

September 10, 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, SEPTEMBER 10, 2013

7:00 p.m. – Regular Session

COUNCIL CHAMBERS, 1600 HUNTINGTON DRIVE, DUARTE, CALIFORNIA 91010

MISSION STATEMENT

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

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

City/Agency/Authority Staff:

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

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

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

ADA ACCESSIBILITY NOTICE:

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

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

1. CALL TO ORDER OF CITY COUNCIL, SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY, HOUSING AUTHORITY, AND COMMUNITY FACILITIES FINANCING AUTHORITY, AND NOTATION OF ANY ABSENCES
2. ADOPTION OF THE AGENDA
3. PLEDGE TO THE FLAG
4. MOMENT OF REFLECTION
5. FITNESS/MENTAL WARM-UP
6. SPECIAL ITEMS – Page 1
 - A. Recognition – Duarte Library Teen Volunteers
 - B. Recognition – Duarte Swim Team
 - C. Introduction of new Americorps VIP Promise Fellows
 - D. Presentation by Kim Bosell, Natural Areas Administrator, County of Los Angeles Parks and Recreation – Coexisting with Bears
7. ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS
Any person who wishes to make a brief announcement of a future community event that is open to the general public may do so at this time.
8. ORAL COMMUNICATIONS—ITEMS NOT ON THE AGENDA (30 MINUTES)
Any person wishing to speak on any issue that is not on the Agenda, but that is within the subject matter jurisdiction of the City/Agency or Authorities, may do so at this time. The opportunity to speak is on a first come, first serve basis. Each person may speak once for no more than 3 minutes and there is a maximum of 30 minutes for all Oral Communications at this time. Under the Brown Act, members of the City Council/Successor Agency/Housing Authority/Financing Authority, and staff can respond only with a brief reply to issues raised in Oral Communications, and no action on such matters may take place at this meeting.
9. ITEMS TO BE ADDED TO THE CONSENT CALENDAR
10. CONSENT CALENDAR – Page 2
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 – August 27, 2013 (CC/HA/SA/FA)
 - B. Approval of Warrants – September 10, 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. Approval of Amendment No. 4 to Contract Services Agreement for City Attorney Services
 - E. Approval of co-sponsorship request by Rose Bowl and City of Pasadena to co-sponsor the first annual Rose Bowl Legacy Cycling Challenge on October 20, 2013 (CC)
 - F. Notice of absence by Shauna Pierce from Planning Commission meeting of August 19, 2013 (Receive and File) (CC)
 - G. City Council/City Manager Conference Attendance
11. ITEMS REMOVED FROM CONSENT CALENDAR
12. BUSINESS ITEM – Page 20
Approval of placement of South Coast Air Quality Management District PM10 and Meteorological Monitoring Station at 201 Melcanyon Road

13. CONTINUATION OF ORAL COMMUNICATIONS
*Any person who did **not** speak during the initial 30 minute Oral Communications period earlier in the meeting, who wishes to speak on any issue that is not on the Agenda but that is within the subject matter jurisdiction of the City Council/Successor Agency/Housing Authority/Financing Authority, may do so at this time. Each person may speak once for no more than 3 minutes. Under the Brown Act, members of the City Council/Successor Agency/Housing Authority/Financing Authority, and staff can respond only with a brief reply to issues raised in Oral Communications, and no action on such matters may take place at this meeting.*
14. ITEMS FROM CITY COUNCIL/SUCCESSOR AGENCY/HOUSING AUTHORITY/FINANCING AUTHORITY MEMBERS AND CITY MANAGER/EXECUTIVE DIRECTOR (AB 1234 reports on trips, conference attendance, and meetings)
15. ADJOURNMENT – To Community Meeting, September 17, 2013, 7:00 p.m., at Valley View School, 237 Melcanyon Road, Duarte

MEMORANDUM

TO: City Council
FROM: City Manager
DATE: September 5, 2013
SUBJECT: Comments on Agenda Items, Meeting of September 10, 2013

ITEM 6.A. The City Council will recognize several local teen volunteers (“Volunteens”) who assisted staff at the library during the Duarte Library’s Summer Reading Program.

ITEM 6.B. The City Council will recognize members of the Duarte Parks and Recreation Swim Team for their recent accomplishments. Sixty children, ranging from ages 5-17 years old, participated in six swim meets over the summer, including the culminating league prelims held in Rosemead on July 27, and league finals held in La Mirada on August 17. The team practiced everyday Monday through Thursday at the Duarte Fitness Center Pool, and was coached by Duarte Recreation staff members Dana Brewer, Alex Burrows, and Kristine Magnusson.

ITEM 6.C. The City of Duarte, for the 13th year, will be having AmeriCorp VIP Promise Fellows in place to support volunteerism throughout our community. The six fellows for next year will begin their respective 10-month, 1700 hour contracts on September 9, and will serve through June 30, 2014. The six service sites for next year will be City Hall, Public Safety, Parks and Recreation, Foothill Unity Center, Foothill Family Services, and the Santa Anita Family YMCA. Three fellows from previous years will continue their service (Kalvin Wigfall at Public Safety, Phillip Ledesma at Foothill Unity Center, and Jazmin Lugo at Santa Anita Family YMCA.) The three new fellows joining the program will be Katie McWhirter at City Hall and serving as the lead, Jessica Bugarin at Foothill Family Services, and Ashley Indick at Parks and Recreation/Teen Center. The group will be formally introduced to the City Council and community at the upcoming Council Meeting.

ITEM 6.D. Kim Bosell, Natural Areas Administrator for the County of Los Angeles Parks and Recreation Department, will provide the City Council with a presentation on “Coexisting with Bears.”

ITEM 10.D (Consent). This item asks the Council to consider approving Amendment #4 to the contract with Rutan and Tucker for legal services. This amendment would delete the mutual indemnity provision of the agreement, and replace it with an indemnity provision in favor of the City, except for professional liability.

ITEM 10.E (Consent). The Inaugural Rose Bowl Legacy Cycling Challenge (RBLCC) will take place on Sunday, October 20, 2013. The RBLCC is a signature fundraiser for City of Hope and the Rose Bowl Legacy Campaign. The RBLCC is a rules-of-the-road cycling ride (NOT a race) that will feature three course options (short, medium, and long) to attract cyclists from all skill levels (recreational, avid, and technical). All routes for the RBLCC will originate at the Rose Bowl Stadium and will finish on the 50-yard line inside the Stadium. The City of Duarte is part of all three routes, and a central First Aid station is scheduled to be placed at Encanto Park.

