

July 9, 2013

AGENDA
REGULAR JOINT MEETING OF THE CITY COUNCIL OF THE
CITY OF DUARTE, SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT
AGENCY OF THE CITY OF DUARTE, THE DUARTE HOUSING AUTHORITY, AND
THE DUARTE COMMUNITY FACILITIES FINANCING AUTHORITY

TUESDAY, JULY 9, 2013

7:00 p.m. – Regular Session

COUNCIL CHAMBERS, 1600 HUNTINGTON DRIVE, DUARTE, CALIFORNIA 91010

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

MARGARET FINLAY, MAYOR
LIZ REILLY, MAYOR PRO TEM
JOHN FASANA, CITY COUNCILMEMBER
TZEITEL PARAS-CARACCI, CITY COUNCILMEMBER
PHIL REYES, CITY COUNCILMEMBER

City/Agency/Authority Staff:

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

ADDRESSING THE CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AND FINANCING AUTHORITIES:

If you wish to address the City Council, Successor Agency, Housing Authority, or Financing 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/Successor Agency/Housing Authority/Financing Authority. If you wish to address the City Council, Successor Agency, Housing Authority, or Financing Authority on any item that is not on the Agenda, but that is within the subject matter jurisdiction of the City/Agency/Housing Authority/Financing 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/Agency/Authorities to a majority of the City Council/Successor Agency/Housing Authority/Financing Authority Board less than 72 hours prior to the City Council/Successor Agency/Housing Authority/Financing 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.

1. CALL TO ORDER OF CITY COUNCIL, SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY, HOUSING AUTHORITY, AND COMMUNITY FACILITIES FINANCING 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
 - A. Recognition – Incoming and Outgoing Mayor’s Youth Council
 - B. Recognition – Artist B. J. Lane
 - C. Recognition – Damon Colaluca, Former Santa Anita Family YMCA Executive Director
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/Agency or Authorities, 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/Successor Agency/Housing Authority/Financing 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
10. CONSENT CALENDAR – Page 1
All matters listed on the Consent Calendar are to be approved with one motion unless a member of the City Council/Successor Agency/Housing Authority/Financing 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. The respective entity’s consent items are shown in parentheses at the end of each item as “CC” for City Council, “SA” for Successor Agency, “HA” for Housing Authority, and “FA” for C.F. Financing Authority.
 - A. Approval of Minutes – June 25, 2013 (CC/HA/SA/FA)
 - B. Approval of Warrants – July 9, 2013 (CC/HA/SA/FA)
 - C. Motion to introduce and/or adopt all resolutions and ordinances presented for consideration by title only and waive further reading (CC/HA/SA/FA)
 - D. Notice of absence by Johnny McLaurin from Parks and Recreation Commission Meeting of July 8, 2013 (Receive and file) (CC)
 - E. Acceptance of Concrete Repair Program FY 2012/13 (Martinez Concrete, Inc.) and authorization for City Clerk to initiate the Notice of Completion (CC)
 - F. Proclamation for Parks Make Life Better in Duarte Month (CC)
 - G. Council Bill 13-R-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RESCINDING RESOLUTION NO. 12-15 AND ESTABLISHING A SALARY SCHEDULE AND COMPENSATION PLAN FOR UNREPRESENTED REGULAR EMPLOYEES (CC)
 - H. Approval/Adoption of City of Duarte Policy Against Workplace Violence (CC)
 - I. Approval of letter to Governor Brown, Senator Carol Liu, and Assembly Member Roger Hernandez regarding court closures affecting Duarte residents (CC)
 - J. City Council/City Manager Conference Attendance – League of California Cities 3rd Annual City Economic Development Conference, August 28, 2013, San Pedro (CC)

11. ITEMS REMOVED FROM CONSENT CALENDAR
12. BUSINESS ITEMS – Page 29
 - A. Approval of letter to the California Public Utilities Commission regarding recent decision on the feasibility of undergrounding the Chino Hills portion of the SCE Tehachapi Renewal Transmission Project (TRTP)
 - B. Update and presentation regarding Multi-Family Recycling Program
13. 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 Council/Successor Agency/Housing Authority/Financing Authority, may do so at this time. Each person may speak once for no more than 3 minutes. Under the Brown Act, members of the City Council/Successor Agency/Housing Authority/Financing 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.*
14. ITEMS FROM CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY/FINANCING AUTHORITY MEMBERS AND CITY MANAGER/EXECUTIVE DIRECTOR (AB 1234 reports on trips, conference attendance, and meetings)
15. ADJOURNMENT – In memory of Prescott, Arizona, Fire Department's Granite Mountain Hotshots Andrew Ashcraft, Robert Caldwell, Travis Carter, Dustin Deford, Christopher MacKenzie, Eric Marsh, Grant McKee, Sean Misner, Scott Norris, Wade Parker, John Percin, Anthony Rose, Jesse Steed, Joe Thurston, Travis Turbyfill, William Warneke, Clayton Whitted, Kevin Woyjeck, and Garret Zuppiger

MEMORANDUM

TO: City Council
FROM: City Manager
DATE: July 3, 2013
SUBJECT: Comments on Agenda Items, Meeting of July 9, 2013

ITEM 6.A. The City Council will recognize the incoming and outgoing members of the Mayor's Youth Council. The 17 new members appointed are Natasha Martinez, Tiffany Felix, Robert Owens, Mayra Guzman, Angela Gregory, Lorelei Near, Erik Pacheco, Jiselle Chavez, Hazel Gonzalez, Yvette Estephan, Dominique Stumbaugh, Jared Evangelista, Tonnette Morehead, Abryanna Howard, Ellie Abajian, Yanely Serrano, and Cristina Roman. The eight outgoing members are Olivia Lewis, Katrina La Madrid, Angelica Valdez, Joana Martinez, Sonia Puri, Chrystiana Howard, Nathaniel Jole, and Anna Pasillas.

ITEM 6.B. The City Council will recognize Duarte resident and artist B. J. Lane for her designation as the official artist of Senator Carol Liu's district. She will also bring some of her artwork to display at the Council meeting. B. J. Lane found her passion in drawing and painting at a young age. Mostly self-taught, through the years she has hosted gallery showings, taught art classes to the young and old, and captured her life and those around her with a brush. Now, more than three decades later, she continues to dedicate herself to her life's passion by sculpting and painting with her unique, fresh, and lively contemporary style.

ITEM 6.C. The City Council will recognize Santa Anita Family YMCA Executive Director Damon Colaluca as he moves on to take a position with the YMCA of the Foothills in La Canada. For the last 11 years, Damon has served the surrounding communities through the YMCA. From 2009-2011, he served on Duarte's Youth and Family Master Plan Advisory Committee, and from 2011 until his recent resignation, he served as a member of the Duarte Youth and Family Committee. He also served on the Duarte Chamber Board. Currently, Damon is a member of the Healthy Cities Collaborative. His passion to support and strengthen our community through social responsibility, healthy living, and youth development has made a tremendous difference. The YMCA will be celebrating Damon's service at a luncheon on July 17 at Rudy's Mexican Food Banquet Room.

ITEM 10.E (Consent). This item recommends that the Council accept the project "Concrete Repair Program FY 2012/13" as complete, and authorize the City Clerk to initiate the Notice of Completion. This project consisted of the removal and replacement of concrete sidewalks, curbs, gutters, and driveway approaches that were damaged and posed a hazard to pedestrians. The concrete repair program is an integral part of the City's risk management plan.

ITEM 10.F (Consent). This is a proclamation designating July as "Parks Make Life Better In Duarte Month." The Duarte Parks and Recreation Department supports the California Park and Recreation Society's (CPRS) proposal to have local municipalities declare the month of July as "Parks Make Life Better Month." Duarte Parks and Recreation has been a partner and fellow advocate with CPRS for all causes relating to making parks available and encouraging the public to visit parks. Duarte Parks and Recreation has embraced CPRS's slogan as part of the department's mission, and will continue to do so as the month of July is celebrated across the nation as Parks and Recreation Month.

