harrell & Company	Project administration	1,200,000.00	1,200,000.00	0.00							2,500.00	\$ 2,500.00	(4)	
11) SCPH DDA	So Cal Presbyterian Homes	Affordable Housing Project Costs	41,000.00	0.00	0.00								\$ 1,200,000.00	(4)	
12) SCPH DDA	City of Duarte	Steiff, legal & engineering costs to finalize development	41,000.00	0.00	0.00								\$ -	(4)	
13) Housing Authority obligation	Duarte Housing Authority	Master Financing and Grant Agreement	15,552,800.00	1,700,000.00	637,993.00			177,001.17	177,001.17			177,001.17	\$ 1,700,000.00	(3)	
14) Contract for Audit Services	Lance Soli & Luinghard	Project administration	135,000.00	15,000.00	8,815.00			6,185.00					\$ 15,000.00	(3)	
15) Contract for Landscape Maint	Valley Crest Landscape	Project administration	45,000.00	5,000.00	1,417.50			500.00	500.00			500.00	\$ 4,417.50	(3)	
16) Reimbursement & Operating Agt	City of Duarte	Advance of funds for 4/2011 debt service payment	488,872.00	0.00	0.00								\$ -	(3)	
17) Mountain Vista Plaza OPA	Mountain Vista Plaza Ptnrs	Agency Assistance Payments	100,000.00	0.00	0.00								\$ -	(3)	
18) Woodbluff Storm Drain Project	City of Duarte	Public Owned Project Area Improvements	221,250.00	0.00	0.00								\$ -	(3)	
19) Administrative Services Agt	City of Duarte	Payroll for Employees	4,370,400.00	485,600.00	209,805.00			34,987.50	34,987.50			34,987.50	\$ 415,910.00	(3)	
20) Administrative Services Agt	City of Duarte	Facilities, Insurance, clerical support etc.	2,450,000.00	270,000.00	135,000.00			22,500.00	22,500.00			22,500.00	\$ 270,000.00	(3)	
21) Promissory Note - Amended Davis	City of Duarte	Repayment of note for Project Improvements	2,300,025.00	2,300,025.00	0.00								\$ -	(3)	
22) Promissory Note - Hamilton	City of Duarte	Repayment of note for Project Improvements	1,073,201.00	1,073,201.00	0.00								\$ -	(3)	
23) Promissory Note - RD Ph III	City of Duarte	Repayment of note for Project Improvements	572,389.00	572,389.00	0.00								\$ -	(3)	
24) Performance Nissan Sign Fee	Group 1 Realty	Sign Fee	190,000.00	30,000.00	30,000.00								\$ 30,000.00	(3)	
25) Huntington Ots Promissory Note	City of Duarte	40 units - Project compliance & administration	99,000.00	11,000.00	5,500.00			916.67	916.67			916.67	\$ 11,000.00	(3)	
26) Assisted Housing Inventory Audit	City of Duarte	5 complexes - Project compliance and administration	98,750.00	10,750.00	5,375.00			895.83	895.83			895.83	\$ 10,750.00	(3)	
27) Silent Second Program	City of Duarte	Project compliance and administration	44,100.00	4,900.00	2,450.00			408.33	408.33			408.33	\$ 4,900.00	(3)	
28) Administrative Cost Allowance	City of Duarte	Project administration	1,953,952.32	596,842.38	298,421.19			49,736.86	49,736.86			49,736.86	\$ 596,842.38	(4)	
<b>Totals - This Page</b>			\$ 66,399,029.72	\$ 12,533,689.89	\$ 4,208,829.19			\$ 493,258.36	\$ 301,926.36	\$ 308,111.36	\$ 301,764.91	\$ 335,593.03	\$ 1,835,593.03	\$ 8,285,075.26	
<b>Grand total - All Pages</b>			\$ 66,399,029.72	\$ 12,533,689.89	\$ 4,208,829.19			\$ 493,258.36	\$ 301,926.36	\$ 308,111.36	\$ 301,764.91	\$ 335,593.03	\$ 1,835,593.03	\$ 8,285,075.26	

(1) The figures in this document are estimates only. The actual payment obligations may be higher or lower.  
 (2) The Agency has special redemption bond covenants in all of its Tax Allocation Bonds that requires an annual calculation of total tax increment generated and comparison to cumulative tax increment Cap of the Project Area in order to determine if a special mandatory redemption should be ordered from certain excess revenues. It is unclear how the Agency will be able to complete this calculation if we are not receiving ANY excess tax increment revenues. In order to comply with bond covenants, excess revenues are pledged to this special redemption. We have simply input an amount on the schedule in order to portray potential need for special redemption.  
 (3) Redevelopment Property Tax Trust Fund  
 (4) Administrative cost allowance  
 (5) The amount shown in the "Total" column for a line item as the total for the January-June period reflects the total amount that may be made in one or more payments in the period Jan thru June.

