

August 26, 2014

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, AUGUST 26, 2014

6:00 p.m. – City of Duarte’s 57th Anniversary Reception

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

LIZ REILLY, MAYOR
TZEITEL PARAS-CARACCI, MAYOR PRO TEM
JOHN FASANA, COUNCILMEMBER
MARGARET FINLAY, COUNCILMEMBER
SAMUEL KANG, 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
Jeffrey Melching, 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.

Notice: 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.

Notice: Duarte City Council meetings are videotaped for later broadcast on DCTV. Attendance at the meeting constitutes consent by members of the public to the City’s and any third party’s use in any media, without compensation or further notice, of audio, video, and/or pictures of meeting attendees.

**A Reception will be held at 6:00 p.m. in celebration of
the City of Duarte's 57th Anniversary**

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. Introduction – Mayor's Youth Council
 - B. Presentation – Mandatory Statewide water conservation measures update
 - C. Public Safety update
 - D. Redevelopment dissolution update
7. ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS
Any person who wishes to make a brief announcement of a future community event that is open to the general public may do so at this time.
8. ORAL COMMUNICATIONS—ITEMS NOT ON THE AGENDA (30 MINUTES)
Any person wishing to speak on any issue that is not on the Agenda, but that is within the subject matter jurisdiction of the City/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 12
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 12, 2014 (CC/HA/SA/FA)
 - B. Approval of Warrants – August 26, 2014 (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. Proclamation – Childhood Cancer Awareness Month (CC)
 - E. Notice of absence by Ed Houlemarde from Parks and Recreation Commission meeting of 8/11/14 (Receive and File) (CC)
 - F. Request by the Olympia Youth Orchestra for City co-sponsorship of concert to be held on December 6, 2014, at the Duarte Performing Arts Center (CC)
 - G. Agreement between Upper San Gabriel Valley Municipal Water District and the City of Duarte regarding the sustainable landscape demonstration project (CC)
 - H. Council Bill 14-O-05 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, TO: (1) AMEND TABLE 2-5, "ALLOWED USES AND PERMIT REQUIREMENTS," OF SECTION 19.12.020, "LAND USES AND PERMIT REQUIREMENTS," OF CHAPTER 19.12, "COMMERCIAL ZONES (C-P, C-G, C-F)," OF ARTICLE 2, "ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS,"

TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE; (2) ADD SECTION 19.60.165, "TOBACCO SHOPS," OF CHAPTER 19.60, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," OF ARTICLE 4, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE; (3) ADD SECTION 19.60.167, "ACCESSORY RETAIL SALES OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE AND VAPING DEVICES, AND ASSOCIATED PARAPHERNALIA," OF CHAPTER 19.60, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," OF ARTICLE 4, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE; AND (4) AMEND CHAPTER 19.160, "DEFINITIONS," OF ARTICLE 9, "DEFINITIONS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE TO REGULATE TOBACCO SHOPS AND THE ACCESSORY RETAIL SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE AND VAPING DEVICES, AND ASSOCIATED PARAPHERNALIA (MCA 14-1) (Second Reading)

- I. Council Bill 14-O-06 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 5.09, "TOBACCO RETAILER LICENSE," TO TITLE 5, "BUSINESS LICENSES AND REGULATIONS," OF THE DUARTE MUNICIPAL CODE TO REQUIRE A TOBACCO RETAILER LICENSE TO SELL E-CIGARETTES AND VAPING DEVICES (MCA 14-2) (Second Reading)
- J. Acceptance of Removal of Architectural Barriers for ADA Improvements (Martinez Concrete, Inc.), and authorization for the City Clerk to initiate the Notice of Completion (CC)
- K. City Council/City Manager Conference Attendance (CC)

11. ITEMS REMOVED FROM CONSENT CALENDAR

12. RESOLUTIONS – Page 62

- A. Council Bill 14-R-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR FIFTH SUPERVISORIAL DISTRICT EXCESS FUNDING FOR DUARTE FISH CANYON FALLS TRAIL REHABILITATION
- B. Council Bill 14-R-20 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR FIFTH SUPERVISORIAL DISTRICT EXCESS FUNDING TO DEVELOP A DUARTE SENIOR CENTER COMPUTER LAB/TECHNOLOGY CENTER

13. BUSINESS ITEM – Page 69

Report from Southern California Edison regarding status of TRTP and access road construction

14. 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.*

15. 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)

16. ADJOURNMENT – In memory of Frank Haynes and Richard Elliott

MEMORANDUM

TO: City Council
FROM: Assistant City Manager
DATE: August 21, 2014
SUBJECT: Comments on Agenda Items, Meeting of August 26, 2014

Reception. The City will be hosting a reception prior to the Council meeting at 6pm to celebrate the 57th Anniversary of the City's Incorporation in August 1957.

ITEM 6A. Staff will be introducing the new members of the Mayor's Youth Council. They are Ellie Abajian, Tamera Barron, Matthew Canales, Daniel Chavez, Jiselle Chavez, Tiffany Felix, Hazel Gonzales, Angela Gregory, Mayra Guzman, Lorelei Near, and Yanelly Serrano.

ITEM 6B. As you know, on August 14, 2014 the California Public Utilities Commission (CPUC) issued a resolution requiring all water agencies to notify their customers about four statewide mandatory water restrictions and the potential fines arising from violations. Violations include: 1) using potable water on landscapes causing runoff; 2) using a hose to wash a vehicle unless it is fitted with a shut-off nozzle; 3) using water on driveways and sidewalks; and 4) using potable water in a decorative water feature unless there is a recirculating system. In response, Cal Am will be notifying their customers of these statewide restrictions through local newspapers, their website, emails, direct mailings and bill inserts over the next 20 days. While water utilities are expected to assist in assuring compliance, public agencies are charged with enforcing the mandatory restrictions. Staff is recommending that a resolution be considered by City Council next month that would enable the City to enforce these regulations through our Code Enforcement Division by using our existing Administrative Citation Process, which includes warnings and escalating fines for repeated offenses. During next month's meeting, City Council and the public will have the opportunity to discuss the four mandatory restrictions and whether additional restrictions should be implemented or not.

ITEM 6C. The Director of Public Safety Services will give a brief Public Safety update.

ITEM 6D. The City Attorney will give a brief update on cases related to the dissolution of Redevelopment.

ITEM 10F. (Consent Calendar) The Olympia Youth Orchestra, a nonprofit organization founded in 1988, is requesting that the City of Duarte co-sponsor a concert for the community on Saturday, December 6th at the Duarte Performing Arts Center. The orchestra is asking that the City allow them to use one of it's "no-cost uses" of the Performing Arts Center as allowed under the 1991 agreement with the Duarte Unified School District. The City is allowed ten "no-cost uses" per year according to the agreement, and traditionally does not use all of these dates.

ITEM 10G. (Consent Calendar) At the August 12th City Council meeting, the Upper San Gabriel Valley Municipal Water District ceremonially presented the City with a \$25,000 check through its Sustainable Landscape Demonstration Project grant funding. City Council is now being asked to authorize the City Manager to enter into the formal agreement attendant to this grant. This agreement will provide for the design and development of a drought tolerant landscape demonstration project and the design of the community garden. The draft plans that are attached to the staff report are included to give an idea of the general scope of the two proposed garden areas and the City of Hope location that is currently being considered. This \$25,000 grant will allow for the preparation of more detailed design plans that are needed in order to solicit input from the Planning and Public Works Departments, the general public, the Parks and Recreation Commission, and eventually get

approval from the Architectural Review Board. Prior to anything being developed on the proposed site, staff will need to negotiate and bring a lease agreement before City Council for consideration. Please note that if for any reason the proposed site cannot be secured, this agreement would allow the City to identify another location for the demonstration project and the funding can be used there instead.

ITEMS 10H and 10I. This is the second reading of two ordinances to amend various sections of the City code as it relates to: land uses and permit requirements, standards for specific land uses and definitions of tobacco shops and the accessory retail sale of tobacco products, e-cigarettes and vaping devices, and tobacco paraphernalia. If approved, the changes would take effect thirty days following this second reading.

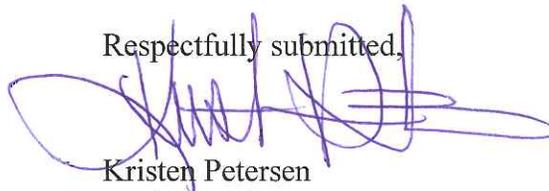
ITEM 10J. (Consent Calendar) Martinez Concrete has satisfactorily completed removing certain existing curb ramps, grading, and installing new curb ramps with truncated domes. Staff is recommending that the City Council accept the project and authorize the Notice of Completion.

ITEM 12A. This resolution is to approve an application for grant funds from LA County Supervisor Antonovich's office for the rehabilitation of the Duarte Fish Canyon Falls Trail. This \$25,000 grant would allow the City to develop a trail crew and provide employment opportunities to at risk youth 17 years and older in the community to repair and maintain the trail to Fish Canyon Falls. If awarded, the City would be required to provide a match from the General Fund of \$8,300.

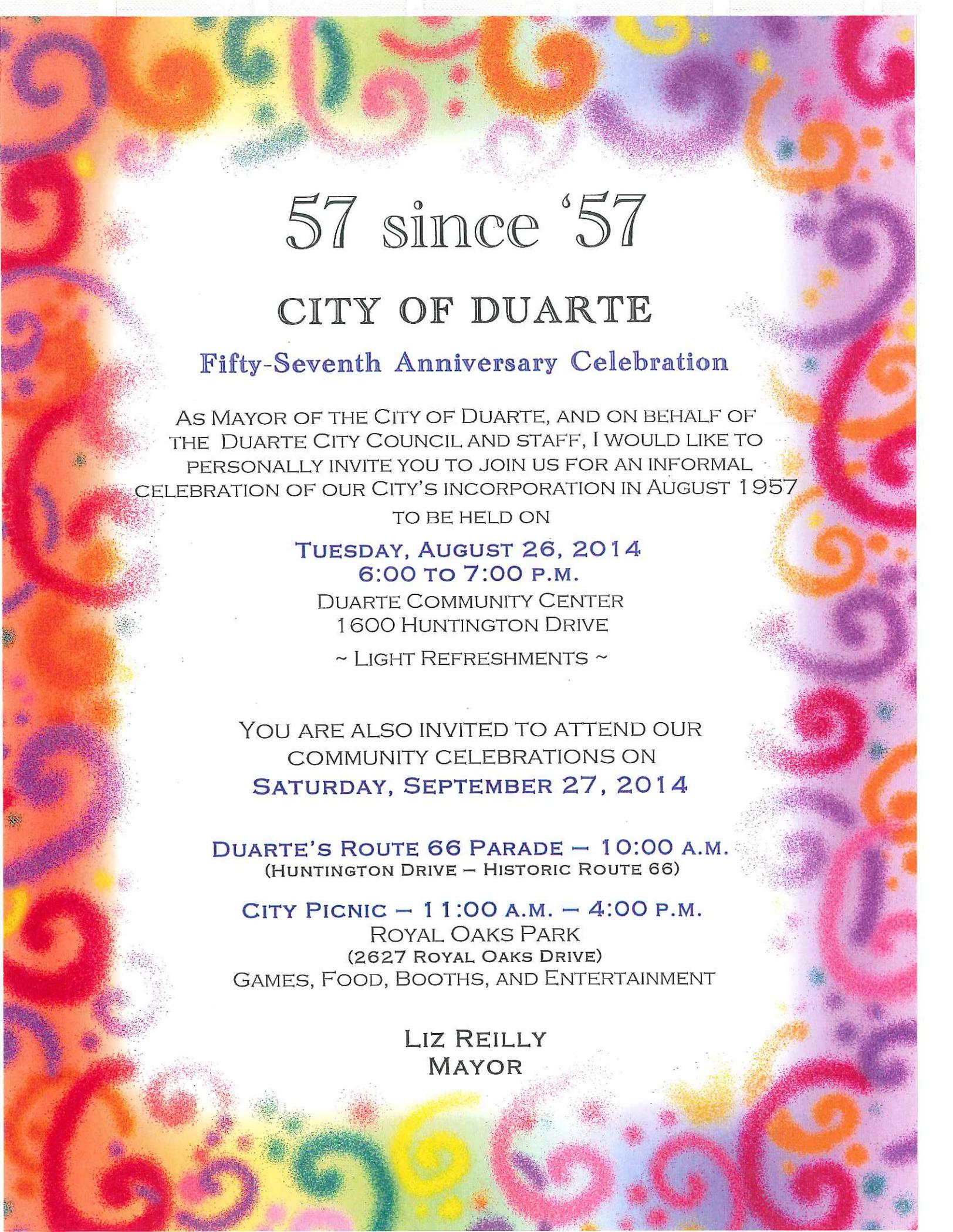
ITEM 12B. This resolution is to approve an application for grant funds from LA County Supervisor Antonovich's office for the expansion of the Senior Center Computer Lab. Phase 1 of this project is included in the current 2014/15 budget and will include the purchase of two computer stations for the Senior Center. This \$15,000 grant would allow for Phase II to take place, which could include the purchase of additional computers, headphones, software, electrical work and furniture to expand the Computer Lab into more of a Technology Center for seniors. If awarded, the City would be required to provide a match from the General Fund of \$3,750.

ITEM 13. This is a business item where Ahmad Solomon and Robert Quintero from Southern California Edison will be presenting to the City Council and the community updates on the following items: TRTP construction and completion schedule, response to a recent City letter asking for clarification of the tower replacement during construction, and a schedule of when the retaining wall treatment will be undertaken. The aerial shots that Edison has attached to their response letter were clearly taken from a much larger map. As a result, please be aware the information presented on each page often overlaps. For example, the picture presented on page 2 is simply a different angle of the same pictures presented on pages 1 and 3. The best way to see the information is to lay them out and line them up with one another. Please note that there was a recent community meeting in the Greenbank/Tocino neighborhood, which staff and members of the City Council attended as observers. At this community meeting, neighbors discussed a list of concerns and the possibility of initiating a petition, which would be filed with the California Public Utilities Commission (CPUC) Board.

Respectfully submitted,



Kristen Petersen
Assistant City Manager



57 since '57

CITY OF DUARTE

Fifty-Seventh Anniversary Celebration

AS MAYOR OF THE CITY OF DUARTE, AND ON BEHALF OF
THE DUARTE CITY COUNCIL AND STAFF, I WOULD LIKE TO
PERSONALLY INVITE YOU TO JOIN US FOR AN INFORMAL
CELEBRATION OF OUR CITY'S INCORPORATION IN AUGUST 1957

TO BE HELD ON

**TUESDAY, AUGUST 26, 2014
6:00 TO 7:00 P.M.**

DUARTE COMMUNITY CENTER
1600 HUNTINGTON DRIVE

~ LIGHT REFRESHMENTS ~

YOU ARE ALSO INVITED TO ATTEND OUR
COMMUNITY CELEBRATIONS ON
SATURDAY, SEPTEMBER 27, 2014

DUARTE'S ROUTE 66 PARADE – 10:00 A.M.
(HUNTINGTON DRIVE – HISTORIC ROUTE 66)

CITY PICNIC – 11:00 A.M. – 4:00 P.M.
ROYAL OAKS PARK
(2627 ROYAL OAKS DRIVE)
GAMES, FOOD, BOOTHS, AND ENTERTAINMENT

LIZ REILLY
MAYOR



AGENDA MEMO

TO: MAYOR REILLY & MEMBERS OF THE DUARTE CITY COUNCIL
FROM: Karen A. Herrera, Deputy City Manager
SUBJECT: Staff Update on Mandatory Statewide Water Conservation Measures
DATE: 8/18/14

BACKGROUND:

In January 2014, Governor Brown proclaimed a drought State of Emergency and called for statewide water conservation. The Governor's announcement followed a series of actions the administration had taken to ensure that California was prepared for record dry conditions. In response, the City's water utility, California American Water, activated voluntary conservation measures. In May of 2014, the Duarte City Council passed Resolution No. 14-10 calling for a citywide 20% "Voluntary Reduction" of water use.

On August 14, 2014 the California Public Utilities Commission (CPUC) issued a resolution requiring all water agencies to inform their customers about four statewide, mandatory water restrictions, and potential fines arising from violations. Violations include: (1) using potable water on outdoor landscapes causing runoff into adjacent properties; roadways, parking lots, or private/public walkways; (2) using a hose to wash a vehicle except when the hose is fitted with a shut-off nozzle; (3) using water on driveways and sidewalks; and (4) using potable water in a fountain or other decorative water feature except where water is part of a recirculating system. Violations may result in fines. This decision came after a State Water Resources Board survey showed previous conservation measures failed to achieve the 20% reduction in water usage sought by Governor Brown back in January.

DISCUSSION:

California American Water: Based on the aforementioned statewide actions, Duarte residents can expect the following information to be forthcoming from our local water company, California American Water. Within 10 days, water utilities shall publish notice of the Emergency Regulation in both local newspapers and on their respective websites. Next, within 20 days, water utilities shall provide direct notice to their customers by either posted mail or email of the newly enacted emergency regulation. They are then required to continue publicizing the restrictions throughout the duration of the restriction by using either bill inserts or bill messages.

Additionally, all water utilities shall assist in assuring compliance by working with local law enforcement or public agencies charged with enforcing the mandatory restrictions. Water companies must also establish procedures and mechanisms to facilitate employee and customer identified violations and provide the information to the designated enforcement officials. Utilities shall also track and record reports violations, action taken to assist the local agency and the result of such actions. This information shall be made available to the Commission on an as requested basis.

Finally, water utilities must provide a monitoring report to the Water Board by the 15th of each monthly beginning in October illustrating progress toward the 20% statewide water reduction goal.

California American Water is an investor-owned water utility providing water service to about 28,000 households and businesses, in the cities of Bradbury, Duarte, El Monte, Irwindale, Monrovia, Rosemead, San Gabriel, San Marino and Temple City, as well as unincorporated portions of Los Angeles County and the Baldwin Hills area. It is these communities that comprise the Los Angeles service area.

The majority of the water service in the Los Angeles district is groundwater, pumped from the region's main and central basins. In the City of Duarte, California American Water has seven wells that provide approximately 95% of the local water.

City of Duarte: Based on the actions by the California Public Utilities Commission, City staff has conferred with both California American Water and the City Attorney's office to determine how to properly implement the enforcement component of the new water restrictions.

