

July 23, 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 23, 2013

6:00 p.m. – Workshop
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.

THE FOLLOWING ITEMS WILL BE HEARD AT 6:00 P.M.

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. WORKSHOP – Affordable Care Act

THE FOLLOWING ITEMS WILL BE HEARD NOT EARLIER THAN 7:00 P.M.

4. PLEDGE TO THE FLAG
5. MOMENT OF REFLECTION
6. FITNESS/MENTAL WARM-UP
7. SPECIAL ITEMS – Page 1
 - A. Proclamation – National Night Out
 - B. Presentation – National Recreation Area
 - C. Public Safety update
 - D. Redevelopment dissolution status update
8. 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.
9. 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.
10. ITEMS TO BE ADDED TO THE CONSENT CALENDAR
11. CONSENT CALENDAR – Page 3
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 – July 9, 2013 (CC/HA/SA/FA)
 - B. Approval of Warrants – July 23, 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. City Council approval, adoption, and issuance of report pursuant to Government Code Section 65858(d) identifying steps taken by the Planning Division of the Community Development Department to alleviate the conditions that necessitated City Council adoption of interim moratorium Urgency Ordinance No. 840 on June 25, 2013, pertaining to smoke shops and tobacco smoking establishments (CC)
 - E. Council Bill 13-R-21 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, RESCINDING RESOLUTION NO. 13-18 AND FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT (CC)

- F. Acceptance of Duarte Fitness Center Water Heater Conversion project (Merry Plumbing Company) and authorization for City Clerk to initiate the Notice of Completion (CC)
 - G. City Council/City Manager Conference Attendance – SGV Economic Partnership Awards Gala, September 6, 2013, Pasadena; Santa Anita Family YMCA Red Envelope Gala, September 26, 2013, Arcadia; L.A. County Economic Development Corporation Eddy Awards, November 14, 2013, Beverly Hills; National League of Cities Congress of Cities and Exposition, November 13-16, 2013, Seattle, Washington; NALEO Policy Institute, August 23-25, 2013, Albuquerque, New Mexico (CC)
12. ITEMS REMOVED FROM CONSENT CALENDAR
13. PUBLIC HEARINGS – Page 21
- A. 13-O-03 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
 - B. 13-R-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089
14. BUSINESS ITEM – Page 37
Designation of Voting Delegate and Alternate(s) for League of California Cities Annual Conference, September 18-20, 2013, in Sacramento
15. 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.*
16. 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)
17. ADJOURNMENT – To Community Meeting, July 30, 2013, 7:00 p.m., at Beardslee Elementary School, 1212 Kellwil Way, Duarte, California

MEMORANDUM

TO: City Council
FROM: City Manager
DATE: July 18, 2013
SUBJECT: Comments on Agenda Items, Meeting of July 23, 2013

Note: A City Council workshop will take place at 6:00 p.m. to allow staff to give a presentation on the Affordable Care Act.

ITEM 7.A. A Proclamation will be presented announcing the “30th Annual National Night Out.” The City of Duarte will be joining with thousands of other communities across the country in promoting cooperative, law enforcement-community crime efforts. This nationwide crime, drug, and violence prevention program will take place on Tuesday, August 6, 2013. Deputy Sheriffs will deliver important neighborhood watch information, raffle prizes, and recognize key volunteers in each neighborhood. The Duarte Public Safety Department is working with our sponsors, Duarte Target and NextDoor.com, to make this evening a successful event. We also collaborate with the Duarte Community Service Council, and ask all participants to donate canned food or non-perishable food items to help those local families in need.

ITEM 7.B. National Park Service representative David Szymanski and Adan Ortega, with the San Gabriel Valley Water Association, will provide information regarding proposed changes and their impacts to the current National Recreation Area (NRA) legislation. Council has expressed an interest in getting additional information about the potential impacts. These representatives have also presented information at both the Glendora and Monrovia City Council meetings.

Several months ago, the City officially supported the proposed federal National Recreation Area. Since that time, several NRA proponents such as the Wilderness Society and Friends of the River, and local organizations such as Amigos de Los Rios and the Sierra Club, have also proposed adding a Wild and Scenic and Wilderness Area designation to the legislation. While this draft legislation was prepared by proponent stakeholders, many other area stakeholders, such as cities, are still attempting to understand the potential impacts of the proposed designation and are in the process of preparing comments. Many stakeholders have voiced support in concept for the NRA, as it would provide additional recreational resources and opportunities for local residents; however, there are still many questions/concerns that have yet to be resolved.

ITEM 7.C. The Director of Public Safety will provide an update of all public safety matters occurring over the past month.

ITEM 7.D. Staff will provide an update on the status of the dissolution of redevelopment, and its impacts on the City.

ITEM 11.E (Consent). This is a resolution to consider rescinding Resolution No. 13-18, and fixing the employer’s contribution under the Public Employee Medical and Hospital Care Act. The City submitted the recently approved healthcare Resolution No. 13-18 to CalPERS on July 15, 2013. This resolution was based on the recently negotiated increase to the City's contribution to healthcare. Unfortunately, CalPERS has a new resolution template that they are requiring us to use. As a result, CalPERS is asking that we record this NEW resolution, which has the same exact amounts and

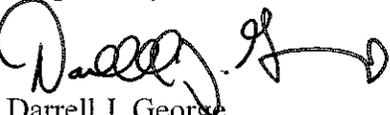
language, with just one new paragraph that references the related Government Codes. Once this new Resolution is approved, we will scan it and email it to CalPERS, and send a certified copy of the original by mail.

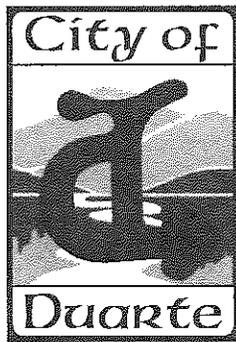
ITEM 11.F (Consent). This item recommends that the City Council accept the project “Duarte Fitness Center Water Heater Conversion” as being complete. The scope of work consisted of the removal of the existing hot water heater boiler, and the installation of an energy efficient tank-less hot water heater system. The proposed water system installation required modifications to the existing hot water plumbing supply lines, gas supply line, and electrical power. The tank-less hot water system meets AQMD requirements, and is eligible for a rebate from the Gas Company.

ITEM 13.A. This is a Public Hearing to consider an Urgency Ordinance to extend the moratorium on establishing, locating, or operating new smoke shops within the City. On June 25, 2013, the City Council adopted Urgency Ordinance No. 840 that established a 45-day moratorium on the establishment of smoke shops, businesses selling paraphernalia and vapor cigarettes, and granting of Conditional Use Permits for tobacco smoking establishments. This 45-day period is scheduled to end August 9, 2013. This proposed Ordinance would extend the moratorium for an additional 10 months and 15 days, for a total of one year (June 24, 2014), or until the City Council adopts a revision to the Development Code to revise requirements for these establishments. The purpose of the moratorium is to give the City additional time to evaluate the possible adoption of new zoning regulations applicable to these types of businesses, and effectively study the City’s zoning ordinance to determine the process to allow such facilities.

ITEM 13.B. This is a Public Hearing to consider a resolution adopting the Congestion Management Plan (CMP) local development report and self-certification with Los Angeles County Metropolitan Transportation Authority (MTA). The Congestion Management Program (CMP) is a state-mandated program that assists local agencies in linking land use decisions with impacts on the region’s transportation systems. It became effective in 1990 after voter approval of Proposition 111, and requires every city in Los Angeles County to implement the provisions of the County’s CMP. Implementation and conformance of the program is necessary to assure the City of Duarte continues to receive State gas tax funds (Section 2105) and remains eligible for other State and Federal transportation funding. Staff recommends that the City Council adopt Resolution 13-20 stating the City is in compliance with the Congestion Management Program.

ITEM 14. This Business Item is asking the City Council to designate a Voting Delegate and an Alternate for the upcoming September 18-20, 2013, League of California Cities Annual Conference. An important part of the Annual Conference is the Annual Business Meeting (at the General Assembly), scheduled for noon on Friday, September 20, at the Sacramento Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy. In order to vote at the Annual Business Meeting, a Voting Delegate must be designated. City Council can also appoint up to two Alternate Voting Delegates, one of whom may vote in the event that the designated Voting Delegate is unable to serve in that capacity.