ITEM 10.H (Consent). The City of Duarte has prepared a written workplace violence policy as suggested by the JPIA in Duarte's last Risk Management Evaluation. While the JPIA noted that our City's workplace violence procedures were correct, we did not have a written policy. The policy has been reviewed by Public Safety staff and the JPIA.

ITEM 10.I (Consent). The League of California Cities is requesting cities to send letters to the Governor, our Assemblymember, and our Senator concerning court closures affecting residents. In Duarte's case, the lack of funding has led to closing the Alhambra Courthouse (where our Code Enforcement cases used to be heard), one courtroom in Pasadena, and multiple courtroom closures at the main courthouse in downtown Los Angeles.

ITEM 12.A. The California Public Utilities Commission (CPUC) recently issued a proposed decision regarding the city of Chino Hills' request to modify the Tehachapi Renewable Transmission Project (TRTP) and place it in an underground position through its city. The administrative law judge issued a proposed decision to decline the request made by Chino Hills. However, CPUC President Peevey issued an alternative proposed decision ordering SCE to underground. The earliest a final decision can be issued is July 11, 2013. In anticipation of this upcoming CPUC hearing on the Chino Hills undergrounding matter, staff has prepared a draft letter for Council consideration to be signed by the Mayor.

The letter is addressed to President Peevey and Executive Director Clanon, and generally states the City of Duarte's concerns regarding two issues: 1) What makes undergrounding lines in Chino Hills different from that portion of the TRTP project running through the City of Duarte, and if Chino Hills gets underground lines, Duarte should also. 2) With the cost of the undergrounding, estimated between \$147 and \$372 million, why should Duarte residents be asked to pay for a portion of this, when they are negatively impacted?

ITEM 12.B. City staff, along with a Burrtec representative, will provide a presentation and update regarding the Multi-Family Recycling Program. In March 2012, the City Council approved a mandatory recycling program for multi-family complexes with five or more units. Staff rolled out the program during the following several months, and will share some of the results. Some of the outreach and education materials were newsletters, phone calls, website information, waste assessments, and Chamber/site presentations.

Respectfully submitted,



Darrell J. George
City Manager

MINUTES

**JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY/COMMUNITY FACILITIES FINANCING AUTHORITY OF THE CITY OF DUARTE
ADJOURNED REGULAR MEETING – JUNE 25, 2013**

CALL TO ORDER The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority/Community Facilities Financing Authority of the City of Duarte met in an adjourned regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Finlay called the meeting to order at 4:46 p.m.

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

ADOPTION OF AGENDA Paras-Caracci moved, Reilly seconded to add “Appointments to Mayor’s Youth Council” as a Business Item, and carried unanimously. Paras-Caracci moved, Reilly seconded to adopt the Agenda, as amended, and carried unanimously.

INTERVIEWS
Mayor’s Youth Council City Council conducted interviews for the Mayor’s Youth Council. The interviews concluded at 5:45 p.m. City Council reconvened at 6:00 p.m.

CLOSED SESSION
1) Labor Negotiations
2) Threatened Litigation There was no public input. Slater stated the first Closed Session was pursuant to Government Code Section 54957.6; Conference with Labor Negotiators; Negotiators: Darrell George, Kristen Petersen; Regarding SEIU Local 721 Management and Professional Employees and General Employee Units. The second Closed Session was pursuant to Government Code Section 54956.9; Conference with Legal Counsel; Threatened Litigation/Significant Exposure to Litigation; Number of Cases: One. The Closed Session concluded at 6:50 p.m. City Council reconvened at 7:06 p.m.

PLEDGE TO THE FLAG Weston and Brady Almeida led the Pledge of Allegiance.

MOMENT OF REFLECTION A moment of reflection was observed.

FITNESS/MENTAL WARM-UP Eric Campugan and Finlay provided the warm-up.

PUBLIC REPORT OF CLOSED SESSION Slater reported that during the first Closed Session, City Council received an update from the negotiators and reviewed the draft MOU that was ratified by the employees, with no reportable action taken. The MOUs are on the Agenda as a Business Item for consideration and approval. Slater reported that the second Closed Session was not held.

SPECIAL ITEMS

Recognition – Rebecca Evans
Retiring City Employee

Craig Hensley provided information about Rebecca Evans’ service to the City of Duarte as Administrative Secretary. Mayor Finlay presented Ms. Evans with a plaque in appreciation of her 23 years of employment, and wished her a happy retirement.

Recognition – Craig Stogner
Outgoing Public Safety Comm.

Mayor Finlay stated outgoing Public Safety Commissioner Craig Stogner was not in attendance to receive his plaque, and thanked him for his three years of service to the community.

Recognition – Duarte Boxers
Luis Sedana, Faith Franco

Cesar Monsalve described the boxing tournaments in which two Duarte boxers participated and won. Mayor Finlay presented certificates to Luis Sedano for receiving bronze medals in the Cheo Aponte and Olympic Cup Tournaments in Puerto Rico, and to Faith Franco for winning the dual match against New Zealand in Tahiti.

Presentation – Emerald Necklace

Rob Romanek, Project Manager, Watershed Conservation Authority, presented a PowerPoint about the Emerald Necklace Project, a continuous loop of greenways and parks, which included feasibility study, implementation plan, project priorities, and environmental process.

ANNOUNCEMENTS

Pat Miller, Chamber of Commerce, thanked all who attended the installation dinner, and announced upcoming events.

Joanna Gee, Duarte Library, announced upcoming reading programs for children, adults, and teens in June and July.

Brian Barreto, Cal Am Water, announced rebate program, and introduced Operations Supervisor Louie Romero and new Operations Manager Carol Williams.

Karen Herrera announced upcoming community events, meetings, and programs in June, July, and August.

Camelia Gardner, New Jerusalem Church, announced gospel event in Monrovia on June 29.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Carol Ciminelli – Golf course grass, compost.

CONSENT CALENDAR

Fasana moved, Reyes seconded to approve the Consent Calendar as follows, and carried unanimously.

Approve Items A, B, C, F, H, I, J, K, L, M.

Receive and File Item D, E, G.

RESOLUTION NO. 13-17A
Holiday Schedule – July 2013

Item F – 13-17A A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING A HOLIDAY SCHEDULE FOR CITY EMPLOYEES FOR THE MONTH OF JULY 2013

PUBLIC HEARING
Council Bill 13-R-15
Orders 2013-14 Landscape/Ltg
Assessment

Mayor Finlay announced this was the time and place set for a Public Hearing to consider assessments for fiscal year 2013-14 within the Landscape and Lighting District.

Slater read by title Council Bill 13-R-15:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-2014 WITHIN THE LANDSCAPE AND LIGHTING DISTRICT PURSUANT TO THE LANDSCAPE AND LIGHTING ACT OF 1972

Slater asked if notice of the hearing had been given, and if any correspondence was filed in the matter. City Clerk Akana stated notice of the hearing was given, the affidavit is on file, and no correspondence was filed in the matter.

Mayor Finlay asked if anyone in the audience wished to speak on the matter. There were none.

RESOLUTION NO. 13-15

Fasana moved, Reilly seconded to adopt Resolution No. 13-15, and carried unanimously.

URGENCY ORDINANCE
Council Bill 13-O-02
Moratorium – Smoke Shops

Slater read by title Council Bill 13-O-02:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934, 36937, AND 65858, EXTENDING A MORATORIUM ON ESTABLISHING, LOCATING, OR OPERATING NEW SMOKE SHOPS IN THE CITY AND THE ISSUANCE OF ANY LICENSE OR PERMIT BY THE CITY WITH RESPECT THERETO, AND ON THE GRANTING OR ISSUING OF CONDITIONAL USE PERMITS UNDER TITLE 19 OF THE DUARTE MUNICIPAL CODE FOR TOBACCO SMOKING ESTABLISHMENTS

Slater stated since this is an Urgency Ordinance, there is no requirement for a Public Hearing. Hensley presented a staff report about the recommendation for a temporary moratorium, stated there has been a significant increase in the number of requests for these establishments, and provided detailed background information, including location of establishments, specific concerns, and staff research to be conducted during the temporary moratorium.