Name of Redevelopment Agency: Duarte Redevelopment Agency  
 Project Area(s): Merged Project Area

**RECOGNIZED OBLIGATION PAYMENT SCHEDULE**  
 July 1, 2012 through December 31, 2012

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Paid YTD	Payments by month												Pmt Source
						Jul	Aug	Sep	Oct	Nov	Dec	Total (5)						
1) TA Refund Bond 2007 - Series A	US Bank	Bonds issued to fund non-housing projects	13,493,876	1,333,015	-	-	-	-	-	-	-	-	-	-	-	-	1,129,925	(3)
2) TA Refund Bond 2007 - Series B	US Bank	Bonds issued to fund non-housing projects	6,785,000	1,149,847	-	-	-	-	-	-	-	-	-	-	-	-	1,172,347	(3)
3) TA Refund Bond 2007 - Series C	US Bank	Bonds issued to fund non-housing projects	3,805,200	544,400	-	-	-	-	-	-	-	-	-	-	-	-	486,400	(3)
4) TA Refund Bond 2007*	US Bank	Compliance w. special redemption covenant	300,000	300,000	-	-	-	-	-	-	-	-	-	-	-	-	300,000	(3)
5) Jacobsen DDA	Jacobsen Family Holdings	Additional Purchase Price Payments	2,553,409	313,823	-	-	-	-	-	-	-	-	-	-	-	-	313,824	(3)
6) Jacobsen DDA	City of Duarte	Staff, legal & engineering costs to finalize development	217,000	217,000	-	-	-	-	-	-	-	-	-	-	-	-	18,083	(3)
7) Contract for Legal Svc	Rutan & Tucker	Project administration & AB 1x26 compliance	980,000	120,000	-	-	-	-	-	-	-	-	-	-	-	-	10,000	(3)
8) Property Tax Admin Fee	LA County	Project administration	1,365,000	140,000	-	-	-	-	-	-	-	-	-	-	-	-	10,000	(3)
9) Contract for Trustees Services	US Bank	Trustee Fees for Bonds listed above	120,000	15,000	-	-	-	-	-	-	-	-	-	-	-	-	15,000	(3)
10) Contract for Consulting Svc	Harrell & Company	Fiscal Consultant for Bond & AB 1x26 compliance	120,000	15,000	-	-	-	-	-	-	-	-	-	-	-	-	1,250	(3)
11) JCPH DDA	So Cal Presbyterian Homes	Affordable Housing Project Costs	1,200,000	1,200,000	-	-	-	-	-	-	-	-	-	-	-	-	1,200,000	(3)
12) JCPH DDA	City of Duarte	Staff, legal & engineering costs to finalize development	41,000	41,000	-	-	-	-	-	-	-	-	-	-	-	-	3,417	(3)
13) Housing Authority obligation	Duarte Housing Authority	Master Financing and Grant Agreement	16,915,000	1,734,000	-	-	-	-	-	-	-	-	-	-	-	-	3,417	(3)
14) Contract for Audit Services	Lance Soil & Lingham	Project administration	44,800	5,600	-	-	-	-	-	-	-	-	-	-	-	-	5,600	(3)
15) Contract for Landscape Maint	Valley Crest Landscape	Project administration	40,000	5,000	-	-	-	-	-	-	-	-	-	-	-	-	417	(3)
16) Reimbursement & Operating Agt	City of Duarte	Advance of funds for 4/2011 debt service payment	468,672	468,672	-	-	-	-	-	-	-	-	-	-	-	-	417	(3)
17) Mountain Vista Plaza Ptns	Mountain Vista Plaza Ptns	Agency Assistance Payments	100,000	100,000	-	-	-	-	-	-	-	-	-	-	-	-	468,672	(3)
18) Woodburr Storm Drain Project	City of Duarte	Publicly Owned Project Area Improvement	221,250	221,250	-	-	-	-	-	-	-	-	-	-	-	-	100,000	(3)
19) Administrative Services Agt	City of Duarte	Payroll for Employees	4,027,896	503,492	-	-	-	-	-	-	-	-	-	-	-	-	221,250	(3)
20) Administrative Services Agt	City of Duarte	Facilities, Insurance, overhead, clerical support etc.	2,150,892	272,574	-	-	-	-	-	-	-	-	-	-	-	-	41,958	(3)
21) Promissory Note - Amended Davis	City of Duarte	Repayment of note for Project Improvements	2,300,025	2,300,025	-	-	-	-	-	-	-	-	-	-	-	-	41,958	(3)
22) Promissory Note - Hamilton	City of Duarte	Repayment of note for Project Improvements	1,073,201	1,073,201	-	-	-	-	-	-	-	-	-	-	-	-	22,715	(3)
23) Promissory Note - RD Ph III	City of Duarte	Repayment of note for Project Improvements	572,388	572,388	-	-	-	-	-	-	-	-	-	-	-	-	22,715	(3)
24) Performance Missian Sign Fee	Group 1 Realty	Sign Fee	150,000	30,000	-	-	-	-	-	-	-	-	-	-	-	-	30,000	(3)
25) Huntington Cts Promissory Note	City of Duarte	40 units - Project compliance and administration	11,000	11,000	-	-	-	-	-	-	-	-	-	-	-	-	917	(3)
26) Assisted Housing Inventory Audit	City of Duarte	5 complexes - Project compliance and administration	10,750	10,750	-	-	-	-	-	-	-	-	-	-	-	-	896	(3)
27) Silent Second Program	City of Duarte	Project compliance and administration	39,200	4,900	-	-	-	-	-	-	-	-	-	-	-	-	896	(3)
28) Administrative Cost Allowance	City of Duarte	Project administration	1,773,483	381,058	-	-	-	-	-	-	-	-	-	-	-	-	408	(3)
<b>Totals - This Page</b>			\$ 60,889,592.67	\$ 13,082,996.22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,255,647.99	(4)
<b>Grand total - All Pages</b>			\$ 80,889,592.67	\$ 13,082,996.22	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,255,647.99	(4)