Respectfully submitted,

Darrell J. George
City Manager



Proclamation

NATIONAL NIGHT OUT 2013

WHEREAS, the National Association of Town Watch is sponsoring a unique, nationwide crime, drug and violence prevention program on August 6, 2013 entitled "National Night Out"; and

WHEREAS, the "30th Annual National Night Out" provides a unique opportunity for the City of Duarte to join forces with thousands of other communities across the country in promoting cooperative, law enforcement-community crime efforts; and

WHEREAS, Duarte's Neighborhood Watch program plays a vital role in assisting the L.A. County Sheriff's Department through joint crime, drug and violence prevention efforts in the City of Duarte and is supporting "National Night Out 2013" locally; and

WHEREAS, it is essential that all citizens of the City of Duarte be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs, and violence in the City of Duarte; and

WHEREAS, participants will be donating canned food for the Duarte Community Service Council in recognition of the law enforcement-community cooperative efforts highlighted on "National Night Out"; and

WHEREAS, crime and drug prevention, awareness and cooperation as well as having a peaceful and united neighborhood are important themes of the "National Night Out" program;

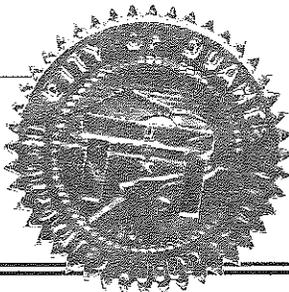
NOW, THEREFORE, BE IT RESOLVED that the City of Duarte hereby proclaims Tuesday, August 6, 2013, as NATIONAL NIGHT OUT in the City of Duarte, and calls upon all citizens of Duarte to join with the Neighborhood Watch volunteers and the 34 million National Association of Town Watch participants in supporting this year's 30th Anniversary of National Night Out and the City of Duarte in adopting the theme of "Get to Know Your Next Door Neighbor" to encourage residents to sign up to use NextDoor.com program on August 6, 2013.

Mayor Margaret Finlay

ATTEST:

City Clerk Marla Akana
Duarte, California

July 23, 2013





City of Duarte

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

To: City Council

From: Brian Villalobos; Director of Public Safety Services

Subject: National Night Out

Date: July 16, 2013

The City of Duarte's Public Safety Department has personally invited all Duarte neighborhoods, specifically those who participate in the Neighborhood Watch Program, to join Duarte's Sheriff Deputies and the National Association of Town Watch in this year's 30th annual "National Night Out." This nationwide crime, drug, and violence prevention program will take place on Tuesday, August 6th, 2013.

Over the past few years the numbers of National Night Out celebrations have included many dessert parties, ice cream socials, barbecues, potlucks, and pool parties. Through these parties, neighbors find a common ground in their mutual interest to have a safe environment. Deputies and residents have a very positive experience as they interact in a social environment. We ask that neighbors register with the Public Safety Department and help us promote this year's National Night Out theme "Get to Know their Neighbors" by signing up with NextDoor.com.

Deputy Sheriff's will deliver important neighborhood watch information, raffle prizes, and recognize key volunteers in each neighborhood who bring us all together. The Duarte Public Safety Department is working with sponsors, Duarte Target and NextDoor.com to make this evening a successful event. We also collaborate with the Duarte Community Service Council and ask all participants to donate canned food or non-perishable food items to help those local families in need.

Last year, 21 Neighborhood Watch Blocks participated with over 500 residents in attendance. Their efforts not only made people more aware of crime in the area but subsequently helped with crime prevention efforts while also helping families in need by donating food items to the Duarte Community Service Council.

We encourage all residents to register their neighborhood party by contacting the Duarte Public Safety Office at (626) 359-5671 ext. 316 and speaking with Crime Prevention Specialist, Aida Torres. We can help neighborhoods organize their party and provide flyers and ideas to get neighbors involved.

002

MINUTES

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY/COMMUNITY FACILITIES FINANCING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – JULY 9, 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 a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte California. Mayor Finlay called the meeting to order at 7:04 p.m.

RECORDATION OF ATTENDANCE The following were in attendance:
PRESENT: Paras-Caracci, Reilly, Reyes (7:06 p.m.), Finlay
ABSENT: Fasana
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Slater

ADOPTION OF AGENDA Reilly moved, Paras-Caracci seconded to adopt the Agenda, as amended to consider Item 12.B prior to 12.A, and carried unanimously.

PLEDGE TO THE FLAG Richard Niño led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

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

SPECIAL ITEMS
Recognition – Mayor’s Youth Council Mayor Finlay presented Certificates of Appreciation to the outgoing members of the Mayor’s Youth Council, and presented Certificates of Appointment to the incoming members.

Recognition – B. J. Lane Mayor Finlay introduced local artist and Duarte resident B. J. Lane, and presented her with a Certificate of Appreciation for being designated as the official artist for Senator Carol Liu.

Recognition – Damon Colaluca Mayor Finlay presented a Certificate of Appreciation to Damon Colaluca for his years of service to the community through the YMCA, Duarte Youth and Family Committee, and the Healthy Cities Collaborative, and wished him well in his new position.

ANNOUNCEMENTS
Joanna Gee, Duarte Library, announced upcoming programs and events for the month of July.
Ulises Gutierrez, Community Mediation Team, discussed crisis response plan, AB 109, and introduced Jonathan Campana.
Karen Herrera announced upcoming community events, meetings, and programs in July and August, and introduced new Administrative Intern Jackie Ruiz.
Cesar Monsalve announced Duarte Boxing Team fundraiser on July 27 at the golf course.

ORAL COMMUNICATIONS	The following spoke on items not on the Agenda. Brian Villalobos – Shooting investigation.
ITEMS ADDED TO CONSENT	Reyes moved, Paras-Caracci seconded to add attendance at the SGV Council of Governments Leadership Awards Reception on July 18, 2013, in San Gabriel, and attendance at the League of California Cities Board of Directors’ Installation on August 1, 2013, in Diamond Bar to Consent Item 10.J, and carried unanimously.
CONSENT CALENDAR	Paras-Caracci moved, Reyes seconded to approve the Consent Calendar as follows, and carried unanimously. Approve Items A, B, C, E, G, H, I, J. Receive and File Item D. Remove Item F.
RESOLUTION NO. 13-19 Unrepresented Employees	Item G – 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
ITEM REMOVED – Item F Proclamation – Parks Month	Cesar Monsalve provided a staff report and read the Proclamation for Parks Make Life Better in Duarte Month.
Item F – Approved	Reilly moved, Paras-Caracci seconded to approve Item 10.F, and carried unanimously.
BUSINESS ITEMS Multi-Family Recycling Program	Richard Nino, Burrtec Waste Industries, provided an overview of the multi-family recycling program, including legislation pertaining to diversion and mandatory commercial recycling, multi-family grant, outreach, multi-family program’s success, commercial recycling update, and next steps to increase participation. Lino Paras discussed recycling trends and redemption value tax. Reyes moved, Reilly seconded to receive and file the Multi-Family Recycling Program report, and carried unanimously.
Letter to California Public Utilities Commission – TRTP	George presented a staff report about the draft letter regarding the California Public Utilities Commission decision to possibly allow Chino Hills to underground a portion of the Edison TRTP project, and questioning why the TRTP lines in Duarte are not placed underground, since they impact our City. Ahmad Solomon, Southern California Edison, responded to questions from City Council. Slater provided additional information about the administrative law judge’s opinion. Reyes moved, Paras-Caracci seconded to approve the letter to the California Public Utilities Commission, and carried unanimously.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.
Lino Paras – Election.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

REYES: Stated he appreciates the work on the Resource Fair at Pamela Park on July 11, announced Boxing Program golf tournament on July 27, he hopes the non-profits made money with the fireworks, and announced concert at Duarte Park on July 10.

PARAS-CARACCI: Stated July 4th is about family and celebrations, she looks forward to the 4th of July report, she is looking forward to community members getting involved in the election, and she hopes everyone is having a good summer.

REILLY: Attended the senior banquet for the DART program, attended Women's Health Issues Community Dialogue in Los Angeles, stated Duarte was on the program, and provided statistics about women's issues.