Staff is recommending the consideration of a City Council resolution in September designed to affirm the City's commitment to locally enforce the four mandatory water conservation regulations adopted by the CPUC, create a warning procedure that could be enforced through our Code Enforcement Division, and confirm that Municipal Code Section 1.04.110 provides the City with an appropriate basis to enforce violations of this type using the pre-existing administrative citation process. Specifically, the City is proposing to treat violations as an infraction with written warning and allowing sufficient time for the violation to be corrected. If, in some cases, warnings fail, the City can issue citations with penalties ranging from a fine of \$75 for the first offense, \$150 for the second, and \$300 for the third.

At the September meeting, the Council and residents will have a visible public forum to discuss conservation in general, and decide whether or not the four mandatory restrictions are enough for the community. For example, some cities are also not allowing watering during daytime hours (i.e 10:00 am to 4:00 pm) and requesting that local restaurants not provide water automatically to customers unless requested.

In May, Duarte residents were encouraged to take simple steps to save water, including taking shorter showers, not leaving water running, checking for leaks, washing only full laundry loads, not washing vehicles at home, promptly fixing defective plumbing or sprinklers, watering only when landscaping needs it during early morning hours, avoiding sprinkler runoff into paved areas, and using a broom rather than a hose to clean driveways, gutters, and walkways.

Historically, the City has been taking steps for years to conserve water. For example, City street crews have utilized drip irrigation, regularly inspected and replaced broken sprinklers, utilized weather sensing irrigation clocks, and regularly replaced turf with drought tolerant shrubs. Most recently, the Facilities Maintenance Division of the Parks and Recreation Department has also taken measures to conserve water at the City's facilities by installing water free urinals, automatic toilet flush systems, and low flow shower heads.

FISCAL IMPACT: Unknown at this time.

ATTACHMENT: California Public Utilities Commission Resolution No. 2014-0038 Adopting an Emergency Regulation for Statewide Urban Water Conservation

Consent Agenda - Orders and Resolutions

89 (Rev.)
[13219]

**WATER UTILITIES TO COMPLY WITH THE STATE WATER
RESOURCES CONTROL BOARD RESOLUTION NO.
2014-0038 ADOPTING AN EMERGENCY REGULATION FOR
STATEWIDE URBAN WATER CONSERVATION**

Res. W-5000

PROPOSED OUTCOME:

- ® Orders Commission jurisdictional water utilities to notify their customers within 10 days of the effective date of Res. W-5000, of the State Water Resources Control Board's enactment of mandatory water use restrictions.
- ® Orders Class A and B water utilities to provide monthly reports to the Director of the Division of Water and Audits on their progress in assisting local enforcement agencies responsible for enforcing compliance with the enumerated mandatory water use restrictions.
- ® This matter is added to the agenda pursuant to Government Code Section 11125.3(a)(2.)

SAFETY CONSIDERATIONS:

- ® It is the utility's responsibility to adhere to all Commission rules, decisions, General Orders and statutes including Public Utilities Code Section 451 to take all actions "...necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public."

ESTIMATED COST:

- ® Unknown.

<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&docid=101022797>

08/07/2014 - This item was not listed on the agenda distributed to the public.

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PROPOSED RESOLUTION

Resolution W-5000
DWA/RSK/BMD/JB5/jp4

AGENDA ID #13219
ITEM #89

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DIVISION OF WATER AND AUDITS
Water and Sewer Advisory Branch

RESOLUTION W-5000
August 14, 2014

RESOLUTION

(RES. W-5000) RESOLUTION ORDERING WATER UTILITY COMPLIANCE WITH THE STATE WATER RESOURCES CONTROL BOARD'S RESOLUTION NO. 2014-0038 ADOPTING AN EMERGENCY REGULATION FOR STATEWIDE URBAN WATER CONSERVATION AS CODIFIED IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 23, ARTICLE 22.5, SECTIONS 863, 864, AND 865.

SUMMARY

On July 15, 2014 the State Water Resources Control Board (Water Board) adopted an Emergency Regulation for Statewide Water Conservation (Emergency Regulation).

The Emergency Regulation is available on the Water Board's website at:

http://www.swrcb.ca.gov/waterrights/water_issues/programs/drought/docs/emergency_regulations/oal_app2014071810e.pdf

The Emergency Regulation went into effect on July 28, 2014, after approval by the Office of Administrative Law, and it will expire on April 25, 2015. Within ten (10) days of the effective date of this Resolution, all water utilities subject to the Commission's jurisdiction shall publish notice of the Emergency Regulation in the local newspaper and on their respective website. Within twenty (20) days of the effective date of this Resolution, all water utilities subject to the Commission's jurisdiction shall provide direct notice to their customers by either posted mail or e-mail of the Emergency Regulation. The notice shall list the Water Boards mandatory restrictions and the potential fines arising from violations of these prohibited water uses. In addition, Class A and B water utilities are to track and record their progress in assisting local enforcement agencies responsible for enforcing compliance with the enumerated mandatory water use restrictions.

PROPOSED RESOLUTION

Resolution W-5000
DWA/RSK/BMD/JB5/jp4

August 14, 2014

BACKGROUND

On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order to strengthen the state's ability to manage water in drought conditions. The executive order recognizes the need for additional expedited actions to reduce the harmful impacts from the drought. In this regard, Governor Brown ordered California residents to refrain from wasting water and directs the Water Board to adopt emergency regulations as it deems necessary, pursuant to Water Code Section 1058.5, to implement called for reductions in outdoor irrigation and wasteful water practices.

The Emergency Regulation is the Water Board's response to the April 25, 2014 executive order. The Water Board adopted amendments to the California Code of Regulations by adding Sections 863, 864, and 865 to Title 23, Article 12.5. Section 864 outlines prohibited activities intended to promote water conservation. The following actions are prohibited except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency.

1. The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadway, parking lots, or structures.
2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
3. The application of potable water to driveways and sidewalks.
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

Section 864(b) provides that violation of any of the four prohibited actions is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

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PROPOSED RESOLUTION

Resolution W-5000
DWA/RSK/BMD/JB5/jp4

August 14, 2014

Finally, the Emergency Regulation, as it pertains to Commission-jurisdictional utilities, requires all Class A and B water utilities to prepare and submit monthly reports to the Water Board showing monthly water production in 2014 along with a comparison to the amount produced in the same calendar month in 2013. The Emergency Regulation was made effective on July 28, 2014 and will expire on April 25, 2015.

DISCUSSION

With nearly 80% of the state reported to be under extreme drought conditions at the end of June 2014, all Californians need to be cognizant of and compliant with the mandatory restrictions enacted by the Water Board. If California experiences a fourth dry year in a row in 2014/ 2015, water needs for basic health and safety will be at risk. Commission-jurisdictional water utilities are integral and important players in California's water delivery system. As such, they serve an important role through interactions with their customers in assisting in complying with the Water Board's mandatory water use restrictions. By this Resolution, we are ordering all jurisdictional water utilities to take the following steps outlined below to assist in complying with the Water Board's mandatory water use restrictions.

The first component in achieving customer compliance is conveyance of what is expected from water consumers, as well as the consequences for non-compliance. Within ten (10) days of the effective date of this Resolution, water utilities shall publish notice of the Emergency Regulation in the local newspaper and on their respective website.

Within twenty (20) days of the effective date of this Resolution, water utilities shall provide direct notice to their customers by either posted mail or e-mail of the Emergency Regulation. The notice shall list the Water Boards mandatory restrictions and the potential fines arising from violations of these prohibited water uses. Following on regular intervals for the duration that the mandatory restrictions are in effect,

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PROPOSED RESOLUTION

Resolution W-5000
DWA/RSK/BMD/JB5/jp4

August 14, 2014

utilities shall use either bill inserts or bill messages to remind customers of the continuing mandatory restrictions. A suggested draft notice is attached as Appendix A. This draft notice should be modified as necessary by the water utilities, but should contain the Emergency Regulation provisions and the potential fine for violations of the regulations.

Second, all Class A and B water utilities shall assist in assuring compliance with the restricted water uses by working with local law enforcement or public agencies charged with enforcing the mandatory use restrictions.¹ All Class A and B water utilities shall, at a minimum, establish procedures and mechanisms that facilitate employee- and customer-identified violations and the conveyance of this information to the appropriate enforcement officials. These utilities shall track and record reports of violations, actions taken to assist local law enforcement or public agencies, and the results of such actions. This information shall be made available to the Commission upon request.

Utilities also have in their tariffs rules to address the negligent or wasteful use of water, such as Tariff Rule 11.B.3 which provides for the discontinuance of service following proper notice to a customer. Short of this, utilities can also assist enforcement officials by placing flow restrictors on meters for premises where there has been shown a documented history of repeat violations.

Finally, Section 865(d) of the amended California Code of Regulations adopted by the Water Board requires all Class A and B utilities to provide a monitoring report to the Water Board by the 15th of each month beginning in October 2014. The monitoring reports are intended to show progress towards the objective of a 20% reduction in water usage called for in the Governor's Drought Emergency Proclamation dated January 17,

¹ Water Code section 1058.5(d) provides that violations of the Water Board's emergency regulations are "infractions." In California, "infractions" are defined as criminal penalties. See Pen. Code sections 16, 17, and 19.6.

PROPOSED RESOLUTION

Resolution W-5000
DWA/RSK/BMD/JB5/jp4

August 14, 2014

2014. All Class A and B utilities are required to provide a copy of this monthly monitoring report to the Director of the Division of Water and Audits as long as this report is required by the Water Board.

COMMENTS ON PROPOSED RESOLUTION

As provided by Rule 14.6(a) of the Commission's Rules of Practice and Procedure and Pub. Util. Code § 311(g)(2), the 30-day public review and comment period has been waived given the unforeseen emergency situation being addressed by this Resolution. This matter is added to the Agenda pursuant to Government Code Section 11125.3(a)(2).

FINDINGS AND CONCLUSIONS

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order to strengthen the state's ability to manage water in drought conditions.
2. On July 15, 2014 the State Water Resources Control Board (Water Board) adopted an Emergency Regulation for Statewide Water Conservation (Emergency Regulation). In the Emergency Regulation, the Water Board adopted amendments to the California Code of Regulations in Title 23, Article 12.5, by adding Sections 863-865.
3. The Emergency Regulation went into effect on July 28, 2014, after approval by the Office of Administrative Law, and it will expire on April 25, 2015.
4. Cal. Code Regs. Tit. 23, § 864, enumerates four mandatory water use restrictions and fines for violation of the prohibited uses of up to five hundred dollars (\$500) for each day in which the violation occurs.
5. Water needs for basic health and safety are at risk if California experiences another dry year in 2014/ 2015.
6. Local law enforcement and public agencies are charged with enforcing the mandatory water use restrictions.

PROPOSED RESOLUTION

Resolution W-5000
DWA/RSK/BMD/JB5/jp4

August 14, 2014

7. Cal. Code Regs. Tit. 23, § 865(d), requires all Class A and B water utilities to prepare and submit monthly monitoring reports to the Water Board showing water production in 2014 along with a comparison to the amount of water produced in the same calendar month in 2013.
8. As provided by Rule 14.6(a) of the Commission's Rules of Practice and Procedure and Pub. Util. Code § 311(g)(2), the 30-day public review and comment period has been waived given the unforeseen emergency situation being addressed by this Resolution.
9. Within ten (10) days of the effective date of this Resolution, water utilities shall publish notice of the Emergency Regulation in the local newspaper and on their respective website listing the Water Board's mandatory restrictions and the potential fines arising from violations of the listed prohibited water uses.
10. Within twenty (20) days of the effective date of this Resolution, water utilities shall provide direct notice to their customers by either posted mail or e-mail of the Emergency Regulation listing the Water Board's mandatory restrictions and the potential fines arising from violations of the listed prohibited water uses.
11. All Class A and B water utilities shall assist in assuring compliance with the restricted water uses by working with local law enforcement or public agencies charged with enforcing the mandatory use restrictions.
12. All Class A and B water utilities shall, at a minimum, establish procedures and mechanisms that facilitate employee- and customer-identified violations and the conveyance of this information to the appropriate enforcement officials. These utilities shall track and record reports of violations, actions taken to assist local law enforcement or public agencies, and the results of such actions. This information shall be made available to the Commission upon request.
13. All Class A and B water utilities should provide copies of the monthly monitoring report on water production, as called for by the Water Board, to the Director of the Division of Water and Audits so long as this report is required by the Water Board.

009

PROPOSED RESOLUTION

Resolution W-5000
DWA/RSK/BMD/JB5/jp4

August 14, 2014

THEREFORE IT IS ORDERED THAT:

1. All California Public Utilities Commission jurisdictional water utilities shall notify their customers, either by posted mail or email, as well as by a notice published in the local newspaper, and on their respective website, of the State Water Resources Control Board's enactment of mandatory water use restrictions and fines for violations as codified in Title 23, Article 12.5, Sections 865(a) and (b) of the California Code of Regulations within ten to twenty days of the effective date of this Resolution.
2. All Class A and B utilities are required to provide a copy of the monthly monitoring report on water production, as required by the State Water Resources Control Board's enactment of Section 865(d) in Title 23, Article 12.5 of the California Code of Regulations, to the Director of the Division of Water and Audits as long as these reports are required by the State Water Resources Control Board.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on August 14, 2014; the following Commissioners voting favorably thereon:

PAUL CLANON
Executive Director

010

PROPOSED RESOLUTION

Resolution W-5000
DWA/RSK/BMD/JB5/jp4

August 14, 2014

APPENDIX A

Date

Notice of State Water Resources Control Board Emergency Regulation

Water Utility (WU) has been ordered by the California Public Utilities Commission to notify its customers of the State Water Resources Control Board's (Board) restrictions and fines for violations of the Board's regulations.

The Board has determined that the following water use activities by water utility customers are prohibited:

1. The application of potable water to outdoor landscapers in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
2. The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use.
3. The application of potable water to driveways and sidewalks.
4. The use of potable water in a fountain or other decorative water feature, except where the water is part of the recirculating system.

Violation of any of these four prohibited water use activities is an infraction punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Further information may be obtained from the (WU) local business office.

(END OF APPENDIX A)

011

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 12, 2014**

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 Reilly called the meeting to order at 6:33 p.m.

RECORDATION OF ATTENDANCE The following were in attendance:
PRESENT: Fasana, Finlay (arrived at 7:28 p.m.), Kang, Paras-Caracci, Reilly
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Melching

ADOPTION OF AGENDA Fasana moved, Paras-Caracci seconded to adopt the Agenda, and carried with Finlay not present.

CLOSED SESSION
Real Property – Highland Ave.,
Business Center Drive
There was no public input. Melching stated the Closed Session was pursuant to Government Code § 54956.8; Conference with real property negotiators; Negotiating parties: City of Duarte and Rose Investments; City negotiators: Darrell George, Craig Hensley; Under negotiation: Price and terms of payment; Concerning property at 1801 Highland Avenue and 1801 Business Center Drive, APNs 8528-011-020 and 021. The Closed Session concluded at 7:00 p.m. City Council reconvened at 7:07 p.m., with four members present, and Finlay not present.

PLEDGE TO THE FLAG Cathy Klose led the Pledge of Allegiance to the Flag.

MOMENT OF REFLECTION A moment of reflection was observed.

FITNESS/MENTAL WARM-UP Reilly and Fasana provided the warm-up.

PUBLIC REPORT OF CLOSED SESSION ITEMS Melching stated during the Closed Session, City Council held a discussion regarding potential prices and terms, and gave direction to staff as to how to proceed with the negotiations. Finlay was not present for the Closed Session.

SPECIAL ITEMS
Recognition – Cathy Klose
Mayor Reilly introduced Cathy Klose and presented her with a Certificate of Appreciation for providing successful health services/dental programs during the past 5½ years, and congratulated her on her recent retirement from Foothill Unity Center.

Recognition – Soyfoods of America
Mayor Reilly presented a Certificate of Appreciation to Laura Lee of Soyfoods of America for being named a good corporate citizen by the County Sanitation Districts for the fourth consecutive year.

Presentation – Upper San Gabriel Valley Municipal Water District

Bryan Urias, Upper SGV Municipal Water District, presented a \$25,000 grant to the City for the community gardens project, and introduced Patty Cortez who described the SGV Water Smart City Challenge.

ANNOUNCEMENTS

Sheryl Lefmann announced upcoming Chamber of Commerce events and seminars in August.

Joanna Gee, Duarte Library, announced upcoming programs, story times, classes, and workshops in August and September.

Karen Herrera announced upcoming community activities, programs, and meetings in August, September, and October.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.
Bernice Mayfield – McDonalds.

CONSENT CALENDAR

Finlay moved, Paras-Caracci seconded to approve the Consent Calendar as follows, and carried unanimously.
Approve Items A, B, C, D, E.

PUBLIC HEARINGS

Council Bill 14-O-05
Tobacco/Cigarette/Vaping and Paraphernalia (MCA 14-1)
(First Reading)

Mayor Reilly announced this was the time and place set for a Public Hearing to consider two Council Bills.

Melching read by title Council Bill 14-O-05:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, TO: **(1)** AMEND TABLE 2-5, "ALLOWED USES AND PERMIT REQUIREMENTS," OF SECTION 19.12.020, "LAND USES AND PERMIT REQUIREMENTS," OF CHAPTER 19.12, "COMMERCIAL ZONES (C-P, C-G, C-F)," OF ARTICLE 2, "ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE; **(2)** ADD SECTION 19.60.165, "TOBACCO SHOPS," OF CHAPTER 19.60, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," OF ARTICLE 4, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE; **(3)** ADD SECTION 19.60.167, "ACCESSORY RETAIL SALES OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE AND VAPING DEVICES, AND ASSOCIATED PARAPHERNALIA," OF CHAPTER 19.60, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," OF ARTICLE 4, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE; AND **(4)** AMEND CHAPTER 19.160, "DEFINITIONS," OF ARTICLE 9, "DEFINITIONS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE TO REGULATE TOBACCO SHOPS AND THE ACCESSORY RETAIL SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE AND VAPING DEVICES, AND ASSOCIATED PARAPHERNALIA (MCA 14-1) (First Reading)

Council Bill 14-O-06
Tobacco Retailer License
(MCA 14-2)
(First Reading)

Melching read by title Council Bill 14-O-06:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 5.09, "TOBACCO RETAILER LICENSE," TO TITLE 5, "BUSINESS LICENSES AND REGULATIONS," OF THE DUARTE MUNICIPAL CODE TO REQUIRE A TOBACCO RETAILER LICENSE TO SELL E-CIGARETTES AND VAPING DEVICES (MCA 14-2) (First Reading)

Notice of the hearing had been given, the affidavit is on file, and no written correspondence was received about the item.