(1) The figures in this document are estimates only. The actual payment obligations may be higher or lower.  
 (2) The Agency has special redemption bond covenants in all of its Tax Allocation Bonds that require an annual calculation of total tax increment generated and comparison to cumulative tax increment Cap of the Project Area in order to determine if a special mandatory redemption should be ordered from certain excess revenues. It is unclear how the Agency will be able to complete this calculation if we are not receiving ANY excess tax increment revenues. In order to comply with bond covenants, excess revenues are pledged to this special redemption. We have simply input an amount on the schedule in order to portray potential need for special redemption.  
 (3) Redevelopment Property Tax Trust Fund  
 (4) Administrative cost allowance  
 (5) The amount shown in the "Total" column for a line item as the total for the July-December period reflects the total amount that may be made in one or more payments in the period July thru December.

**ADMINISTRATIVE BUDGET for January 1, 2012 through June 30, 2012**

Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte

<u>DIRECT COSTS</u>	<u>time spent</u>	<u>effective hrly</u>	<u>total cost</u>	<u>dept</u>
Hensley	33%	24.22	25,190.00	33% successor agency comm dev
Hernandez	70%	34.29	35,658.00	70% successor agency comm dev/housing
Golding	50%	24.49	25,470.00	50% successor agency comm dev
Brown	25%	7.35	7,640.00	25% successor agency payroll
Petersen	40%	30.86	32,096.20	33% successor agency finance
Cathey	33%	14.81	15,398.00	33% successor agency finance
Swart	5%	1.45	1,506.60	5% successor agency finance
George	33%	33.23	34,564.17	33% successor agency city manager
Akana	33%	15.51	16,128.00	33% successor agency city clerk
			<u>193,650.97</u>	
Benefits and Retirement @ 30%			<u>58,095.29</u>	
<b>TOTAL DIRECT ADMIN BUDGET</b>			<b>251,746.26</b>	
<b>INDIRECT COSTS</b>				
4 dept Clerical staff				
	time spent	effective hrly	total cost	
	20%	21.47	22,330.88	20% successor agency
Benefits and Retirement @ 30%			<u>6,699.26</u>	
			29,030.14	
Overhead (including facilities, insurance, equipment)			<u>107,256.59</u>	38.2% per cost allocation plan
<b>TOTAL INDIRECT ADMIN BUDGET</b>			<b>136,286.73</b>	
<b>TOTAL ADMINISTRATIVE COSTS</b>			<b>388,032.99</b>	

1. The source of funding for the admin budget is from the administrative cost allowance
2. Any amounts advanced by the City of Duarte general fund to the Successor Agency for payment of Successor Agency administrative expenses shall be repaid by the Successor Agency from the Administrative Cost Allowance by the Successor Agency.

**ADMINISTRATIVE BUDGET for July 1, 2012 through December 31, 2012**

Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte

<u>DIRECT COSTS</u>	<u>time spent</u>	<u>effective hrly</u>	<u>total cost</u>	<u>dept</u>
Hensley	33%	24.22	25,190.00	comm dev
Hernandez	70%	34.29	35,658.00	comm dev/housing
Golding	50%	24.49	25,470.00	comm dev
Brown	25%	7.35	7,640.00	payroll
Petersen	40%	30.86	32,096.20	finance
Cathey	33%	14.81	15,398.00	finance
Swart	5%	1.45	1,506.60	finance
George	33%	33.23	34,564.17	city manager
Akana	33%	15.51	16,128.00	city clerk
			<u>193,650.97</u>	
Benefits and Retirement @ 30%			<u>58,095.29</u>	
<b>TOTAL DIRECT ADMIN BUDGET</b>			<b>251,746.26</b>	
<u>INDIRECT COSTS</u>	<u>time spent</u>	<u>effective hrly</u>	<u>total cost</u>	
4 dept Clerical staff	20%	21.47	22,330.88	20% successor agency
Benefits and Retirement @ 30%			<u>6,699.26</u>	
			29,030.14	
Overhead (including facilities, insurance, equipment)			<u>107,256.59</u>	38.2% per cost allocation plan
<b>TOTAL INDIRECT ADMIN BUDGET</b>			<b>136,286.73</b>	
<b>TOTAL ADMINISTRATIVE COSTS</b>			<b>388,032.99</b>	

1. The source of funding for the admin budget is from the administrative cost allowance
2. Any amounts advanced by the City of Duarte general fund to the Successor Agency for payment of Successor Agency administrative expenses shall be repaid by the Successor Agency from the Administrative Cost Allowance by the Successor Agency.