FINLAY: Stated our summer parks programs are tremendous, announced a number of park activities, and announced upcoming summer concerts.

ADJOURNMENT

Reilly moved, Reyes seconded to adjourn the meeting at 8:53 p.m., in memory of 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, and carried unanimously.

Mayor Margaret Finlay

ATTEST:

City Clerk



CITY COUNCIL STAFF REPORT

Date: July 23, 2013

To: Mayor and City Council

From: Craig Hensley, AICP, Community Development Director 

Subject: Urgency Ordinance Extending the Moratorium on the Establishment of Smoke Shops; Businesses Selling Paraphernalia and Vapor Cigarettes; and granting of Conditional Use Permits for Tobacco Smoking Establishments

RECOMMENDATION

Staff recommends that City Council hold a public hearing and then adopt the proposed urgency ordinance (Ordinance 13-O-03) to extend the moratorium on the establishment of any new retail facilities that sell, as a primary use, tobacco, smoking paraphernalia and vapor cigarettes or e-cigarettes and on the granting of Conditional Use permits for tobacco smoking establishments to the *earlier* of (i) up to one year (June 24, 2014) or (ii) the effective date of an ordinance adopted by the City Council amending the Development Code to address smoke shops, the sale of smoking and drug paraphernalia and smoking establishments.

BACKGROUND

On June 25, 2013, the City Council, pursuant to Government Code Section 65858, adopted Ordinance No. 840 that established a 45 day moratorium on the establishment of smoke shops; businesses selling paraphernalia and vapor cigarettes; and granting of Conditional Use Permits for tobacco smoking establishments. This 45 day period is scheduled to end August 9, 2013.

The proposed Ordinance would extend the moratorium for an additional 10 months and 15 days, for a total of one year (June 24, 2014) or until the City Council adopts a revision to the Development Code to revise requirements for these establishments. The purpose of the moratorium is to give the City additional time to evaluate the possible adoption of new zoning regulations applicable to these types of businesses and effectively study the City's zoning ordinance to determine the property process to allow such facilities.

Over the past few years the number of businesses that sell tobacco, smoking paraphernalia and vapor cigarettes or e-cigarettes has increased and inquiries about establishing additional facilities have become more common. There are several public safety concerns related to this trend. Also of concern are tobacco smoking establishments that are allowed with a conditional use permit in the General Commercial (C-G) zone. While there are no tobacco smoking establishments in the community that have received a conditional use permit, it is a use issue that warrants analysis when considering appropriate local regulation.

As a part of the analysis of the smoke shop issue, Staff will generate information and analyze issues related to: proliferation, proximity to schools, the types of goods and services provided, the sale of drug paraphernalia, the sale of synthetic drugs, the sale of vapor cigarettes and related issues. Staff will also investigate similar issues related to smoking establishments.

Currently, there are six establishments in the city that sell tobacco, smoking paraphernalia and vapor cigarettes or e-cigarettes as the primary use. This moratorium would not impact any of these establishments, only new establishments attempting to locate in the city. However, Staff may propose regulations that could impact these facilities.

DBA	Address	License Origination	License Expiration
Smoke N' Stuff	1094 Huntington (Mtn Vista Plaza)	10/7/2008	10/31/2013
Smoke Shop	1144 Huntington (near KFC)	1/30/2012	2/28/2014
Best Buy Smoke Shop	1398 Huntington (Mikes Food)	2/28/2002	2/28/2014
Tobacco Land Plus	1735 Huntington (NEC Oak)	3/5/2013	3/31/2014
Tony's Smoke & Gift	2165 Huntington (former KegNCork)	1/14/2013	1/31/2014
Cig Mart	2237 Huntington (Fresh & Easy)	7/29/2008	7/31/2013

Other cities in California are dealing with this also. In May 2013, the City of Antioch adopted a moratorium on similar facilities and the City of Monrovia took a similar action in 2012. The City of Adelanto took action to prohibit synthetic drugs in 2012. The State Legislature is currently considering SB 468 that would create bans for e-cigarettes that are similar to those for tobacco cigarettes.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, RESCINDING RESOLUTION NO. 13-18 AND FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

WHEREAS, Government Code 22892 (a) provides that a local agency contracting under the Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892 (b) of the Act, and

WHEREAS, the City of Duarte is a local agency contracting under the Act, and

WHEREAS, the City of Duarte certifies certain employees are represented by a bargaining unit and subject to a memorandum of understanding as follows:

- Management & Professional Employees - SEIU, Local 721
- General Employees - SEIU, Local 721;

NOW THEREFORE, the City Council of the City of Duarte, California, does hereby resolve as follows:

Section 1. That the employer's contribution for each employee or annuitant shall be used toward the cost of his/her enrollment, including the enrollment of family members, in a health benefits plan up to a maximum of \$362.68 with respect to employees or annuitants enrolled for self alone, \$725.36 for an employee or annuitant enrolled for self and one family member, and \$942.97 for an employee or annuitant enrolled for self and two or more family members plus administrative fees and Contingency Reserve Fund assessments.

Section 2. That the City of Duarte has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

PASSED, APPROVED, AND ADOPTED this 23rd 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. 13-21 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 23rd day of July, 2013, by the following vote:

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

City Clerk Marla Akana
City of Duarte, California



MEMORANDUM

To: Mayor and City Council

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

Date: July 23, 2013

Subject: City Council Acceptance – Duarte Fitness Center Water Heater Conversion, City Project # 13-2

RECOMMENDED ACTION

Staff recommends that the City Council accept the project “Duarte Fitness Center Water Heater Conversion” and authorize the City Clerk to initiate the Notice of Completion.

Merry Plumbing Company, has satisfactorily completed the above project. The cost for this project is \$41,911. The project is funded from the Park Development Grant and General Fund and eligible for equipment rebates from the Gas Company.

BACKGROUND

On May 28, 2012, the City Clerk’s Office publicly open bids for the above project. The scope of work consisted of the removal of the existing hot water heater boiler and the installation of an energy efficient tank-less hot water heater system. The proposed water system installation requires modifications to the existing hot water plumbing supply lines, gas supply line and electrical power. The tank-less hot water system meets AQMD requirements and is eligible for a rebate from the Gas Company.

This project is funded partially from the Park Development Grant and General Fund.

DISTRIBUTION: Community Development Director
City Clerk
Staff

MEMORANDUM

TO: Mayor and Councilmembers
FROM: Darrell J. George, City Manager
DATE: July 18, 2013
SUBJECT: Conference Attendance – City Council Meeting of July 23, 2013

San Gabriel Valley Economic Partnership
10th Annual San Gabriel Valley Awards Gala
September 6, 2013
Pasadena
\$250 per person

Santa Anita Family YMCA
Red Envelope Gala
September 26, 2013
Arcadia
\$75 per person

L.A. County Economic Development Corporation
18th Annual Eddy Awards
November 14, 2013
Beverly Hills
\$400 per person

National League of Cities
Congress of Cities and Exposition
November 13-16, 2013
Seattle, Washington
Registration: \$495 by 7/30/13 – Hotel: \$149 - \$262 per night

National Association of Latino Elected and Appointed Officials (NALEO)
Policy Institute on the Changing Dynamic of Latino 50+ Population
August 23-25, 2013
Albuquerque, New Mexico
(Travel and Hotel Scholarship)

Save the Date

Friday, September 6, 2013 | 6:30 p.m.