Irma Hernandez, Senior Planner, provided a staff report about the proposed ordinances.

Melching noted two clerical corrections to Council Bill 14-O-05, as follows: (1) The fourth to last whereas clause, beginning with "WHEREAS, the Planning Commission conducted . . ." should end with the following words (right after the word "comments" and before the semicolon): "and considered the matter further at a public meeting on July 21, 2014." (2) The second to last whereas clause, beginning with "WHEREAS, the City Council conducted . . ." should end with the following words (right after the word "comments" and before the semicolon): "and, after remanding the matter to the Planning Commission, considered the matter further at a public hearing on August 12, 2014."

Mayor Reilly asked if anyone in the audience wished to speak on the item.

Bryan Zaragoza, Day One, stated this is an important step for the City, as it contains pre-emptive measures for adolescents.

Marilla Nandayapa, Day One, stated this sets a great image for the City as the City of Health, and thanked Council for public health concerns.

Mayor Reilly closed the Public Hearing.

Kang moved, Finlay seconded to introduce Council Bill 14-O-05 and Council Bill 14-O-06 for first reading, and carried unanimously.

Mayor Reilly announced this was the time and place set for a Public Hearing to consider an Urgency Ordinance.

Melching read by title Council Bill 14-O-09:

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 MASSAGE ESTABLISHMENTS IN THE CITY AND THE GRANTING OR ISSUING OF ANY ZONING

Council Bill 14-O-09
Urgency Ordinance
Extends Moratorium on
Massage Establishments

CLEARANCE, LICENSE OR PERMIT BY THE CITY WITH RESPECT THERETO (URGENCY)

Notice of the hearing had been given, the affidavit is on file, and no written correspondence was received about the item.

George presented a staff report about the proposed Urgency Ordinance to extend the current moratorium related to new massage establishments.

Mayor Reilly asked if anyone in the audience wished to speak on the item. There were none.

Mayor Reilly closed the Public Hearing.

ORDINANCE NO. 851
(Urgency)

Finlay moved, Kang seconded to adopt Urgency Ordinance No. 851, and carried unanimously.

BUSINESS ITEMS
League resolution

George presented information about the one resolution that will be considered at the League of California Cities Conference in September, calling upon the Governor and legislature to convene a summit to address the environmental impacts of illegal marijuana grows on private and public lands.

Paras-Caracci moved, Finlay seconded to support the League's resolution, and carried unanimously.

Townsend Public Affairs (TSA)
Grant Writing/Advocacy services

George provided a staff report about the recommendation for grant writing and advocacy services.

Christopher Townsend, Townsend Public Affairs, introduced Richard Harmon and Corie Williams, and described the grant writing and advocacy services included in the proposed contract.

Lino Paras inquired about the previous grant writer, and the staff, results, and timeline for Townsend, and suggested the item be tabled.

Mr. Townsend answered questions from City Councilmembers pertaining to the company's staff, experience, clients, performance, and special services.

Finlay moved, Fasana seconded to authorize the City Manager to execute a contract with Townsend Public Affairs (TPA) in the amount of \$60,000 for grant writing and advocacy services, and to approve an appropriation of \$60,000, and carried unanimously.

Paras-Caracci requested an update after the first quarter of service, to include where we are, what grants have been identified, and what is being worked on, whether local, State, or Federal.

IBI Group – Multimodal
Transportation Assessment

Kristen Petersen presented a detailed staff report about the proposed contract with IBI Group for a multimodal transportation assessment.

Lino Paras inquired if this was budgeted, stated it is a waste of money, hardly anyone brings bicycles on the Gold Line, and stated the bulk of cyclists in Duarte are for recreation.

There was discussion about the need for flexibility and public input, possibility of a task force, input from Commissions and seniors, need for more defining, exploring options, need for experts to assist us, dedicated focus, changes to the overall system, use of Prop A funds, major infrastructure improvement, stakeholders, and importance of surveys.

Fasana suggested we look into purchasing additional Prop A funds if there are still sellers.

Fasana moved, Paras-Caracci seconded to authorize the City Manager to execute a contract with IBI Group in an amount not to exceed \$75,000 for a multimodal transportation assessment, and to approve an appropriation of up to \$75,000, to be funded with Prop A funds, and carried unanimously.

Illegal Fireworks Suppression Update/Discussion

Brian Villalobos presented a staff report about illegal fireworks suppression during the recent 4th of July holiday, past efforts, and ordinances from other cities related to illegal fireworks, and stated the City of Duarte does not receive a payment from fireworks sales for law enforcement, and there is no curfew for the use of fireworks.

There was discussion about fines, citations, curfew hours, State Fire Marshal seal for legal fireworks in the State of California, noise curfew, and the 4th of July holiday falling on a week night vs. a weekend. City Council suggested the Duarte Municipal Code be amended to address fines/citations for violations, as well as a curfew for when fireworks may be used, and discussed the possibility of including Commissioners in the discussion/preparation of a proposed ordinance.

ITEMS FROM CITY COUNCIL/ CITY MANAGER

KANG: Thanked staff for contacting Irwindale about graffiti on the billboard and for clearing the monument signs, he would like answers from Edison regarding replacement of towers, and stated he and the Mayor attended health fair in Azusa.

GEORGE: Stated a presentation about Edison will be agendized, and he has requested them to clarify the matter regarding replacement of towers.

FINLAY: Stated Vector Control will spray in concentrated areas of El Monte and other areas for Asian Tiger mosquitoes, provided information about preventing bites, and thanked the Upper San Gabriel Valley Municipal Water District for the grant for the community gardens.

FASANA: Stated the L.A. County Board of Supervisors voted to place a parks measure on the ballot, asked for a report back

on that, stated one of the things the PUC is looking at is to consolidate districts for rate purposes, asked that we watch that to determine if we need to get involved, inquired about obtaining garage sale permits online and asked that we look at that, suggested the SCAQMD data for the monitoring station on our website be in real time, and stated we are in line for a \$1.3 million grant for the Gold Line Station development area, and congratulated staff.

PARAS-CARACCI: Attended the Foothill Unity Center back-to-school event at Santa Anita racetrack, City of Hope ROP and DUSD commencement program, Cow Bop concert, and SBDC event at University of La Verne, stated yard sale application forms are available online but must be submitted at City Hall, stated parade applications are available on the Duarte Route 66 Parade website, and shared her personal expressions about Irwin Margiloff and Aida Ganaden.

REILLY: Attended the ROP event at the City of Hope and the program about fraud presented by Grace Napolitano at the senior center, stated our municipal code for licensing dogs is outdated as it does not specify service dogs, she would like that to be looked at and updated, asked that it be reported when water is being wasted in the street, the Cow Bop concert was interesting, and thanked the Chamber for the reports.

ADJOURNMENT

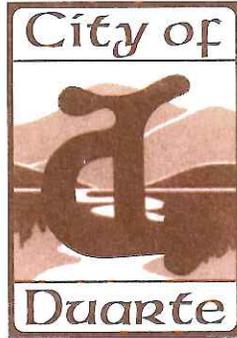
Lino Paras stated Irwin Margiloff and Aida Ganaden were long-time friends, and noted Mike's Food closed.

Finlay moved, Fasana seconded to adjourn the meeting at 10:08 p.m., in memory of Irwin Margiloff and Aida Ganaden, and carried unanimously.

Mayor Elizabeth Nowak Reilly

ATTEST:

City Clerk



Proclamation

CHILDHOOD CANCER AWARENESS MONTH

WHEREAS, cancer in children is the leading cause of death by disease among children in the United States between infancy and age 15, and is detected in nearly 15,000 young people each year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer, and many youth will suffer from long-term effects of treatment, including secondary cancers; and

WHEREAS, a major part of helping children with cancer is to make their situation known, and to enhance the quality of life for these children and their families; and

WHEREAS, philanthropic organizations, healthcare professionals, social support organizations, researchers, and parent advocacy groups throughout the United States are dedicated to raising awareness about the unique needs of children facing cancer; and

WHEREAS, the American Cancer Fund for Children, Inc., and Kids Cancer Connection are two organizations that provide a variety of vital patient services to children undergoing cancer treatment at the City of Hope National Medical Center in Duarte and at other participating hospitals; and

WHEREAS, programs such as the "Courageous Kid Recognition Award" and hospital celebration ceremonies help children following the trauma of chemotherapy, surgery, or radiation treatments, and recognize their determination and bravery to fight the battle against childhood cancer;

NOW, THEREFORE, BE IT RESOLVED that the City of Duarte hereby proclaims September 2014 as CHILDHOOD CANCER AWARENESS MONTH in the City of Duarte, and encourages all residents to support the organizations and programs that educate and raise awareness about childhood cancer, and to reaffirm our commitment to fighting childhood cancer.

ATTEST:

City Clerk Marla Akana
Duarte, California
August 26, 2014



Mayor Liz Reilly

From: <acfckids@earthlink.net>
Date: July 8, 2014 10:10:00 PM PDT
To: reillyl@accessduarte.com
Cc: parast@accessduarte.com
Subject: Duarte / Childhood Cancer Awareness Month
Reply-To: acfckids@earthlink.net

Dear Mayor Reilly, Mayor Pro Tem Paras-Caracci, Councilmembers and staff,

I hope you are doing well. I am writing to request a proclamation recognizing September as Childhood Cancer Awareness Month in Duarte. I am truly grateful for your past support. Thank you!

Carol Agajanian-Promen will co-sponsor the request. Carol lost her son Paul to a malignant brain tumor on June 17th.

-CALIFORNIA

www.flickr.com/photos/kidscancerconnection/sets/72157633024938675

Cancer is the leading cause of death by disease among children in our nation today. I will continue to coordinate activities including our popular Courageous Kid Recognition Award and other hospital functions The City of Hope and Children's Hospital Los Angeles among other facilities.

I've included sample text (below) for your reference.

- (1.) May we please receive a .PDF copy to share?
- (2.) May we also please receive the original in the mail?

ADDRESS: KCC Family House and Wellness Center c/o Dr. Amy Firestein
20978 Bandera St., Woodland Hills, CA 91364.

Thank you for your time and consideration.

Sincerely,
Steven Firestein, M.A.
Volunteer Director

American Cancer Fund for Children, Inc.
IRS 501 (C)(3) # 13-3780954
Kids Cancer Connection, Inc.
IRS 501 (C)(3) # 56-2520924



MEMORANDUM

RECEIVED

AUG 13 2014

CITY OF DUARTE

TO: CITY COUNCIL
FROM: COMMISSIONER ED HOULENRADE
SUBJECT: NOTICE OF ABSENCE FROM PARKS & REC COMMISSION MEETING
DATE: 8/13/14

REASON FOR ABSENCE

ACCIDENT VACATION
SICKNESS X OTHER *
DEATH IN FAMILY

DATE OF MEETING ABSENCE 8/14/14

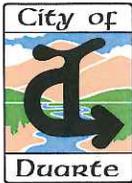
* EXPLANATION OF ABSENCE WORK PROJECT

[Handwritten Signature]
Signature

* * * * *

Absence noted by City Council

Date



AGENDA MEMO

TO: MAYOR REILLY & MEMBERS OF THE DUARTE CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT: Olympia Youth Orchestra Co-Sponsorship Request

DATE: 8/18/14

RECOMMENDATION: That the Duarte City Council, by motion, co-sponsor the Olympia Youth Orchestra concert on Saturday, December 6, 2014.

BACKGROUND: The Olympia Youth Orchestra is requesting the City of Duarte officially co-sponsor its upcoming concert on Saturday, December 6, 2014 at Duarte Performing Arts Center.

Professional musicians from the greater Los Angeles area founded the Olympia Philharmonic Society, a nonprofit organization, in 1988. The mission of the organization is to promote musical talents via orchestral, chamber and solo recital concerts.

DISCUSSION: The Orchestra has now grown to a point where it can offer musical experiences and instruction to youth in the Duarte community. Specifically, the program they are proposing will offer youth an opportunity to gain pride and musical experience in a performance setting utilizing the talents of Maestro Fung Ho.

In terms of co-sponsorship, in addition to the City providing volunteers, access to City marketing venues, etc. which generally comes with a co-sponsorship designation, they would like to use one of the City's ten, no-cost uses of the DUSD's Performing Arts Center consistent with the 1991 agreement with the District. Traditionally, the City does not use all of these dates thus it should not conflict with any City previously scheduled programs.

FISCAL IMPACT: None

ATTACHMENT: Letter from Olympia Youth Orchestra

OLYMPIA YOUTH ORCHESTRA

1191 Huntington Drive #230, Duarte, CA 91010

Tel: 818-217-5856 – Email: rkd@mail.com

Mr. Darrell George, City Manager
City of Duarte
1600 Huntington Drive
Duarte, CA 91010

July 7, 21014

Dear Darrell,

As we indicated during our meeting on July 1, 2014, with Cesar Monsalve and Fung Ho, The Olympia Youth Orchestra has grown to a point where it can offer experiences in music instruction and performance to the youth in Duarte schools and the greater Duarte community. To this end we propose to perform in the Duarte Unified School District's Performing Arts Center on December 6 of this year

As you learned, Maestro Ho, is a celebrated concertmaster and dedicated music instructor of young people in the San Gabriel Valley. This letter outlines the scope of a proposal to effect his commitment to a program to bring to young music performers in Duarte an opportunity to gain pride and experience in music performance. And, further, this will be an opportunity for parents and siblings to enjoy an enriching family experience together.

SCOPE OF SERVICES

- Olympia Youth Orchestra will offer one concert in the PAC on December 6, 2014.

IDENTIFICATION OF RESPONSIBILITIES

To be supplied by City of Duarte :

- Access and use of Performing Arts Center on designated date or dates
- Expenses relating to use of the PAC, including custodial, technical labor
- Management of volunteers, if any

Expenses to be met by Olympia Youth Orchestra

- Costs and expenses of the orchestra, including travel
- Programs

We submit this proposal with the confidence that the above -described project will result in a community event of mutual benefit for the City of Duarte and the Olympia Youth Orchestra.

Sincerely,


Russell K. Decker,
Development

Approved _____

Darrell George
City Manager

Date _____

Agenda Memo City Manager's Office

To: Mayor and Members of the Duarte City Council
From: Karen A. Herrera, Deputy City Manager
Date: August 26, 2014
Subject: Approval of Agreement between the Upper San Gabriel Valley Municipal Water District and the City of Duarte regarding a Community Garden/
Sustainable Landscape Demonstration Project

Recommendation

It is recommended that the City Council approve an agreement between the Upper San Gabriel Valley Municipal Water District and the City of Duarte funding the design of a Community Garden and the design and development of a Sustainable Landscape Demonstration Project, and authorize the City Manager to execute the document on behalf of the City.

Background

Over the years, the Duarte City Council, in fulfilling its mission as "the City of Health," has considered the creation of a Community Garden. One of the main purposes behind a community garden project is to encourage and accommodate families or individuals that would like to grow their own fruits, vegetables, herbs, etc. but do not have a backyard or balcony large enough to do so. Community gardens have also proven to reduce neighbor-hood crimes especially when they are created on previously vacant lots. Additionally, they create a safe, recreational, green/open space area within an urban setting.

The proposed City of Duarte Community Garden is being looked at for the site of 2144 Buena Vista Street, an approximate 8,000 sq. ft. parcel owned by the City of Hope. The parcel is part of the old Buena Vista Pavilion Rose Float Building area (Exhibit A). Ideally, the garden will be divided up into approximately 30, 3 ft. x 10 ft. individual, raised plots (See Exhibit B). The final design will include some of the basic elements of a community garden project including design work, public input and outreach, irrigation, fencing, parking, ADA compatible restroom, tool shed, compost bins, refuse and yard waste disposal/recycling, and signage. Many City partners are already stepping up or have expressed interest in assisting with the project. For example, the City of Hope, in addition to providing the land, is also going to provide the project's fencing. Cal American Water is considering handling the project's irrigation costs. City staff is currently working on a lease agreement for the usage of the land with the City of Hope. This document will be presented to the City Council at a later date.

The Upper San Gabriel Valley Municipal Water District has offered member cities its Sustainable Landscape Demonstration Project grant funding to help convert high-water-need landscapes to drought tolerant and low-impact gardens. The Project is also intended to help meet Senate Bill X7-7's (SB X7-7) overall goal of reducing per capita urban water use by twenty percent (20%) by December 31, 2020. These grants come in \$25,000 awards, and one was presented to the City at its August 12, 2014, City Council meeting. We currently hope to use these funds to design and develop an approximately 2,000 sq. ft. demonstration drought tolerant landscape project on the frontage of the proposed community garden facing Buena Vista Street (See Exhibit C), and for the final design of the Community Garden.

Discussion

Following the ceremonial presentation of an award of this nature, an agreement is typically executed between the two entities memorializing the project nature, deadlines, etc. (See Exhibit D). Key elements of the agreement are as follows:

- DISTRICT will provide landscape services including a landscape designer for both the landscape demonstration project and the community garden. DISTRICT shall also provide a licensed landscape contractor, all required materials, and any other necessary labor to construct and install the landscape demonstration project. They will also perform necessary soil grading and remove unneeded landscape items, with the exception of the removal or pruning of existing large trees and installation of hardscape and structures. DISTRICT shall be responsible for complying with the Public Contracts Code and all other applicable statutes, local ordinances, and permits governing the installation of the landscape demonstration project on public property.
- CITY agrees to collaborate with DISTRICT to determine and provide an appropriate site for the project based on factors such as public visibility, potential water savings, and feasibility of converting the site into a garden, construction restrictions, and community outreach. CITY also agrees to ensure access for the design and installation crews to inspect the site and install the project, contact Dig Alert to ensure all utility lines are clearly marked, and will pay for and obtain all necessary permits. City is also required to maintain the garden during the 5-year period immediately following installation.