# Memorandum

**To:** Mr. Craig Hensley, Community Development Director  
**From:** Mr. Steve Esbenshade, Engineering Division Manager  
**Date:** April 24, 2012  
**Re:** Foothill Transit Bus Signal Priority Demonstration Project  
Traffic Safety Recommendation

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## Traffic Safety Commission Action and Recommendation:

Unanimously recommended that the City Council approve the implementation of the Foothill Transit Bus Signal Priority Project with the additional stipulation that Foothill Transit considers the relocation of the eastbound Huntington Drive bus stop at the southwest corner of Buena Vista St. to the southeast corner of Buena Vista St.

## Background

On April 3, 2012, the Traffic Safety Commission considered the above project. Ms. LaShawn King Gillespie of Foothill Transit and Ms. Lisa Woodward of Televent were in the audience and provided a PowerPoint presentation on the project. According to Ms Woodward and Ms. Gillespie, the project will allow buses serving the 187 line, between Pasadena and Azusa, the option, under strict parameters, to extend the signal green light an additional 10 seconds at 41 intersections. Duarte will have 5 of its traffic signals on Huntington Drive equipped with the hardware and software for this function. Extensions will only be made if the bus is behind schedule and if the synchronization of the signal can be made up within 2 cycles. All costs associated with this project will be through an L.A. County grant.

The 5 traffic signals affected will be:

Huntington Dr./Mountain Ave.

Huntington Dr./Crestfield Dr.

Huntington Dr./Buena Vista St.

Huntington Dr./Las Lomas Rd.

Huntington Dr./Highland Ave.

# MEMORANDUM

**TO:** Darrell J. George, City Manager  
**FROM:** Kristen Petersen, Assistant City Manager  
**DATE:** April 19, 2012  
**SUBJECT:** **Bus Signal Priority Project Memorandum of Understanding**

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## **Recommendation**

It is recommended that the City Council authorize the City Manager to enter into a Memorandum of Understanding between the City of Duarte and Foothill Transit.

## **Background**

As mentioned, on April 3, 2012, the Traffic Safety Commission recommended approval of the bus signal priority project. In order to define the relationship and responsibilities related to this project, the City must enter in to a Memorandum of Understanding (MOU) with Foothill Transit. City staff has been meeting on and off with Foothill Transit staff and consultants on the Bus Signal Priority project for the last four years. After extensive coordination with surrounding communities, Foothill Transit is ready for implementation.

The project will allow buses serving the 187 line, between Pasadena and Azusa, the option, under strict parameters, to extend the signal green light an additional 10 seconds at 41 intersections. Duarte will have 5 of its traffic signals on Huntington Drive equipped with the hardware and software for this function. Extensions will only be made if the bus is behind schedule and if the synchronization of the signal can be made up within 2 cycles. All costs associated with the installation and maintenance of the project are borne by Foothill Transit. The other communities along the line are in support of the project and are in various stages of the approval process. Arcadia, Azusa and Pasadena have approved the plans and executed the MOU and others like Monrovia are in the final phase of review with hopes of getting it approved in the next month.

**BUS SIGNAL PRIORITY PROJECT**  
**MEMORANDUM OF UNDERSTANDING**

**CITY OF DUARTE**

**AND**

**FOOTHILL TRANSIT**

This Memorandum of Understanding (“MOU”) is entered into effective \_\_\_\_\_ by and between the City of Duarte (“City”) and Foothill Transit to provide inter-agency guidelines, responsibilities and procedures for the installation, operations and maintenance of Foothill Transit’ Bus Signal Priority equipment (BSP) to support Foothill Transit’s bus operations traversing through the City. Foothill Transit and the City may be referred to individually as and collectively as Parties throughout the MOU.

**RECITALS**

- A. The City has responsibility for the operation and maintenance of its local traffic control system.
- B. Foothill Transit operates certain bus routes on certain streets in the City, and is undertaking a demonstration project to determine the effectiveness of BSP equipment in ensuring optimal use of buses in providing service throughout the Foothill Transit service area.
- C. The implementation of BSP equipment has been successfully demonstrated to enhance bus services, resulting in substantial travel time savings for the public without negatively impacting the overall transportation network.
- D. Foothill Transit’s BSP program was prepared in accordance with state and federal traffic signal safety requirements. The implementation of the program does not affect or alter the safety parameters of the local traffic control system.
- E. The City desires to participate in the Foothill Transit program by allowing Foothill Transit to make certain improvements on City traffic control equipment at targeted intersections as described herein.

- F. The purpose of this MOU is to establish the following items to facilitate the implementation and ongoing operations of Foothill Transit's BSP program along Huntington Drive:
- Clear delineation of roles and responsibilities of each agency
  - Standard operating procedures for each agency
  - Maintenance responsibilities for agencies
  - Acceptance of mutual cooperation to resolve technical and institutional issues during the design, implementation, operation and maintenance of Foothill Transit's BSP equipment.
  - Communication protocols (along with contact names and phone numbers)

## AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereby agree as follows:

### 1.0 TERM

**Foothill Transit and the City agree that Foothill Transit's BSP equipment installed in accordance with this MOU will remain in place unless Foothill Transit gives the City 180 days written notice that it intends to remove the equipment or the City gives Foothill Transit 180 days notice that the City desires that Foothill Transit remove the equipment. In either case, Foothill Transit assumes the sole responsibility for the removal of the equipment.**

### 2.0 CITY AGREEMENT:

#### 2.1 Roles and Responsibilities

- 2.1.1 If available, the City will provide or make available to Foothill Transit existing traffic signal plans for targeted intersections in order for Foothill Transit to prepare final as-built drawings. Such traffic signal plans shall be provided in an electronic format, if available.
- 2.1.2 The City will provide coordination support during the design, installation and testing of all elements of Foothill Transit's BSP project. Such support may include, without limitation, timely review of design, access to necessary equipment for installation, providing timely approvals and inspections and making staff available on an as-needed basis.