SAN GABRIEL VALLEY
ECONOMIC PARTNERSHIP

10th Annual

SAN GABRIEL VALLEY

Awards Gala

\$250 per person

Honorees

TOURNAMENT OF ROSES
Chairman's Award

SNACK KING
Business of the Year Award

CITY OF HOPE
Celebrating 100 Years of
Healthcare Excellence

THE FUNG BROTHERS
Innovative Marketing Award

JET PROPULSION LABORATORY
Science & Innovation Award

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FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

CELEBRATE

SANTA ANITA FAMILY YMCA

Red Envelope Gala

\$75 per person

Thursday, September 26
Social 5:30 pm, Dinner 7:00 pm
Embassy Suites, Arcadia

Invitation to follow

SAVE *the* DATE

18th ANNUAL

Eddy
LAEDC
AWARDS

CELEBRATING ECONOMIC DEVELOPMENT LEADERSHIP
IN BUSINESS, EDUCATION AND GOVERNMENT

LAEDC **LOS ANGELES COUNTY**
ECONOMIC DEVELOPMENT CORPORATION

Thursday • November 14, 2013
The Beverly Hilton

6:00 p.m. Cocktail Reception and Silent Auction
7:30 p.m. Dinner and Awards Program

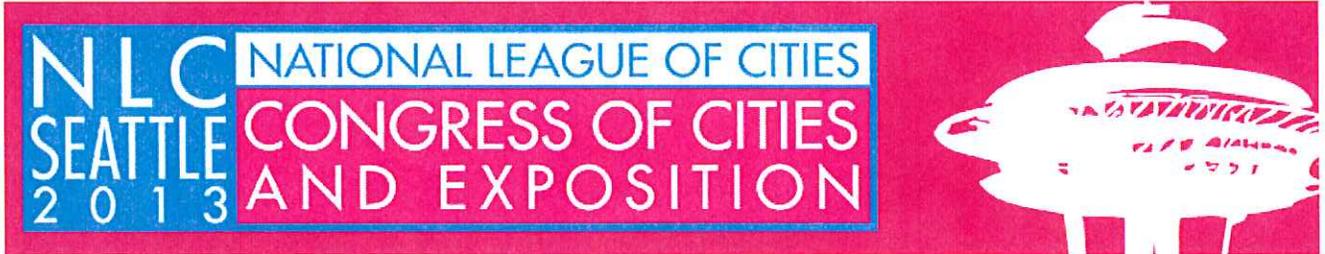
H O N O R I N G

University of Southern California

Yang Ho Cho
Chairman & CEO, Korean Air

\$400 per person

For Event Sponsorship/Information - Marilyn McPoland at 213.236.4812 or www.laedc.org/eddy



DATE: November 13, 2013 - November 16, 2013

LOCATION: Seattle, WA

CATEGORY: Annual Conference

Schedule

Day All

Type All

Search

TUESDAY, NOVEMBER 12, 2013

3:00 pm Registration

WEDNESDAY, NOVEMBER 13, 2013

8:00 am Registration

9:30 am Mobile Workshop: The Power of Community Engagement: Revitalizing a Neighborhood, Maintaining Its Character (Show details)

9:30 am Mobile Workshop: Making Your Community Digitally Inclusive: Strategies for Bringing Technology to Neighborhood

9:30 am Mobile Workshop: Community Emergency Hubs: Supporting the Community in their Resiliency (Show details)

1:00 pm Mobile Workshop: City of Seattle's Zero Waste

Strategy: Tour of Republic Services Recycling Facility ([Show details](#))

1:00 pm

Mobile Workshop: Microsoft Campus Tour – Insight into Making Your City Safer Using the Power of Big Data ([Show details](#))

1:00 pm

Mobile Workshop: Community Schools Collaborative ([Show details](#))

2:30 pm

Mobile Workshop: LED Street Lighting Conversion: Saving Your Community Money, While Improving Public Safety ([Show details](#))

THURSDAY, NOVEMBER 14, 2013

7:00 am

Registration

8:00 am

Board of Directors Meeting

9:00 am

Exposition Hall

9:30 am

Mobile Workshop: Going Metro: Suburban Transformation in the 21st Century ([Show details](#))

9:30 am

Mobile Workshop: Pathways to Careers: Public-Private Partnerships to Fill Skills Gaps ([Show details](#))

9:30 am

Mobile Workshop: Microsoft Campus Tour – Modernize Your City with Connected Citizen Services ([Show details](#))

12:00 pm

Mobile Workshop: The Living Building Challenge: What Your City Can Learn from the Greenest Commercial Building in the World ([Show details](#))

12:00 pm

Mobile Workshop: Transformation of South Lake Union Neighborhood ([Show details](#))

12:00 pm

Mobile Workshop: Reaching Maximum Velocity: How the City of Kenmore is Leveraging Local Businesses to Strengthen Economic Development Efforts ([Show details](#))

12:00 pm

Conference Wide Lunch in Exhibit Hall

3:15 pm

Opening General Session

5:30 pm

Welcome Reception in Exposition Hall

FRIDAY, NOVEMBER 15, 2013

7:00 am

Registration

9:45 am

Conference Workshops

10:00 am	Exposition Hall
11:30 am	Conference Workshops
12:30 pm	Conference Wide Lunch in Exposition Hall
2:15 pm	Conference Sessions
4:30 pm	Networking Happy Hours

SATURDAY, NOVEMBER 16, 2013

7:30 am	Registration
9:00 am	Conference Workshops
9:00 am	Conference Sessions
10:45 am	Conference Workshops
12:30 pm	Closing General Session and Luncheon
2:30 pm	Annual Business Meeting

REGISTRATION

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REGISTRATION](#)

STAFF CONTACT

Member Services
(877) 827-2385
memberservices@nlc.org

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CONGRESS OF CITIES AND EXPOSITION
SEATTLE, WASHINGTON
NOVEMBER 13 -16, 2013



Online Registration and Housing

- Online registration is quick, easy, and secure.
- Online registration requires credit card payment.
- NLC accepts American Express, MasterCard or VISA.
- The credit card being supplied for payment will be charged through VeriSign™ immediately when online registration is submitted. We will not accept alternate forms of payment or change of payment type once registration is submitted. Duplicate payments will be returned.
- ****Note:** You must be able to access a secure server in order to register for the conference online.
- You must register for the conference here before you can make housing reservations. Once registration is completed you will be directed to the housing website.

In order to determine your NLC Membership status, please provide the following information and press the "Register online with a credit card" button below.

****Note: All fields in red are required.**

First Name:

Last Name:

Email:

Please note that each registrant is required to have a unique email address in order to register.

City:

State:

TYPE OF REGISTRANT

- NLC Member City
- Associate Member
- SML Member
- Non-Member City
- Student
- First Time Attendee
- Youth Chaperone
- None of the above

Need help registering? Call (888) 319-3864 or (703) 449-6418

Password Required

The following categories require a password; please contact memberservices@nlc.org, if you did not receive a password.

- I am an SML Official
- I am a Corporate Partner
- I have a Promotion Code
- None of the above

[Register Online](#)

INDIVIDUAL REGISTRATION

Please note that we have moved to all online registration.

GROUP REGISTRATION

National League of Cities Group Registration Policy

Groups of 5 or more will receive a complimentary 6th registration, provided the registration form is complete and paid in full. To receive the group incentive, all individuals should register at the same time via the group registration form. Registrations for the group incentive cannot be made online; they must be submitted by fax or mailed to the address on the form.

Housing section - copy the housing page, list the name, city and state of the delegate in the

Already Registered?

- Provide your registration ID number below (registration ID number can be found in your email confirmation).
- Provide the email address used for registration below.

Login to

- Update contact information.
- Modify registration selections.
- Print a registration confirmation.
- Add and/or modify hotel reservations.

COC Registration ID #:

(Can be found in your email confirmation)

Email Address:

[Login](#)

CONGRESS OF CITIES REGISTRATION FEES(Nov. 13-16)

	Early Bird by 7/30
NLC Member City	\$495
SML Member City	\$595
Non-Member City	\$645
First Time Attendee	\$405
Student	\$175
Spouse/Guest	\$95
Youth Delegate (15-18)	\$110
Youth Chaperone	\$110

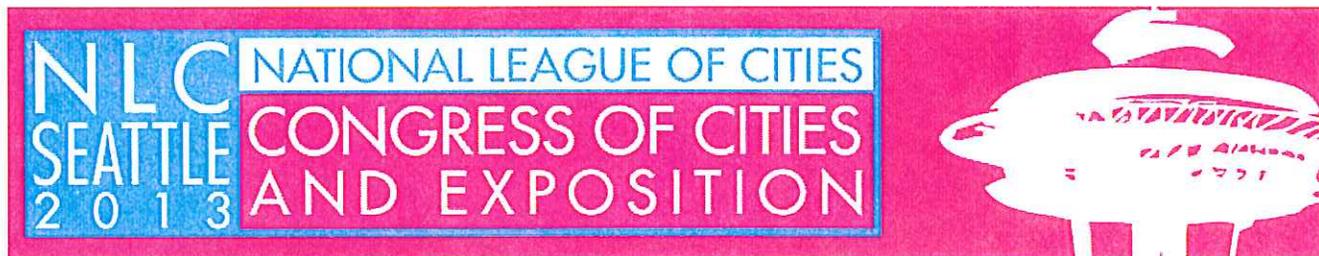
Chaperones may not be elected officials.