Project Timeline

The agreement requires that the Landscape Demonstration Project be completed by April 2015. The Community Garden project will be completed as soon as possible, dependent upon staffing and ability to solicit necessary funds to pay for the project. City staff is also currently negotiating the lease agreement with the City of Hope for the usage of the land, analyzing site issues and estimating ongoing maintenance costs, all of which will be brought to the Council at a later date. The public input and outreach process will commence with a presentation to the Parks and Recreation Commission on September 8th followed by a Community meeting and an eventual presentation to the City's Architectural Review Board of the final plan.

Fiscal Impact

Costs associated with the design and development of a community garden and a sustainable demonstration landscape project could range up to \$75,000 or higher. To date, the City has obtained a \$25,000 grant from the Upper San Gabriel Valley Municipal Water District, and the City of Hope has verbally committed to providing project fencing. Ideally, other costs associated with the Community Garden project would be covered via sponsorship or other grant solicitations from other partners, like Burrtec Waste Industries (initial soil removal and mulch), California American Water (irrigation of community garden and sustainable landscape project), etc.

Attachments

- Exhibit A – Project Site Map
- Exhibit B – Proposed Community Garden Site Map
- Exhibit C – Proposed Sustainable Garden Site Map
- Exhibit D – Project Agreement

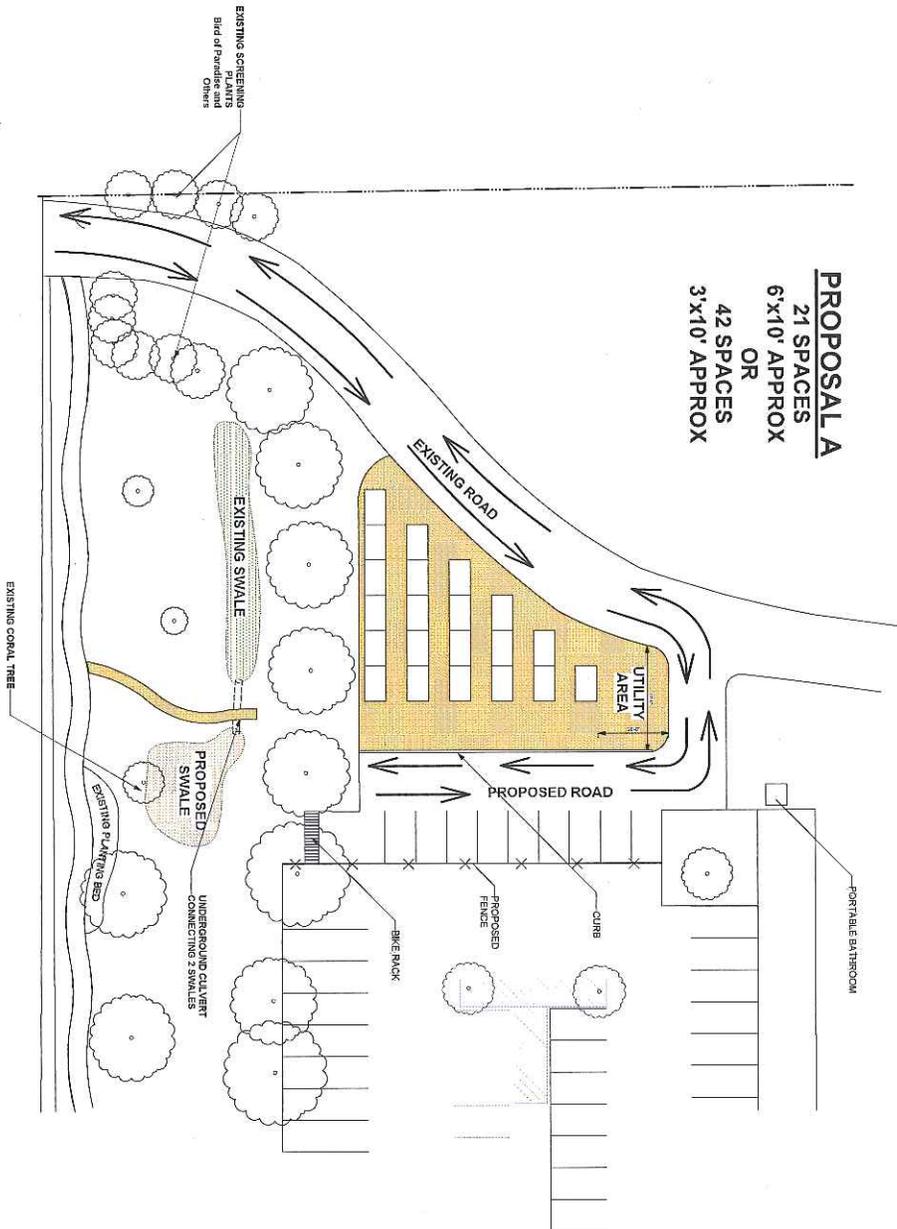
COMMUNITY GARDEN

EXHIBIT A



EXHIBIT "B"

PROPOSAL A
 21 SPACES
 6'x10' APPROX
 OR
 42 SPACES
 3'x10' APPROX



City of Hope Community Garden 2100 Buena Vista Street Duarte California	Proposed Landscape Retrofit Plan Proposal A	Barbara Paul Landscape Design For: Ecotech Services Inc. 1155 S. Grand Ave. Glendora, CA 91740 (626) 335-1511
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**AGREEMENT BETWEEN
UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
AND THE CITY OF DUARTE
REGARDING THE
SUSTAINABLE LANDSCAPE DEMONSTRATION PROJECT**

This Agreement Regarding Sustainable Landscape Demonstration Project ("Agreement") is entered into this 26th day of August, 2014, by and between The **Upper San Gabriel Valley Municipal Water District** ("DISTRICT") and the **City of Duarte** ("CITY") (together referred to as "Parties" or each individually, "Party"), on the following terms.

Section 1. Introduction.

1.1. DISTRICT has established a Sustainable Landscape Demonstration Project ("Project"), which implements a program to convert high-water-need landscapes to drought tolerant and low impact gardens in cities and public spaces within DISTRICT's service area. The Project is also intended to help meet Senate Bill X7-7's ("SB X7-7") overall goal of reducing per capita urban water use by twenty percent (20%) by December 31, 2020.

1.2. DISTRICT desires to provide to CITY the services of a landscape designer and licensed landscape contractor (EcoTech Services, Inc.) to design and install high-efficiency irrigation equipment and low-water-use plants at a public Demonstration Garden ("Garden") within CITY.

1.3. DISTRICT and CITY desire to work together to implement the installation of the Garden to further their common interest in educating and motivating homeowners and commercial site owners in CITY and DISTRICT's service area to design and/or retrofit their landscapes in a manner that reduces water consumption and runoff.

Section 2. Obligations of the Parties.

2.1. DISTRICT will provide certain landscape-related services to CITY as its contribution to CITY's Garden. These landscape services include a landscape designer, a licensed landscape contractor, all required materials, and any other necessary labor to construct and install the Garden. DISTRICT will perform necessary soil grading and remove unneeded landscape items from the Garden site, including small plant materials and irrigation system components. Services provided by the District shall not include removal or pruning of existing large trees and installation of major retaining walls and hardscape and structures. DISTRICT shall be responsible for complying with the Public Contracts Code and all other applicable statutes, local ordinances and permits governing the installation of the Garden on public property; this obligation includes, but is not limited to, the obligation to pay prevailing wages if and to the extent applicable to the Project and/or the Garden.

2.2. CITY agrees to collaborate with DISTRICT to determine an appropriate site for the Garden based on factors such as public visibility, potential water savings, feasibility of converting the site into the Garden, construction restrictions and community outreach. CITY will provide a location for the Garden, and ensure access for the design and installation crews to inspect the site and install the Garden. CITY will also provide a

schematic drawing of existing conditions and inform DISTRICT of any possible unforeseen conditions at the Garden site prior to the design process. City will contact Dig Alert and ensure all utility lines are clearly marked with flags on the site before the construction process occurs. City will pay for and obtain all necessary permits.

2.3. If the Garden is not maintained during the 5-year period immediately following installation, DISTRICT may, at its own discretion, require reimbursement of all funds spent by DISTRICT designing and installing the Garden.

Section 3. Term

3.1 The Parties agree that the installation of the Garden shall be completed by April 30, 2015. Unless earlier terminated in accordance with Section 9, below, this agreement shall expire on April 30, 2020.

Section 4. Indemnification

4.1. CITY shall hold harmless, defend at its own expense, and indemnify DISTRICT, its officers, employees, and agents against any and all liability, claims, losses, damages, or expenses, including reasonable attorneys' fees, arising from all acts or omissions to act of CITY or its officers, agents, or employees arising from or in connection with the funding or activities performed under this agreement; excluding, however, such liability, claims, losses, damages, or expenses arising solely from DISTRICT's negligence or willful acts.

4.2. DISTRICT shall hold harmless, defend at its own expense, and indemnify CITY, its officers, employees, and agents against any and all liability, claims, losses, damages, or expenses, including reasonable attorneys' fees, arising from all acts or omissions to act of DISTRICT or its officers, agents, employees or volunteers, arising from or in connection with the funding or activities performed under this agreement; excluding, however, such liability, claims, losses, damages, or expenses arising solely from CITY's negligence or willful acts.

Section 5. Assignment; Successors and Assigns

5.1. CITY shall not assign, sell, or otherwise transfer any obligation or interest in this Agreement without the specific written consent of DISTRICT.

5.2 DISTRICT shall not assign, sell, or otherwise transfer any obligation or interest in this Agreement without the specific written consent of CITY.

5.3 This Agreement and each of its terms shall be binding upon the CITY, the DISTRICT and their respective officers, elected officials, employees, agents, contractors, and permitted successors and assigns.

Section 6. Independent Contractor

6.1. This Agreement is by and between the Parties and is not intended and shall not be construed so as to create the relationship of agent, servant, employee, partnership, joint venture or association, as between the Parties.

Section 7. Applicable Law

7.1. This Agreement has been negotiated and executed in the State of California and shall be governed by and construed in accordance with the laws of the

State of California. In the event of any legal action to enforce or interpret this Agreement, the sole and exclusive venue shall be a court of competent jurisdiction located in Los Angeles County, California, and the Parties agree to and do hereby submit to the jurisdiction of such court, notwithstanding Code of Civil Procedure Section 394.

Section 8. Integration

8.1. This Agreement represents the entire understanding of the Parties, and may be modified only by further written amendments between the Parties. No prior oral or written understanding shall be of any force or effect with respect to those matters covered by this Agreement.

Section 9. Termination

9.1 Either party may terminate this agreement at any time with thirty (30) days written notice to the other party, which notice shall be provided in accordance with Section 10, below. In the event of termination by CITY prior to April 30, 2020, CITY shall reimburse DISTRICT for all expenditures on the Garden incurred by DISTRICT prior said termination.

Section 10. Notices

10.1 Any notice or communication required hereunder between the DISTRICT and CITY must be in writing and may be given either personally, by registered or certified mail, return receipt requested, or by facsimile transmission. If given by registered or certified mail, the same shall be deemed to have been given and received on the date of actual receipt by the addressee designated herein below as the Party to whom notice is sent. If personally delivered, a notice shall be deemed to have been given when delivered to each Party to whom it is addressed. Notices delivered by facsimile transmission shall be deemed to have been given on the first business day following the date of transmission to the facsimile number. A Party hereto may, at any time, by giving ten (10) days' written notice to the other Parties hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to the City: City of Duarte
1600 Huntington Drive
Duarte, CA 91010
Attention: City Manager
Facsimile No.: (626) 358-0018

If to DISTRICT: Upper San Gabriel Valley Municipal Water District
602 E. Huntington Drive, Ste. B
Monrovia, CA 91016
Attention: General Manager
Facsimile No.: (626) 443-0617

Section 11. Severability

11.1 . If any term or provision of this Agreement is found to be invalid or unenforceable, the CITY and DISTRICT both agree that they would have executed this Agreement notwithstanding the invalidity of such term or provision. The invalid term or provision may be severed from the Agreement and the remainder of the Agreement may be enforced in its entirety.

Section 12. Counterparts

12.1 This Agreements may be executed in one or more counterparts, each of which, after this Agreement has been signed by all the parties hereto, shall constitute one and the same agreement.

**UPPER SAN GABRIEL VALLEY
MUNICIPAL WATER DISTRICT**

CITY OF DUARTE

By _____
Shane Chapman
General Manager

By _____
Darrell George
City Manager

Date _____

Date _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By _____
Lemieux and O'Neill
District Counsel

By _____
Jeff Melching
City Attorney

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE,
CALIFORNIA TO:**

(1) AMEND TABLE 2-5, "ALLOWED USES AND PERMIT REQUIREMENTS," OF SECTION 19.12.020, "LAND USES AND PERMIT REQUIREMENTS," OF CHAPTER 19.12, "COMMERCIAL ZONES (C-P, C-G, C-F)," OF ARTICLE 2, "ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

(2) ADD SECTION 19.60.165, "TOBACCO SHOPS," OF CHAPTER 19.60, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," OF ARTICLE 4, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

(3) ADD SECTION 19.60.167, "ACCESSORY RETAIL SALES OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE AND VAPING DEVICES, AND ASSOCIATED PARAPHERNALIA," OF CHAPTER 19.60, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," OF ARTICLE 4, "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE; AND

(4) AMEND CHAPTER 19.160, "DEFINITIONS," OF ARTICLE 9, "DEFINITIONS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

TO REGULATE TOBACCO SHOPS AND THE ACCESSORY RETAIL SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTE AND VAPING DEVICES, AND ASSOCIATED PARAPHERNALIA

WHEREAS, the City Council of the City of Duarte is committed to protecting the public health, safety, and welfare of the community, and to meet these goals it is necessary for the City Council to adopt measures, from time to time, to meet threats to the public health, safety, and welfare; and

WHEREAS, the overconcentration of tobacco and electronic cigarette retailers in an area and the proximity of these retailers near residences or areas frequented by youth threatens the public health, safety, and welfare; and

WHEREAS, if adopted, this Ordinance would amend the Duarte Development Code to regulate the location, spacing and concentration of tobacco shops and provide operational standards for all tobacco retailers; prohibit vaping establishments in all zones, and add new definitions associated with the proposed amendments; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on May 19, 2014, pursuant to Development Code section 19.142.040 to consider public testimony on the proposed amendments to the Development Code and considered all relevant public comments and considered the matter further at a public meeting on July 21, 2014; and

WHEREAS, after careful study, the Planning Commission recommended approval of the proposed amendments to the Development Code; and

WHEREAS, the City Council conducted a duly-noticed public hearing on June 10, 2014, pursuant to Development Code section 19.142.050 to consider public testimony on the proposed amendments to the Development Code and has considered all relevant public comments and, after remanding the matter to the Planning Commission, considered the matter further at a public hearing on August 12, 2014; and

WHEREAS, the record of proceedings on which the City Council's decision is based is located at City Hall for the City of Duarte, located at 1600 E Huntington Drive, Duarte, California and the custodian of record of proceedings is the City Clerk.

THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS FOR DEVELOPMENT CODE AMENDMENTS

The City Council of the City of Duarte makes the following findings:

- (1) The proposed amendments to the Development Code are consistent with the General Plan and any applicable specific plan.
 - (A) General Plan, Land Use Element Goal 1, Objective 1 to improve on Duarte's balance of commercial activities and improve the balance of land uses.
 - (B) General Plan, Land Use Element Goal 2, to develop compatible and harmonious land uses by providing a mix of uses consistent with projected future social, environmental, and economic conditions and Policy 2.1.2 to ensure that uses and activities along Huntington Drive should reflect economic market conditions and incompatible uses and activities be eliminated.
 - (C) General Plan, Land Use Element Goal 3, Objective 3.1 to improve the land mix in selected areas so that it generates synergy and convenience to patrons and residents.
- (2) The proposed amendments to the Development Code will not be detrimental to the public interest, health, safety, convenience, or welfare of

the City for the following reasons:

- (A) A high density of tobacco retailers has been associated with increased smoking rates, particularly among youth. (Henriksen L, Feighery EC, Schleicher NC, et al. 2008. "Is Adolescent Smoking Related to Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?" *Preventive Medicine* 47: 210-214.)
- (B) A study of California neighborhoods found that the density and proximity of tobacco retailers influence smoking behaviors, including number of cigarettes smoked per day. (Henriksen L, Feighery EC, Schleicher NC, et al. 2008. "Is Adolescent Smoking Related to Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?" *Preventive Medicine* 47: 210-214.)
- (C) Studies show that the number and density of tobacco retailers serving areas of economic disadvantage are disproportionately high. (Novak SP, Reardon SF, Raudenbush SW, et al. 2006. "Retail Tobacco Outlet Density and Youth Cigarette Smoking: A Propensity Modeling Approach." *American Journal of Public Health* 96: 670-676.)
- (D) If tobacco retailers concentrate in a particular geographic area, market conditions could impact community health. For example, competition among retailers can lead to special promotions such as sales or discounts that drive additional demand and increase smoking by youth, who are particularly sensitive to the cost of tobacco products. (Feighery EC, Schleicher NC, Boley Cruz T, et al. 2008. "An Examination of Trends in Amount and Type of Cigarette Advertising and Sales Promotions in California Stores, 2002-2005." *Tobacco Control*. 17(2): 93-98.) And, manufacturers may offer discounts on their products more frequently in saturated markets. (Chaloupka FJ, Cummings KM, Morley CP, et al. 2002. "Tax, Price and Cigarette Smoking: Evidence from the Tobacco Documents and Implications for Tobacco Company Marketing Strategies." *Tobacco Control*. 11: i62-i72.)
- (E) The Institute of Medicine recommends restricting the number and location of tobacco outlets to discourage tobacco use and to reduce tobacco-related disease. (Institute of Medicine. 2007. *Ending the Tobacco Problem: A Blueprint for the Nation*. Washington, DC: National Academies Press, p. 307, www.iom.edu/Reports/2007/Ending-the-Tobacco-Problem-A-Blueprint-for-the-Nation.aspx)