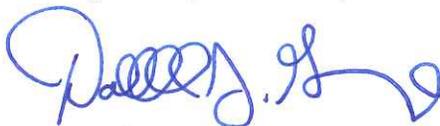
The event organizers are also requesting that the City of Duarte co-sponsor the event. Co-sponsorship would entail primarily the following in-kind donations: 1) Marketing/Media – The City would distribute and disseminate the numerous marketing materials that have been provided by the event including press releases for our website, utilizing the electronic sign, cable scroll, Nextdoor, Twitter,

community calendar, etc. 2) Cross Promotions with Cities – Event organizers are offering a variety of cross promotional opportunities for co-sponsoring cities, including featuring the City logo on marketing materials, event jerseys, social media information, booth space at 50-yard finish line, promotional table at first aid station, email blasts, and a complimentary entry for the Mayor, the designated lead for the official City of Duarte Team.

ITEM 12. This item recommends that the City Council approve the placement of an AQMD “real time” monitoring station at 203 Melcanyon Road (north side of Valley View School), to measure the particulate matter being released into the atmosphere from the Vulcan Mining operation. The proposed PM10 and meteorological monitoring system would offer continuous monitoring and hourly averages of PM10, particulate matter that are between 2.5 and 10 micrometers in size (25 to 100 times thinner than a human hair). The system also provides the potential for near “real time” reporting of preliminary data that would be made available to the public via both the City and AQMD websites. As with the previous monitoring station at Royal Oaks School, finalized data will undergo a rigorous quality control process, and also be made publically available through quarterly or bi-annual reporting.

The City, AQMD, and the Duarte Unified School district are already doing the preliminary infrastructure work on the Valley View site. The monitoring equipment is now available and, including infrastructure work to locate the station, the entire installation process will take approximately two months to complete. If approved, work is expected to begin within the next two weeks. Staff is also working with AQMD staff on how to effectively display the live stream air monitoring data on both of the agencies’ websites.

Respectfully submitted,



Darrell J. George
City Manager



MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: CESAR MONSALVE, PARKS AND RECREATION DIRECTOR

SUBJECT: RECOGNITION OF DUARTE RECREATION PROGRAM
SWIM TEAM

DATE: 9/5/13

The Duarte Parks and Recreation Program Swim Team experienced another great summer season. 60 children ranging from ages 5-17 years old participated in 6 swim meets over the summer including the culminating league prelims held in Rosemead July 27th and league finals in La Mirada on August 17th. The team practiced everyday Monday through Thursday at the Duarte Fitness Center pool and was coached by Duarte Recreation staff members Dana Brewer, Alex Burrows and Kristine Magnusson.

While all of the swimmers did an outstanding job throughout the summer and at the league finals, several of Duarte's swimmers turned in great performances at the finals. Some of the stand out swimmers who finished in the top 5 include the following: Nathan Boldt- Breaststroke and Freestyle, Avery Bogue- Butterfly, Joseph Ortiz- Butterfly and Freestyle, Diana Bobadilla- Backstroke and Freestyle, Brynn Bogue- Breaststroke and Isaac Ortiz in the Breaststroke and Butterfly.

The members of the Duarte Parks and Recreation Swim Team program have been invited to attend the September 10 City Council meeting to be recognized for their accomplishments.

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 – AUGUST 27, 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 5:03 p.m.

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

ADOPTION OF AGENDA Paras-Caracci moved, Reilly seconded to adopt the Agenda, and carried unanimously.

CLOSED SESSION
1) Potential Initiation of Litigation
2) Existing Litigation There was no public input. Slater announced the first Closed Session was pursuant to Government Code § 54956.9(d)(4); Conference with Legal Counsel; Initiation of litigation, Number of potential cases: 1. The second Closed session was pursuant to Government Code § 54956.9(d)(1); Conference with Legal Counsel; Existing Litigation (two cases), *City of Duarte, et al., Petitioners/Plaintiffs, vs. Ana J. Matosantos, in her official capacity as Director of the State of California Department of Finance, et al.*, Sacramento County Superior Court Case No. 34-2012-80001338; and *City of Duarte and Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte vs. Ana J. Matosantos in her official capacity as Director of the State of California Department of Finance, et al.*, Sacramento County Superior Court Case No. 34-2013-80001487. The Closed Sessions concluded at 5:58 p.m.

RECEPTION - City of Duarte's 56th Anniversary Celebration At 6:00 p.m., a Reception was held in celebration of the City of Duarte's 56th year of incorporation.
City Council reconvened at 7:06 p.m. with all members present.

PLEDGE TO THE FLAG Mary Barrow led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

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

PUBLIC REPORT OF CLOSED SESSION ITEMS Slater announced that Councilmember Fasana did not participate in the first Closed Session, the other Councilmembers discussed one potential litigation item, and provided direction to Legal

Counsel, with no reportable action taken. During the second Closed Session, City Council received an update from Legal Counsel on the status of litigation, with no reportable action taken. No hearing date on either case has yet been set.

SPECIAL ITEMS

Recognition – Hacienda Park Cleanup Participants

Cesar Monsalve described the project undertaken by the neighborhood to assist with the cleanup of Hacienda Park, and announced the development of an Adopt-A-Park Program. Mayor Finlay presented Certificates of Appreciation to the residents for their cleanup efforts at Hacienda Park, and congratulations were extended.

Presentation by LAEDC International Trade

Dr. Robert Kleinhenz, Chief Economist, Kyser Center for Economic Research, LAEDC, presented an overview of the international trade and economic outlook for Los Angeles County, including major trades, employment, unemployment, job trends, ports, export/import destinations/sources, local economic outlook, and international trade outlook.

ANNOUNCEMENTS

Tina Carey announced upcoming Duarte Chamber of Commerce events in September.

Armando Yanez announced Assemblymember Hernandez' Community Coffee on September 21.

Joanna Gee, Duarte Library, announced upcoming events, programs, and presentations in September and October.

Mirna de Lira Lopez announced technology seminars from September through November.

Karen Herrera announced upcoming community events, meetings, and programs for September, October, and November.

Lino Paras stated the names of the election candidates.

Steve Hernandez thanked Ranchero's for the food.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Sgt. Carter – Azusa fire update.

Miriam Fox – DUSD update on construction, programs.

ITEMS ADDED TO CONSENT

Fasana moved, Reyes seconded to add the following items to Item 12.K (Conference Attendance), and carried unanimously:

1) Bike SGV 2013 Awards Dinner, 9/28/13, San Gabriel

2) NAACP Ruby Williams Awards Dinner, 9/12/13, Pasadena

3) Duarte Woman's Club Fundraiser, 9/7/13, Duarte

CONSENT CALENDAR

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

Approve Items A, B, C, G, K.

Receive and File Items I, J.

Remove Items D, E, F, H.

ITEMS REMOVED

Item D – Council Bill 13-R-17B
Holiday Schedule 8/13-6/14

13-R-17B A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING A HOLIDAY SCHEDULE FOR CITY EMPLOYEES FOR AUGUST 2013-JUNE 2014

Item D – Approved
RESOLUTION NO. 13-17B

George provided a staff report. There was discussion about the employee survey results. Fasana moved, Finlay seconded to revise the holiday schedule to include Christmas Eve and New Year's Eve as holidays, to reduce floating holidays 10 hours, and to adopt Resolution No. 13-R-17B as amended, and carried unanimously.