NATIONAL SUMMIT ON YOUR CITY'S FAMILIES REGISTRATION FEES (Nov. 12-14)

	Early Bird by 7/30
NLC Member City	\$395
Non Member City	\$490

COMBO REGISTRATION FEES - INCLUDES CONGRESS OF CITIES AND NATIONAL SUMMIT ON YOUR CITY'S FAMILIES (Nov. 12-16)

	Early Bird by 7/30
NLC Member City	\$645
Non Member City	\$730



DATE: November 13, 2013 - November 16, 2013

LOCATION: Seattle, WA

CATEGORY: Annual Conference

Hotel/Travel

Washington State Convention Center
Seattle, WA
(206)461-5800

Hotels:

Sheraton Seattle (Headquarter Hotel)
1400 Sixth Avenue
Seattle, WA 98101
Rate: \$262/night

Grand Hyatt
721 Pine Street
Seattle, WA 98101
Rate: \$ 242/night

Hyatt at Olive 8
1635 8th Avenue
Seattle, WA 98101
Rate: \$232/night

Seattle Hilton Hotel
1301 Sixth Avenue
Seattle, WA 98101
Rate: \$179/night

The Paramount Hotel
724 Pine Street
Seattle, WA 98101
Rate: \$149

Crowne Plaza Seattle Downtown
1113 Sixth Avenue
Seattle, WA 98101
Rate: \$179/night



Empowering Latinos from citizenship to public service

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The NALEO Educational Fund promotes the governance and policymaking success of Latino elected and appointed officials across the country by providing technical assistance and support to its members at regional institutes and conferences. NALEO's vision—as the leading non-partisan organization that facilitates full participation of Latinos in the American political process—is to see Latino elected and appointed officials shape and better American society.

For membership benefits, or to join NALEO, please [click here](#).

2013 Calendar of Events

June 27-29, 2013

NALEO 30th Annual Conference

[\[view website\]](#)
Swissotel
Chicago, Illinois

Aug 23-25, 2013

NALEO Policy Institute on The Changing Dynamic of Latino 50+ Population
Albuquerque, NM



Sept 30 - Oct 2, 2013

NALEO 9th Annual National Summit on the State of Latino Education

Oct 25-27, 2013

NALEO Legislative Summit on Health
Las Vegas, NV

Nov 22-24, 2013

National Policy Institute on Emergency Preparedness II
Orlando, Florida



From: Arabel Hernandez <ahernandez@naleo.org>
Subject: **NALEO: The Changing Dynamics of the Latino 50+ Population- Travel Documents**
Date: July 10, 2013 3:11:54 PM PDT
To: Arabel Hernandez <ahernandez@naleo.org>
▶ 2 Attachments, 190 KB

Dear Scholarship Recipient:

The National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund is pleased to offer you a travel scholarship to cover the cost of economy air/rail travel, as well as hotel accommodations for two (2) nights to attend the *NALEO Policy Institute on The Changing Dynamics of the Latino 50+ Population*, being held, *August 23-25, 2013*, in Santa Ana Pueblo, New Mexico. Congratulations! Please know your attendance and participation is expected at all sessions.

You must be a current NALEO member in order to redeem your travel scholarship to attend the NALEO Policy Institute on the Changing Dynamics of the Latino 50+ Population. If you are not a current NALEO member, you will not be able to redeem your travel scholarship. For information about NALEO Educational Fund membership, please do not hesitate to contact Ms. Alma Siliezar at (213) 747-7606, ext. 4428, or via email at asiliezar@naleo.org. You may also visit our website at www.naleo.org/join.

I will be your immediate contact to arrange your travel accommodations. Please complete and sign the enclosed travel agreement and travel preference **no later than 3 calendar days from the date sent**. Fax completed documents to my attention at fax number (213) 747-7673 or email them to ahernandez@naleo.org.

The NALEO Educational Fund is privileged to host this large gathering of prominent Latino officials. Immediately before the Institute, you will receive additional program information and a travel memo. If you have any questions please do not hesitate to contact me.

We look forward to seeing you in Santa Ana Pueblo, New Mexico!

Sincerely,
Arabel

Arabel M. Hernandez
Program Coordinator - Constituency Services

NALEO Educational Fund
1122 W. Washington Blvd., 3rd Floor

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626-962-8811 ext. 2270
debby.chapman@sgvn.com

5007700

CITY OF DUARTE
1600 E. HUNTINGTON DRIVE
DUARTE CA 91010

FILE NO. Notice-public hearing-Extend 840

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Los Angeles**

I am a citizen of the United States, and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of DUARTEAN and DUARTEAN DISPATCH, a newspaper of general circulation printed and published weekly in the City of Duarte, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of July 6, 1948, Case Number POMO C986. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

7/11/2013

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at West Covina, LA Co. California
On this 15th day of July, 2013.



Signature

(Space below for use of County Clerk Only)

Legal No. 0010386082

NOTICE OF A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF DUARTE TO CONSIDER AN URGENCY ORDINANCE EXTENDING THE MORATORIUM ADOPTED BY URGENCY ORDINANCE NO. 840, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934, 36937, AND 65858, ADOPTING 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

Notice is hereby given that, pursuant to State law, the City Council of the City of Duarte will conduct a public hearing on July 23, 2013, at 7:00 p.m., in the City Hall Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following:

The adoption of an urgency ordinance to extend by 10 months and 15 days the moratorium, adopted by Urgency Ordinance No. 840 adopted on June 25, 2013, 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. The proposed urgency ordinance would extend the moratorium to the earlier of June 24, 2014, or the effective date of an ordinance adopted by the City Council amending the Development Code to address smoke shops and tobacco smoking establishments, and land use and zoning regulations related thereto.

It is proposed that in conjunction with the proposed urgency ordinance, that the City Council find and determine that the adoption of the proposed urgency ordinance to extend the moratorium is exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15060(c)(2), in that the adoption of the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of the proposed ordinance will have a significant effect on the environment.

Any interested party may appear in person or by agent and be heard. If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, 1600 Huntington Drive, Duarte, CA, 91010.

For further information regarding the proposed urgency ordinance, please contact Craig Hensley, 1600 Huntington Drive, Duarte, CA, 91010, Monday through Thursday at (626) 357-7931, between the hours of 7:30 a.m. and 6:00 p.m.

Maria Akana
City Clerk

PUBLISH: Duartean, Thursday, July 11, 2013
POSTED: Duarte City Hall, Duarte Public Safety Office, Duarte Library
7/1/13

Publish: July 11, 2013
The Duartean Ad#386082



CITY COUNCIL STAFF REPORT

Date: July 23, 2013

To: Mayor and City Council

From: Craig Hensley, AICP, Community Development Director 

Subject: Urgency Ordinance Extending the Moratorium on the Establishment of Smoke Shops; Businesses Selling Paraphernalia and Vapor Cigarettes; and granting of Conditional Use Permits for Tobacco Smoking Establishments

RECOMMENDATION

Staff recommends that City Council hold a public hearing and then adopt the proposed urgency ordinance (Ordinance 13-O-03) to extend the moratorium on the establishment of any new retail facilities that sell, as a primary use, tobacco, smoking paraphernalia and vapor cigarettes or e-cigarettes and on the granting of Conditional Use permits for tobacco smoking establishments to the *earlier* of (i) up to one year (June 24, 2014) or (ii) the effective date of an ordinance adopted by the City Council amending the Development Code to address smoke shops, the sale of smoking and drug paraphernalia and smoking establishments.

BACKGROUND

On June 25, 2013, the City Council, pursuant to Government Code Section 65858, adopted Ordinance No. 840 that established a 45 day moratorium on the establishment of smoke shops; businesses selling paraphernalia and vapor cigarettes; and granting of Conditional Use Permits for tobacco smoking establishments. This 45 day period is scheduled to end August 9, 2013.