- (F) Over 8 percent of all tobacco retailers statewide were witnessed unlawfully selling to minors in 2012, and tobacco stores (defined as businesses in which at least 80 percent of merchandise was tobacco products) sold to minors at a much higher rate than the statewide average, as high as 20.5 percent.
- (G) The density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates. (Henriksen L, Feighery EC, Schleicher NC, et al. 2008. "Is Adolescent Smoking Related to Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?" *Preventive Medicine* 47: 210-214.)
- (H) A study of California high school students found that the prevalence of smoking was higher at schools in neighborhoods with five or more tobacco outlets than at schools in neighborhoods without tobacco outlets. (Henriksen, L., Feighery, E., Schleicher, N., Cowling, D., Kline, R., Fortmann, S. *Is Adolescent Smoking Related to the Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?* *Preventive Medicine*, 2008. 47(2): p. 210-214.)
- (I) A California study found that the density of tobacco retailers near schools was positively associated with the prevalence of students reporting experimental smoking. (McCarthy WJ, Mistry R, Lu Y, et al. 2009. "Density of Tobacco Retailers Near Schools: Effects on Tobacco Use Among Students." *American Journal of Public Health*, 99(11): 2006-2013.)
- (J) Exemptions from smokefree air laws have facilitated the emergence of niche tobacco markets, such as tobacco shops. (Maher JE, Morris DS, Girard KE, et al. 2012. "Consequences of Clean Indoor Air Exemptions in Oregon: The Hookah Story." *Tobacco Control*.)
- (K) The widespread presence of tobacco in retail settings normalizes the use of tobacco products and triggers smoking urges among former smokers and those attempting to quit. (McDaniel PA and Malone RE. 2011. "Why California Retailers Stop Selling Tobacco Products, and What Their Customers and Employees Think About It When They Do." *BMC Public Health* 11: 848.)
- (L) Several California cities require compliance with State drug paraphernalia laws as a condition of obtaining and maintaining approvals. American Lung Association in California, Center for

Tobacco Policy and Organizing. 2012. *Matrix of Strong Local Tobacco Retailer Licensing Ordinances*, www.center4tobaccopolicy.org/CTPO/_files/_file/Matrix%20of%20Strong%20Local%20Tobacco%20Retailer%20Licensing%20Ordinances%20June%202012.pdf

- (M) There are approximately 36,700 licensed tobacco retailers in California — one for every 254 children. (California Board of Equalization. Licensed Tobacco Retailers in California, 2011; 20 U.S. Census Bureau. American Fact Finder: California - Population Under 18 Years by Age, California . 2010.)
 - (N) Many tobacco items are commonly known to be drug paraphernalia, including bongs and pipes used to smoke methamphetamine and other illicit and synthetic drugs, and claim that such items are intended for tobacco or tobacco derived nicotine use (National Drug Intelligence Center. Department of Justice. Drug Paraphernalia Fast Facts, <http://www.justice.gov/archive/ndic/pubs6/6445/6445p.pdf>.)
 - (O) Retailers that have a state license to sell alcohol for consumption off the premises must be approved through a state application process. Factors examined upon such applications—including whether there is an overconcentration of retailers in an area and whether a retailer is too close to residences or areas frequented by youth—are also relevant to whether a retailer should be granted a tobacco retailer license.
- (3) The proposed amendments to the Development Code are internally consistent with other applicable provisions of this Development Code.
- (A) The proposed amendments to various sections in Chapter 19 will ensure continued internal consistency in the Development Code.
 - (B) The proposed specific use regulations in Chapter 19.60 and references to specific land use regulations in Section 19.12.020 will ensure continued internal consistency in the Development Code.
 - (C) The proposed definitions added to Chapter 19.160 related to tobacco uses and paraphernalia will ensure continued clarity and consistency in the Development code.

SECTION 2. TABLE 2-5 OF SECTION 19.12.020 AMENDED

Table 2.5 (“Allowed Uses and Permit Requirements”) of Section 19.12.020

(“Land Uses and Permit Requirements”) of Chapter 19.12 (“Commercial Zones (C-P, C-G, C-F)”) of Article 2 (“Zones, Allowable Uses, and Development Standards”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code is amended as follows (deletion shown as strike out and addition as underline):

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P = Permitted By Right A = Permitted as Accessory Use MUP = Minor Use Permit CUP = Conditional Use Permit — = Not Allowed			
Land Use	C-P	C-G	C-F	Specific Use Regulations
Retail Trade Uses				
<u>Tobacco Shop</u>	---	<u>MUP</u>	<u>MUP</u>	<u>19.60.165</u>
<u>Tobacco Product, Electronic Cigarette and Vaping Devices, Electronic Cigarette and Vaping Accessories, and Tobacco Paraphernalia Sales</u>	---	<u>A</u>	<u>A</u>	<u>19.60.167</u>
Service Uses - Restricted				
Tobacco Smoking Establishments		CUP		
<u>Electronic Cigarette and Vaping Establishments</u>	---	---	---	

SECTION 3. SECTION 19.60.165 ADDED

A new Section 19.60.165 (“Tobacco Shops”) is added to Chapter 19.60 (“Standards for Specific Land Uses and Activities”) of Article 4 (“Standards for Specific Land Uses and Activities”) to Title 19 (“Development Code”) of the Duarte Municipal Code to read, in its entirety as follows:

19.60.165 Tobacco Shops

- A. Purpose. The Section provides concentration, separation, spacing and distance, and operational standards for tobacco shops in the City of Duarte in order to maintain the City's character, the diversity and vitality of the community's commercial areas, and the quality of life of Duarte residents.
- B. Applicability. The provisions in this Section shall apply to tobacco shops where allowed in compliance with Article 2

(Zones, Allowable Uses, and Development Standards) and the standards set forth in this Section.

- C. Nonconforming Tobacco Shops. Tobacco shops that do not comply with the concentration, separation, spacing and distance requirements set forth in Section 19.60.165(E)(1)–(4), but which were legally in existence on the date this Section was adopted, shall, upon the effective date of this Section, acquire the status of a legally nonconforming use and shall be allowed to remain in existence subject to the provisions of this Section and Article 6 (Nonconformities) of this Code. The Director of Community Development shall create and maintain a list of the tobacco shops that were legally in existence on the date this Section was adopted. Notwithstanding the foregoing, nonconforming use status does not authorize non-compliance with the operational requirements set forth in Section 19.60.165(E)(5)–(8), the Business License requirements set forth in Chapters 5.04 and 5.08 of the Duarte Municipal Code, and the Tobacco Retailer License requirements set forth in Chapter 5.09 of the Duarte Municipal Code.
- D. No person shall cause or permit the creation, operation, or intensification of any of any tobacco shop use without first obtaining and maintaining a minor use permit pursuant to Chapter 19.114 (Conditional Use Permits and Minor Use Permits).
- E. City Standards. Each tobacco shop shall comply with the all of the following standards.
 - 1. A tobacco shop shall not be located within six hundred (600) feet of any parcel of land that contains any one or more of the following land uses:
 - a. another tobacco shop;
 - b. a private or public preschool, kindergarten, elementary, middle, or high school;
 - c. a library open to the public;
 - d. a youth center; and
 - e. a public playground/plaza/park/recreation area.
 - 2. The maximum number of tobacco shops within the City of Duarte shall not exceed one (1) tobacco shop for every thirty-five hundred (3,500) inhabitants of the City.
 - 3. For the purposes of this subsection, the total number of inhabitants of the City shall be determined by the most

current published data available from the U.S. Census Bureau or the California State Department of Finance, whichever has been more recently updated, as of the date the application is filed.

4. The distance between any structure subject to a tobacco shop use and any other structure with a tobacco shop use or sensitive use set forth in Section 19.60.165(E)(1)(a)–(e) shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure subject to the tobacco shop use to the closest property line of the other structure with a tobacco shop or sensitive use.
 5. A tobacco shop located in a building sharing one or more common walls or sharing common attic space with another retail or commercial establishment shall not allow tobacco product use on the premises in a manner that interferes with any other establishment’s use or enjoyment of the premises.
 6. Tobacco products and tobacco paraphernalia shall be kept and displayed in a secure and locked enclosure, which can only be accessed with the assistance of a clerk. Self-service displays of tobacco products and tobacco paraphernalia are prohibited.
 7. Tobacco products, tobacco paraphernalia, electronic cigarettes and vaping devices, and electronic cigarette and vaping accessories shall not be visible through storefront windows.
 8. The area dedicated for the sale of tobacco paraphernalia shall not exceed five (5) percent of gross floor area.
- F. Sale of Drug Paraphernalia. Tobacco retailers should be aware that the sale of “drug paraphernalia” (as that term is defined in Health and Safety Code Section 11364.5(d)) is regulated by the California Uniform Controlled Substances Act (specifically, Health and Safety Code Sections 11364 to 11376.5), as amended from time to time.
- G. Revocation of a Business and/or Tobacco Retailer License. In addition to any other penalty authorized by law or the Duarte Municipal Code, the business license and/or tobacco retailer license of any business that violates any provision of this Section, the California Uniform Controlled Substances Act

(including without limitation Health and Safety Code Sections 11364 to 11376.5), as amended from time to time, or any other local, State or Federal law or regulation may be revoked pursuant to the procedure set forth in Sections 5.04.250 and 5.09.120 of the Duarte Municipal Code.

SECTION 4. SECTION 19.60.167 ADDED

A new Section 19.60.167 (“Accessory Retail Sales of Tobacco Products, Electronic Cigarette and Vaping Devices, Electronic Cigarette and Vaping accessories and Tobacco Paraphernalia”) is added to Chapter 19.60 (“Standards for Specific Land Uses and Activities”) of Article 4 (“Standards for Specific Land Uses and Activities”) to Title 19 (“Development Code”) of the Duarte Municipal Code to read, in its entirety as follows:

19.60.167 Accessory retail sales of tobacco products, electronic cigarette and vaping devices, electronic cigarette and vaping accessories, and tobacco paraphernalia.

- A. Purpose. The Section provides operational standards for land uses associated with the accessory retail sale of tobacco products, electronic cigarette and vaping devices, electronic cigarette and vaping accessories, and tobacco paraphernalia in the City of Duarte in order to maintain the City's character, the diversity and vitality of the community's commercial areas, and the quality of life of Duarte residents.
- B. Applicability. The provisions in this Section shall apply to the accessory retail sale of tobacco products, electronic cigarette and vaping devices, electronic cigarette and vaping accessories, and tobacco paraphernalia where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) and the standards set forth in this Section.
- C. City Standards. Accessory retail sales of tobacco products, electronic cigarette and vaping devices, electronic cigarette and vaping accessories, and tobacco paraphernalia (collectively, “Accessory Products”) shall comply with all of the following standards.
 - 1. The sale of Accessory Products shall be an accessory use (i.e., not the primary use) of the establishment.
 - 2. The primary use must be permitted or conditionally permitted in the zone in which the establishment is located.

3. Accessory Products shall be located within an enclosed business establishment.
 4. Accessory Products shall be kept and displayed in a secure and locked enclosure, which can only be accessed with the assistance of a clerk. Self-service displays of Accessory Products are prohibited.
 5. Accessory Products shall not be visible from the public right of way and internal sidewalks or areas accessible to the public.
 6. The area dedicated for Accessory Products shall not exceed five percent of the gross floor area.
 7. Any permitted sign, including but not limited to wall sign(s), monument identification signs, and other signage authorized pursuant to Chapter 19.42 of this Code, shall identify the business using the name associated with its primary use.
- D. Sale of Drug Paraphernalia. Tobacco retailers should be aware that the sale of “drug paraphernalia” (as that term is defined in Health and Safety Code Section 11364.5(d)) is regulated by the California Uniform Controlled Substances Act (specifically Health and Safety Code Sections 11364 to 11376.5), as amended from time to time.
- E. Revocation of a Business and/or Tobacco Retailer License. In addition to any other penalty authorized by law or the Duarte Municipal Code, the business license and/or tobacco retailer license of any business that violates any provision of this Section, the California Uniform Controlled Substances Act (including without limitation Health and Safety Code Sections 11364 to 11376.5), as amended from time to time, or any other local, State or Federal law or regulation may be revoked pursuant to the procedure set forth in Sections 5.04.250 and 5.09.120 of the Duarte Municipal Code.

SECTION 5. CHAPTER 19.160 AMENDED

Chapter 19.160 (“Definitions”) of Article 9 (“Definitions”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code is amended to include the following new definitions (which shall be inserted alphabetically in the existing Chapter):

Electronic cigarette and vaping accessories. Atomizers, atomizer tanks, metal mesh, heating coils, atomizer base with battery thread, cartomizer, cartomizer tanks, polyfill material, cartomizer base with battery thread, clearomizer, drip tip, clearomizer tank, cords, wicks, clearomizer base with thread, cartridges, tips, electronic cigarette device batteries, electronic cigarette device chargers, and any other item specifically designed for the preparation, charging, or use with an electronic cigarette and vaping.

Electronic cigarette and vaping device. An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other tobacco derived product. “Electronic smoking and vaping device” includes any such electronic smoking or vaping device, whether manufactured, distributed, marketed, or sold as an electronic cigarette (e-cigarette), an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, personal product vaporizer (i.e. liquid, dry herb, oils, wax, etc.), electronic nicotine delivery system, e-hookah, or any other similar system. “Electronic smoking and vaping device” does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.

Electronic cigarette and vaping establishments. Clubs, lounges, or similar businesses that are dedicated for patrons to use electronic cigarette and vaping devices.

Self-service display. The display or storage of products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

Tobacco paraphernalia. Any instrument or paraphernalia that is designed for the smoking or ingestion of lawful tobacco products including without limitation cigarette papers, cigarette wrappers, cigar wrappers, blunt wraps, pipes, holders, clips, and cigarette rolling machines. “Tobacco paraphernalia” excludes “drug paraphernalia” as that term is defined in Health and Safety Code Section 11364.5(d), as amended from time to time.

Tobacco product. Any substance containing tobacco or derived from tobacco and any substance used in electronic cigarette and vaping devices including but not limited to cigarettes, cigars, e-juice, e-liquid, e-nicotine, smoke juice, pipe tobacco, rolling tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, nicotine gel, nicotine lollipops, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. “Tobacco products” do not include any cessation product specifically

approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Tobacco shop. A retail establishment that primarily sells tobacco products, tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories. A “tobacco shop” does not include any type of “tobacco smoking establishment” or “electronic cigarette and vaping establishment.”

Vaping. Inhaling vapor from an electronic cigarette and vaping device. “Vaping” produces vapor, not smoke.

SECTION 6. CEQA DETERMINATION.

In adopting this Ordinance, the City Council finds and determines , based on all of the information in the record and on the basis of its independent judgment, that this Ordinance is exempt from the California Environmental Quality Act pursuant to the following exemptions, and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of the municipal code amendments propose no activity that may have a significant effect on the environment, pursuant to Title 14 California Code of Regulations Section 15301, in that the municipal code amendments involve no expansion of use of existing facilities, and Title 14 California Code of Regulations Section 15378, in that the municipal code amendments are not a project under CEQA because they will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Therefore, no further environmental review is necessary. A notice of exemption will be prepared for this project.

SECTION 7. 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 8. 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.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, and ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this ___ day of _____, 2014.

Mayor Elizabeth Nowak Reilly

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ___ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the ___ day of _____, 2014, by the following Roll Call vote:

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

City Clerk Marla Akana
City of Duarte, California

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA AMENDING CHAPTER 5.09, "TOBACCO RETAILER LICENSE," TO TITLE 5, "BUSINESS LICENSES AND REGULATIONS," OF THE DUARTE MUNICIPAL CODE TO REQUIRE A TOBACCO RETAILER LICENSE TO SELL E-CIGARETTES AND VAPING DEVICES

THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. CHAPTER 5.09 AMENDED

Chapter 5.09 ("Tobacco Retailer License") to Title 5 ("Business Licenses") of the City of Duarte Municipal Code is amended and restated in its entirety to read as follows (deletion shown as ~~strike-out~~ and addition as underline):

Chapter 5.09 TOBACCO RETAILER LICENSE

Sections:

- 5.09.010 Legislative findings.**
- 5.09.020 Definitions.**
- 5.09.030 Requirements and prohibitions.**
- 5.09.040 Limits on eligibility for a tobacco retailer license.**
- 5.09.050 Application procedure.**
- 5.09.060 Issuance of license; term of license.**
- 5.09.070 License renewal and expiration.**
- 5.09.080 Licenses non-transferable.**
- 5.09.090 License conveys a limited, conditional privilege.**
- 5.09.100 Fee for license.**
- 5.09.110 Compliance monitoring.**
- 5.09.120 Revocation of license.**
- 5.09.130 Tobacco retailing without a license.**
- 5.09.140 Enforcement.**

5.09.010 Legislative findings.

- A. Based in part on the information contained in this section, the city council finds that the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products to minors, presents an imminent threat to the public health, safety, and welfare of the residents of the city.
- B. The city council finds that a local licensing system for tobacco retailers is appropriate to ensure that retailers comply with tobacco control laws and business standards of the city, to protect the health, safety, and welfare of our residents.

- C. Approximately four hundred thirty-eight thousand people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable death. (U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. Morbidity and Mortality Weekly Report: Annual Smoking - Attributable Mortality, Years of Potential Life Lost, and Productivity Losses - United States 1997-2001. 2005, 54(25): p. 625-628.)
- D. The World Health Organization (WHO) estimates that by 2030, tobacco will account for 8.3 million deaths per year, killing fifty percent more people in 2015 than HIV/AIDS, and will be responsible for ten percent of all deaths worldwide. (World Health Organization. World Health Statistics 2007, Part 1: Ten Statistical Highlights in Global Public Health. 2007, p. 12.)
- E. The California Legislature has recognized the danger of tobacco use and has made reducing youth access to tobacco products a high priority, as evidenced by the fact that:
 1. The legislature has declared that smoking is the single most important source of preventable disease and premature death in California (Cal. Health & Safety Code § 118950).
 2. State law prohibits the sale or furnishing of cigarettes, tobacco products, and smoking paraphernalia to minors, as well as the purchase, receipt, or possession of tobacco products by minors (Cal. Pen. Code § 308).
 3. State law requires that tobacco retailers check the identification of tobacco purchasers who reasonably appear to be under eighteen years of age (Cal. Bus. & Prof. Code § 22956) and provides procedures for using minors to conduct onsite compliance checks of tobacco retailers (Cal. Bus. & Prof. Code § 22952).
 4. State law prohibits the sale of tobacco products and paraphernalia through self-services displays with limited exceptions for tobacco stores (Cal. Bus. & Prof. Code § 22960, 22962).
 5. State law prohibits the sale of "bidis" (hand-rolled filter-less cigarettes imported primarily from India and Southeast Asian countries) except in adult-only establishments (Cal. Pen. Code § 308.1).
 6. State law prohibits the manufacture, distribution, or sale of cigarettes in packages of less than twenty and prohibits the manufacture, distribution, or sale of "roll-your-own" tobacco in packages containing less than six-tenths ounces of tobacco (Cal. Pen. Code § 308.3).
- F. State law requires all tobacco retailers to be licensed by the Board of Equalization primarily to curb the illegal sale and distribution of cigarettes due to tax evasion and counterfeiting (Cal. Bus. & Prof. Code §§ 22970.1, 22972).
- G. State law explicitly permits cities and counties to enact local tobacco retail licensing ordinances, and allows for the suspension or revocation of a local license for a violation of any state tobacco control law (Cal. Bus. & Prof. Code § 22971.3).
- H. California courts in such cases as *Cohen v. Board of Supervisors*, 40 Cal. 3d 277 (1985), and *Bravo Vending v. City of Rancho Mirage*, 16 Cal. App. 4th 383 (1993), have affirmed the power of cities to regulate business activity in order to discourage violations of law.