There was discussion about the recently adopted tobacco retail license ordinance, sales to minors, and zoning. Slater provided additional information about the moratorium process.

Johnny Jaime, Day One, stated this is a great idea, the city is saturated with smoke shops, some sell crack pipes and synthetic marijuana, and it is a step in the right direction to protect the city's health.

Steve Hernandez stated he is concerned with marijuana dispensaries and the number of massage parlors, and he is glad we are looking at this.

	There was discussion.
ORDINANCE NO. 840 (URGENCY)	Fasana moved, Reilly seconded to adopt Urgency Ordinance No. 840, and carried unanimously.
BUSINESS ITEMS Memorandums of Understanding City of Duarte Employees (Service Employees International Union, Local 721)	Petersen presented a staff report about the Memorandums of Understanding with the City of Duarte Employees (Service Employees International Union, Local 721), and outlined the terms of the tentative agreement that was ratified by the employees.
Council Bill 13-R-16 2013/14 Employer Paid Member Contributions	Slater read by title Council Bills 13-R-16 and 13-R-18: 13-R-16 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS IN 2013/14
Council Bill 13-R-18 Employer's Medial Contribution	13-R-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT
RESOLUTION NO. 13-16 RESOLUTION NO. 13-18	Fasana moved, Reyes seconded to approve the Memorandums of Understanding with the City of Duarte Employees (Service Employees International Union, Local 721), and to adopt Resolutions No. 13-16 and No. 13-18, and carried unanimously.
Appointments to Mayor's Youth Council	Mayor Finlay stated 17 applicants for the Mayor's Youth Council were interviewed prior to the Council Meeting, and provided a number of comments and suggestions made by the youth. Reilly moved, Paras-Caracci seconded to appoint Yvette Estephan, Robert Owens, Lorelei Near, Hazel Gonzalez, Tonnette Morehead, Yanelly Serrano, Natasha Martinez, Mayra Guzman, Erik Pacheco, Abryanna Howard, Cristina Roman, Dominique Stumbaugh, Tiffany Felix, Angela Gregory, Jared Evangelista, Jiselle Chavez, and Ellie Abajian to the Mayor's Youth Council, with terms ending June 30, 2014, and carried unanimously.
ITEMS FROM CITY COUNCIL/ CITY MANAGER	SLATER: Stated that at the June 11, 2013, Council Meeting, during the Closed Session regarding the two lawsuits initiated by the City against the State of California Department of Finance, the City Council approved entering into a settlement agreement with Citrus Community College District that would dismiss the District from the two cases. No public report of that action was made at that time because the settlement agreement was pending approval by the District Board. The District Board has now approved the settlement agreement and so the approval of the agreement can now be publicly reported. As a result of the settlement agreement, Citrus Community College District is no longer involved in the two cases that Duarte brought against the State of California Department of Finance.

REYES: Thanked the boxers and coaches from the boxing program for the outstanding job, invited support of the boxing team on July 27 at Rancho Duarte Golf Course, congratulated all teens interviewed for the Mayor's Youth Council, and wished all a wonderful Independence Day.

PARAS-CARACCI: Attended the grand reopening of Nissan of Duarte, suggested photos of Fish Canyon Falls, Encanto Park bioswale, and City parks be posted on the City's website, stated YMCA Executive Director Damon Colaluca is moving to the YMCA of the Foothills Branch in La Canada, and he would like him to be recognized at the next Council Meeting, attended meeting of the Small Business Development Center and stated they will be expanding their program in Duarte, and wished all a fun and safe 4th of July.

FASANA: Congratulated Damon Colaluca, attended the San Gabriel Valley COG strategic planning process along with the City Manager and Deputy City Manager, asked that copies of the handout be provided to City Councilmembers, attended the transit center opening in Baldwin Park, attended the Chamber installation event, stated he received a picture of the golf course, we need to make sure the green is green, and stated the Romvary property stables are for sale, and suggested we provide information to the Rivers and Mountains Conservancy to help preserve the hillsides.

REILLY: Attended Baldwin Park transit ceremony and provided details about the transit center, attended Duarte Senior Center volunteer recognition and thanked all for their service, attended Chamber installation and congratulated Rona Lunde, and inquired about the possibility of Duarte Road and Highland Avenue being part of the bike trail, as the streets are quite wide.

FINLAY: Stated she and Councilmember Fasana attended a meeting with Judy Chu regarding the National Recreation Area planned for the San Gabriel Mountains, and discussed the importance of it being designated as a National Recreation Area.

ADJOURNMENT

Reyes moved, Paras-Caracci seconded to adjourn the meeting at 8:51 p.m., and carried unanimously.

Mayor Margaret Finlay

ATTEST:

City Clerk



MEMORANDUM

To: Mayor and City Council

From: Teresa Renteria, Assistant Civil Engineer

Date: June 25, 2013

Subject: City Council Acceptance – Concrete Repair Program FY12/13,
Project # 13-1

RECOMMENDED ACTION

Staff recommends that the City Council accept the project "Concrete Repair Program FY12/13" and authorize the City Clerk to initiate the Notice of Completion.

Martinez Concrete Inc. has satisfactorily completed the above project. The cost for this project is \$47,062.93. The project is funded by Measure R and Bicycle/Pedestrian Grant Funds.

BACKGROUND

On April 9, 2013, the City Clerk's Office publicly open bids for the above project. This project consists of the removal and replacement of concrete sidewalks, curbs, gutters and driveway approaches that are damaged and pose a hazard to pedestrians. The Concrete Repair Program is an integral part of the City's risk management plan.

DISTRIBUTION: Community Development Director
City Clerk
Staff



MEMORANDUM

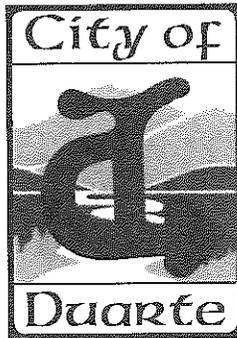
TO: DARRELL GEORGE, CITY MANAGER

FROM: CESAR MONSALVE, PARKS AND RECREATION DIRECTOR

SUBJECT: PARKS MAKE LIFE BETTER IN DUARTE MONTH
PROCLAMATION

DATE: 6/27/13

The Duarte Parks and Recreation Department is proud to support the California Park and Recreation Society's (CPRS) proposal to have local municipalities declare the month of July as "Parks Make Life Better" month. Duarte Parks and Recreation has been a partner and fellow advocate with CPRS for all causes relating to making parks available and encouraging the public to visit parks. Duarte Parks and Recreation has embraced CPRS's slogan as part of the department's mission and, as the month of July is celebrated across the nation as Parks and Recreation Month, Duarte Parks and Recreation requests that the Duarte City Council proclaim the month of July as Parks Makes Life Better in Duarte Month.



Proclamation

PARKS MAKE LIFE BETTER IN DUARTE MONTH

WHEREAS, Parks and Recreation makes lives and communities better now and in the future; and

WHEREAS, it is established through statewide public opinion research, 98% of California households visit a local park at least once a year; two in three households visit a park once a month; 50% of households participate in an organized recreation program; and most park use is with family and friends; and

WHEREAS, residents value recreation, as it provides positive alternatives for children and youth to reduce crime and mischief, especially during non-school hours, it promotes the arts, it increases social connections, it aids in therapy, and it promotes lifelong learning; and

WHEREAS, residents value their parks for access to outdoor spaces for children and adults to play and be active, to exercise, and participate in group sports; and

WHEREAS, parks provide access to the serenity and the inspiration of nature and outdoor spaces, as well as preserve and protect the historic, natural, and cultural resources in our community; and

WHEREAS, the residents of the City of Duarte including children, teens, families, adults, seniors, businesses, community organizations, and visitors, benefit from the wide range of parks, trails, open space, sports fields, tennis courts, facilities, and programs provided by the Duarte Parks and Recreation Department; and

WHEREAS, the City of Duarte urges all its residents to recognize that parks and recreation enriches the lives of its residents and visitors, as well as adding value to the community's homes and neighborhoods; and

WHEREAS, the month of July is celebrated across the nation as Parks and Recreation Month;

NOW THEREFORE BE IT RESOLVED, that the City of Duarte hereby proclaims July 2013 as **PARKS MAKE LIFE BETTER IN DUARTE MONTH**, and urges all its citizens to use and enjoy its parks, trails, open space, facilities, and recreation opportunities.