- 2.1.3 The City shall work with Foothill Transit to make space available for the installation of WLAN equipment within traffic controller cabinets and on traffic signal poles and mast arms as necessary.
- 2.1.4 The City shall issue permits, if required, at no cost to Foothill Transit or its contractors, for all work directly related to the installation of BSP equipment.
- 2.1.5 At no cost to the City, the City shall assist with the installation of updated traffic signal control programs required for the operation Foothill Transit's BSP equipment. The City shall remain responsible for entering the signal timing including BSP parameters, and for other tasks directly related to day-to-day traffic signal operations.
- 2.1.6 The City hereby authorizes Foothill Transit to obtain the applicable traffic signal control firmware for the City in order to operate the BSP system.
- 2.1.7 The City shall retain exclusive ownership and control over all local traffic signal control equipment that has been installed by the City prior to the effective date of this MOU or which is installed by the City after the effective date of this MOU and which is not part of Foothill Transit's BSP equipment. Other than Foothill Transit's BSP WLAN and related equipment, the City shall also retain exclusive ownership and control over all other equipment, firmware, software and improvements that Foothill Transit makes to the City traffic signals even if such equipment, firmware and software are purchased exclusively by Foothill Transit.

## 2.2 Operations and Maintenance

- 2.2.1 The City shall retain responsibility for the operations and maintenance of the local traffic control system, including those intersections receiving traffic signal cabinet, controller hardware and firmware upgrades, exclusive of upgrades to software used in the BSP by Foothill Transit.. Nothing in this MOU is intended to change or be construed to change City's responsibilities in operating and maintaining its traffic control system, including, without limitation, traffic timing/signal issues at City intersections.
- 2.2.2 The City reserves the right to disconnect BSP hardware as deemed necessary as part of normal local traffic signal control operations and maintenance.

2.2.3 The City will notify Foothill Transit if Foothill Transit's BSP hardware is disconnected during the normal course of traffic signal control operations and maintenance.

### 2.3 Cooperation

2.3.1 The City supports the deployment of Foothill Transit's BSP equipment and will cooperate with Foothill Transit in order to successfully provide for bus signal priority along Huntington Drive between Mountain and Las Lomas.

### 2.4 Communications

2.4.1 The City appoints the following individual to serve as the principal point of contact under this MOU:

Kristen Petersen  
Assistant City Manager  
City of Duarte  
1600 Huntington Drive  
Duarte, CA 91010  
626-357-7931  
petersenk@accessduarte.com

## 3.0 **FOOTHILL TRANSIT AGREEMENT:**

### 3.1 Roles and Responsibilities

3.1.1 To the extent, Foothill Transit obtains traffic signal plans from the City, Foothill Transit shall update such traffic signal plans with the proposed bus signal priority improvements and provide final as built plans to the City upon completion of installation.

3.1.2 At Foothill Transit's sole cost and expense, Foothill Transit shall procure, test, and in coordination with the City, integrate, and install all elements necessary to implement Foothill Transit's BSP project at each targeted intersection, including installing traffic signal cabinet, controller and firmware upgrades when necessary. Foothill Transit shall not install any equipment until Foothill Transit has received (i) City's approval on the design and (ii) the applicable City permits.

3.1.3 Foothill Transit and its contractors will obtain all necessary permits and coordinate with the City prior to commencing fieldwork.

3.1.4 Foothill Transit will retain exclusive ownership and control over its BSP WLAN and related equipment.

3.2 Operations and Maintenance

3.2.1 Foothill Transit shall work with the City to develop appropriate bus signal priority implementation strategies acceptable to both agencies. The Parties understand and agree that the City is ultimately responsible for the traffic timing sheets that control all intersections.

3.2.2 Foothill Transit will coordinate all operations and maintenance directly attributable to the BSP deployment with the City.

3.2.3 Foothill Transit is solely responsible for the cost of the maintenance of its BSP equipment deployed within the City.

3.3 Cooperation

3.3.1 Foothill Transit will work closely with the City to ensure that the deployment of Foothill Transit's BSP equipment does not impact traffic conditions or increase normal operations and maintenance requirements at signal prioritized intersections.

3.4 Communications

3.4.1 Foothill Transit appoints the following individual to serve as the principal point of contact:

LaShawn King Gillespie  
Director of Planning  
Foothill Transit  
100 South Vincent Avenue  
Suite 200  
West Covina, CA 91790  
(626) 931-7206  
Lgillespie@Foothilltransit.org

**4.0 MUTUALLY AGREED:**

4.1 The recitals above are incorporated by reference and hereby made a part of this MOU.

4.2 By accepting this MOU, the City and Foothill Transit recognize that it is impractical to make provisions for every contingency that may arise during the term of this MOU. The City and Foothill Transit

agree in principle that the MOU shall operate with fairness and without detriment to the interest of all Parties, and if in the course of the performance of this MOU, an infringement of this principle is anticipated or disclosed, the City and Foothill Transit shall promptly meet in good faith and shall determine what actions need to take place to remove the cause or causes of such infringement.