The proposed Ordinance would extend the moratorium for an additional 10 months and 15 days, for a total of one year (June 24, 2014) or until the City Council adopts a revision to the Development Code to revise requirements for these establishments. The purpose of the moratorium is to give the City additional time to evaluate the possible adoption of new zoning regulations applicable to these types of businesses and effectively study the City's zoning ordinance to determine the property process to allow such facilities.

Over the past few years the number of businesses that sell tobacco, smoking paraphernalia and vapor cigarettes or e-cigarettes has increased and inquiries about establishing additional facilities have become more common. There are several public safety concerns related to this trend. Also of concern are tobacco smoking establishments that are allowed with a conditional use permit in the General Commercial (C-G) zone. While there are no tobacco smoking establishments in the community that have received a conditional use permit, it is a use issue that warrants analysis when considering appropriate local regulation.

As a part of the analysis of the smoke shop issue, Staff will generate information and analyze issues related to: proliferation, proximity to schools, the types of goods and services provided, the sale of drug paraphernalia, the sale of synthetic drugs, the sale of vapor cigarettes and related issues. Staff will also investigate similar issues related to smoking establishments.

Currently, there are six establishments in the city that sell tobacco, smoking paraphernalia and vapor cigarettes or e-cigarettes as the primary use. This moratorium would not impact any of these establishments, only new establishments attempting to locate in the city. However, Staff may propose regulations that could impact these facilities.

DBA	Address	License Origination	License Expiration
Smoke N' Stuff	1094 Huntington (Mtn Vista Plaza)	10/7/2008	10/31/2013
Smoke Shop	1144 Huntington (near KFC)	1/30/2012	2/28/2014
Best Buy Smoke Shop	1398 Huntington (Mikes Food)	2/28/2002	2/28/2014
Tobacco Land Plus	1735 Huntington (NEC Oak)	3/5/2013	3/31/2014
Tony's Smoke & Gift	2165 Huntington (former KegNCork)	1/14/2013	1/31/2014
Cig Mart	2237 Huntington (Fresh & Easy)	7/29/2008	7/31/2013

Other cities in California are dealing with this also. In May 2013, the City of Antioch adopted a moratorium on similar facilities and the City of Monrovia took a similar action in 2012. The City of Adelanto took action to prohibit synthetic drugs in 2012. The State Legislature is currently considering SB 468 that would create bans for e-cigarettes that are similar to those for tobacco cigarettes.

Attachment: Ordinance 13-O-03

URGENCY ORDINANCE NO. _____**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****THE CITY COUNCIL OF THE CITY OF DUARTE DOES ORDAIN AS FOLLOWS:**

SECTION 1. Findings. The City Council finds and determines as follows:

A. Title 19 of the Duarte Municipal Code sets forth the City's Development Code. The Development Code establishes zoning classifications within the City consistent with the Duarte General Plan. Section 19.12.020, including Table 2-5 therein, sets forth permitted, conditionally permitted, and non-permitted uses within the commercial zones of the City.

B. Section 19.12.020, including Table 2-5 therein, and Section 19.160.210, provide that "tobacco smoking establishments" may be located within the C-G (Commercial-General) zone of the City with a conditional use permit issued by the City. As set forth in Section 19.160.210, a "tobacco smoking establishment" is defined as "An establishment where smoking is permitted, such as hookah lounges, cigar clubs, and other private smoking businesses."

C. In addition, over the past few years, the City has seen a substantial increase in the number of retail establishments locating in the C-G Zone whose primary use is the sale of smoking products including but not limited to tobacco in various forms such as cigars, cigarettes, and pipes) and tobacco-related paraphernalia. There are currently six such retail establishments in the City (collectively, the "Existing Smoke Shops"), some of which are located in proximity to schools, parks, and residential neighborhoods:

- Smoke N' Stuff, 1094 Huntington Drive (within Mountain Vista Plaza);
- Smoke Shop, 1144 Huntington Drive (near KFC);
- Best Buy Smoke Shop, 1398 Huntington Drive (Mikes Food Center);
- Tobacco Land Plus, 1735 Huntington Drive (at northeast corner of Oak);
- Tony's Smoke Shop, 2165 Huntington Drive (formerly Keg N Cork location); and
- Cig Mart, 2237 Huntington Drive (in the Fresh & Easy center).

D. In addition to Duarte Municipal Code provisions prohibiting smoking in public parks and public areas and within 25 feet of such places, the City also recently adopted a Tobacco Retailer License Ordinance to require sellers of tobacco products within the City to

obtain a license with the license fee devoted to enforcement activities to prevent the sale of tobacco to minors in the community. Just as the sale of tobacco to minors is a concern, so is the sale of smoking paraphernalia that can be used for tobacco and for illegal drugs.

E. Another recent trend is the growth in popularity of electronic cigarettes which may also be referred to as vapor cigarettes, personal vaporisers or PV, or e-cigarettes (all of the foregoing and similar devices, herein referred to as “electronic cigarettes”). Electronic cigarettes are a device, which may be battery operated, with cartridges or other appliances or mechanisms, that are filled with nicotine usually in liquid form, rather than tobacco, which create a vapor inhaled by the user. Electronic cigarettes formally defined in State law, Health & Safety Code Section 119405(b), as a “device that can provide an inhalable dose of nicotine by delivering a vaporized solution.” State law, at Health & Safety Code Section 119505(c), prohibits the sale of electronic cigarettes to persons under the age of 18. Although they are marketed as alternatives to cigarettes because of perceived reduced health risks, electronic cigarettes also contain nicotine. The State Legislature is currently considering additional legislation, Senate Bill 648, that would prohibit the advertising, sale, and use electronic cigarettes to the same extent that traditional tobacco cigarettes are prohibited.

F. There have been multiple persons contacting the City in recent months inquiring about establishing additional smoke shops. i.e., establishments within the City whose primary use would be the sale of smoking products including but not limited to tobacco and tobacco-related paraphernalia, and potentially new forms of smoking including but not limited to electronic cigarettes. In addition, tobacco smoking establishments may have as a secondary use the sale of smoking products including but not limited to tobacco and tobacco-related paraphernalia, and potentially new forms of smoking including but not limited to electronic cigarettes.

G. Based on the foregoing, the City Council finds and declares there is a current and immediate threat to the public health, safety, or welfare, and that approval or issuance of additional licenses or permits, including but not limited to use permits, building permits, or any other applicable entitlement for use, which is required in order to comply with the Municipal Code, including the City’s Development Code, would result in that threat to public health, safety, or welfare. It is therefore in the interest of the community to immediately preserve the public health, safety, and welfare by adopting this urgency Ordinance to impose a moratorium, on an interim basis.

H. A city, pursuant Government Code Sections 36934, 36937, and 65858, may adopt an urgency ordinance to impose a moratorium as an interim measure for the immediate preservation of the public health, safety, and welfare, to prohibit any uses that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission, or city planning department is considering or intends to study within a reasonable time.

I. On June 25, 2013, the City Council adopted Ordinance No. 840 as an urgency ordinance imposing a 45-day moratorium on establishing, locating, or operating new smoke shops in the City (the Existing Smoke Shops may continue to operate in accordance with existing provisions of the Development Code subject to compliance with all other applicable laws and regulations) 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. In Ordinance No. 840, the City Council found and determined as follows: (1) “there is a current and immediate threat to the public health, safety, or welfare, and that approval or issuance of additional licenses or permits, including but not limited to use permits, building permits, or any other applicable entitlement for use, which is required in order to comply with the Municipal Code, including the City’s Development Code, would result in that threat to public health, safety, or welfare. It is therefore in the interest of the community to immediately preserve the public health, safety, and welfare by adopting this urgency Ordinance to impose a moratorium, on an interim basis;” and (2) “Adoption of this urgency Ordinance will allow the City Community Development Department and its Planning Division to effectively study, and the Planning Division intends to study in the near future and within a reasonable time, the City’s Development Code and issues raised with respect to (A) the establishment of additional smoke shops, the zones in which such uses may be appropriate, the standards for such uses including separation or distance criteria or other factors, and to explore the feasibility or desirability of amendments to the Development Code, and (B) whether the Development Code requires amendment with different or additional provisions or regulations with respect to tobacco smoking establishments.”