Item E – The Planning Center
Contract – City of Hope EIR/SP

Hensley provided a staff report about the proposed contract.

Lino Paras stated the bike trail extension to Santa Fe Dam should be pursued with the City of Hope and the city of Irwindale.

Item E – Approved

Karen Herrera discussed an update from L.A. County Public Works about the grant and the project. Fasana asked that the Army Corps of Engineers be invited to a Council Meeting to provide an update on the bike trail grant. Reilly moved, Reyes seconded to approve the contract with The Planning Center, in the amount of \$428,611 to complete the City of Hope Master Plan EIR and Specific Plan, with reimbursement funding by the City of Hope, and carried unanimously.

Item F – Support AB 250 – iHub

George provided a staff report about Assembly Bill 250. Reilly moved, Reyes seconded to approve the letter in support of AB 250 (Holden), California Innovation Initiatives – iHub Program, and carried unanimously.

Item F – Approved

Item H – Parks/Recreation
Commission – Encanto Park

Monsalve provided a staff report about the recommendation from the Parks and Recreation Commission. Reyes moved, Paras-Caracci seconded to approve the recommendation from the Parks and Recreation Commission concerning security and lighting concerns at Encanto Park, and carried unanimously.

Item H – Approved

BUSINESS ITEMS
League Resolutions

Fasana moved, Paras-Caracci seconded to support the two resolutions that will be considered at the 2013 League of California Cities Annual Conference, September 18-20, 2013, in Sacramento, and carried unanimously.

Successor Agency
Long-Range Property Mgmt Plan

Hensley presented an overview of the Long-Range Property Management Plan document, including property inventory, property distribution and use, and properties held for resale, and answered questions from Councilmembers.

Reilly stated she did not agree with Objective #4, as we need to have retail commercial and mixed use on Huntington Drive, rather than residential. Hensley indicated the site specific statement was from the 2009 Implementation Plan, and the overall plan addresses mixed use.

Reilly moved, Paras-Caracci seconded that the Successor Agen-

cy to the Dissolved Redevelopment Agency of the City of Duarte approve the Long-Range Property Management Plan, and to authorize staff to make changes at the direction of the City Attorney in response to the Oversight Board and in response to the Department of Finance, prior to submittal for final approval, and carried unanimously.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.
Lino Paras – Long-Range Property Management Plan.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GEORGE: Stated staff has met with AQMD and Edison regarding the monitoring station, the item will be on the next Agenda, the Sheriff's contract is up for renewal, they are negotiating for a five-year contract, and it will be on an upcoming Agenda.

REYES: Stated the fire near Vulcan was responded to quickly, asked that the young man who installed railroad ties at Royal Oaks Park for his Eagle Scout project be invited to a Council Meeting for recognition, thanked all involved in National Night Out, and wished all candidates the best.

PARAS-CARACCI: Attended recognition reception for Elizabeth Bagwell, the City of Hope ROP students were recognized on the same day, attended recognition event for City of Hope summer interns and School District convocation, asked for a report at a future meeting about the length of time the transit bus will wait for riders at the Ralphs and Target centers, and stated at the YMCA Red Envelope Gala, Sandra Mejia and others will be recognized.

FASANA: Received correspondence from the L.A. County Civil Grand Jury seeking candidates to serve as jurists, asked that the information be placed on the City's website, attended SGVCOG sub-committee meeting, requested a presentation about the proposed areas to be included within the boundaries of the National Recreation Area to see whether we want to make recommendations and to receive input from residents, and provided information to the City Manager about the responses from water agencies pertaining to the draft chromium standard by the EPA.

REILLY: Stated the Small Business Development Center has a satellite office at City Hall, asked that the three good corporate citizens from Duarte named in the Sanitation Districts report be invited to a Council Meeting for recognition, stated the storm water filtration system has been redesigned in Monrovia, attended the 10-year anniversary of the Gold Line in Pasadena, attended Senior Center nutrition program, participated in Riders on the Move, and inquired if the local transit could be re-routed at Walmart, as seniors have a problem getting to the front door of the store. It was determined that the Community Services Commission will look at the issue.

FINLAY: Attended Regional Mayor's Conference by Eric Garcetti where transportation, Riders on the Move, jobs, and public safety were discussed, thanked all involved in National Night Out, stated West Nile Virus has been found in mosquitos in Arcadia, Irwindale, and Monterey Park, and presented a number of precautions.

ADJOURNMENT

Reyes moved, Reilly seconded to adjourn the meeting at 9:17 p.m., in memory of Alice Spence, Al Leiga, Marilyn Ambriz, Miguel Panameno, and Ella Sulzer, and carried unanimously.

Mayor Margaret Finlay

ATTEST:

City Clerk

MEMORANDUM

TO: Darrell J. George, City Manager

FROM: Kristen Petersen, Assistant City Manager

DATE: September 5, 2013

SUBJECT: AMENDMENT NO. 4 TO CONTRACT SERVICES AGREEMENT FOR CITY ATTORNEY SERVICES WITH RUTAN & TUCKER

Background

Attached is a proposed Amendment No. 4 to the Contract Services Agreement (“Agreement”) between the City and Rutan & Tucker, LLP that is for the sole purpose of deleting the mutual indemnity provision set forth in Section 7.B of the Agreement and replacing it with an indemnity provision in favor of the City in every area except professional liability.

It recently came to Rutan & Tucker’s attention that the provision in our contract that indemnifies the City for professional liability negatively impacts their ability to carry malpractice insurance coverage. This situation obviously would not be in the best interest of either Rutan & Tucker or the City, because in the case of professional liability, filing a malpractice lawsuit is the primary protection to the City and having good malpractice insurance is imperative.

Pursuant to the terms of our contract with Rutan & Tucker, they carry:

- Errors and omissions/professional responsibility (malpractice) insurance coverage in the amount of self-insurance of One Million Dollars (\$1,000,000) per occurrence with insurance in excess of this amount up to Fifty Million Dollars (\$50,000,000).
- General liability insurance in the amount of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in general aggregate, with an umbrella policy in the amount of Ten Million Dollars (\$10,000,000).
- Automobile liability insurance coverage provides coverage of One Million Dollars (\$1,000,000) for bodily injury and property damages, with the umbrella of Ten Million Dollars (\$10,000,000) applicable.
- Employer’s liability insurance includes bodily injury coverage.
- Workers compensation insurance as required by California law.

When Rutan & Tucker submitted their request to remove indemnity language from the contract, we consulted with representatives from JPIA, who handle our risk management and liability insurance and Burke Williams & Sorenson, with whom we contract for labor related legal services. JPIA responded by providing suggested language on indemnity, which Rutan & Tucker has agreed to include on behalf of

the City in all areas, except for professional liability. JPIA noted that removing indemnity language from contracts happens in many cases, but it is always a policy decision that the City makes based on the varying facts around the contract and its tolerance of any possible risk. Burke Williams & Sorenson has suggested that many attorney contracts include indemnity language, but not for professional liability. They suggested that we should ensure that there is good malpractice insurance as this is the City's best protection in the case of a professional error or issue.