Mayor Margaret Finlay

ATTEST:

City Clerk Marla Akana
Duarte, California

July 9, 2013

MEMORANDUM

TO: Darrell George, City Manager

FROM: Kristen Petersen, Assistant City Manager

DATE: July 9, 2013

SUBJECT: RESOLUTION ESTABLISHING A SALARY SCHEDULE FOR UNREPRESENTED REGULAR EMPLOYEES

Background

The City has five “groups” of employees: the Supervisory and Professional Unit (governed by an MOU), the General Unit (governed by an MOU), the City Manager (governed by a contract), part-time temporary employees (governed by one resolution), and Unrepresented Employees. The Unrepresented Employees are bound by the policies established by the City’s Personnel Rules & Regulations and the Compensation Resolution, which is typically adopted by the Council on an annual basis.

The compensation resolution for Unrepresented Employees serves to establish compensation, benefits, and any procedures, rights, or protections that are of particular interest and/or not already a part of the existing Personnel Rules & Regulations. Please note that the recently approved one-year MOU terms do not impact, or apply to, unrepresented employees and, as such, another resolution must be approved in order for changes to occur. As a result, the City Council is given the opportunity to consider compensation for unrepresented regular positions on an annual basis.

This year’s compensation requires an increase in the unrepresented employees’ PERS contribution to seven percent and a one percent base salary increase. It also includes an increase to the City’s healthcare contribution, holiday hours, tuition reimbursement and bereavement leave. This is consistent with the terms of the MOU negotiated with the other City employees.

Recommendation

It is recommended that the City Council approve Resolution No. 13-19, rescinding Resolution No. 12-15 and establishing a salary schedule and compensation plan for unrepresented regular employees.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RESCINDING RESOLUTION NO. 12-15 AND ESTABLISHING A SALARY SCHEDULE AND COMPENSATION PLAN FOR UNREPRESENTED REGULAR EMPLOYEES

BE IT RESOLVED by the City Council of the City of Duarte, County of Los Angeles, State of California, as follows:

SECTION 1. DEFINITIONS

Full-Time Regular Employees. A full-time regular employee is one whose position is allocated in the budget and who regularly works a minimum of forty (40) hours per workweek on a continuing basis. Such employees are hired for an indefinite and unspecified duration.

Three-Quarter (¾) Time Regular Employees. A three-quarter (¾) time regular employee is one whose position is allocated in the budget and who regularly works between thirty (30) and thirty-nine (39) hours per workweek on a continuing basis. Such employees are hired for an indefinite and unspecified duration.

The City Manager shall recommend to the City Council the prescribed salary ranges for all classifications contained herein. The following salary ranges are hereby established:

A. Department Heads

		SALARY STEPS						
		A	B	C	D	E	F	G
Assistant City Manager	Mo	\$11,135	\$11,531	\$11,927	\$12,321	\$12,716	\$13,111	\$13,507
	Yr	\$133,625	\$138,374	\$143,124	\$147,849	\$152,587	\$157,324	\$162,086
	Hr	\$64.25	\$66.53	\$68.81	\$71.08	\$73.36	\$75.64	\$77.92

B. Division Managers

		SALARY STEPS						
		A	B	C	D	E	F	G
Human Resources Manager	Mo	\$6,687	\$6,939	\$7,187	\$7,437	\$7,687	\$7,937	\$8,186
	Yr	\$80,241	\$83,264	\$86,252	\$89,239	\$92,249	\$95,237	\$98,236
	Hr	\$38.58	\$40.03	\$41.47	\$42.90	\$44.35	\$45.78	\$47.23

SECTION 2. PERFORMANCE INCENTIVE PAY

The City agrees that the unrepresented regular employees are authorized to develop an appropriate performance incentive program for inclusion in the next compensation resolution.

SECTION 3. BILINGUAL PAY

The City will compensate full and ¾ time regular employees at a monthly rate of \$100.00, for demonstrable fluency in a second language if they are regularly called upon to use this skill in the performance of City-related business. To be eligible for the benefit, employees must receive the recommendation of their respective department head and obtain City Manager approval. Department heads will not be eligible for bilingual pay.

SECTION 4. AUTO ALLOWANCE AND/OR MILEAGE REIMBURSEMENT

For employees required or allowed by their department head to use private automobiles for City business, mileage will be reimbursed at the IRS-approved mileage rate. Department Heads will be given an auto allowance of \$350 per month.

SECTION 5. VACATION LEAVE

A. Regular employees will accrue vacation time in accordance with the following schedule:

LENGTH OF SERVICE	FULL TIME EMPLOYEES	¾ TIME EMPLOYEES
Up to 60 Months (5 years of service)	82 hours	61.5 hours
60 months – 120 months (10 years)	120 hours	90.0 hours
120 months – 132 months (11 years)	130 hours	97.5 hours
132 months – 144 months (12 years)	140 hours	105.0 hours
144 months – 156 months (13 years)	150 hours	112.5 hours
156 months – 168 months (14 years)	160 hours	120.0 hours
168 months – 180 months (15 years)	170 hours	127.5 hours
180 months – 192 months (16 years)	180 hours	135.0 hours

Vacation leave shall be credited to the employee per pay period. No employee shall be allowed to accumulate more than a total of 360 hours of earned vacation leave, except with the written authorization of the City Manager. Employees terminating from City employment will be paid in full for unused accrued vacation leave.

B. Employees of the City will not be permitted, until after six months of continuous employment, to take paid vacation, unless otherwise approved in writing by the appropriate department head and the City Manager. The scheduling of vacation time is subject to the prior approval of the employee’s direct supervisor and department head; however, no employee will be permitted to take a vacation in excess of accrued vacation time unless specifically authorized in writing by the City Manager.

C. Employees with five (5) or more years of continuous service with the City will be allowed to sell accrued vacation leave back to the City at 100% of its full value.

Employees will be given the opportunity to sell accrued vacation leave back to the City annually, on or before July 31st of each fiscal year. The maximum amount of the annual buyback is as follows:

LENGTH OF SERVICE	FULL TIME EMPLOYEES	¾ TIME EMPLOYEES
After the completion of 60 Months (5 years of service)	40 hours	30 hours
After the completion of 132 months (11 or more years)	60 hours	45 hours

SECTION 6. SICK LEAVE

- A. Each regular employee shall be entitled to sick leave with pay for each month or major fraction thereof. Sick leave benefits shall accrue at 96 hours annually for full time regular employees, 72 hours annually for three-quarter (¾) time regular employees. Sick leave shall be credited to the employee per pay period. There will be no limit to the amount of sick leave an employee may accrue. At the time of separation, employees will not be compensated for unused sick leave. However, upon voluntary retirement the employee may convert 100% of his/her accrued sick leave balance, less any amount used to retirement service credit.
- B. Sick leave may be used only for a bona fide illness or injury of the employee or a member of the employee’s family. In cases where lost work time due to sick leave exceeds two days, when the employee has frequently utilized sick leave, or when a pattern of sick leave usage develops, the City Manager or designee may require a written physician’s confirmation of the nature of the illness or injury or a physician’s written release of the employee to full work duty. Should work time lost due to illness or injury exceed the employee’s accrued sick leave balance, then any available vacation, floating holidays, administrative leave, or compensated time off will be used.
- C. When utilizing sick leave, the employee will notify his/her direct supervisor at the earliest possible time as to the general nature and possible duration of the injury or illness. It will be the employee’s responsibility to keep his/her supervisor informed on a daily basis of his or her condition as it relates to absence from employment.

SECTION 7. BEREAVEMENT LEAVE

Each regular employee will be entitled to bereavement leave in an amount of forty (40) hours per incident. Bereavement leave will be granted only in those cases involving the death of a parent, parent-in-law, children spouse, sibling, grandparent, grandparent-in-law, or registered domestic partner.