- I. Despite the state's efforts to limit youth access to tobacco, minors are still able to access cigarettes, as evidenced by the following facts:
1. Each day, nearly four thousand children under eighteen years of age smoke their first cigarette, and almost one thousand five hundred children under eighteen years of age begin smoking daily. (Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. Results from the 2004 National Survey on Drug Use and Health: National Findings. 2005.)
 2. More than seventy-five percent of all current smokers in 2001 began smoking before the age of eighteen. (Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Office of Applied Studies. 2003 National Survey on Drug Use and Health: Results. 2003.)
 3. Among middle school students who were current cigarette users in 2004, seventy and six-tenths percent were not asked to show proof of age when they purchased or attempted to purchase cigarettes from a store, and sixty-six and four-tenths percent were not refused purchase because of their age. (U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. Morbidity and Mortality Weekly Report: Tobacco Use, Access & Exposure to Tobacco Among Middle & High School Students, U.S., 2004. 2005, 54: p. 297-301.)
 4. In 2002, youth smoked approximately five hundred forty million packs of cigarettes, generating nearly \$1.2 billion in tobacco industry revenue. (Healton C, Farrelly MC, Weitzenkamp D, et al. "Youth Smoking Prevention and Tobacco Industry Revenue." Tobacco Control, 15: 103-106, 2006.)
- J. Research demonstrates that local tobacco retail ordinances dramatically reduce youth access to cigarettes, as evidenced by the following:
1. A review of thirteen California communities with strong tobacco retailer licensing ordinances shows that the youth sales rate declined in twelve of the thirteen communities, with an average decrease of sixty-eight percent in the youth sales rate. (American Lung Association of California, Center for Tobacco Policy and Organizing. Tobacco Retail Licensing is Effective. 2007.)
 2. A study of the effect of licensing and enforcement methods used in the Philadelphia area revealed a decrease in sales to minors from eighty-five percent in 1994 to forty-three percent in 1998. (Ma GX, Shive S and Tracy M. "The Effects of Licensing and Inspection Enforcement to Reduce Tobacco Sales to Minors in Greater Philadelphia, 1994-1998." Addictive Behaviors, 26(5): 677-87, 2001.)
 3. A study of several Minnesota cities found that an increased licensing fee in conjunction with strict enforcement of youth access laws led to a decrease from thirty-nine and eight-tenths percent to four and nine-tenths percent in the number of youth able to purchase tobacco. (Forster JL et al. "The Effects of Community Policies to Reduce Youth Access to Tobacco." American Journal of Public Health, 88(8): 1193-1197, 1998.)

- K. The implementation of tobacco retailer licensing requirements is supported by most Californians, as evidenced by the following:
1. Statewide, over eighty percent of California adults think tobacco retailers should be licensed. (Department of Health Services, Tobacco Control Section. California Tobacco Control Update. 2004.)
 2. Similarly, in rural areas in California, seventy-eight percent of adults think tobacco retailers should be licensed, and ninety-one percent agree that a store owner who repeatedly sells cigarettes to minors should no longer have the right to sell cigarettes. (American Lung Association of California, Center for Tobacco Policy and Organizing. Survey of California Rural and Small Town Voters About Local Tobacco Retail Licensing Ordinances. 2008.)
 3. Sixty-five percent of California's key opinion leaders surveyed support implementation of tobacco-licensing requirements. (California Department of Health Services, Tobacco Control Section. Final Report, Independent Evaluation of the California Tobacco Control Prevention & Education Program: Waves 1, 2, and 3 (1996-2000). 2003.)
 4. Over ninety percent of enforcement agencies surveyed in 2000 rated license suspension or revocation after repeated violations as an effective strategy to reduce youth access to tobacco. (California Department of Health Services, Tobacco Control Section. Final Report, Independent Evaluation of the California Tobacco Control Prevention & Education Program: Waves 1, 2, and 3 (1996-2000). 2003.)
- L. Approximately eighty cities and counties in California have passed tobacco retailer licensing ordinances in an effort to stop minors from smoking. (American Nonsmokers' Rights Foundation. California Municipalities With Ordinances Restricting Youth Access To Tobacco. 2008.)
- M. California retailers continue to sell tobacco to underage consumers, evidenced by the following:
1. Nearly eleven percent of all tobacco retailers unlawfully sold to minors in 2007. (California Department of Health Services, Tobacco Control Section. Youth Purchase Survey, 2007: Percent of Retailers Selling Tobacco to Youth by Store Type. 2007.)
 2. Non-traditional tobacco retailers such as deli, meat, and donut shops sold to minors in 2007 at a much higher rate than the statewide average, as high as sixteen percent. (California Department of Health Services, Tobacco Control Section. Youth Purchase Survey, 2007: Percent of Retailers Selling Tobacco to Youth by Store Type. 2007.)
 3. Teens surveyed in 2002 say they bought their cigarettes at: gas stations (fifty-eight percent), liquor stores (forty-five percent), and supermarkets and small grocery stores (twenty-nine percent combined). (California Department of Health Services, Tobacco Control Section. Final Report, Tobacco Control Successes in California: A Focus on Young People, Results from the California Tobacco Surveys, 1990-2002. 2003, p. 11-12.)

4. Twenty-three "youth tobacco purchase surveys" in 2011 resulted in thirteen percent of Duarte tobacco retailers willing to sell tobacco products to minors under eighteen years of age.
- N. A requirement for a tobacco retailer license will not unduly burden legitimate business activities of retailers who sell or distribute cigarettes or other tobacco products to adults, but it will allow the city to regulate the operation of lawful businesses to discourage violations of federal, state, and local tobacco-related laws.
- O. The city has a substantial interest in promoting compliance with federal, state, and local laws intended to regulate tobacco sales and use; in discouraging the illegal purchase of tobacco products by minors; in promoting compliance with laws prohibiting sales of cigarettes and tobacco products to minors; and finally, and most importantly, in protecting children from being lured into illegal activity through the misconduct of adults.
- P. It is the intent of the city council, in enacting the ordinance establishing this chapter, to ensure compliance with the business standards and practices of the city and to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those which prohibit or discourage the sale or distribution of tobacco and nicotine products to minors, but not to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties provided therein.
- Q. The city has a substantial interest in requiring a tobacco retailer license for the sale of electronic cigarettes and vaping devices and electronic cigarettes and vaping accessories because:
1. The widespread presence of electronic cigarettes and vaping devices, most of which use nicotine, in retail settings normalizes the use of nicotine products and triggers smoking urges among former smokers and those attempting to quit;
 2. The electronic cigarettes and vaping devices can be lawfully used with nicotine derived from tobacco or other sources;
 3. The widespread presence of electronic cigarettes and vaping devices in retail settings has similar impacts as traditional tobacco products;
 4. The electronic cigarettes and vaping devices and electronic cigarettes and vaping accessories can be used a drug paraphernalia, because they can be customized to be used with non-nicotine products, such as synthetic drugs or dry herb products that are unlawful; and
 5. The use of electronic cigarettes and vaping accessories in an electronic cigarette and vaping establishment similar to a tobacco smoking establishment would create a threat to public health, safety, and welfare because nicotine derived products such as e-liquids are not regulated by the State and, therefore, it would be impossible for law enforcement to monitor.

5.09.020 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) "Arm's length transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm's length transaction.
- (b) "Department" means the city's public safety department, and any agency or person designated by the department to enforce or administer the provisions of this chapter.
- (c) "Electronic cigarette and vaping accessory" includes atomizers, atomizer tanks, metal mesh, heating coils, atomizer base with battery thread, cartomizer, cartomizer tanks, polyfill material, cartomizer base with battery thread, clearomizer, drip tip, clearomizer tank, cords, wicks, clearomizer base with thread, cartridges, tips, electronic cigarette device batteries, electronic cigarette device chargers, and any other item specifically designed for the preparation, charging, or use with an electronic cigarette and vaping.
- (d) "Electronic cigarette and vaping device" means an electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine, herbs or other substances. "Electronic smoking and vaping device" includes any such electronic smoking or vaping device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, personal product vaporizer (i.e. liquid, dry herb, oils, wax, etc.), electronic nicotine delivery system, e-hookah, or any other similar system. "Electronic smoking and vaping device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.
- ~~(e)~~(e) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- ~~(d)~~(f) "Proprietor" means a person with an ownership interest or managerial role in a business. An ownership interest shall be deemed to exist when a person has a ten percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial role shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.
- ~~(e)~~(g) "Self-service display" means the display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.
- ~~(f)~~(h) "Smoking" means possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including a lighted pipe, cigar,

hookah pipe, or cigarette of any kind) and also means the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including, but not limited to, a pipe, cigar, hookah pipe, or cigarette of any kind).

- (g)(i) "Tobacco paraphernalia" means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products. includes any instrument or paraphernalia that is designed for the smoking or ingestion of lawful tobacco products including without limitation cigarette papers, cigarette wrappers, cigar wrappers, blunt wraps, pipes, holders, clips, and cigarette rolling machines. "Tobacco paraphernalia" excludes "drug paraphernalia" as that term is defined in Health and Safety Code Section 11364.5(d), as amended from time to time.
- (h)(j) "Tobacco product" means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. includes any substance containing tobacco or derived from tobacco and any substance used in electronic cigarette and vaping devices including but not limited to cigarettes, cigars, e-juice, e-liquid, e-nicotine, smoke juice, pipe tobacco, rolling tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, nicotine gel, nicotine lollipops, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. "Tobacco products" do not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.
- (i)(k) "Tobacco retailer" means any person, whether or not a tobacco proprietor, who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, ~~or~~ tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, ~~or~~ tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories sold, offered for sale, exchanged, or offered for exchange.
- (j)(l) "Youth decoy" means a person under the age of eighteen who, solely for the purposes of conducting compliance checks pursuant to this chapter, has received training by the department, has received written authorization from the department, or has received an immunity letter from the Los Angeles County District Attorney's Office and has provided a true and correct copy of that immunity letter to the department. The city shall not enforce any law establishing

a minimum age for purchase of tobacco products against a youth decoy if the violation occurs when the youth decoy is participating in a compliance check supervised by the department or other peace officer or city code enforcement, or the youth decoy is participating in a compliance check supervised by a person designated in writing as an agent of the department for purposes of monitoring compliance with this chapter.

5.09.030 Requirements and prohibitions.

- A. TOBACCO RETAILER LICENSE REQUIRED. It shall be unlawful for any person to act as a tobacco retailer in the city without first obtaining and maintaining a valid tobacco retailer license pursuant to this chapter for each location at which that activity is to occur. Tobacco retailing without a valid tobacco retailer's license is a nuisance as a matter of law and a violation of this code.
- B. LAWFUL BUSINESS OPERATION. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a license issued, it shall be a violation of this chapter for a licensee, or any of the licensee's agents or employees, to violate any local, state, or federal law or regulation applicable to tobacco products, tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories and/or tobacco retailing including without limitation the provisions of the California Uniform Controlled Substances Act relating to the sale and display of "drug paraphernalia" (specifically, Health and Safety Code Sections 11364 to 11376.5, as amended from time to time), chapter 6.21 of this code relating to the possession, sale and distribution of synthetic drugs, and sections 19.60.165 and 19.60.167 of the Duarte Development Code, which set forth operational requirements for tobacco shops and accessory tobacco uses.
- C. DISPLAY OF LICENSE. Each tobacco retailer license shall be prominently displayed in a publicly visible location at the licensed location.
- D. POSITIVE IDENTIFICATION REQUIRED. No person engaged in tobacco retailing shall sell, exchange, or transfer in any manner a tobacco product, tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories to another person who appears to be under the age of twenty-seven years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product, tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories.
- E. MINIMUM AGE FOR PERSONS ENGAGING IN TOBACCO RETAILING. No person who is younger than the minimum age of 18 years or as established by state law for the purchase or possession of tobacco products, tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories shall engage in tobacco retailing.
- F. SELF-SERVICE DISPLAYS PROHIBITED. Tobacco retailing by means of a self-service display is prohibited.

- G. FALSE AND MISLEADING SALE, DISPLAY AND ADVERTISING FOR TOBACCO RETAILING PROHIBITED WITHOUT A VALID TOBACCO RETAILER LICENSE. A tobacco retailer or proprietor without a valid tobacco retailer license, including, but not limited to, a person whose license has been suspended or revoked:
- (1) Shall not sell or offer to sell any tobacco products, tobacco paraphernalia, electronic cigarette and vaping devices, or electronic cigarette and vaping accessories.
 - (1)(2) Shall keep all tobacco products, and tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories out of public view. The public display of any of these products tobacco products or tobacco paraphernalia in violation of this provision shall constitute tobacco retailing without a license under this chapter.
 - (2)(3) Shall not display any advertisement relating to tobacco products, and tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories that promotes the sale or distribution of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

5.09.040 Limits on eligibility for a tobacco retailer license.

- A. LICENSE FOR FIXED LOCATION ONLY. No license may issue to authorize tobacco retailing at other than a fixed location. For example, tobacco retailing by persons on foot or from vehicles is prohibited.
- B. APPLICABILITY OF ZONING. A No license may only be issued to authorize tobacco retailing at any fixed location where allowed in compliance with Title 19 of this code (the Duarte Development Code) that is not in a zone where tobacco retailing is prohibited.

5.09.050 Application procedure.

- A. APPLICATION. Application for a tobacco retailer license shall be submitted in the name of each proprietor proposing to engage in tobacco retailing ~~conduct retail tobacco sales~~ and shall be signed by each proprietor or an authorized agent thereof.
- B. LICENSE NOT SUBSTITUTE FOR COMPLIANCE WITH ALL LAWS. It is the responsibility of each proprietor to be informed regarding all laws applicable to tobacco retailing, including those laws affecting the issuance of a tobacco retailer license. No proprietor may rely on the issuance of a tobacco retailer license as a determination by the city that the proprietor has complied with all laws applicable to tobacco retailing. A license issued contrary to this chapter, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor shall be revoked pursuant to the applicable provisions of this chapter. Nothing in this chapter shall be construed to vest in any person obtaining and maintaining a tobacco retailer license any status or right to act as a tobacco retailer in contravention of any provision of law.
- C. APPLICATION FORM. All applications shall be submitted on a form supplied by the department and shall contain the following information and may require an applicant to provide other and additional information:

- (1) The name, address, telephone number, and email address of each proprietor of the business seeking a license.
- (2) The business name, address, telephone number, and email address of the single fixed location for which a license is sought.
- (3) A single name and mailing address authorized by each proprietor to receive all communications and notices (the "authorized address") required by, authorized by, or necessary to the enforcement of this chapter. If an authorized address is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subsection (2) above.
- (4) Proof that the location for which a tobacco retailer's license is sought has been issued a valid state tobacco retailer's license by the California Board of Equalization.
- (5) Whether or not any proprietor or any agent of the proprietor has admitted violating, or has been found to have violated, this chapter and, if so, the dates and locations of all such violations within the previous five years.
- (6) Such other information as the department deems reasonably necessary for the administration or enforcement of this chapter as specified on the application form required by this section, which may include, but not necessarily limited to, social security number and driver's license number.

D. INSPECTION FOR NEW RETAILERS AND RENEWAL LICENSES. In order to verify compliance with all Title 19 of this code (the Duarte Development Code) and tobacco retailer licensing requirements, the Public Safety Director or his designee shall:

- (1) Require the submittal and approval of a floor plan showing compliance with all regulations prior to approving a new or renewal tobacco retailer license, and
- (2) Inspect the business location prior to license issuance or license renewal.

ED. CHANGE IN INFORMATION PROVIDED. A licensed tobacco retailer shall inform the department in writing of any change in the information submitted on an application for a tobacco retailer license within ten business days of a change.

FE. APPLICATION INFORMATION SUBJECT TO PUBLIC DISCLOSURE. All information specified in an application pursuant to this section shall be subject to disclosure under the California Public Records Act (California Government Code Section 6250 et seq.) or any other applicable law, subject to the laws' exemptions.

5.09.060 Issuance of license; term of license.

A. LICENSE ISSUANCE. Upon the receipt of a complete application for a tobacco retailer's license and the license fee required by this chapter, the department shall issue a license unless substantial evidence demonstrates that one or more of the following bases for denial exists:

1. The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this chapter.

2. The application seeks authorization for tobacco retailing at a location for which this chapter prohibits issuance of tobacco retailer licenses.
 3. The application seeks authorization for tobacco retailing for a proprietor to whom this chapter prohibits a license to be issued.
 4. The application seeks authorization for tobacco retailing that is prohibited pursuant to this chapter or that is unlawful pursuant to other provisions of this code, or that is unlawful pursuant to any other law.
- B. **TERM OF LICENSE.** The term of a tobacco retailer license is one year commencing on the date of issuance of the license unless earlier revoked pursuant to the provisions of this chapter.
- C. **PAYMENT OF LICENSE FEE.** A tobacco retailer license is invalid if the license fee as established by resolution of the city council has not been timely paid in full.