Recommendation

It is recommended that the City Council approve Amendment No. 4 to the contract services agreement for City Attorney services with Rutan & Tucker.

**AMENDMENT NO. 4 TO
CONTRACT SERVICES AGREEMENT FOR CITY ATTORNEY SERVICES**

THIS AMENDMENT NO. 4 TO CONTRACT SERVICES AGREEMENT FOR CITY ATTORNEY SERVICES ("Amendment No. 4") is made and entered as of September 10, 2013 ("Effective Date"), by and between the CITY OF DUARTE, a municipal corporation (hereinafter referred to as "CITY"), and RUTAN & TUCKER, LLP, a California limited liability partnership (hereinafter referred to as "ATTORNEY"), with respect to the following:

RECITALS:

A. City and Attorney entered into that certain Contract Services Agreement for City Attorney Services dated on or about April 13, 2004, as amended by that certain Clerical Addendum thereto dated on or about May 26, 2004, by Amendment No. 1 thereto dated on or about June 27, 2006, by Amendment No. 2 thereto dated on or about March 27, 2007, and by Amendment No. 3 thereto dated on or about July 26, 2011 (collectively, the "Agreement").

B. City and Attorney desire to amend the Agreement to delete the mutual indemnity provision set forth in Section 7.B of the Agreement and replace it with an indemnity provision in favor of the City except for professional liability.

AMENDMENT:

NOW, THEREFORE, in consideration of the foregoing Recitals and the covenants and promises hereinafter contained, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Subsection B of Section 7.0 of the Agreement is deleted in its entirety and replaced with the following:

B. Indemnification

Excepting performance of professional services and claims of professional liability (also known as professional malpractice) which are not subject to this indemnity provision, ATTORNEY, to the full extent permitted by law, shall indemnify, defend, and hold harmless the City and its officers, officials, agents, and employees acting in an official capacity, from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses, or costs of any kind, whether actual, alleged, or threatened, including legal counsel fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by ATTORNEY or any individual or agency for which ATTORNEY is legally liable, including but not limited to officers, agents, employees or subcontractors of ATTORNEY, except to the extent such liability arises out of, is a consequence of, or is in any way attributable to the negligence or willful misconduct of the City or any of its officers, officials, agents, or employees acting in an official capacity. Nothing herein shall be deemed

to affect or waive City's rights to make or pursue claims of professional liability (also known as professional malpractice) against ATTORNEY.

2. Except as set forth above the Agreement shall remain in full force and effect.

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

CITY OF DUARTE, a municipal corporation

By: _____
Margaret Finlay, Mayor

ATTEST:

Marla Akana, City Clerk

RUTAN & TUCKER, LLP, a California
limited liability partnership

By: _____
DAN SLATER, Partner, for
RUTAN & TUCKER, LLP

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council

From: Karen A. Herrera, Deputy City Manager

Date: 9/5/13

Re: Approval of Co-sponsorship Request By Rose Bowl and City of Pasadena to Co-sponsor the first annual Rose Bowl Legacy Cycling Challenge on October 20, 2013

Recommendation: That the Duarte City Council, consider a request from the Rose Bowl and City of Pasadena to co-sponsor the first annual Rose Bowl Legacy Cycling Challenge on Sunday, October 20, 2013 benefiting both the Rose Bowl capital campaign and the City of Hope.

Background: The Inaugural Rose Bowl Legacy Cycling Challenge (RBLCC) will take place on Sunday, October 20th. The RBLCC is a signature fundraiser for City of Hope and the Rose Bowl Legacy Campaign. The Legacy Campaign is sponsored by Legacy Connections, a 501 © 3 organization of community leaders dedicated to ensuring the renovation the completion of the \$181 project. The RBLCC is a rules-of-the-road cycling Ride (NOT a race) that will feature three course options (short, medium and long – See Attachments A, B, & C) to attract cyclists from all skill levels (recreational, avid and technical). All routes for the RBLCC will originate at the Rose Bowl Stadium and will finish on the 50-yard line inside the Stadium. The City of Duarte is part of all three routes and a central First Aid station is scheduled to be placed at Encanto Park. There will be a post-Ride tailgate and celebration on the field. All Riders must commit to fundraising a minimum of \$350 in order to participate. Because of the minimum fundraising requirement, the organizers anticipate 500 participants for year one of the ride with a maximum participant count of 1,000 cyclists.

Discussion: On October 20, 2013, Duarte staff met with organizers regarding the impacts of the upcoming Rose Bowl Legacy Cycling Challenge, an event that is planned to use City roads and resources including a portion of Encanto Park. Based upon our initial meeting, there were additional questions and information needed to process the request due to the large number of potential participants involved in the event and the need to safeguard the riders as well as the public. (See Attachment D) Staff inquires focused on the following:

1. Estimation of Frequency of Riders Entering/Exiting Duarte limits
2. How Riders will Enter/Exit at Intersections
3. & 4. Security/Support Personnel & Vehicles
5. Proposed Aid Station @ Encanto Park from 7:00 am to 3:00 pm
6. Signage Plan
7. Insurance
8. Safety Plan

Legacy Challenge organizers provided ample information to address the various City inquires providing copies of the event's operations and safety plans; number of provided volunteers; signage details ie: bright colored coroplast signs with bi-directional arrows and the RBLCC acronym printed on them and installation/removal by the Ride Director/team. In terms of requirements for the Encanto Park aid station, from 7:00 am to 3:00 pm, organizers will need approximately 3 – 5 parking spaces and will place 3, 10 x 10 pop up tents for the actual aid station in an area of the park that will be least disruptive to park users. Rider Refreshments will be provided during this time (water, Gu, whole fruit). Bike Mechanics, and First Aid) and city staff assistance is not necessary. Participants will have access to the restroom facilities but organizers may also bring in additional portables as well as cardboard event trash boxes to collect waste. Organizers will provide the City with a \$1 million dollar insurance policy naming the City as additionally insured. The Sheriff's department is aware of the event and will regularly patrol the route during the event.

The event organizers are also requesting that the City of Duarte co-sponsor the event. Co-sponsorship would entail primarily in-kind donations detailed below:

- **Marketing/Media** – The City would distribute and disseminate the numerous marketing materials that have been provided by the event including press releases for our website, utilizing the electronic sign, cable scroll, Nextdoor, Twitter, community calendar, etc.
- **Cross Promotions with Cities-** Event organizers are offering a variety of cross promotional opportunities for co-sponsoring cities including featuring the City logo on marketing materials, event jerseys, social media information, booth space at 50-yard finish line, promotional table at first aid station, email blasts, and a complimentary entry for Mayor; the designated lead for the official City of Duarte Team.