SECTION 8. HOLIDAYS

- A. The City Council will establish, by annual resolution, a schedule of holidays to be observed by the City and its employees. Full-time employees will receive 110 hours of compensated time-off for holidays each year. Three-quarter (¾) time employees will receive 82.5 hours each year. An employee must be in paid status both the workday

before and after a holiday in order to receive holiday pay. The holiday schedule will begin each July 1st and end each June 30th.

- B. Full-time and three-quarter-time employees required to work on scheduled holidays will receive an equal amount of compensatory leave time. Department heads are not eligible for this benefit.
- C. The City Council may approve the substitution of floating holidays for regularly scheduled holidays. In case an employee terminates, he or she will be fully compensated or any accrued, but unused, floating holidays. Unused floating holidays will be automatically cashed out at the end of each fiscal year.

SECTION 9. ADMINISTRATIVE LEAVE AND/OR OVERTIME

In recognition of the long hours required to accomplish the requirements of the job, including attendance at numerous meetings outside normal working hours, department heads will be granted sixty (60) hours of administrative leave per fiscal year. The full sixty (60) hours shall be granted on July 1st of each year and shall not be allowed to carry over to the next fiscal year. This leave may be used to take time off, or sold back to the City at 100% of its monetary value. Department heads will not be eligible for overtime compensation.

Division managers shall receive either compensatory time or overtime pay (at the discretion of the department head) at their regular rate of pay (“straight” time) for the number of authorized hours worked over forty (40) per week. Vacation leave, sick leave, holidays, and other time not actually worked will not be counted towards the forty hours. If compensatory time is taken in lieu of paid overtime, no employee shall be permitted to accrue more than sixty (60) hours.

SECTION 10. EMERGENCY CALL BACK

Employees may be required to come to work outside of their regular working hours in case of an emergency. In such circumstances, all employees, with the exception of department heads, will be guaranteed at least two hours pay.

SECTION 11. RETIREMENT

The City contracts with the California Public Employees Retirement System (CalPERS). For employees hired prior to July 1, 2011, the City agrees to provide PERS 2.5% at 55 Local Miscellaneous Members Retirement and such optional benefits as the City elects. In addition to the employer contribution, the City agrees to pay 1% of the member contribution to PERS for each full and ¾ time regular employee, referred to as “Employer Paid Member Contribution” (EPMC), and also to report the value of the EPMC to CalPERS as additional special compensation. The remaining 7% of the Member Contribution will be paid by the employee on a pretax basis.

For employees hired on or after March 19, 2012, the City agrees to provide PERS 2% at 60 with the average of three highest years. The employee will be responsible for paying the entire member contribution on a pretax basis.

For employees hired on or after January 1, 2013 who were either employed by a public employer that contracted with PERS or another public retirement system with which PERS has reciprocity,

shall be provided with the PERS 2% at 60 formula, with the average of three highest years. The employee will be responsible for paying the entire member contribution on a pretax basis.

All other employees hired on or after January 1, 2013 shall be provided with the 2% at 62 formula, with the average of the highest consecutive 36 months. The employee will be responsible for paying the entire member contribution on a pretax basis.

SECTION 12. HEALTH INSURANCE

A. The City contracts with the California Public Employees Retirement System (CalPERS) to provide health insurance for all full and ¾ time regular employees; employees may choose from HMO and PPO options. The City will contribute toward the cost of any insurance program for employees and dependents. The City agrees to pay the cost of medical insurance premiums up to the following monthly amounts:

	Full Time Employees	¾ Time Employees
Employee Only	\$362.68	\$272.01
Employee + One	\$725.36	\$544.02
Employee + Two or More	\$942.97	\$707.22

Employees will pay any excess premiums through payroll deduction on a pre-tax basis.

B. Employees who waive medical insurance coverage for their eligible dependents will be reimbursed by the City in an amount equal to 60% of the cost of the applicable premium. With proof of other coverage, employees who waive medical insurance coverage for themselves will also be reimbursed by the City in an amount equal to 60% of the cost of the applicable premium. Retirees will also be eligible for this cash-out benefit.

SECTION 13. DENTAL INSURANCE

The City will contract for dental insurance for all full and three-quarter (¾) time regular employees. The City agrees to pay the full cost of the premium for employees plus any eligible dependents, with no cash-out option.

SECTION 14. VISION INSURANCE

The City will contract for vision insurance for all full and three-quarter (¾) time regular employees. The City agrees to pay the full cost of the premium for employees plus any eligible dependents, with no cash-out option.

SECTION 15. LIFE INSURANCE

The City will contract for life insurance for full and three-quarter (¾) time regular employees. For full time employees, the life insurance benefit is the equivalent of employee's annual salary, up to \$200,000. For three-quarter (¾) time employees, the calculation of annual salary will be based on their normal work schedule. The City agrees to pay the full cost of that basic life

insurance premium. Full and three-quarter (¾) time employees will have the option to purchase, at their cost, voluntary supplemental life insurance.

SECTION 16. SHORT AND LONG TERM DISABILITY INSURANCE

The City will contract for short and long-term disability insurance for full and three-quarter (¾) time regular employees. The City agrees to pay the full cost of the disability insurance premium.

SECTION 17. EMPLOYEE ASSISTANCE PROGRAM

The City will contract for an Employee Assistance Program for full and three-quarter (¾) time regular employees, at no cost to the employee.

SECTION 18. FITNESS CENTER MEMBERSHIP

The City will provide a complimentary individual membership to the Duarte Fitness Center for each full and three-quarter (¾) time employee and retiree.

SECTION 19. FLEXIBLE SPENDING ACCOUNTS

The City agrees to offer and maintain Health Care and Dependent Care Flexible Spending Accounts for the optional participation of full and three-quarter (¾) time employees.

SECTION 20. DEFERRED COMPENSATION PROGRAM

The City will make a Section 457 deferred compensation program available to all full and three-quarter (¾) time regular employees that complies with the rules and regulations established by the Internal Revenue Service. Employees may voluntarily participate in the program through payroll deductions.

SECTION 21. PROFESSIONAL MEMBERSHIP FEES

Employees may maintain membership in appropriate professional organizations. The costs for memberships in these organizations are legitimate City expenditures if requested for a regular employee, provided for in the annual City Budget, and approved in advance by the department head and City Manager.

SECTION 22. TUITION REIMBURSEMENT PROGRAM

- A. Regular employees are eligible to be reimbursed for 75% of the cost of college accredited academic courses, not to exceed \$2,800 for full-time employees or \$2,100 for three-quarter (¾) time employees, during any fiscal year. Exceptions to these limits may be authorized at the discretion of the City Manager, contingent on the availability of funds.
- B. Courses must relate to the employee's job assignment or be job-oriented, and must be offered by a qualified training institution. In general, qualified training institutions are those colleges or universities that offer accredited course work transferable to other academic institutions. Courses must be taken on the employee's own time unless otherwise authorized by the department head and the City Manager.

- C. Prior to enrolling in each course, semester, or quarter, an employee must first secure department head approval that the coursework is job-related and then submit to the City Manager a memo request for approval, along with the proposed expenditure estimate. The City Manager, in conjunction with the department head, will provide written approval or rejection of the request.
- D. Within thirty (30) days of receipt of a passing grade, the employee must submit proof of a "C," "pass," or other appropriate notice of successful course completion, along with an expenditure claim and receipts for tuition, books, parking, or other required course materials.

SECTION 23. COMPUTER LOAN PROGRAM

The City will offer an interest-free computer loan program to full and three-quarter (¾) time employees who have satisfactorily completed their initial probationary period. Continuation of the program is subject to annual budget appropriations by the City Council, and will be administered by the Administrative Services Department, according to policies and procedures established by the City Manager.

SECTION 24. SEVERANCE PAY

When a regular full-time employee is laid off, and when that employee's service is deemed to have been satisfactory, that employee will be entitled to receive severance pay as follows:

<u>Length of Service</u>	<u>Amount</u>
Date of hire to 2 years	None
2 years plus one day to 5 years	1 month's salary
5 years plus one day to 10 years	2 month's salary
10 years plus one day to 15 years	3 month's salary
15 years plus one day to 20 years	4 month's salary
20 years plus one day to 25 years	5 month's salary
25 years plus one day or more	6 month's salary

Employees terminated from employment due to physical inability to perform their job and eligible for worker's compensation benefits will not be entitled to severance pay. Any additional years of service purchased by the City towards retirement will be deducted from severance pay.