J. The moratorium imposed by Ordinance No. 840 runs from the effective date of June 25, 2013, to the earlier of (A) forty-five (45) days (unless extended pursuant to Government Code Section 65858), or (B) until such time as the City Council adopts an ordinance amending the zoning code to address the foregoing described issues with smoke shops and tobacco smoking establishments. The City Council has not yet adopted an ordinance amending the zoning code to address these issues.

K. The moratorium established by adoption of Ordinance No. 840 will expire on its own terms on August 9, 2013. Government Code Section 65858 authorizes the extension of an urgency moratorium ordinance by adoption, after a public hearing, of another urgency ordinance to prohibit uses of land which may conflict with a contemplated zoning proposal which the legislative body, planning commission, or planning department is considering or studying, or intends to study, within a reasonable time.

L. On July 25, 2013, at date that is at least ten (10) days prior to the expiration of Ordinance No. 840, and prior to consideration of this Ordinance, the City Council timely approved, adopted, and issued the Report required by Government Code Section 65858(d) describing the measures taken to alleviate the condition which led to the adoption of Ordinance No. 840.

M. As set forth in the Government Code Section 65858(d) Report, the Planning Division of the Community Development Department has reviewed the Development Code and has identified the need for additional review and analysis of land use regulations pertaining to smoke shops, and the need for additional review and analysis of the need to amend the Development Code pertaining to regulation of tobacco smoking establishments, and that an extension to the moratorium is needed to complete the tasks identified in the Section 65858(d) Report.

N. On July 23, 2013, the City Council held a duly noticed public hearing concerning this proposed urgency Ordinance to extend the moratorium established by Ordinance No. 840.

O. After consideration of all of the information, evidence, and testimony presented at the public hearing held on July 23, 2013, the City Council finds that the current and immediate threat to the public health, safety, or welfare described in the findings adopted pursuant to Ordinance No. 840 still exists and it is therefore necessary to extend the moratorium as additional time is needed to address the current and immediate threat that prompted the moratorium adopted by Ordinance No. 840 and to complete the tasks set forth in the Section 65858(d) report.

P. At least ten days prior to the expiration of the moratorium as extended by this urgency Ordinance, the City Council shall review, approve, and issue a written report pursuant to Government Code Section 65858(d) describing the measures taken to alleviate the condition or conditions which led to the adoption of this urgency Ordinance.

SECTION 2. CEQA. The City Council finds and determines, for the reasons set forth in Section 1 hereof, that the adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

SECTION 3. Extension of Moratorium; Term of Moratorium Extension. The moratorium established by Ordinance No. 840 expires on August 9, 2013. Commencing upon the expiration of Ordinance No. 840, i.e., August 9, 2013, the moratorium established by Ordinance No. 840 is hereby extended and shall continue for a period of the earlier of (A) ten months and fifteen days from and after the expiration of Ordinance No. 840, i.e., to and through June 24, 2014 (unless extended pursuant to Government Code Section 65858), or (B) the effective date of an ordinance adopted by the City Council amending the Development Code to address smoke shops and tobacco smoking establishments and land use and zoning regulations related thereto. Until the expiration of the moratorium established hereunder (and as was established in Ordinance No. 840), (1) no new smoke shops, as defined hereinbelow, may be established, located, or operated within the City and no business license, building permit, or any other license or permit issued by the City shall be issued for any new smoke shop during the period this moratorium is in effect (and as may be extended pursuant to Government Code Section 65858) (i.e., the Existing Smoke Shops may continue to operate in accordance with existing provisions of the Development Code subject to compliance with all other applicable laws and regulations), and (2) no conditional use permits shall be granted or issued under Title 19 of the Duarte Municipal Code for any tobacco smoking establishments. As used herein (and as was used in Ordinance No. 840), the term "smoke shop" means any establishment whose primary use is the sale, renting, leasing, granting, giving, or in any other manner transferring to any person tobacco or other combustible or inhalable substance in any form, tobacco products, and/or tobacco paraphernalia, and including but not limited to any form of alternative to tobacco such as electronic cigarettes including but not limited to as defined in Health and Safety Code Section 119405(b).

SECTION 4. Effective Date. This Ordinance is declared to be an urgency ordinance by authority conferred on the City Council of the City of Duarte by Government Code Sections 36934, 36937, and 65858, and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council.

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 6. Posting Of Ordinance. The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this 23rd 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 Ordinance No. 841 was adopted by the City Council of the City of Duarte at a regular meeting of said Council held on the 23rd day of July, 2013, by the following vote:

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

City Clerk Marla Akana
City of Duarte, California

Duarte and Duarte Dispatch

Affiliated with SGV Newspaper Group
1210 N. Azusa Canyon Road
West Covina, CA 91790
626-962-8811 ext. 2270
debby.chapman@sgvn.com

5007700

CITY OF DUARTE
1600 E. HUNTINGTON DRIVE
DUARTE CA 91010

FILE NO. notice-public hearing CMP-self-c

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Los Angeles**

I am a citizen of the United States, and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of DUARTEAN and DUARTEAN DISPATCH, a newspaper of general circulation printed and published weekly in the City of Duarte, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of July 6, 1948, Case Number POMO C986. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

7/11/2013

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at West Covina, LA Co. California
On this 15th day of July, 2013.



Signature

(Space below for use of County Clerk Only)

Legal No. **0010386094**

NOTICE OF A PUBLIC HEARING TO BE HELD BY THE DUARTE CITY COUNCIL TO CONSIDER ADOPTION OF THE CONGESTION MANAGEMENT PLAN (CMP) LOCAL DEVELOPMENT REPORT AND SELF-CERTIFICATION WITH LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (MTA)

NOTICE IS HEREBY GIVEN that, pursuant to State law, the City Council of the City of Duarte will hold a Public Hearing at 7:00 p.m., on Tuesday, July 23, 2013, in the Council Chambers, 1600 Huntington Drive, Duarte, California, to determine compliance with Los Angeles County's Congestion Management Plan. In accordance with the Congestion Management Plan of the Los Angeles County Metropolitan Transportation Authority, local jurisdictions are required to submit a resolution of self-certification stating the organization is in compliance with the State-mandated program. The City will review the mandates of this program and make a determination of compliance at this meeting. This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15276, Class 1 of Title 14 of the California Code of Regulations.

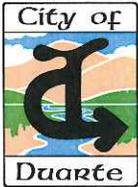
Any interested party may appear in person, or by agent, and be heard. If this matter is challenged in Court, there will be a limit to only those issues that were raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the Public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

For further information contact David F. Eoff IV, Associate Planner, at (626) 357-7931 ext. 239, Monday through Thursday between the hours of 7:30 AM and 6:00 PM.

**Marla Akana
City Clerk**

**PUBLISH: Duartean, Thursday, July 11, 2013
POSTED: Duarte City Hall, Duarte Public Safety Office, Duarte Library
7/1/13**

**Publish: July 11, 2013
The Duartean Ad#386094**



CITY COUNCIL STAFF REPORT

DATE: JULY 23, 2013
TO: HONORABLE MAYOR AND DUARTE CITY COUNCIL
FROM: DAVID F. EOFF IV, ASSOCIATE PLANNER
SUBJECT: CONGESTION MANAGEMENT PROGRAM, 2013 LOCAL DEVELOPMENT REPORT

SUMMARY

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

Staff recommends that the City Council adopt Resolution 13-R-20 stating the City is in compliance with the Congestion Management Program.

BACKGROUND

Conformance with CMP is required on an annual basis. The City of Duarte is required to hold a public meeting when the Local Development Report (LDR) is adopted. Following the adoption, the LDR and other necessary documents must be submitted to the Los Angeles County Metropolitan Transportation Authority (MTA) for review. Once reviewed, MTA will determine if the City is in conformance with the provisions of the CMP. The following requirements of the CMP are the responsibility of each local jurisdiction within Los Angeles County (88 cities total):

- Ongoing implementation of the CMP Transportation Demand Management (TDM) ordinance;
- Ongoing implementation of the CMP Land Use Analysis program;
- Adoption and submittal of a CMP Local Development Report; and
- Adoption and submittal of a Resolution Self-Certifying compliance with local CMP requirements.