Fiscal Impact: Approximate cost to City to is minimal. Should the Council co-sponsor the event, the other services outlined including promotion, volunteers, etc. would be considered an in-kind donation. In terms of revenues, all dollars generated would go towards the enhancement of the Rose Bowl and the City of Hope.

Attachments A, B & C – Route Options

Attachment D – City letter to Organizers

Attachment E – Marketing Sample

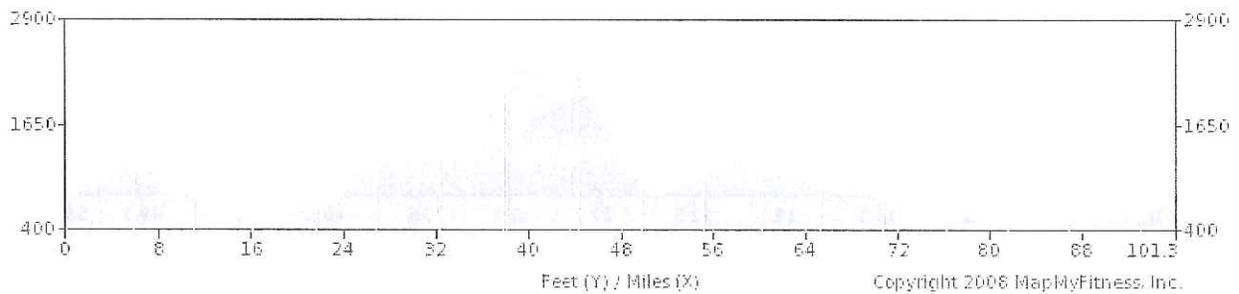
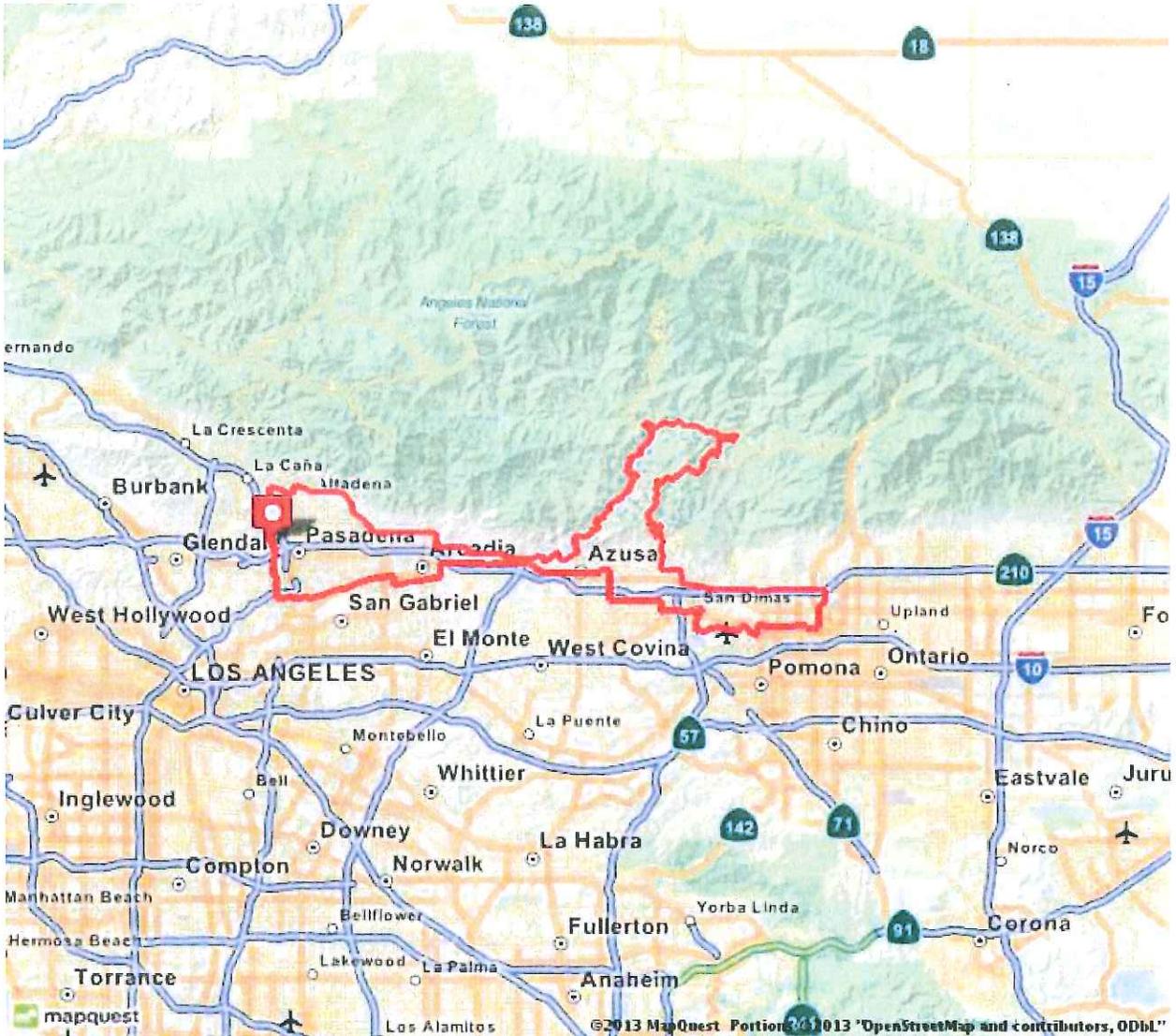


Rose Bowl LEGACY CYCLING CHALLENGE



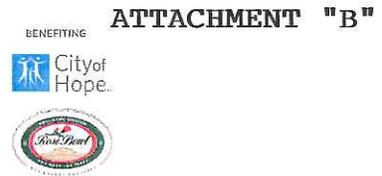
ATTACHMENT "A"

