



MINUTES OF APRIL 21, 2015 REGULAR MEETING OF THE COVINA CITY COUNCIL/SUCCESSOR AGENCY TO THE COVINA REDEVELOPMENT AGENCY /COVINA PUBLIC FINANCING AUTHORITY/COVINA HOUSING AUTHORITY HELD IN THE COUNCIL CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET, COVINA, CALIFORNIA

CALL TO ORDER

Mayor King called the Council/Agency/Authority meeting to order at 6:32 p.m., with all members present. Closed session items were announced. There were no public speakers.

ROLL CALL

Council Members Present: ALLEN, DELACH, KING, MARQUEZ, STAPLETON

Council Members Absent: NONE

Elected Members Present: COBBETT

Staff Members Present: City Manager Miller, Interim City Attorney Hull, Police Captain Povero, Acting Finance Director Pacheco, L.A. County Fire Chief Enriquez, Parks and Recreation/Library Director Hall-McGrade, Acting Public Works Director Gonzalez, Public Works Manager/Building Official Hayes, Assistant to the City Manager Brancheau, Finance Manager Cole, Senior Management Analyst Smith, City Planner Carter, Electronic Resource Analyst Kadir and Chief Deputy City Clerk LaCroix

AGENDA POSTING DECLARATION

The Chief Deputy City Clerk of the City of Covina hereby declares the Council/Agency/Authority agenda for the April 21, 2015 meeting was posted on April 16, 2015 near the front entrance of City Hall, 125 East College Street, Covina, near the front entrance of the Covina Public Library, 234 N. Second Avenue, Covina, by the front entrance lobby of the Joslyn Center, 815 N. Barranca Avenue, Covina, and on the City's website in accordance with §54954.2(a) of the California Government Code.

CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title: City Attorney

B. PUBLIC EMPLOYEE APPOINTMENT pursuant to Government Code Section 54957

Title: City Attorney

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957

Title: City Manager

RECONVENE THE MEETING

The City Council/Successor Agency to the Covina Redevelopment Agency/Public Financing Authority/Housing Authority meeting reconvened at 7:31 p.m., with all members present.

City Manager Andrea Miller announced that there is no reportable action related to the closed session items.

PLEDGE OF ALLEGIANCE

Council Member Delach led the pledge of allegiance.

INVOCATION

Covina Police Chaplin Dave Truax gave the invocation.

PRESENTATIONS

Mayor King invited Kim Plater of the Covina Woman's Club to the lectern and presented a proclamation recognizing April as Sexual Assault Awareness Month and Child Abuse Awareness Month.

PUBLIC COMMENTS

Police Sergeant Bobkiewicz and Officer Malinoski advised that the month of May pays remembrance to those Peace Officers who have given the ultimate sacrifice and lost their lives in the line of duty. Officer Malinoski distributed a hockey jersey to each of the Council Members and explained the jersey was designed to commemorate Police Officer Jordan Corder. He stated the jersey would be worn on May 3, 2015 at the California Pease Officers' Memorial Ceremony as well as the National Law Enforcement Memorial in Washington, DC.

Mr. Leonard W. Rose, Jr., La Puente resident, spoke regarding the Easter Production at Covina Assembly of God Church. Mr. Rose encouraged those to watch the television show this Sunday, *A.D. the Bible Continued*.

Abdali Martinez, Field Representative for Assembly member Roger Hernandez, Jr., introduced herself and stated she is excited about representing the City of Covina.

COUNCIL/AGENCY/AUTHORITY COMMENTS

Council Member Marquez requested to adjourn in memory of Nadine M. Feldheim, wife of Covina Valley Historical Society and Covina Police volunteer, Fred Feldheim. Council Member Marquez requested to adjourn in memory of Jack Bella, a dedicated Covina resident. He spoke of his attendance, along with Council Member Delach and City Manager Miller, to the San Gabriel Valley Economic Partnership, Economic Outlook study. He provided highlights of the Covina Chalk Festival held on April 18, 2015. Council Member Marquez reported that Covina Valley opened their first Tech Academy, which provides vocational trade programs. Council Member Marquez requested information on the steps the City is taking regarding the State drought measures set by the Governor.

Council Member Delach congratulated staff on the successful Chalk Festival. Council Member Delach commented on the information provided during the Economic Outlook study that the San Gabriel Valley has the lowest vacancy for industrial properties and that the economy should continue to improve through 2016.