- 4.3 Each of the parties to this Agreement is a public entity. In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities, solely by reason of such entities being parties to an Agreement as defined by Section 895 of said Code, the parties hereto, as between themselves, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code will each assume the full liability imposed upon it or upon any of its officers, agents, or employees by law, for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above-stated purpose, each party indemnifies and holds harmless the other party solely by virtue of said Section 895.2. The provision of Section 2778 of the California Civil Code is made a part hereto as if fully set forth herein.
- 4.4 This MOU shall be subject to, governed by, and construed and interpreted solely according to the laws of the State of California. The Parties hereby consent and submit to the jurisdiction of the appropriate courts of California or of the United States having jurisdiction in California for adjudication of any suit or cause of action arising under or in connection with the MOU, or the performance of the MOU by either, and agree that any such suit or cause of action may be brought in any such court.
- 4.5 Since the Parties or their agents have participated fully in the preparation of this MOU, the language of this MOU shall be construed simply, according to its fair meaning, and not strictly for or against any . Any term referencing time, days or period for performance shall be deemed calendar days and not workdays. All references to the City include all personnel, employees, and other officials of the City. All references to Foothill Transit include its elected officials, officers, agents, volunteers and independent contractors who serve as Foothill Transit officers, officials, or staff except as otherwise specified in this Agreement. The captions of the various sections and paragraphs are for convenience and ease

of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

- 4.6. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.
- 4.7. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a shall give the other any contractual rights by custom, estoppel, or otherwise.
- 4.8. There are no intended third beneficiaries of any right or obligation assumed by the Parties.
- 4.9. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.
- 4.10. If any portion of this MOU is declared as invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.
- 4.11. Each warrants that the individuals who have signed this MOU have the legal power, right, and authority to make enter into this MOU and bind each respective .
- 4.12. This MOU contains the entire agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed by their duly authorized representatives as of the dates indicated below:

FOOTHILL TRANSIT:

By: \_\_\_\_\_  
Doran J. Barnes Date:  
Executive Director

APPROVED AS TO FORM:

\_\_\_\_\_ Date:  
Edward J. Gill, Jr.  
Special Legal Counsel to Foothill Transit

CITY:

By: \_\_\_\_\_  
[INSERT NAME] Date:  
[INSERT TITLE]

APPROVED AS TO FORM (OPTIONAL):

[INSERT CITY'S LEGAL COUNSEL'S SIGNATURE BLOCK IF APPROPRIATE]

By: \_\_\_\_\_  
Date:



# MEMORANDUM

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**TO:** CITY COUNCIL

**FROM:** PARKS AND RECREATION COMMISSION

**SUBJECT:** CITY PARK AND FACILITY NAMING AND RENAMING POLICY

**DATE:** 4/11/12

**Recommendation:** At the April 9, 2012 regular meeting of the Parks and Recreation Commission, the Commission voted unanimously to present the attached policy documents to the City Council for review and adoption.

**Background:** On November 8, 2011, the Duarte City Council referred the proposed City Park and Facility Naming and Renaming Policy to the Duarte Parks and Recreation Commission for review and for suggestions and ideas. For the past 4 months the Parks and Recreation Commission has worked diligently with staff to refine the draft policy into a acceptable policy and application process that will clearly define how to name or rename City-owned land, buildings and parks and determine how objects such as plaques and trees can be donated or added.

**Discussion:** Staff developed the original draft policy by researching policies from different cities and by using ideas provided by the Joint Powers Insurance Authority. The attached document includes policies and criteria and an application process for the public to use. Additionally, specific policy and criteria is included for sponsorship naming rights.

**Fiscal Impact:** The costs involved for naming or renaming a park or facility can vary greatly and could burden the City financially. However, included in the policy and application is a question asking the applicant if he/she will be providing funding or if the applicant will petition for funding. This would allow for the decision to approve an application to be handled on a case-by-case basis and be based partly on financial impact.

Also included in the policy are sections on **Responsibility** and **Preservation**. The City would accept that any donated object would receive the same maintenance and upkeep practices as for any City-owned object, living or man-made such as a tree, plaque or park bench. All donated objects would need to meet previously established City standards. Additionally, the City would accept responsibility for natural objects for a 25-year term with specific provisions for

replacement due to age, weathering and/or vandalism. The repair and replacement of man-made objects, however, would be handled on a case-by-case basis with consideration to historical significance and financial considerations.

**Conclusion:** The attached policy is comprehensive and provides a process for the public to apply to name or rename a facility, building, park or object and provides the Council the flexibility to render a decision that takes historical and financial impact into consideration. Staff recommends that the Council adopt the attached policy.



## City of Duarte Park and Facility Naming and Re-Naming Policy and Application

The City of Duarte welcomes efforts by interested parties to apply to name or re-name City-owned land, buildings, trees and facilities including park benches, tables and related objects. To accomplish this, interested parties must follow this application process and will be subject to the specific rules and criteria included and will be subject to approval.