SECTION 25. FURLOUGH

A furlough day will be observed on December 26, 2013. The cost of the furlough day will be spread over the 26 pay periods of fiscal year 2013/14.

SECTION 26. SEVERABILITY

All resolutions, or portions thereof, previously adopted by the City Council and found to be in conflict with the provisions of this resolution are hereby repealed.

SECTION 27. EFFECTIVE DATE

The effective date of this resolution shall be July 1, 2013. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 9th day of July, 2013.

Mayor Margaret Finlay

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 13-19 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 9th day of July, 2013, by the following vote:

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

City Clerk Marla Akana
City of Duarte, California

CITY OF DUARTE POLICY AGAINST WORK PLACE VIOLENCE

- A. Purpose. This policy is intended to create and foster a work environment free from workplace violence and to provide a definition of workplace violence. This policy outlines the responsibilities of all persons in the City workplace(s) to maintain a workplace free of actual, attempted or threatened violence. The purpose of this policy is to ensure that incidents of workplace violence are reported to City management and/or law enforcement as appropriate and that the City handles complaints of workplace violence in a timely and equitable manner.
- B. Policy. The City of Duarte is committed to providing a safe and healthy workplace free from actual, attempted or threatened violence. The City recognizes that workplace violence is a health and safety issue and will take reasonable precautions to prevent workplace violence and to protect employees at the workplace.
- C. Scope and Application of Policy. This policy applies to all City employees regardless of position, classification or union membership. This policy also applies to all persons who attend a City workplace including, but not limited to, all visitors, contractors, volunteers, vendors and delivery persons. For the purposes of this policy, a City workplace includes all places where City business occurs and includes all:
- i. City buildings (whether owned or leased) and surrounding perimeter including parking lots, sidewalks, and driveways (“City Grounds”);
 - ii. City vehicles;
 - iii. Off-site locations where City business occurs;
 - iv. City-sponsored functions and recreational or social events, whether taking place on City Grounds or elsewhere; and
 - v. Travel for City business.
- D. Prohibited Conduct. In this policy, workplace violence includes but is not limited to the following:
- i. The use of physical force against or by a worker that causes or could cause physical injury. This includes, but is not limited to, physical acts such as punching, hitting, kicking, pushing, damaging property or throwing objects;
 - ii. The attempted use of physical force against or by a worker that could have caused physical injury;

- iii. An action or statement (or series of actions or statements) reasonably believed to be a threat of physical harm or as a threat to safety or security in the workplace; and
- iv. Bringing a weapon of any kind to a City workplace or possessing a weapon of any kind while carrying out City business, or threatening to bring a weapon to a city workplace, unless specifically required or authorized in the course of employment.

This is the companion policy to the City's policy against discrimination and harassment which addresses harassment, including conduct that is not covered by the definition of workplace violence but that demeans, embarrasses, humiliates or is known, or ought to be known to be unwelcome.

- E. Zero Tolerance. The City values the health and safety of its employees and expects that its workplace(s) will be free of workplace violence. The City will not tolerate incidents of workplace violence perpetrated against or by any employee, customer, vendor, contractor, visitor or any other person at a City workplace or involved in City business.

Every person at a City workplace is responsible for acting in compliance with this policy. With respect to acts of workplace violence, as defined in this policy, the City may, where appropriate, remove the perpetrator from a City workplace by the LA County Sheriffs Department, discipline any employee, up to and including dismissal, and/or report the conduct to the police; and report the conduct of any other person to their employer, supervisor and/or principal and/or to the LA County Sheriffs Department.

All physical assaults involving an employee or occurring at a City workplace will be reported to the LA County Sheriffs Department. All other incidents or threats of workplace violence will be reported to LA County Sheriffs Department as appropriate.

- F. The City's Response to Complaints of Violence.

- i. The City's Role. It is the responsibility of the City to take reasonable preventative measures to protect employees and others in City workplaces from workplace violence. The City will make this policy available to all employees and contractors and other persons who attend City workplaces. The City will report and respond to incidents of workplace violence and will ensure the policy for reporting and responding to incidents of workplace violence is communicated, maintained and followed.
- ii. Supervisor's Role. It is the responsibility of all supervisors to understand and abide by the requirements of this policy. Supervisors are responsible

for encouraging employees to report complaints or incidents of workplace violence, responding to all complaints or incidents of workplace violence in a professional manner appropriate for the circumstances of the complaint or incident, and promptly reporting all complaints or incidents of workplace violence they receive or witness to the Human Resources Office or LA County Sheriffs Department as appropriate.

- iii. Employee's Role. It is the responsibility of all employees to comply with this policy at all times to protect themselves and others in the workplace from workplace violence, to immediately notify their supervisor or other designated person of any incident of workplace violence whether the notifying worker is the victim or not. In the case of an extreme or imminent threat of physical harm to themselves or any person from workplace violence, the worker should contact the LA County Sheriff's Department. All employees must fully cooperate in any investigation of complaints or incidents of workplace violence or breaches of this policy.
- iv. Domestic Violence. Any employee experiencing violence outside of the workplace (i.e. domestic violence) that may create a risk of danger to themselves or others in the workplace is encouraged to report such violence so that the City can take reasonable preventive steps in the workplace.
- v. Reporting and Investigating Process.
 - a) Reporting. All incidents of workplace violence or reprisal must be immediately reported to management or the Human Resources Office. Any person subjected to workplace violence should, where appropriate, go to a safe location at the workplace and report the incident to their supervisor, a City supervisor or manager, or the Human Resources Office so that the incident can be investigated and addressed. All complaints and incidents are to be recorded in writing by the reporting person/employee, the supervisor or manager receiving the report and the Human Resources Office. The date, time, location, potential witnesses and nature of the incident should be documented. If the LA County Sheriffs Department have not previously been summoned, management or the Human Resources Office will report all physical assaults to LA County Sheriffs Department. All other incidents or threats of workplace violence will be reported to the LA County Sheriffs Department as appropriate. If an incident of workplace violence involves a person who is not an employee of the City, City management or the Human Resources Office will report the incident to that person's employer and/or such other person as the City determines is appropriate in the circumstances.
 - b) Investigation. Management or the Human Resources Office will

promptly investigate all complaints or incidents of workplace violence or reprisal. Where the perpetrator is a City employee, the investigation will be conducted as quickly and confidentially as possible in the circumstances. Complete confidentiality is not possible in all circumstances and cannot be guaranteed. The management or Human Resources investigation will include:

- 1) A documented interview with the complainant and/or victim;
- 2) A documented interview with the alleged perpetrator(s);
- 3) A documented interview with any witnesses with relevant information to provide; and
- 4) Any other step the investigator(s) deems necessary to fully and fairly investigate the complaint or incident;

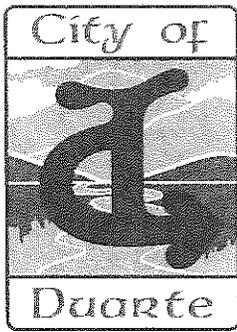
At the conclusion of the investigation into an incident or complaint, Management or Human Resources will prepare a written report of the findings of fact.

Where the perpetrator is a City employee, the supervisor of the perpetrator, in consultation with management and/or the Human Resources Office, will take any necessary disciplinary action. The severity of any disciplinary action, which may include dismissal from employment, will be consistent with the seriousness of the conduct at issue such that more significant discipline will follow more serious conduct or repeated violations of this policy.

G. No Reprisal. Workplace violence and this policy are serious matters. This policy prohibits reprisals against employees who have made good faith complaints or provided information regarding a complaint or incident of workplace violence. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment. Reprisal includes:

- i. Any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace violence;
- ii. Intentionally pressuring a person to ignore or not report an incident of workplace violence; and
- iii. Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace violence.

An employee who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.