Century Ride: 100 Miles

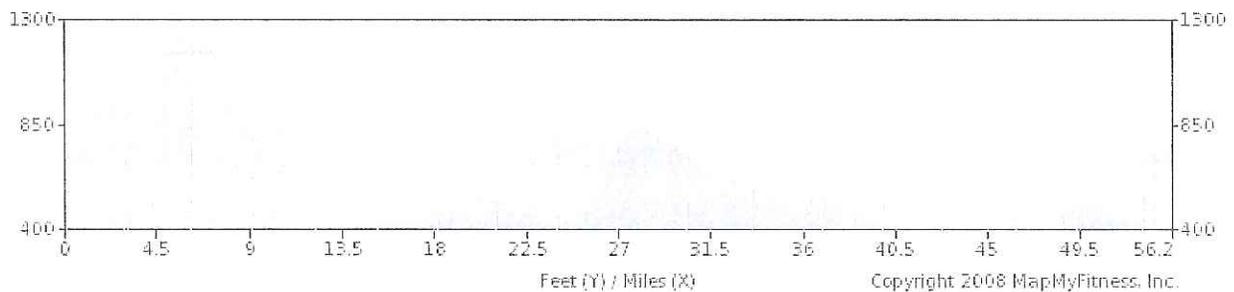
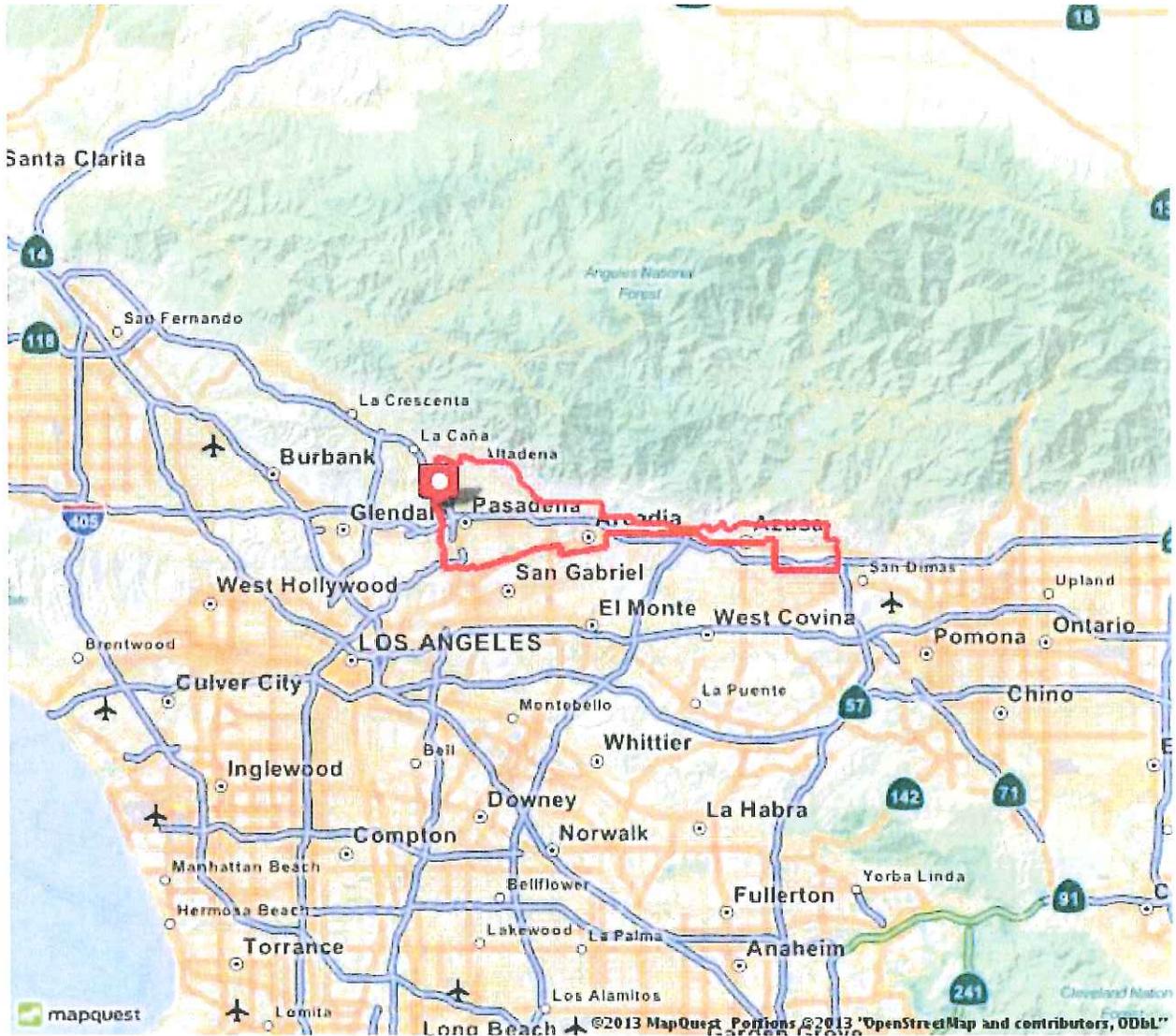




Rose Bowl LEGACY CYCLING CHALLENGE



Medium Route: 56 Miles

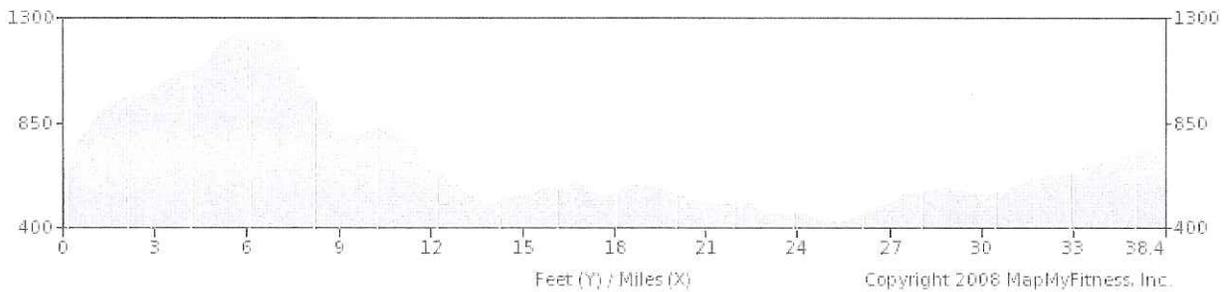
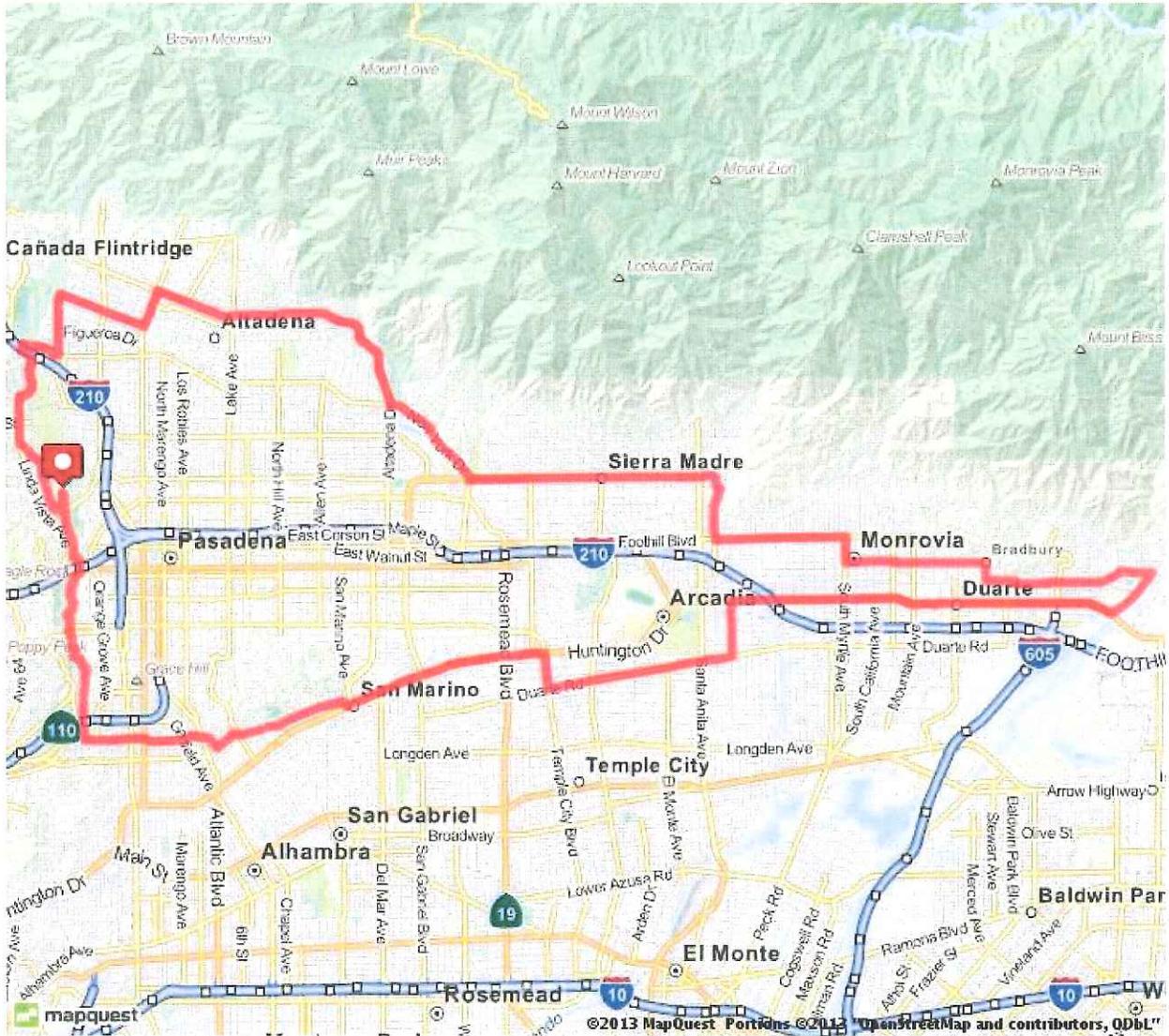