5.09.070 License renewal and expiration.

- A. **RENEWAL OF LICENSE.** A tobacco retailer license is invalid upon the date of its expiration unless renewed prior to the expiration date. Each tobacco retailer shall apply for the renewal of his or her tobacco retailer license and submit the license fee no later than thirty days prior to expiration of the license term.
- B. To renew a tobacco retailer license, the proprietor must:
1. Submit the license fee and application renewal form.
 2. Submit a signed affidavit affirming that the proprietor:
 - a. Has not sold and will not sell any tobacco product or tobacco paraphernalia after the license expiration date and before the license is renewed.
 - b. Has waited the applicable ineligibility period established for tobacco retailing without a license, as set forth in Section 5.09.130(a) before seeking renewal of the license.

5.09.080 Licenses non-transferable.

- A. **NO TRANSFER OF LICENSE.** A tobacco retailer license may not be transferred from one person to another or from one location to another. A new tobacco retailer's license is required whenever a tobacco retailing location has a change in proprietor(s) or a tobacco retailing location has a change in location.
- B. **EFFECT OF PRIOR VIOLATIONS.** Notwithstanding any other provision of this chapter, prior violations at a location shall continue to be counted against a location and license ineligibility periods shall continue to apply to a location unless:
1. The location has been fully transferred to a new proprietor or fully transferred to entirely new proprietors.

2. The new proprietor(s) provide the city with clear and convincing evidence that the new proprietor(s) have acquired or is acquiring the location in an arm's length transaction.

5.09.090 License conveys a limited, conditional privilege.

Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer license any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the city identified on the face of the permit. For example and not by way of limitation, nothing in this chapter shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law, including but not limited to, any provision of this code, or any condition or limitation on smoking in an enclosed place of employment pursuant to California Labor Code Section 6404.5. For example and not by way of limitation, obtaining a tobacco retailer license does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code section 6404.5.

5.09.100 Fee for license.

The fee to issue or to renew a tobacco retailer's license shall be established from time to time by resolution of the city council. The fee shall be calculated so as to recover the cost of administration and enforcement of this chapter, including, for example and without limitation, issuing a license, administering the license program, retailer education, retailer inspection, and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this chapter. All fees and interest upon proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law. The license fee is nonrefundable except as may be provided by law.

5.09.110 Compliance monitoring.

- A. DEPARTMENT; PEACE OFFICERS. Compliance with this chapter shall be monitored by the department including but not limited to peace officers and city code enforcement officers. In addition, any peace officer may enforce the penal provisions of this chapter. The city may designate any number of additional persons to monitor compliance with this chapter.
- B. PURPOSE OF COMPLIANCE CHECK. Compliance checks shall be conducted so as to allow the department to determine, at a minimum, if the tobacco retailer is conducting business in a manner that complies with laws regulating youth access to tobacco products, ~~and tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories.~~ When the department deems appropriate, the compliance checks shall determine compliance with other laws applicable to tobacco retailing.
- C. YOUTH DECOYS. From time to time, and at a time of the department's choosing, the department may, but is not obligated to, use one or more youth decoys to determine if a proprietor or tobacco retailer is complying with the requirements of this chapter and other laws with respect to the prohibition on the sale, exchange, or transfer of any tobacco product, ~~and tobacco paraphernalia, electronic cigarette and vaping device, and/or electronic cigarette and vaping accessory~~ to a minor. Youth decoys, at the direction and

under the supervision of the department, or other peace officers, may enter a tobacco retailer location as a customer and attempt to obtain through lawful means a tobacco product, ~~and tobacco paraphernalia, electronic cigarette and vaping device, and/or electronic cigarette and vaping accessory~~ and if so obtained then report to the department officer or other peace officer supervising the youth decoy that the proprietor or tobacco retailer has sold, exchanged, or transferred the tobacco product, ~~and tobacco paraphernalia, electronic cigarette and vaping device, and/or electronic cigarette and vaping accessory~~ to the youth decoy. Nothing in this chapter shall prohibit the department officer or other peace officer supervising the youth decoy to enforce the provisions of this chapter or other applicable laws pursuant to the information provided by the youth decoy.

5.09.120 Revocation of license.

- A. **REVOCAION OF LICENSE FOR VIOLATION.** In addition to any other penalty authorized by law, a tobacco retailer license shall be revoked if any court of competent jurisdiction determines, or the department finds based on a preponderance of the evidence after the licensee is afforded reasonable notice and an opportunity to be heard, that the licensee, or any of the licensee's agents or employees, has violated any of the provisions, requirements, conditions, or prohibitions of this chapter or has pleaded guilty, "no contest" or its equivalent, or admitted to a violation of any law pertaining to the display, sale, exchange, or transfer of any tobacco products, ~~and tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories~~ including but not limited to the requirements of Section 5.09.030.
- B. **APPEAL OF REVOCATION.** A decision of the department to revoke a tobacco retailer license is appealable to the city manager and must be filed with city clerk within ten days of mailing of the department's decision. If such an appeal is made, it shall stay enforcement of the appealed action. An appeal to the city manager is not available for a revocation made pursuant to subsection C. below.
- C. **REVOCAION OF LICENSE WRONGLY ISSUED.** A tobacco retailer's license shall be revoked if the department finds, after the licensee is afforded notice and an opportunity to be heard, that one or more of the bases for denial of a license under Section 5.09.060 existed at the time application was made or at any time before the license issued. The decision by the department shall be the final decision of the city. Such a revocation shall be without prejudice to the filing of a new license application.
- D. **NEW LICENSE AFTER REVOCATION.** In addition to other applicable provisions of this chapter pertaining to obtaining a tobacco retailer license, the following requirements shall also apply in the situation where a proprietor or tobacco retailer seeks to obtain a new tobacco retailer license after such person or tobacco retailer has had a tobacco retailer revoked:
 - 1. After revocation for a first violation of this chapter at a location within any sixty-month period, no new license may issue for the location until ten days have passed from the date of revocation.
 - 2. After revocation for a second violation of this chapter at a location within any sixty-month period, no new license may issue for the location until thirty days have passed from the date of revocation.

3. After revocation for a third violation of this chapter at a location within any sixty-month period, no new license may issue for the location until ninety days have passed from the date of revocation.
4. After revocation for four or more violations of this chapter at a location within any sixty-month period, no new license may issue for the location until five years have passed from the date of revocation.

5.09.130 Tobacco retailing without a license.

- A. In addition to any other penalty authorized by law, if a court of competent jurisdiction determines, or the department finds based on substantial evidence, after notice and an opportunity to be heard, that any person has engaged in tobacco retailing at a location without a valid tobacco retailer's license, either directly or through the person's agents or employees, the person shall be ineligible to apply for, or to be issued, a tobacco retailing license as follows:
1. After a first violation of this section at a location within any sixty-month period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until thirty days have passed from the date of the violation.
 2. After a second violation of this section at a location within any sixty-month period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until ninety days have passed from the date of the violation.
 3. After of a third or subsequent violation of this section at a location within any sixty-month period, no new license may issue for the person or the location (unless ownership of the business at the location has been transferred in an arm's length transaction), until five years have passed from the date of the violation.
- B. SEIZURE OF TOBACCO PRODUCTS, TOBACCO PARAPHERNALIA, AND TOBACCO E-CIGARETTE AND VAPING PARAPHERNALIA DEVICES. Tobacco products, ~~and~~ tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories offered for sale, exchange, or transfer in violation of this section are subject to seizure by the department or any peace officer and shall be forfeited after the licensee and any other owner of the tobacco products, ~~and~~ tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories seized is given reasonable notice and an opportunity to demonstrate that the tobacco products, ~~and~~ tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories were not offered for sale or exchange in violation of this chapter. The decision by the department may be appealed pursuant to the procedures set forth in Section 5.09.120(B). Forfeited tobacco products, ~~and~~ tobacco paraphernalia, electronic cigarette and vaping devices, and/or electronic cigarette and vaping accessories shall be destroyed after all internal appeals have been exhausted and the time in which to seek judicial review pursuant to California Code of Civil Procedure Section 1094.6 or other applicable law has expired without the filing of a lawsuit or, if such a suit is filed, after dismissal of that suit or judgment in that suit becomes final and non-appealable.

- C. SEPARATE VIOLATIONS. For the purposes of the civil remedies provided in this chapter:
1. Each day on which a tobacco product, ~~and tobacco paraphernalia,~~ electronic cigarette and vaping device, and/or electronic cigarette and vaping accessory is offered for sale, exchange, or transfer in violation of this chapter constitutes a separate violation of this chapter.
 2. Each individual retail tobacco product, ~~and tobacco paraphernalia,~~ electronic cigarette and vaping device, and/or electronic cigarette and vaping accessory that is distributed, sold or offered for sale, exchanged or offered for exchange, or transferred or offered for transfer, in violation of this chapter constitutes a separate violation of this chapter.

5.09.140 Enforcement.

- A. REMEDIES CUMULATIVE. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
- B. EVIDENCE PROVIDED BY MINOR. Whenever evidence of a violation of this chapter is obtained in any part through the participation of a person under the age of eighteen years old, including but not limited to a youth decoy, such a person shall not be required to appear or give testimony in any civil or administrative process brought to enforce this chapter and the alleged violation shall be adjudicated based upon the sufficiency and persuasiveness of the evidence presented.
- C. AIDING AND ABETTING. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- D. VIOLATIONS ARE A PUBLIC NUISANCE. Violations of this chapter are hereby declared to be public nuisances.
- E. OTHER PENALTIES AND REMEDIES. Notwithstanding any other penalty provided by this code or otherwise by law, any person who violates any provision of this Chapter 5.09 shall be guilty of a misdemeanor for each such violation and, in addition, the city may enforce the provisions of this Chapter 5.09 for any violations hereof by means of a criminal or civil enforcement process including, without limitation, through nuisance abatement proceedings, a restraining order, a preliminary or permanent injunction, or by any other means available in law or equity. Violations of this chapter are also subject to Chapters 1.04 and 1.08 of this code.

SECTION 2. CEQA DETERMINATION.

In adopting this Ordinance, the City Council finds and determines, based on all of the information in the record and on the basis of its independent judgment, that this Ordinance is exempt from the California Environmental Quality Act pursuant to the following exemptions, and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of this Ordinance proposes no activity that may have a significant effect on the environment, and pursuant to Title 14 California Code of Regulations Section 15301, in that this Ordinance involves no expansion of use of existing facilities.

SECTION 3. 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 4. 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.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this ___ day of _____, 2014.

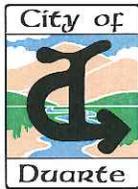
Mayor Elizabeth Nowak Reilly

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2014, by the following Roll Call vote:

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

City Clerk Marla Akana
City of Duarte, California



MEMORANDUM

To: Mayor and City Council

From: Teresa Renteria, Assistant Civil Engineer

CC: Craig Hensley, Community Development Director
Marla Akana, City Clerk

Date: August 19, 2014

Subject: City Council Acceptance - Removal of Architectural Barriers for
ADA Improvements, Project #13-6 (CDBG Project #601560-13)

RECOMMENDED ACTION

Staff recommends that the City Council accept the project "Removal of Architectural Barriers for ADA Improvements" and authorize the City Clerk to initiate the Notice of Completion.

BACKGROUND

This project removed barriers to allow for a more accessible and safe path of travel for all pedestrians including the elderly and/or severely disabled. The project consisted of the removal of existing ramps and obstructions, grading, and installation of new curb ramps with truncated domes.

Martinez Concrete, Inc. has satisfactorily completed the above project. The cost for this project is \$97,970.20. The project is funded by Community Development Block Grant (CDBG) funds from the City of Duarte and the City of Bradbury.



MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: CESAR MONSALVE, DIRECTOR OF PARKS AND RECREATION

SUBJECT: RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS TO REHABILITATE THE TRAIL TO FISH CANYON FALLS

DATE: AUGUST 21, 2014

Recommendation: Approve a City of Duarte Resolution authorizing the City of Duarte to apply for excess grant funds from Los Angeles County Supervisor Michael D. Antonovich's office for the rehabilitation of the Duarte Fish Canyon Falls Trail.

Background: Supervisor Antonovich has made available excess funds for a competitive grant program in the Fifth Supervisorial District. Projects may consist of improvements to and/or rehabilitation of existing public parks including infrastructure, community/recreation facilities, and/or development of new small facilities. Priority will be given to projects that serve at-risk youth and seniors. Proposers are strongly encouraged to demonstrate matching funding commitments of at least 25 percent. Applications are due September 3, 2014. The Parks and Recreation Department is applying for approximately \$25,000 that will be used to fund the repair and maintenance of the trail to Fish Canyon Falls. If the application is successful, it will allow the Parks and Recreation Department to develop a trail crew and provide employment opportunities to at-risk youth 17 years old and older in the community.

Fiscal Impact: A 25% match is required by the City of Duarte and will equate to \$8,300. At the July 8, 2014, meeting of the City Council, the Council approved staff's request to pursue grant funding for the purpose of rehabilitating the trail.

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE
APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE
LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT
FOR FIFTH SUPERVISORIAL DISTRICT EXCESS FUNDING FOR
DUARTE FISH CANYON FALLS TRAIL REHABILITATION**

WHEREAS, the people of the County of Los Angeles on November 3, 1992, and on November 5, 1996, enacted Los Angeles Proposition A, Safe Neighborhood Parks, Gang Prevention, Tree Planting, Senior and Youth Recreation, Beach and Wildlife Protection (the Propositions), which among other uses, provides funds to public agencies and nonprofit organizations in the County for the purpose of acquiring and/or development facilities and open space for public recreation; and

WHEREAS, the Propositions also created the Los Angeles County Regional Park and Open Space District (the District) to administer said funds; and

WHEREAS, the District has set forth the necessary procedures governing application for grant funds under the Propositions; and

WHEREAS, the District's procedures require the City of Duarte, to certify by resolution, the approval of the application before submission of said application(s) to the District; and

WHEREAS, said application contains assurances that City of Duarte must comply with; and

WHEREAS, the City of Duarte certifies, through this resolution, that the application is approved for submission to the District; and

WHEREAS, the City of Duarte will enter into an Agreement with the District to provide funds for acquisition and development projects; and

WHEREAS, the District's procedures require the adoption of a Youth Employment Plan for development projects by the governing body of the agency.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DUARTE HEREBY:

1. Approves the filing of an application with the Los Angeles County Regional Park and Open Space District for Fifth Supervisorial District Excess Funds for the above project; and
2. Certifies that the City of Duarte understands the assurances and certification of the application form; and

3. Certifies that the City of Duarte has, or will have, sufficient funds to operate and maintain the project in perpetuity; and
4. Certifies that the City of Duarte will sign and return, within 30 days, both copies of the project agreement sent by the District for authorizing signature; and
5. Appoints the City Manager, or designee, to conduct all negotiations, and to execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so forth, which may be necessary for the completion of the aforementioned project.

PASSED, APPROVED and ADOPTED this 26th day of August, 2014.

Mayor Elizabeth Nowak Reilly

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. 14-19 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 26th day of August, 2014, 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: CESAR MONSALVE, DIRECTOR OF PARKS AND RECREATION

SUBJECT: RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS TO COMPLETE THE DEVELOPMENT OF A SENIOR CENTER COMPUTERLAB/TECHNOLOGY CENTER

DATE: AUGUST 21, 2014

Recommendation: Approve a City of Duarte Resolution authorizing the City of Duarte to apply for excess grant funds from Los Angeles County Supervisor Michael D. Antonovich's office to complete the development of a computer lab/technology center for the Senior Center, and approve the allocation of matching funds if the grant is awarded.

Background: The Senior Center was completed in 1994 and at that time little thought was given towards adding a computer lab, but now 20 years on, seniors have become more technologically sophisticated and computer literate and there is a real need to present these technology opportunities for our seniors. Most senior centers throughout Southern California have some form of technology center and all newly constructed centers have a technology center included as part of their design and programming. We have identified an ideal location for the Senior Center Computer Lab that would be developed in one of the two lobby area offices. The lab would include several workstations that will be placed in study privacy cubicles around the room's perimeter and the lab would use the existing copier/printer located there. This lab will present our seniors with educational opportunities to learn how to use computers through classes and to have a safe, convenient and comfortable location to use them.

The City of Duarte's fiscal year 2014-15 Operating Budget includes \$4,000 budgeted annually for the next 3 years to use for the lease of computers for the Parks and Recreation Department. Originally these funds were going to be used to lease computers solely for the Teen Center to replace the outdated and broken computers there. Working with the City's IT consultant, we have been able to leverage those funds to not only lease computers for the Teen Center, but also to lease at least 2 additional computers to use to start a Computer Lab/Technology Center at the Duarte Senior Center, a process we are designating as **Phase 1** of the Senior Center Computer Lab.

For **Phase 2** of the Senior Center Computer Lab plan, we want to apply for competitive grant funds that Los Angeles County Supervisor Antonovich has made available through recently released excess funds in the Fifth Supervisorial District. Grant projects may consist of improvements to and/or rehabilitation of existing public parks including infrastructure, community/recreation facilities, and/or development of new small facilities and priority will be given to projects that serve at-risk youth and seniors. Proposers are strongly encouraged to demonstrate matching funding commitments of at least 25 percent and applications are due September 3, 2014. The Parks and Recreation Department is applying for approximately \$15,000 in grant funding for the computer lab.

Fiscal Impact: A 25% match is required by the City of Duarte and will equate to \$3,750 making the total funding of **Phase 2** \$18,750. These funds will be used to purchase the remaining computers needed, headphones, computer programs, the electrical work required, the furniture and the purchase of two laptop computers to use for the annual IRS filing service that is one of the Senior Center's most important programs.

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LOS ANGELES COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR FIFTH SUPERVISORIAL DISTRICT EXCESS FUNDING TO DEVELOP A DUARTE SENIOR CENTER COMPUTER LAB/TECHNOLOGY CENTER**

WHEREAS, the people of the County of Los Angeles on November 3, 1992, and on November 5, 1996 enacted Los Angeles Proposition A, Safe Neighborhood Parks, Gang Prevention, Tree-Planting, Senior and Youth Recreation, Beach and Wildlife Protection (the Propositions), which among other uses, provides funds to public agencies and nonprofit organizations in the County for the purpose of acquiring and/or development facilities and open space for public recreation; and

WHEREAS, the Propositions also created the Los Angeles County Regional Park and Open Space District (the District) to administer said funds; and

WHEREAS, the District has set forth the necessary procedures governing application for grant funds under the Propositions; and

WHEREAS, the District's procedures require City of Duarte, to certify by resolution, the approval of the application before submission of said application(s) to the District; and

WHEREAS, said application contains assurances that City of Duarte must comply with; and

WHEREAS, City of Duarte certifies, through this resolution, that the application is approved for submission to the District; and

WHEREAS, City of Duarte will enter into an Agreement with the District to provide funds for acquisition and development projects; and

WHEREAS, the District's procedures require the adoption of a Youth Employment Plan for development projects by the governing body of the agency.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DUARTE HEREBY:

1. Approves the filing of an application with the Los Angeles County Regional Park and Open Space District for Fifth Supervisorial District Excess Funds for the above project; and
2. Certifies that City of Duarte understands the assurances and certification of the application form; and

3. Certifies that City of Duarte has, or will have, sufficient funds to operate and maintain the project in perpetuity; and
4. Certifies that the City of Duarte will sign and return, within 30 days, both copies of the project agreement sent by the District for authorizing signature; and
5. Appoints the City Manager, or designee, to conduct all negotiations, and to execute and submit all documents including, but not limited to, applications, agreements, amendments, payment requests and so forth, which may be necessary for the completion of the aforementioned project.