Council Member Allen complimented the Covina Police Department for the hockey jerseys honoring Officer Jordan Corder. Council Member Allen reported that the Rio Hondo Police Academy will be honoring Officer Corder on May 24, 2015 with a wall plaque. Council Member Allen commented that St. Louise de Marillac Catholic Community Church has an upcoming musical concert benefitting the African Missionaries.

Mayor Pro Tem Stapleton acknowledged the success of the Covina Chalk Festival. He wished everyone a happy Earth Day. Mayor Pro Tem Stapleton joined the request to adjourn in memory of Nadine M. Feldheim. He also requested to adjourn in memory of Victor Valenzuela, a graduate of Covina High School.

Mayor Pro Tem Stapleton, along with Council Member Marquez, requested a review of animal control services, on a future agenda.

Mayor King requested to adjourn in memory of Antonio Gregorio Becerril, a member of Boy Scout Troop 448, Eagle Scout who graduated last June.

Mayor King announced the following “hold the date” events:

- The Covina Green Fair on Saturday, May 2, 2015 from 11:00 a.m. to 2:00 p.m. at Heritage Plaza
- City of Covina and Los Angeles County Department of Public Works is hosting a free smart gardening advanced workshop, Saturday, May 16, 2015 from 9:30 a.m. to 11:00 a.m. at Charter Oak Park
- Special Study Session Meeting regarding the City’s proposed 2015-2016 fiscal year budget, Thursday, May 7, 2015 beginning at 6:30 p.m.

CITY MANAGER COMMENTS

City Manager Andrea Miller provided details of parking alternatives presented to the businesses in the Shoppers Lane area. Staff provided options and the businesses then gave additional feedback. The group, which consisted of businesses and City officials, determined that increased enforcement of current parking restrictions was needed. The businesses agreed to relocate their employee parking to free up parking spaces. City Manager Miller reported that staff would continue to explore potential options and follow up with the business owners to discuss whether measures are working and whether additional actions are needed.

CONSENT CALENDAR

- CC 1.** City Council approved the request by GETS Theological Seminary, located at 412 E. Rowland Street, Covina, allowing an exemption from the City’s business license tax.
- CC 2.** City Council approved payment of demands in the amount of \$1,944,944.22.
- CC 3.** Successor Agency to the Covina Redevelopment Agency approved the payment of demands in the amount of \$70,192.09.
- CC 4.** City Council adopted **Resolution No. 15-7341**, reviewing continued repairs to City Hall restrooms pursuant to Section 22050 of the California Public Contract Code.

- CC 5. City Council/Successor Agency to the Covina Redevelopment Agency received and filed the quarterly report of the Treasurer to the City of Covina and the Successor Agency to the Covina Redevelopment Agency for the Quarter ended March 31, 2015.
- CC 6. City Council received and filed the annual report of the Covina Public Financing Authority.
- CC 7. City Council approved a professional services amendment agreement with Dudek, Inc., increasing the contract amount for providing environmental and planning services and authorized the City Manager to execute said agreement.
- CC 8. City Council approved reassigning the existing Assistant to the City Manager to the Community Development Department and reclassifying the incumbent employee to Senior Management Analyst; and authorized the City Manager to recruit and hire a new full-time Assistant to the City Manager.

On a motion made by Mayor Pro Tem Stapleton, seconded by Council Member Marquez the City Council approved Consent Calendar items CC1 through CC8.

Motion approved the Consent Calendar items CC1 – CC8 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

PUBLIC HEARING

PH1. Public hearing was before City Council to consider the appeal of the Planning Commission’s denial of the amendment to Conditional Use Permit (CUP) 13-004 for the property located at 692 Arrow Grand Circle (within the Arrow-Grand Industrial Park).

At 8:13 p.m., Mayor King opened the public hearing.

City Planner Alan Carter provided an overview of the proposed changes requested by Alostia Brewery, which include the allowance of one food truck, outdoor seating to the building front, extension of business hours and television allowance. City Planner Carter stated that in reviewing the request, staff did not identify any issues or problems with the business. The Police Department had no calls for service. City Planner Carter explained that the Planning Commission voted 4-1 to deny the proposed CUP amendment and summarized the reason of denial was because modifications seemed too bar-like, felt there were public safety concerns and the support letters seemed misleading. City Planner Carter reported that City Council may agree with the Planning Commission and deny the appeal, may disagree with the Planning Commission’s decision, or believe that the required findings can be made and approve the CUP, by adopting Resolution No. 15-7343.