Rose Bowl LEGACY CYCLING CHALLENGE



Short Ride: 38 Miles





City of Duarte

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

August 19, 2013

Michelle Bernal
Office of the City Manager/Rose Bowl Legacy Cycling Challenge
Pasadena, CA
mbernal@cityofpasadena.net

RE: Supplemental Questions and Additional Information Needed Application for proposed Rose Bowl Legacy Cycling Challenge

Dear Ms. Bernal:

On October 20, 2013, the City of Duarte staff met with you regarding the upcoming Rose Bowl Legacy Cycling Challenge, an event that is planned to use our City roads and resources. Based upon our initial meeting, there are additional questions and information needed to process your request. Due to the large number of participants involved in this event and the need to safeguard the riders as well as the public, there is also a probable likelihood that supplemental requirements and fees may apply such as special assignment deputies dedicated to the event and a right of way permit. Furthermore, the size of the event and possible need for additional requirements, coupled with the short amount of time prior to the event requires that we all work as quickly as possible to provide information promptly to each other. Ideally, we would like to put this item on our upcoming August 27, 2013 City Council agenda for co-sponsorship consideration.

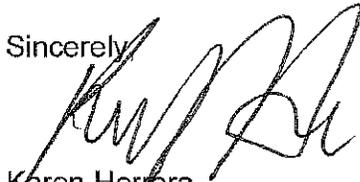
Please read the list below and provide additional information to us **before August 21, 2013**:

- Provide an estimation of the frequency of riders both entering and exiting the City of Duarte in 1/2 hour increments. For example, are all 1,000 riders entering the city between a certain time or does the length of the ride each bicyclist chooses affect when they enter and exit the community?
- Provide a description of how riders will enter and exit intersections - Will they stop for all traffic control devices and if so, how many riders at a time?
 - How many lanes would be occupied?
- How many security/support personnel will be provided by your organization in our community and during what hours?
- Will escorts/support vehicles be provided for all or some of the riders? If only some, which riders will receive the escorts?
- Confirm with the City the exact location of the proposed aide station at Encanto Park and a description of its operation i.e.
 - How long will they be in place at the location? Does this include set up, break down and clean up?
 - Does it involve just vehicles or other aspects like tents, tables, signage, etc.

- How much of the park's parking lot is required, if any?
- How many people are involved in an aide station and will you need City staff assistance?
- Provide the exact sign locations, dimensions, mounting height and type by coordinating with Public Works.
 - Are the signs in the public right-of-way or private property?
 - What time will the sign be installed and removed?
 - Who is responsible for installing and removing? Note: Traffic control signs must be installed by a traffic control installation company. The company shall be California licensed (C31), insured and bonded.
- Provide copies of insurances, hold harmless clause, with City of Duarte named as additionally insured and bonds from the Rose Bowl Legacy Cycling Challenge.
- Provide copies of the event's safety plan and contingency measures.

If you have any questions regarding this letter, please feel free to contact me at 626-357-7931 ext. 221 or by e-mail at herrerakaren@accessduarte.com, Monday through Thursday between the hours of 7:30 AM and 6:00 PM.

Sincerely,



Karen Herrera
Deputy City Manager

cc: Cesar Monsalve, Director of Parks and Recreation
Rafael Casillas, Public Works Manager
Larry Breceda, Public Safety Manager
Lauren Hall, Rose Bowl, Marketing & Communications



Rose Bowl LEGACY CYCLING CHALLENGE



JOIN US at this inaugural event to support the impact and contributions of two iconic institutions in the San Gabriel Valley — the Rose Bowl and City of Hope!

FIELD IS LIMITED - REGISTER TODAY!

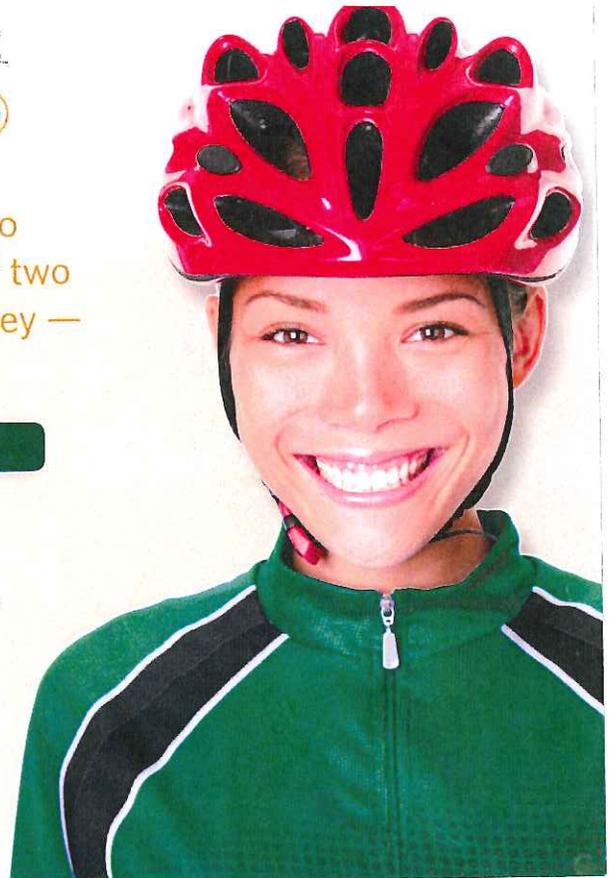
Sunday, October 20

Registration fee: \$75 Fundraising minimum: \$350
Fundraising minimum includes a custom Rose Bowl Legacy Challenge cycling jersey.