Duarte continues to implement the TDM ordinance and Land Use Analysis program as part of compliance with the CMP requirements. A self-certification resolution has been prepared, adopting the 2013 LDR and certifying the City of Duarte's on-going implementation of the CMP requirements.

DEVELOPMENT ACTIVITY

For the 2013 reporting period of June 1, 2012 through May 31, 2013, The City of Duarte LDR includes permit issuance for the following:

- Construction of six (6) single-family residential dwelling units;
- Demolition of six (6) single-family residential units;
- Demolition of two (2) City of Hope medical buildings: 5,650 square feet (Familian Research Building) and 2,325 square feet (Rosencranz Building).

PUBLIC NOTICE

MTA requires that the City Council adopt the LDR and CMP conformance by resolution through a public hearing process. A public notice was published July 11, 2013 in the Weekly Star, and was posted at City Hall, the Duarte Library, and the Duarte Public Safety office.

RECOMMENDATION

Staff recommends the Duarte City Council adopt Resolution 13-R-20 stating the City is in compliance with the Congestion Management Program for Los Angeles County Metropolitan Authority.

Respectfully Submitted,



David F. Eoff IV
Associate Planner

Attachment: 2013 CMP Local Development Report Plan Summary
Resolution No. 13-R-20



Contact: **DAVID EOFF**
 Phone Number: **626-357-7931**

**CONGESTION MANAGEMENT PROGRAM
 FOR LOS ANGELES COUNTY**

2012 DEFICIENCY PLAN SUMMARY

*** IMPORTANT: All "#value!" cells on this page are automatically calculated.
 Please do not enter data in these cells.**

DEVELOPMENT TOTALS

RESIDENTIAL DEVELOPMENT ACTIVITY

Dwelling Units

Single Family Residential	0.00
Multi-Family Residential	0.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY

1,000 Net Sq.Ft.²

Commercial (less than 300,000 sq.ft.)	0.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

NON-RETAIL DEVELOPMENT ACTIVITY

1,000 Net Sq.Ft.²

Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	(7.98)
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

OTHER DEVELOPMENT ACTIVITY

Daily Trips

ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

EXEMPTED DEVELOPMENT TOTALS

Exempted Dwelling Units	0
Exempted Non-residential sq. ft. (in 1,000s)	0

2. Net square feet is the difference between new development and adjustments entered on pages 2 and 3.

CITY OF DUARTE

Date Prepared: July 8, 2013

2013 CMP Local Development Report

Reporting Period: JUNE 1, 2012 - MAY 31, 2013

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

PART 1: NEW DEVELOPMENT ACTIVITY**RESIDENTIAL DEVELOPMENT ACTIVITY**

Category	Dwelling Units
Single Family Residential	6.00
Multi-Family Residential	0.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	0.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

NON-RETAIL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

OTHER DEVELOPMENT ACTIVITY

Description (Attach additional sheets if necessary)	Daily Trips (Enter "0" if none)
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

CITY OF DUARTE

Date Prepared: July 8, 2013

2013 CMP Local Development Report

Reporting Period: JUNE 1, 2012 - MAY 31, 2013

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

PART 2: NEW DEVELOPMENT ADJUSTMENTS

IMPORTANT: Adjustments may be claimed only for 1) development permits that were both issued and revoked, expired or withdrawn during the reporting period, and 2) demolition of any structure with the reporting period.

RESIDENTIAL DEVELOPMENT ADJUSTMENTS

Category	Dwelling Units
Single Family Residential	6.00
Multi-Family Residential	0.00
Group Quarters	0.00

COMMERCIAL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	0.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

NON-RETAIL DEVELOPMENT ACTIVITY

Category	1,000 Gross Square Feet
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	7.98
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

OTHER DEVELOPMENT ACTIVITY

Description (Attach additional sheets if necessary)	Daily Trips (Enter "0" if none)
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

**2013 CMP Local Development Report
Reporting Period: JUNE 1, 2012 - MAY 31, 2013**

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

**PART 3: EXEMPTED DEVELOPMENT ACTIVITY
(NOT INCLUDED IN NEW DEVELOPMENT ACTIVITY TOTALS)**

Low/Very Low Income Housing	<input type="text" value="0"/>	Dwelling Units
High Density Residential Near Rail Stations	<input type="text" value="0"/>	Dwelling Units
Mixed Use Developments Near Rail Stations	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Development Agreements Entered into Prior to July 10, 1989	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Reconstruction of Buildings Damaged due to "calamity"	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Reconstruction of Buildings Damaged in Jan. 1994 Earthquake	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Total Dwelling Units	<input type="text" value="0"/>	
Total Non-residential sq. ft. (in 1,000s)	<input type="text" value="0"/>	

Exempted Development Definitions:

1. Low/Very Low Income Housing: As defined by the California Department of Housing and Community Development as follows:
 - Low-Income: equal to or less than 80% of the County median income, with adjustments for family size.
 - Very Low-Income: equal to or less than 50% of the County median income, with adjustments for family size.
2. High Density Residential Near Rail Stations: Development located within 1/4 mile of a fixed rail passenger station and that is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre is automatically considered high density.
3. Mixed Uses Near Rail Stations: Mixed-use development located within 1/4 mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing.
4. Development Agreements: Projects that entered into a development agreement (as specified under Section 65864 of the California Government Code) with a local jurisdiction prior to July 10, 1989.
5. Reconstruction or replacement of any residential or non-residential structure which is damaged or destroyed, to the extent of > or = to 50% of its reasonable value, by fire, flood, earthquake or other similar calamity.
6. Any project of a federal, state or county agency that is exempt from local jurisdiction zoning regulations and where the local jurisdiction is precluded from exercising any approval/disapproval authority. These locally precluded projects do not have to be reported in the LDR.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

WHEREAS, CMP statute requires the Los Angeles County Metropolitan Transportation Authority (“LACMTA”), acting as the Congestion Management Agency for Los Angeles County, to annually determine that the County and cities within the County are conforming to all CMP requirements; and

WHEREAS, LACMTA requires submittal of the CMP Local Development Report by September 1 of each year; and

WHEREAS, the City Council held a noticed public hearing on July 23, 2013.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF DUARTE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the City has taken all of the following actions, and that the City is in conformance with all applicable requirements of the 2010 CMP adopted by the LACMTA Board on October 28, 2010.

The City has locally adopted and continues to implement a transportation demand management ordinance, consistent with the minimum requirements identified in the CMP Transportation Demand Management chapter.

The City has locally adopted and continues to implement a land use analysis program, consistent with the minimum requirements identified in the CMP Land Use Analysis Program chapter.

The City has adopted a Local Development Report, attached hereto and made a part hereof, consistent with the requirements identified in the 2010 CMP. This report balances traffic congestion impacts due to growth within the City with transportation improvements, and demonstrates that the City is meeting its responsibilities under the Countywide Deficiency Plan consistent with the LACMTA Board adopted 2003 Short Range Transportation Plan.

SECTION 2. That the City Clerk shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the Los Angeles County Metropolitan Transportation Authority.

SECTION 3. That the project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15276, Class 1 of Title 14 of the California Code of Regulations.

PASSED, APPROVED, and ADOPTED this 23rd 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 13-20 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 23rd day of July, 2013, by the following vote:

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

City Clerk Marla Akana
City of Duarte, California



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by August 2, 2013

PLEASE NOTE: You are receiving this letter and form earlier than usual because hotel space near the Sacramento Convention Center for the Annual Conference will be especially tight this year. As a result, we want to encourage you to make your hotel reservations early.

April 26, 2013

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 18 - 20, Sacramento**

The League's 2013 Annual Conference is scheduled for September 18 - 20 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, September 20, at the Sacramento Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 23, 2013. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one person must be present at the

037

- Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.
- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 18, 9:00 a.m. – 6:30 p.m.; Thursday, September 19, 7:00 a.m. – 4:00 p.m.; and September 20, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but not during a roll call vote, should one be undertaken.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, August 23. If you have questions, please call Mary McCullough at (916) 658-8247.

Attachments:

- 2013 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures 2013 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.