PASSED, APPROVED and ADOPTED this 26th day of August 2014

Mayor Elizabeth Nowak Reilly

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. 14-20 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 26th day of August, 2014, by the following vote:

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

City Clerk Marla Akana
City of Duarte, California

August 18, 2014

Mr. Darrell George
City Manager
City of Duarte
1600 Huntington Drive
Duarte, CA 91010

Subject: Tehachapi Renewable Transmission Project (TRTP)
Segment 7 – City of Duarte

Dear Mr. George:

I want to thank you for reaching out to me for clarification of the status of Southern California Edison's (SCE's) Tehachapi Renewable Transmission Project (TRTP) in the city of Duarte and status of the 220 kilovolt (kV) line adjacent to the project area. I understand the questions from your residents and city officials and would like to offer some clarification that I hope will be helpful.

The current Southern California Edison (SCE) right of way located in the City of Duarte includes two separate transmission lines connected to different SCE facilities:

- The "new" TRTP 500 kV transmission line, which replaced the *Antelope-Mesa 220 kV* single circuit line that was formerly located on the west.
- The existing Rio Hondo-Vincent 220 kV transmission line that is located on the east.

As you know, Segment 7 of TRTP includes the rebuilding of approximately 16 miles of the western *Antelope-Mesa 220 kV* line (including the portion through Duarte) to 500 kV capacity.

The upgrade of the Antelope-Mesa line was undertaken to help meet the State's renewable energy goals and to ensure long-term safety and reliability for delivering power to our customers. As part of this effort, in 2010, we removed seven towers, foundations, and wires in Duarte that were associated with this western transmission line.

The modifications to the eastern line (*Rio Hondo-Vincent 220 kV* line), such as the supporting structure near Greenbank Avenue and Brookridge Road, were necessary and approved by the California Public Utilities Commission (CPUC). However, as Ahmad Solomon stated at the July 22, 2014 City Council Meeting, the eastern 220 kV line will remain in operation to continue delivering power to our customers.

Enclosed is a simulation that we provided to the CPUC as part of SCE's project application in 2007. The "before" picture depicts the Antelope-Mesa 220 kV line on the west side of the right of way with the Rio Hondo-Vincent 220 kV line on the east of right of way.

Mr. Darrell George
City Manager
City of Duarte
August 18, 2014
Page 2

The "after" simulation depicts the TRTP 500 kV line on the west (after the removal of the Antelope-Mesa 220 kV line) with the Rio Hondo-Vincent 220 kV remaining on the east side of the right of way. I've also enclosed a map that points out each transmission line, as well as the infrastructure associated with the Antelope-Mesa 220 kV line that were replaced.

I recognize the complexity and inconvenience associated with all of SCE's work in Duarte – not to mention the extensive work on the distribution lines, vaults and underground cables in the city. I also recognize that all these efforts may have caused significant confusion for some.

As a result, I want to offer our SCE staff – both our public affairs staff and project staff - to lead a briefing session with the councilmembers to ensure that everyone is on the same page around the upgrades we're doing in the city.

I want to assure you that we are committed to keeping the city and Duarte residents informed about project activities that impact them. Within the past few years, we have held 2 open houses and 4 neighborhood meetings. We have also mailed over 20 construction updates and have walked door to door on approximately 10 occasions to ensure that Duarte residents have the most up to date information. We have established a site on the TRTP web page where construction updates are regularly updated, and we have gathered an email distribution list to ensure that we provide information as quickly as possible. My staff and I have also presented information at city council meetings and as mentioned above, will commit to continue to do so.

Please let me know if you think this would be helpful and we can move forward with scheduling the session and designing the agenda.

I thank you and your staff for your continued cooperation as this critical project moves forward. Please do not hesitate to contact me or Ahmad Solomon should you have any further questions or concerns.

Sincerely,



Veronica Gutierrez

Enclosures

cc: Ahmad Solomon





LEGEND

- New Structure
- Existing Structure
- Remove Structure
- Alignment (SCE)
- TRTP R.O.W



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SCALE IN FEET



City of Duarte
CONSTRUCTION MAPS
TRTP 4 - 11 Southern California Edison
Transmission Line Project
PAGE 1
12 AUG 2014

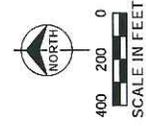


CONFIDENTIAL - Contains Critical Electric Infrastructure Information. Contact Corporate Security (27875) for handling/storage requirements, if any questions.
Contains Transmission Information Distribution limited to FERC Standards of Conduct.

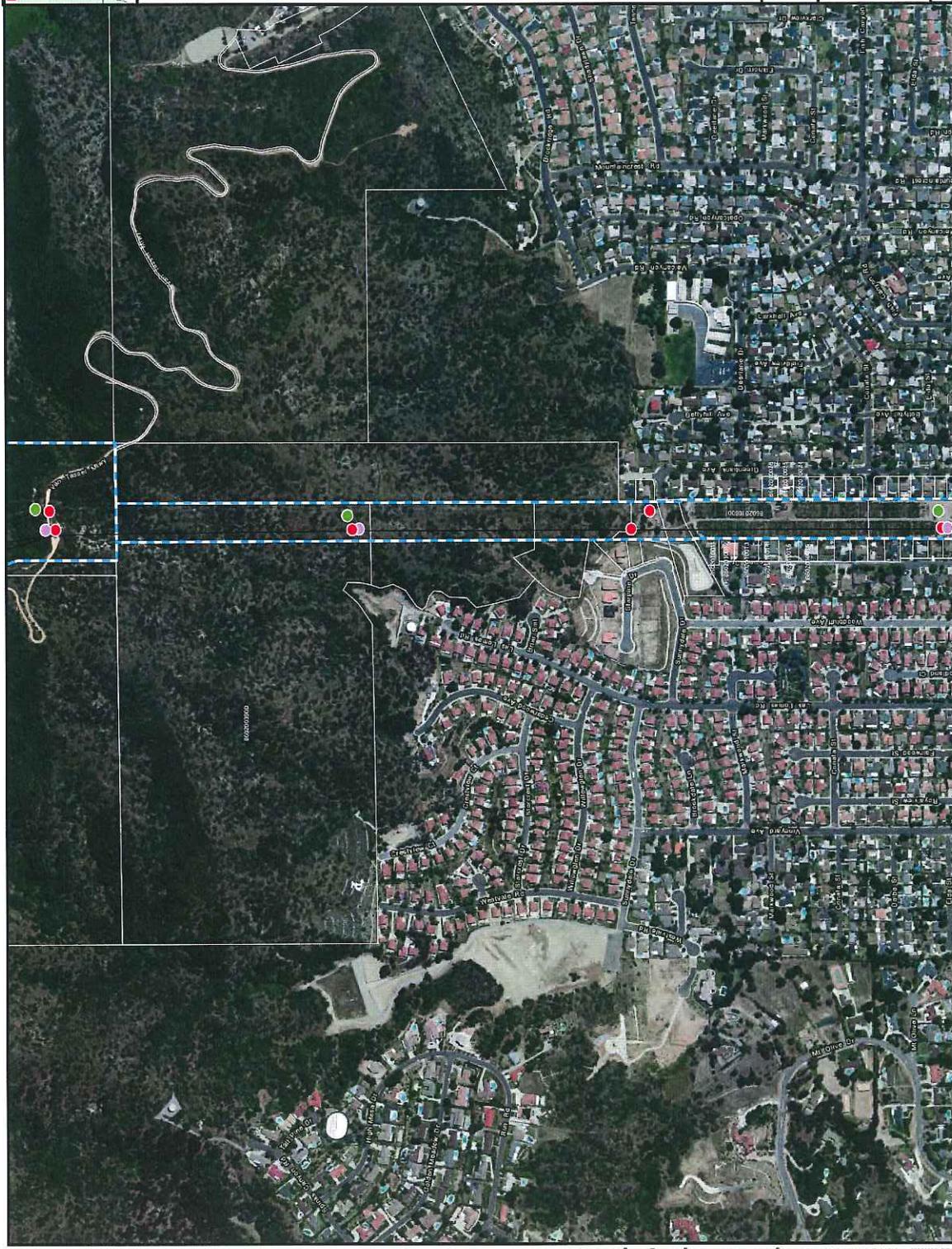
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- LEGEND**
- New Structure
 - Existing Structure
 - Remove Structure
 - Alignment (SCE)
 - TRTP R.O.W



City of Duarte
CONSTRUCTION MAPS
 TRTP 4 - 11 Southern California Edison
 Transmission Line Project
 PAGE 2
 12 AUG 2014



CONFIDENTIAL - Contains Critical Electric Infrastructure Information. Contact Corporate Security (27875) for handling/storage requirements, if any questions.
 Contains Transmission Information Distribution limited to FERC Standards of Conduct.

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LEGEND

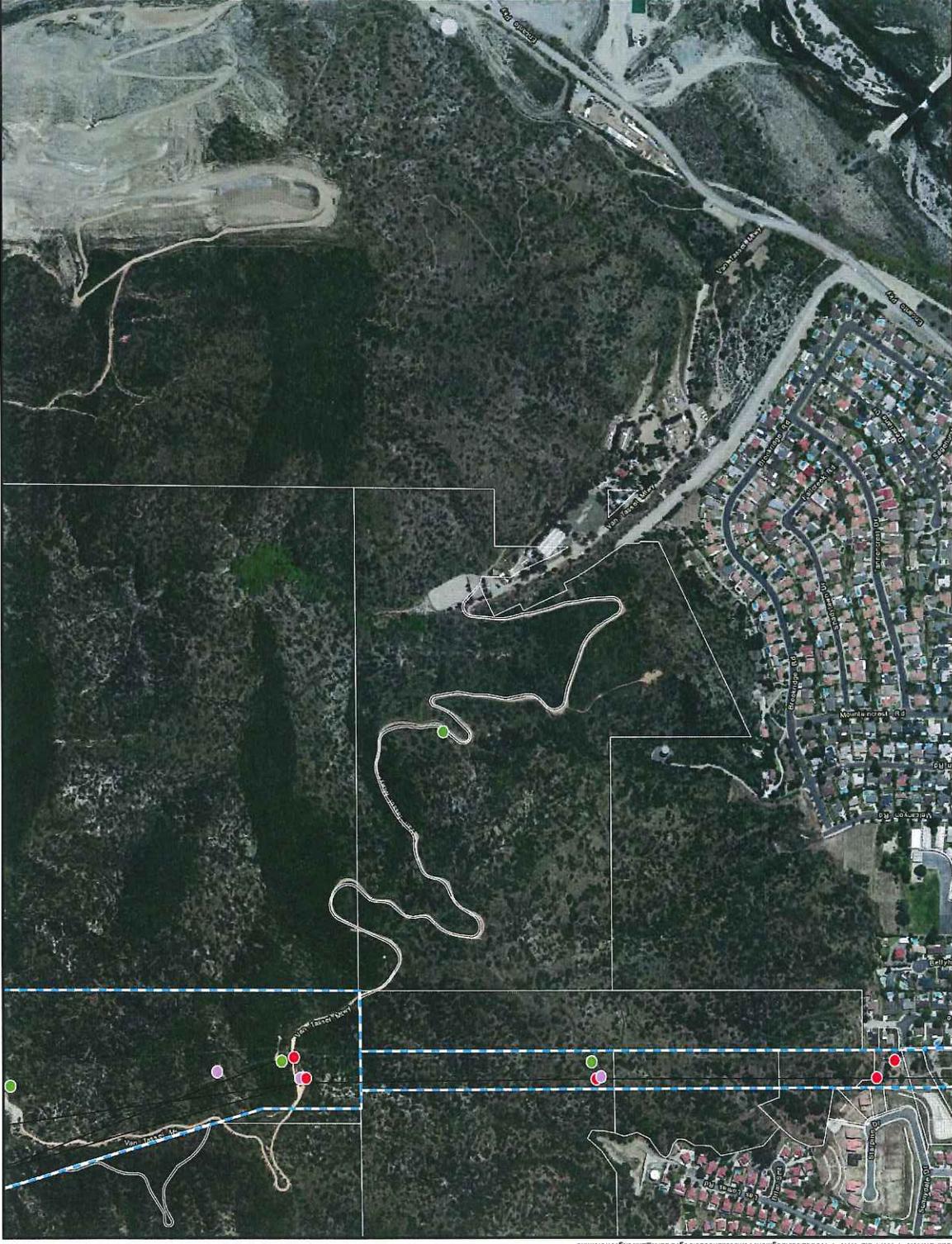
- New Structure
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- Alignment (SCE)
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City of Duarte
CONSTRUCTION MAPS
TRTP 4 - 11 Southern California Edison
Transmission Line Project
PAGE 3
12 AUG 2014



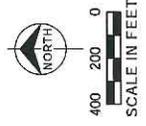
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CONFIDENTIAL - Contains Critical Electric Infrastructure Information. Contact Corporate Security (27875) for handling/storage requirements, if any questions.
Contains Transmission Information Distribution limited to FERC Standards of Conduct.



LEGEND

- New Structure
- Existing Structure
- Remove Structure
- Alignment (SCE)
- - - TRTP R.O.W



EDISON
A DIVISION OF SOUTHERN CALIFORNIA EDISON

Burns & McDonnell
SINCE 1898

City of Duarte
CONSTRUCTION MAPS
TRTP 4 - 11 Southern California Edison
Transmission Line Project
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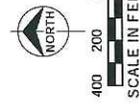


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Contains Transmission Information Distribution limited to FERC Standards of Conduct.



- LEGEND**
- New Structure
 - Existing Structure
 - Remove Structure
 - Alignment (SCE)
 - TRIP R.O.W



City of Duarte

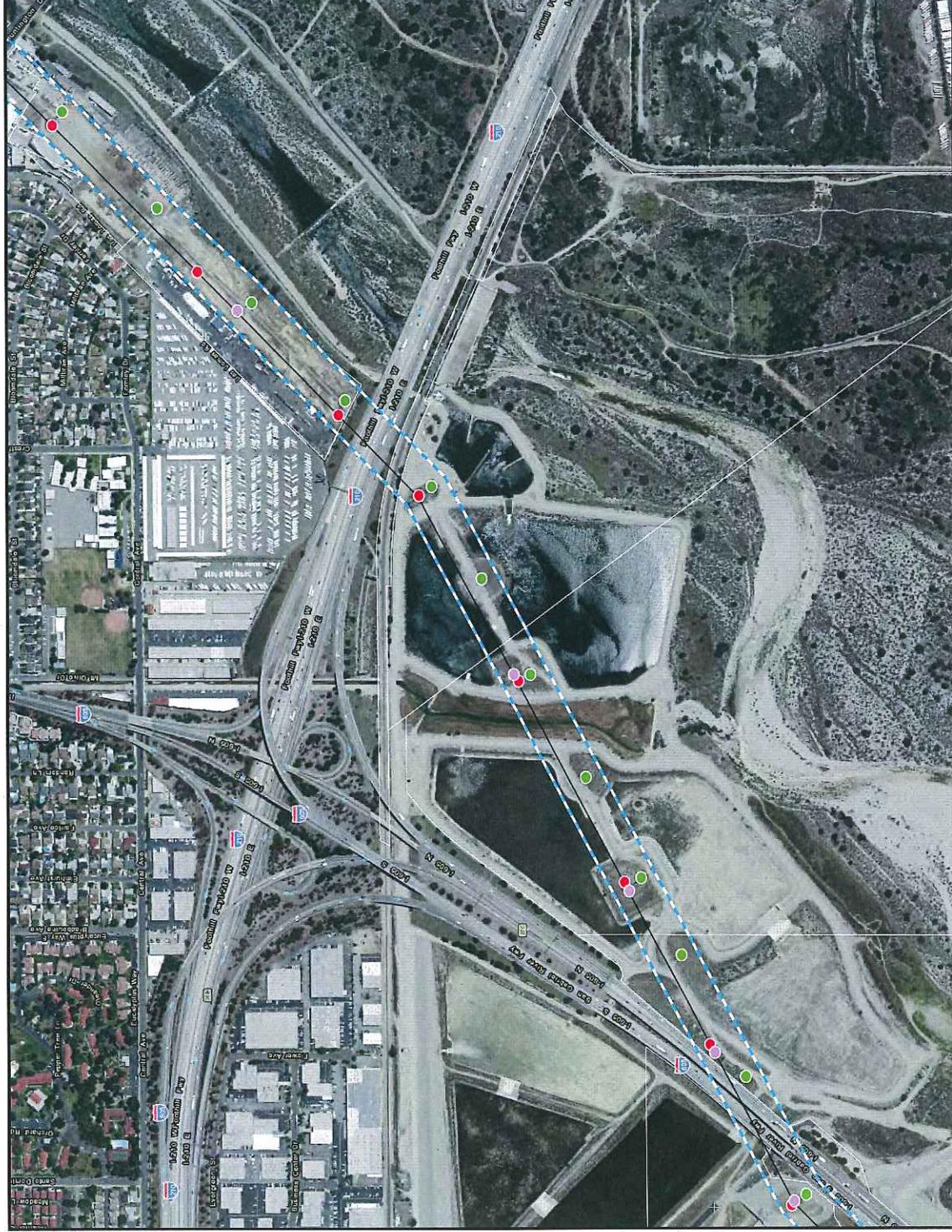
 CONSTRUCTION MAPS

 TRTP 4 - 11 Southern California Edison

 Transmission Line Project

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