City of Duarte

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

July 9, 2013

DRAFT

Honorable Edmund G. Brown
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

Honorable State Senator Carol Liu
California State Capitol, Room 5061
Sacramento, CA 95814-4900

Honorable Assemblymember Roger Hernandez
California State Capitol, Room 4146
Sacramento, CA

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

Re: Reinvesting in California’s Judicial Branch

Dear Governor Brown, Senator Liu, and Assemblymember Hernandez:

On behalf of the City of Duarte and members of the Duarte City Council, we are extremely concerned about 10 full court closures in 2013, coupled with the over 56 individual courtroom closures that took place throughout 2012 in Los Angeles County alone. We write today to express our grave concern over years of cuts to the courts, and to urge a steady reinvestment in the judicial branch to avoid further debilitating impacts.

Over the past several fiscal years, the branch’s budget has been reduced to historically low levels. Only one percent of the state budget is reserved for the judicial branch – just one penny on the dollar. The combination of one-time and ongoing cuts that have occurred over the last two years especially have critically impacted the trial courts’ ability to provide access to programs and services to the City of Duarte, local businesses, and residents who rely on the courts to resolve legal matters and disputes.

Additionally in June 2014, implementation of a provision taking away the courts’ ability to carry over local reserves to the next fiscal year (which enabled courts to accumulate saved dollars for use in managing cash flow challenges, replacing failing equipment, and planning long term projects to improve customer service) will severely hamper their ability to meet day-to-day operational and infrastructure needs.

DRAFT

Named “Most Business Friendly City 2012” by LAEDC

Governor Brown
July 9, 2013
Page 2

DRAFT

Enclosed is a Judicial Branch Budget Impact Snapshot for the Superior Court of Los Angeles County that captures the extent of the programs and services to constituents in our legislative district that have been eliminated or curtailed due to the erosion of the judicial branch budget. Specifically, our local Pasadena court has closed a courtroom curtailing public counter hours, resulting in diminished public access to justice. It is also negatively impacting public safety officers who must leave patrol duties for longer periods, and drive further distances to testify due to satellite court closures, resulting in increased overtime costs.

In closing, the City of Duarte respectfully requests that you support a much-needed reinvestment into the judicial branch budget so that courts remain open and functional, and justice is preserved.

If you have any questions, please contact me directly at Duarte City Hall, (626) 357-7931. In addition, Cory Jasperson or Andi Liebenbaum with the Administrative Office of the Courts, Office of Governmental Affairs, are also available to address your questions at (916) 323-3121.

Sincerely,

Margaret Finlay
Mayor, City of Duarte
Represented by the Superior Court of Los Angeles County

Enclosure: Judicial Branch Budget Impact Snapshot, Superior Court of Los Angeles County

cc: Cory Jasperson, Director, Admin. Office of the Courts, Office of Governmental Affairs
Andi Liebenbaum, Senior Governmental Affairs Analyst, AOC, Office of Gov'l Affairs
June Clark, Deputy Legislative Secretary, Office of Governor Edmund G. Brown, Jr.

DRAFT



Judicial Branch Budget Snapshot Superior Court of California County of Los Angeles

Key Budget Challenges/Priorities

- Due to current staffing inadequacies, irresolvable backlogs exist in many areas
- Caseloads in many courtrooms are unmanageably high
- Motions in civil and family law courts are delayed
- Contemplated closure of ten courthouses and elimination of 511 positions as of July 2013

Budget Impacts

General Budget Reduction Impacts to the Public

- Eliminated 56 staffed courtrooms in criminal, civil, family, probate, and juvenile
- Eliminated court-funded portion of the CASA program
- Eliminated Informal Juvenile Traffic Courts
- Planned re-organization of court to consolidate activities

Reduced Public Access: Self-Help/Mediator/Facilitator Services

- Plan to eliminate all court-supported ADR in civil and juvenile by July 2013

Reduced Public Access: Court Reporters/Interpreters

- Eliminated approximately 174 full-time court reporter positions and created 50 part-time assignments
- Plan to eliminate all court reporter positions in civil courtrooms, with limited exceptions, in July 2013

Reduced Public Access: Public Service Counters and Clerks

- No reduction in clerks' office hours have been implemented at present

Closures: Courtrooms and Courthouses

- Eliminated courtroom staffing from 56 courtrooms: criminal, civil, family, probate, and delinquency
- Consolidation plan currently underway anticipates the closure of 10 of 46 courthouses

Staff Reductions: Furloughs, Layoffs, Unfilled Vacancies

- Instituted furloughs in FY 2009-10
- Reduced 616 non-courtroom positions
- Reduced 902 total positions
- Additional reduction of 511 positions planned

Impacts: Court Security Services

- No security service reductions were implemented

Fewer Judicial Officers

- Reduction of nine Commissioner positions
- Reduction of 17 Referee positions
- Will eliminate 11 Referee positions July 1, 2013

Annual Allocation*

Total Allocation FY 2008-2009	\$ 753,862,560
Est. Allocation FY 2012-2013**	\$ 630,167,969
Percentage change	-16.4%

*Does not reflect unfunded cost increases

**For comparison purposes only, includes court security funding

Los Angeles Facilities Overview

Number of courthouses	43
Capital construction projects	6 (3 indefinitely delayed)

Judicial Workload/Employees as of Dec. 2012:

Population served	9,889,056
Judicial officers	586.3
Judicial officers needed	626.4
Filled staff positions FY 08-09	5,368
Filled staff positions FY 12-13	4,425

Case Statistics (Fiscal Year 2010-11)

Felony filings	54,444
Misdemeanor filings (incl. traffic)	495,172
Infraction filings (incl. traffic)	1,872,295
Civil filings	320,407
Family and juvenile filings	148,192

Court Leadership

Presiding Judge	Hon. David S. Wesley
Court Executive Officer	William Mitchell (interim)

MEMORANDUM

TO: Mayor and Councilmembers

FROM: Darrell J. George, City Manager

DATE: July 3, 2013

SUBJECT: Conference Attendance – City Council Meeting of July 9, 2013



League of California Cities
3rd Annual City Economic Development Conference
August 28, 2013
San Pedro
\$50 per person

Register Now!

August 28, 2013

Crowne Plaza Los Angeles Harbor Hotel
601 S Palos Verdes St. San Pedro, CA

Check-in: 9:00am
Lunch: 11:55am
Adjourn: 2:30pm
Tour Concludes: 4:00pm

Register by July 15 for early bird pricing: \$50 for members and \$55 for non-members.



3rd Annual City Economic Development Conference

When

Wednesday August 28, 2013 from
9:00 AM to 2:30 PM PDT
[Add to Calendar](#)

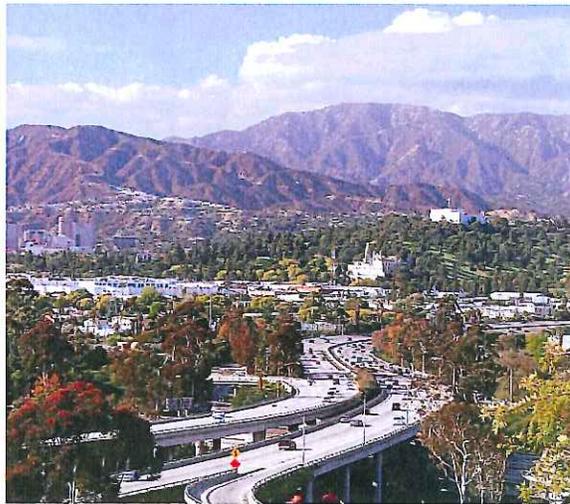
Where

Crowne Plaza Los Angeles
Harbor Hotel
601 S Palos Verdes St
San Pedro, CA



3rd Annual City Economic Development Conference

[Click Here To Register](#)



In partnership with the Port of Los Angeles, the Los Angeles Division of the League of California Cities cordially invites you to the 3rd Annual City Economic Development Conference. By engaging public and private leaders on issues impacting job creation, business attraction and retention and trade, the conference seeks to act as a collaborative forum for strengthening Los Angeles' regional economy. Join us in this dynamic discussion!