Dan McMeekin, Covina resident and Covina Planning Commissioner, explained that when the matter came before the Planning Commission 18 months ago, the Commission crafted an order based on community input and placed reasonable restrictions on the business. Mr. McMeekin indicated that it is bad policy for the City to consider do-overs and suggested the City Council uphold the Planning Commission’s decision.

Linda Rose, Micro-Aide Corporation, read a written statement, along with providing photographs, which draw attention to her speaking in opposition of the proposed changes to the Conditional Use Permit. Ms. Rose specified that the brewery has had outdoor parties with live music and that the loading dock is used for barbecuing. Ms. Rose reported that there are issues with Alostia Brewery patrons and employees parking in front of other businesses and that the establishment has a television already installed.

Andrew McIntyre, McIntyre Group, indicated he is the property owner and manager for the industrial property that fronts Arrow Highway at the Arrow Grand Center. Mr. McIntyre stated that he is in favor of the proposed revisions and that none of his tenants have had any complaints. Mr. McIntyre feels Alostia Brewery is a great asset to the industrial park and the community.

Ron Flowers, Covina resident, stated that he owns the townhome that is directly across the street from the Brewery. Mr. Flowers explained that voices are not always contained when alcohol is involved. Mr. Flowers provided that having loud noise all week seems unreasonable and that extending the hours to 12:00-midnight is tough for him as a resident. Mr. Flowers stated the business has been fine; however, he is against having a “party” seven days a week.

Jamie Caldwell, Alostia Brewery partner/owner, explained that since opening, they have doubled production and expanded the business to include canning, retail establishments and restaurants. Mr. Caldwell stated the outside patio area would be on the opposite side from the townhomes. Food trucks would bring a new following and provides food to those patrons tasting alcohol. Mr. Caldwell stated they are asking for the opportunity to grow the business and wants to make Alostia Brewing Company a household name that is synonymous with Covina.

Further discussion continued regarding the food trucks, loud noise, brewery tasting hours and overall growth of the business.

At 9:19 p.m., Mayor King closed the public hearing.

Council Member Allen stated he was in favor of the proposed Conditional Use Permit with modification to the closing hours.

Council Member Delach stated she is in favor of the Conditional Use Permit with further review of the conditions.

Council Member Marquez stated he is in support of the requested revisions combined with a 10:00 p.m. close time.

Mayor Pro Tem Stapleton stated he is in support of the Planning Commission’s decision.

Mayor King stated he is agreeable with the limitation of tasting hours.

Following further Council discussion and on a motion made by Council Member Allen, seconded by Council Member Delach, the City Council adopted **Resolution No. 15-7343**, making certain findings to support the amendment to the Conditional Use Permit, reversing the Planning Commission’s decision thereby approving the amendment to the Conditional Use Permit with the following additions: 1) Opening at 4:00 p.m. to no later than 10:00 p.m., Monday through Friday; Saturday 12:00 p.m. to 10:00 p.m., Sunday 1:00 p.m. to 7:00 p.m. 2) Providing sound dampening for the outside seating. 3) Approval of food trucks. 4) Permitting the use of televisions. 5) Allowing five nights a year to remain open until 12:00 p.m.

Motion approved Public Hearing item PH1 with the recommended amendments to the conditions of approval and adopted Resolution No. 15-7343, as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ
NOES: STAPLETON
ABSTAIN: NONE
ABSENT: NONE

NEW BUSINESS

NB1. City Council to receive an appeal from the order and decision of the Acting City Manager related to two notices of violations for non-compliant newsracks.

City Attorney Elizabeth Hull advised that Best Best and Krieger cannot serve as legal Counsel for the City Council in this matter as BB&K advised staff regarding this item. Special Counsel, Attorney Deborah Fox, from Meyers Nave, will step up to the dais to advise City Council, so the appellant's due process rights are not implicated. City Attorney Hull stepped down from the dais.

Chief Deputy City Clerk Cathy LaCroix advised the item is not a public hearing, therefore there is no noticing requirement; however, as a courtesy, an agenda was mailed to Mr. Storman.