### **Criteria for New Facilities, Parks, Buildings:**

(The following criteria shall be used in selecting an appropriate name for City-owned land, buildings and parks and determine how objects can be added to new facilities or parks.)

#### **1. Preserving the Location's Significance**

The name shall have or preserve the geographic, environmental (relating to natural or physical features), historic or landmark connotation of particular significance to the area in which the land or facility is located, or for the City as a whole. Either connotation is equally valid.

#### **2. Donations**

Consideration may be given to naming the City-owned land or facility after an individual when the land or facility, or the money for its purchase has been donated by the individual, or when otherwise warranted by some contribution or service which is deemed to be of major and lasting significance to the acquisition of the piece of land, or planning, development, construction or renovation of the particular facility. Donation of land or resources shall not constitute an obligation by the City to name the land or facility or any portion thereof, after an individual or family.

#### **3. Non-Historic Naming**

Names honoring individuals or families, other than those of recognized historic importance, must be supported by compelling reasons.

#### **4. Naming In Honor of Deceased**

The naming of City-owned land, buildings, trees, and facilities in honor of deceased persons shall not take place until one year after their deaths, unless the City Council determines that there are overriding considerations for deviating from this policy guideline. This particular policy guideline is not intended in any way to reflect on the merits of any deceased individual who may have been a prominent civic leader. However, it is felt appropriate to establish such a waiting period to ensure that an individual's accomplishments and contributions will stand the test of time; and that decisions shall not be made on an emotional basis immediately following a person's death.

#### **5. Cultural Diversity**

The City encourages naming which reflects the City's ethnic and cultural diversity.

#### **6. Political Naming**

No City-owned land or facility shall be named after a seated elected or appointed official.

**7. Previously Established City Standards for Specific Objects**

The addition to and construction of donated objects to City-owned land, buildings, trees and facilities including park benches, tables and related objects must meet previously established City of Duarte standards and practices and meet all City of Duarte building codes, safety requirements and standards.

**8. Preservation of Specific Objects**

The preservation, maintenance and upkeep of a donated object on City-owned land, buildings and facilities including park benches, trees, tables and related objects will be the responsibility of the City. The City will provide equal preservation, maintenance and upkeep practices to donated objects as it does for any existing buildings, facilities, park benches, trees, tables and related objects.

**9. Responsibility For Care and Replacement of Objects**

The City will agree to accept responsibility for the maintenance and upkeep of a donated natural object such as a tree or bush and will be responsible for the repair or replacement due to age, weathering and vandalism. A replacement tree will not exceed 24" boxed and will be of the same species.

The repair and/or replacement of donated man-made objects such as a plaque or statue will be dealt with on a case-by-case basis and will be dependent on the object's historical significance and financial considerations.

The City's responsibility for the maintenance and upkeep of a donated object will last for a 25-year term. At the end of the term, the City may determine that the donated object is of historical significance and allow full non-term responsibility. If the City is desirous of no longer maintaining an object, the donor or living relatives of the donor if they are located will be contacted and will have the option to reapply through this process, subject to approval.

**Criteria for Existing Facilities, Parks, Buildings:**

(The following criteria shall be used in determining if City-owned land, buildings, parks or facilities can be renamed and how objects can be added to existing facilities or parks.)

**1. Preserving the Location's Significance**

The name shall have or preserve the geographic, environmental (relating to natural or physical features), historic or landmark connotation of particular significance to the area in which the land or facility is located, or for the City as a whole. Either connotation is equally valid.

**2. Donations**

Consideration may be given to naming the City-owned land or facility after an individual when the land or facility, or the money for its purchase has been donated by the individual, or when otherwise warranted by some contribution or service which is deemed to be of major and lasting significance to the acquisition of the piece of land, or planning, development, construction or renovation of the particular facility. Donation of land or resources shall not constitute an obligation by the City to name the land or facility or any portion thereof, after an individual or family.

**3. Non-Historic Naming**

Names honoring individuals or families, other than those of recognized historic importance, must be supported by compelling reasons.

#### **4. Naming In Honor of Deceased**

The naming of City-owned land, buildings, trees, and facilities in honor of deceased persons shall not take place until one year after their deaths, unless the City Council determines that there are overriding considerations for deviating from this policy guideline. This particular policy guideline is not intended in any way to reflect on the merits of any deceased individual who may have been a prominent civic leader. However, it is felt appropriate to establish such a waiting period to ensure that an individual's accomplishments and contributions will stand the test of time; and that decisions shall not be made on an emotional basis immediately following a person's death.

#### **5. Cultural Diversity**

The City encourages naming which reflects the City's ethnic and cultural diversity.

#### **6. Political Naming**

No City-owned land or facility shall be named after a seated elected or appointed official.

#### **7. Existing Facilities and Land**

The City shall not change the name of any existing facilities or City-owned land, particularly one whose name has City or regional significance unless there are compelling reasons to do so.

#### **8. Previous Individual Naming**

Names of City-owned land, buildings, trees, and facilities including park benches, tables and related objects shall not be named in honor of individuals when they have previously been named for other individuals.