Featuring:

John Chiang
California State Controller

Robert Kleinhenz, PhD
Los Angeles Economic Development Corporation

Art Leahy
LA County Metropolitan Transportation Authority

Tracy Rafter
Los Angeles County
Business Federation

Craig Johnson
California Association
of Enterprise Zones

-And-

Keynote Presentation:

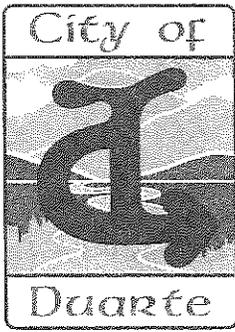
Kish Rajan
Director of the Governor's Office of Economic
Development
And many more!

Tour the Port of Los Angeles



The conference will include a guided tour of the Port of Los Angeles.

The Port of Los Angeles is currently the nation's #1 container port. Maintaining this position with changing economic tides requires new and innovative approaches and concerted effort to stay focused on critical issues. Learn what the Port of LA is doing to meet their economic, sustainability and security responsibilities.



City of Duarte

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

July 9, 2013

DRAFT

Mr. Michael R. Peevey
President
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Mr. Paul Clanon
Executive Director
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Mayor
Margaret E. Finlay
Mayor Pro Tem
Liz Reilly
Councilmembers
John Fasana
Tzeifel Paras-Caracci
Phillip R. Reyes
City Manager
Darrell George

Dear Messrs. Peevey and Clanon:

On behalf of the Duarte City Council and Duarte residents, I am writing to voice the City's concerns regarding the recent decisions (Administrative Law Judge Vieth and Commissioner Peevey) issued on the feasibility of undergrounding the 3.5-mile Chino Hills portion of the SCE Tehachapi Renewal Transmission Project (TRTP). The City of Chino Hills originally sought the undergrounding of a 500KV transmission line in the City's right-of-way in October of 2011, in lieu of a CPUC previously approved above-ground design. Although the proposed decision by Administrative Law Judge Vieth finds that undergrounding the Chino Hills lines is feasible, he concluded the cost is prohibitive and should not be born by ratepayers-at-large for the benefit only of the City of Chino Hills and its residents. The costs of the project vary widely from \$147 to \$372 million depending on whether estimates provided by SCE or Chino Hills are used. Even if an average was taken, the portion of the costs to be born by Duarte residents is unacceptable for a project that negatively impacts the residents of Duarte. In all likelihood, based on the history of the TRTP, even the high estimate of \$372 million could be below the actual construction cost, imposing even more of a burden on Duarte ratepayers.

What makes undergrounding lines in Chino Hills different from that portion of the TRTP project running through the City of Duarte, where the impacts to homeowners are even more egregious? Why would the TRTP lines through Chino Hills be placed underground, but not the TRTP lines through Duarte? Specifically, two homeowners in Duarte had towers in excess of 300 feet high placed within seven feet of their property lines. Duarte residents also felt misled by initial renderings and public relations pieces associated with the project, which were used as examples. Based on the information provided, many were under the impression that the project called for adding height to the old towers at the original locations, and were shocked to see new towers moved closer to their homes. This included an additional tower and overhead lines that were not originally planned. As Commissioner Peevey is already aware, there have been additional concerns expressed by homeowners, including the overall negative impacts of the project on property values and physical safety. Homeowners closest to Duarte TRTP towers also voiced fears over the potential risk of injury and/or property damage, given that a known earthquake fault line runs underneath the new tower locations.

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Named "Most Business Friendly City 2012" by LAEDC

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Both the opinions refer to “fundamental fairness.” The Chino Hills decision would be fair to Duarte ratepayers and homeowners similarly impacted by the overhead lines necessitated by the TRTP Project only if the Duarte TRTP lines are undergrounded at no cost to Duarte ratepayers.

The City of Duarte staff and residents have also been very vocal with the CPUC. In fact, our-then State Senator Ed Hernandez arranged a meeting for affected residents and City staff with the CPUC staff on October 4, 2011. As a result of this meeting, the City verbally and in writing (see enclosed letter) requested that the CPUC reverse its previous approvals on the Duarte portion of the TRTP and direct SCE to spend the time and money to re-engineer and construct this project in a way that is fair for our City and its residents. Specifically, we asked the CPUC to mandate that SCE place the transmission towers on the hillsides above the homes, go underground for this segment, or purchase the homes of all of those impacted residents so that they can regain their quality of life. The City also strongly urged the CPUC to complete final engineering on any transmission towers within 100 feet of a private property prior to the public review and comment period. This review remains critical so the exact location and impacts of these particular towers can be disclosed to both the public and Commission prior to project approvals. This ensures that CPUC commissioners, as well as homeowners, are fully informed as they make these life-changing decisions. The major difference between Chino Hills and Duarte is that Chino Hills has spent \$4 million on this battle, whereas Duarte did not have the resources to launch into such an expensive legal morass.

In closing, the City of Duarte submits this letter not to diminish nor begrudge the City of Chino Hills its efforts to minimize the impacts of the TRTP in its community, or to disrespect the decision rendered by Commissioner Peevey. Instead, our goal is to go on record that Duarte too faces similar negative TRTP impacts, and would like to be included in any outcome that would minimize those negative impacts in our City and throughout the San Gabriel Valley.

Sincerely,

Margaret Finlay
Mayor, City of Duarte

Enclosure

DRAFT

City of Duarte Multi-Family/Commercial Recycling Update

Burrtec Waste Industries, Inc./City of Duarte
July 9, 2013



Presentation Highlights

- AB 939 (Diversion) Legislative Recap
- AB 341 (Mandatory Commercial Recycling)
- Duarte Multi-Family Grant/Recycling Program
- Duarte Commercial Recycling Program
- Next steps



AB 939 Legislative Recap

- Required diversion of 25 percent of all solid waste from landfill by **January 1, 1995**;
- Required diversion of 50 percent of all solid waste by **January 1, 2000**;
- Duarte successfully met and maintains an over 50% diversion rate.



AB 341 Legislation Recap

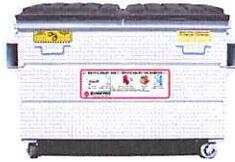
- Effective July 1, 2012;
- Mandates businesses with (4) cubic yards or more of waste per week & multifamily residential dwellings with five (5) units or more to recycle.
- Compliance Options:
 - Subscribe to recycling services from Burrtec;
 - Donate or sell recyclable materials;
 - Self-haul recyclables;
 - Utilize mixed-waste processing services (dirty MRF).



Multi-Family Grant Implementation



- Awarded a \$52,000 Cal-Recycle grant in December 2008 targeting 62 multi-family homes, with approximately 1,500 units;
- California placed a moratorium on grant funds;
- March 27, 2012, the Duarte City Council approved a mandatory recycling program for multi-family complexes with five or more units;
- April – July, 2012 – Program roll-out focused on mailings, property surveys, distribution of bi-lingual educational materials, on-site meetings, news & web articles.



Outreach and Education

- Newsletters
- Direct Phone Calls
- Waste Assessments
- Statement Messaging
- Website Information
- Chamber of Commerce and Site Presentations



Multi Family Program Success

- AB 341 Compliance- May 2012

Accounts recycling with Burrtec	Accounts not recycling with Burrtec	Total Accounts	Participation Rate
1	52	53	2%

- AB 341 Compliance- May 2013

Accounts recycling with Burrtec	Accounts not recycling with Burrtec	Total Accounts	Participation Rate
42	11	53	79%

Commercial Recycling Update

- AB 341 Compliance- May 2012

Accounts recycling with Burrtec	Accounts not recycling with Burrtec	Total Accounts	Participation Rate
18	81	99	18%

- AB 341 Compliance- May 2013

Accounts recycling with Burrtec	Accounts not recycling with Burrtec	Total Accounts	Participation Rate
24	71	95	25%



Next Steps

- Commercial Recycling:
 - Apply for Cal-Recycle Grant for Commercial
 - Consider New Rate Structure
 - Goal: Increase participation rate to 75%
- Multi-Family Recycling
 - Continue Outreach and Education