Special Counsel Deborah Fox offered the three options for Council 1) To approve the decision confirming the order of the Acting City Manager. 2) Refer the matter back to the Police Chief with or without instruction. 3) Set the matter for public hearing before City Council.

Deputy City Attorney Michael Maurer reported this is an appeal or two citations for two newsracks, one located on the sidewalk next to Heritage Park and the second is located on the sidewalk in a residential area. There was a citation issued and an appeal was made to the Acting City Manager. The Acting City Manager made a decision on the appeal, which has been included in the documentation of findings. Deputy City Attorney Maurer stated City Council has an option under the Municipal Code and the recommendation this evening is to affirm the decision of the Acting City Manager.

Hector Storman, stated he submitted an email on March 18 to the Planning Division. Mr. Storman read from the March 18 email, outlining that California Business and Professional Code 5412, finds that newsracks as street furniture and clearly states that the only way to remove them is by eminent domain. Mr. Storman stated there is a problem with the City's adopted ordinance because it gave a three-month notice, there is an exception in residential area and the amortization period has to be two weeks.

Mr. Storman stated he has been a resident of Covina since 1975. He explained that big newspaper companies are abandoning local communities and he had a concept to create a neighborhood newspaper. He provided a copy of the newsletter he writes. Mr. Storman stated in 2013 he obtained a permit for the newsracks and installed one on the sidewalk in front of his property and one in front of Heritage Park. Mr. Storman indicated that a few months later, City Council adopted an Urgency Ordinance preventing him from doing what he had already done legally. Mr. Storman advised he was never given any notice that there was a violation and was not given due process.

Special Counsel Deborah Fox reported she has reviewed the ordinance and the items listed under 11.32.160(c) are actions that the City Council can take this evening. The items raised by

Mr. Storman were dealt with in the staff report as part of the agenda packet. The comments and claims that there were only three months on the amortization period, is not correct. Section 11.32.190 of the ordinance has a six month time period and is a proper and appropriate amortization period, which has come and gone. In the First Amendment area, the City is allowed to adopt ordinances that impose reasonable time, place and manner restrictions on newsracks. That is what this Council has done. Accordingly, you are on solid and legal ground in the support of the record and taking action to uphold the decision of the Acting City Manager.

On a motion made by Council Member Delach, seconded by Council Member Allen, the City Council approved the decision and order of the Acting City Manager.

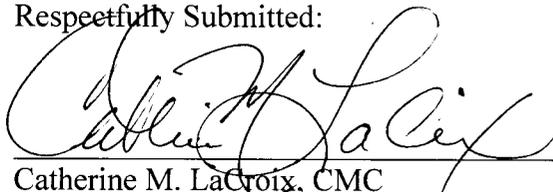
Motion approved New Business item NB1, thereby approving the decision and confirming the order of the Acting City Manager, as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

ADJOURNMENT

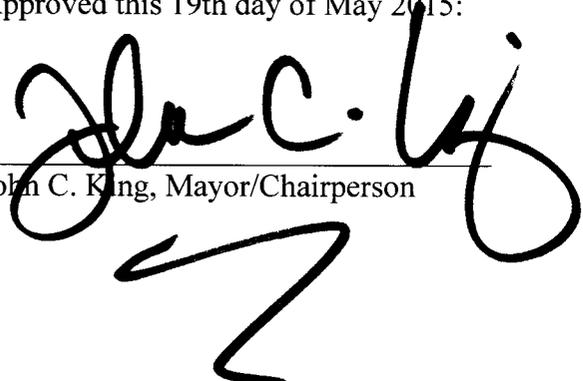
At 9:56 p.m., the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Covina Housing Authority adjourned in memory of Nadine M. Feldheim, Victor Valenzuela, Antonio Gregorio Becerril and Jack Bella, to its next regular meeting of the Council/Agency/Authority on **Tuesday, May 5, 2015**, at 6:30 p.m., for closed session and 7:30 p.m., for open session in the Council Chamber located inside of City Hall, 125 East College Street, Covina, California, 91723.

Respectfully Submitted:



Catherine M. LaCroix, CMC
Chief Deputy City Clerk

Approved this 19th day of May 2015:



John C. King, Mayor/Chairperson