All Routes start at the historic Rose Bowl Stadium and finish on the 50 yard line!

Short (38 miles) ■ Medium (50 miles) ■ Century (100 miles)

**REGISTER TODAY AT
RidetheRoseBowl.com**



City of Hope is a leading research and treatment center for cancer, diabetes and other life-threatening diseases. City of Hope's main hospital is located in Duarte, Calif., just northeast of Los Angeles, with clinics in Antelope Valley and South Pasadena. It is ranked as one of "America's Best Hospitals" in cancer by *U.S. News & World Report*. Founded in 1913, City of Hope is a pioneer in the fields of bone marrow transplantation and genetics. For more information, visit www.cityofhope.org.



The Rose Bowl Legacy Campaign is sponsored by Legacy Connections, an organization of community leaders dedicated to ensuring that all components of the Rose Bowl renovation project are completed. The \$181 million project will ensure that the history and traditions of this National Historic Landmark will be preserved for future generations.



MEMORANDUM

RECEIVED

AUG 27 2013

CITY OF DUARTE

TO: CITY COUNCIL
FROM: COMMISSIONER Shauna Pierce
SUBJECT: NOTICE OF ABSENCE FROM PLANNING COMMISSION MEETING
DATE: August 16, 2013

REASON FOR ABSENCE:

ACCIDENT VACATION OTHER*
 SICKNESS DEATH IN FAMILY

DATE OF MEETING ABSENCE August 19th, 2013

* EXPLANATION OF ABSENCE I will be out of town until the 20th of August.

Shauna Pierce
SIGNATURE

ABSENCE NOTED BY CITY COUNCIL

DATE

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council

From: Karen A. Herrera, Deputy City Manager

Date: 9/5/13

Re: Approval of Placement of South Coast Air Quality Management District PM10 and Meteorological Monitoring Station at 203 Melcanyon Road

Recommendation: That the City Council approve the placement of a South Coast Air Quality Management District (SCAQMD) PM10 and Meteorological Monitoring station at 203 Melcanyon Road.

Background: From August of 2005 through September 2008, the SCAQMD conducted air quality monitoring in the cities of Duarte and Azusa to assess air pollution from nearby quarry activities due to public concerns regarding the Vulcan Materials Company proposed 80-acre mining expansion project.

The City of Duarte proceeded to fight a long and costly battle to stop the City of Azusa from allowing Vulcan to move mining operations from a previously approved 80 acres on the east side of its 270 acre property to 80 acres on the west side, above Duarte homes. Most recently in February of 2013, the State Court of Appeals upheld a Superior Court ruling of May 2012 against Duarte's lawsuit that challenged the validity of the Environmental Impact Report. As approved by the Azusa City Council, the Vulcan Mining expansion project will begin extracting millions of tons of aggregate from the mountain lasting until 2038. Although neither the City of Azusa nor the Vulcan Materials Company has made an official announcement, City staff has heard unofficially that mining will begin before the end of 2013

Discussion: With Vulcan Materials Company given the green light by the State Court of Appeals to begin mining operations on Van Tassel Ridge above Duarte, the SCAQMD and City staff has been moving ahead with plans to install monitoring equipment to measure the particulate matter that will be released into the atmosphere from the Vulcan operation.

At the April 23, 2013 City Council meeting SCAQMD's Philip M. Fine, Ph.D., assistant deputy executive officer of Science and Technology Advancement, delivered a presentation on the quality, cost and maintenance of a proposed "real time" monitoring station. The proposed PM10 and meteorological monitoring system (See Attachment A) would offer continuous monitoring and hourly averages of PM10, particulate matter that are between 2.5 and 10 micrometers in size (25 to 100 times thinner than a human hair). The system also provides the potential for near "real time" reporting of preliminary data that would be made available to the public via both the City and SCAQMD websites. As with the previous monitoring station at Royal Oaks School, finalized data will undergo a rigorous quality control process and also be made publically available through quarterly or bi-annual reporting.

The District is committing to providing the equipment and maintenance for the station for a twelve month period. Site work and other miscellaneous site work costs are being shared by the District and the City. Following the twelve month period, SCAQMD staff will work with the City staff to purchase City owned monitoring equipment by providing both equipment specification as well as District recommended consultants who will be able to continue the necessary monitoring and reporting from the station as long as the City desires.

This proposed station is of special concern to the City considering the potential impact to the thousands of residents in neighborhoods below the Vulcan operation and to the more than 400 students who attend Valley View Elementary School situated 3,000 feet below the mining site. Ideally, the City of Duarte and the SCAQMD would like to also see an additional monitoring system installed. A second monitoring system is proposed to be installed in Azusa at its water yard site. Both City and SCAQMD staff are continuing to pursue a meeting with both Vulcan and Azusa to determine if this can become a reality.

The City, SCAQMD and the Duarte Unified School District are already doing the preliminary infrastructure work on the Valley View site. The monitoring equipment is now available and including infrastructure work to locate the station (see Attachment B), the entire installation process will take approximately two months to complete. If approved, work is expected to begin within the next two weeks. Staff is also working with SCAQMD staff on how to effectively display the live stream air monitoring data on both of the agencies websites.

Fiscal Impact: The City and SCAQMD are sharing the costs of the infrastructure and site work, which include electrical, permanent fencing, lighting and a 10 x 10 concrete slab. Based on an arrangement with the SCAQMD who has committed to both equipment and monitoring costs for an initial twelve-month period, the City of Duarte will not incur monitoring or equipment costs during the first year of operation. In fiscal year 2014-15, the City will need to budget approximately \$42,500, which will cover the costs of one year of operation and maintenance plus the cost of the proposed PM10/Meteorological equipment. Thereafter, annual maintenance costs are anticipated to be approximately \$7,000.

Project Location



Proposed Method

- Continuous PM₁₀ Monitor
 - Federal Equivalent Method
 - Weatherproof Enclosure
 - Hourly averages
- Reporting
 - Potential for near real time reporting
 - Preliminary data
 - Publicly available
 - Finalized data must undergo quality control
 - Also made public