#### **9. Previously Established City Standards for Specific Objects**

The addition to and construction of donated objects to City-owned land, buildings, trees and facilities including park benches, tables and related objects must meet previously established City of Duarte standards and practices and meet all City of Duarte building codes, safety requirements and standards.

#### **10. Preservation of Specific Objects**

The preservation, maintenance and upkeep of a donated object on City-owned land, buildings and facilities including park benches, trees, tables and related objects will be the responsibility of the City. The City will provide equal preservation, maintenance and upkeep practices to donated objects as it does for any existing buildings, facilities, park benches, trees, tables and related objects.

#### **11. Responsibility For Care and Replacement of Objects**

The City will agree to accept responsibility for the maintenance and upkeep of a donated natural object such as a tree or bush and will be responsible for the repair or replacement due to age, weathering and vandalism. A replacement tree will not exceed 24" boxed and will be of the same species.

The repair and/or replacement of donated man-made objects such as a plaque or statue will be dealt with on a case-by-case basis and will be dependent on the object's historical significance and financial considerations.

The City's responsibility for the maintenance and upkeep of a donated object will last for a 25-year term. At the end of the term, the City may determine that the donated object is of historical significance and allow full non-term responsibility. If the City is desirous of no longer maintaining an object, the donor or living relatives of the donor if they are located will be contacted and will have the option to reapply through this process, subject to approval.

### **Catastrophic Event**

The City Council will retain the sole discretion in determining whether to rebuild or reinstall a building or facility or to retain the name if that building or facility has suffered catastrophic damage due to a natural or accidental destructive event.

### **Sponsorship Naming Rights**

The City Council retains the sole authority to name or temporarily name for sponsorship purposes, City-owned land, buildings and facilities. Naming of facilities may be done in a manner which:

1. Incorporates the name of CITY OF DUARTE as appropriate.
2. Recognizes the geographic, topographic or historical significance associated with the City, provides resources to improve or maintain a public land, building or facility that will result in a significant public benefit.

A request for naming, renaming or temporarily naming for the purposes of sponsorship, City-owned land, buildings and facilities will be referred to the Parks and Recreation Commission for review and recommendation, prior to review and approval by the City Council.

*Any City Council action shall be taken consistent with the Brown Act and other applicable laws.*

### **Application Procedures**

1. All requests concerning a suggested name to be given to City-owned land or facilities shall be made in writing on the approved application form included in this packet, and submitted to the City Clerk, who will forward it to the appropriate commission. The information on the application form must detail how the proposed name is consistent with the established criteria.
2. All submittals, whether from an individual, organization or City staff, must include the name and address of the submitter. No anonymous submittals will be accepted.
3. The City Council shall have the authority to initiate the naming process by referral of a public or staff request to the appropriate commission following the same established criteria and procedures.
4. The City Council can initiate the naming of lands or a facility at their own behest without a public request whenever deemed necessary or in the best interest of the City of Duarte following the same established criteria and procedures. Any City Council action shall be taken consistent with the Brown Act and other applicable laws.
5. Upon receiving a submittal, the commission will conduct a public hearing, confirm that the suggested name(s) meets the criteria and shall by majority vote render a decision and forward its recommendation to the City Council.

6. Upon approval of the recommendation by the City Council, staff shall prepare a resolution for consideration and approval by the City Council.

*Neither the submittal of an application nor any recommendation by a city commission to the City Council constitutes a representation, warranty, or guaranty by the City that any application shall be approved by the City Council or if approved shall not include conditions that must be satisfied for the approval to be effective.*



## City of Duarte Application for Facility Naming or Renaming Consideration

Please complete this form to the best of your ability. The associated appropriate city commission may ask you to make a presentation as part of the consideration process.

1. Submitting Organization's or Individual's Name:

\_\_\_\_\_

2. Contact Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

3. Proposed name or renaming of land, building, tree, or facility or list object to be added such as park benches, trees, tables and related objects:

\_\_\_\_\_

4. If a person, are they deceased? Yes \_\_\_\_\_ (How many years? \_\_\_\_\_) No \_\_\_\_\_

5. Facility Address: (If a tree, bench, table or related object, please provide a map, drawing or photograph to identify the location.)

\_\_\_\_\_

6. There may be a cost involved in naming a facility. Items including plaques will need to meet previously established City standards and will be subject to approval. Do you have the funds for such a purpose or would you be petitioning to cover the costs? Please explain:

\_\_\_\_\_

\_\_\_\_\_

7. Reading the criteria listed; please list how the proposed name meets the criteria:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. If naming after a person, for historical reference, please include with this application documentation (news clippings, photographs, etc.) that illustrate the contributions this individual(s) has made to the City of Duarte. Please also include any petitions and/or letters of support from community members.

By signing below, the applicant agrees to abide by the City of Duarte Park and Facility Naming and Re-Naming Policies:

\_\_\_\_\_  
Signature of Applicant or Donor

\_\_\_\_\_  
Date

Please attach additional information if more space is needed for any of the above questions.

*Neither the submittal of an application nor any recommendation by a city commission to the City Council constitutes a representation, warranty, or guaranty by the City that any application shall be approved by the City Council or if approved shall not include conditions that must be satisfied for the approval to be effective.*