



City of Covina/Successor Agency to the  
Covina Redevelopment Agency/  
Covina Public Finance Authority/  
Covina Housing Authority

Mayor John King – Mayor Pro Tem Kevin Stapleton

Council Members: Walter Allen – Peggy Delach – Jorge Marquez

**Revised – Staff Recommendation to Item NB2**

**REGULAR MEETING AGENDA**

125 E. College Street, Covina, California

Council Chamber of City Hall

**Tuesday, April 7, 2015**

7:00 p.m.

- As a courtesy to Council/Agency/Authority Members, staff and attendees, everyone is asked to silence all pagers, cellular telephones and any other communication devices.
- Any member of the public may address the Council/Agency/Authority during both the public comment period and on any scheduled item on the agenda. Comments are limited to a maximum of five minutes per speaker unless, for good cause, the Mayor/Chairperson amends the time limit. Anyone wishing to speak is requested to submit a yellow Speaker Request Card to the City Clerk; cards are located near the agendas or at the City Clerk's desk.
- Please provide 10 copies of any information intended for use at the Council/Agency/Authority meeting to the City Clerk prior to the meeting.
- **MEETING ASSISTANCE INFORMATION:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (626) 384-5430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.
- **DOCUMENT AVAILABILITY:** Any writings or documents provided to a majority of the Council/Agency/Authority regarding any item on this agenda will be made available for public inspection at the City Clerk's Office at City Hall located at 125 E. College Street and the reference desk at the Covina Library located at 234 North Second Avenue during normal business hours. In addition, such writings and documents are available in the City Clerk's Office and posted on the City's website at [www.covinaca.gov](http://www.covinaca.gov).
- Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Covina Housing Authority unless listed on agenda, which has been posted not less than 72 hours prior to meeting.
- If you challenge in court any discussion or action taken concerning an item on this agenda, you may be limited to raising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting.
- The Covina City Clerk's Office does hereby declare that the agenda for the **April 7, 2015** meeting was posted on **April 2, 2015** near the front entrance of the 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 Section 54954.2(a) of the California Government Code.

*April 7, 2015*

**CITY COUNCIL/SUCCESSOR AGENCY TO THE  
COVINA REDEVELOPMENT AGENCY/  
COVINA PUBLIC FINANCE AUTHORITY/COVINA HOUSING AUTHORITY  
JOINT MEETING—CLOSED SESSION  
7:00 p.m.**

**CALL TO ORDER**

**ROLL CALL**

Council/Agency/Authority Members Allen, Delach, Marquez, Mayor Pro Tem/Vice Chairperson Stapleton and Mayor/Chairperson King

**PUBLIC COMMENTS**

*The Public is invited to make comment on Closed Session items only at this time. To address the Council/Agency/Authority please complete a yellow speaker request card located at the entrance and give it to the City Clerk. Your name will be called when it is your turn to speak. Individual speakers are limited to five minutes each.*

**The City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority will adjourn to closed session for the following items:**

**CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** pursuant to Government Code Section 54956.9(d)(2)  
Number of cases: One (1) potential case
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Initiation of litigation pursuant to Government Code Section 54956.9(d)(4)  
Number of cases: One (1) potential case
- C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government Code Section 54957  
Title: City Attorney
- D. PUBLIC EMPLOYEE APPOINTMENT** pursuant to Government Code Section 54957  
Title: City Attorney
- E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government Code Section 54957  
Title: City Manager

**RECESS**

**CITY COUNCIL/SUCCESSOR AGENCY TO THE  
COVINA REDEVELOPMENT AGENCY/  
COVINA PUBLIC FINANCE AUTHORITY/COVINA HOUSING AUTHORITY  
JOINT MEETING—OPEN SESSION  
7:30 p.m.**

**RECONVENE AND CALL TO ORDER**

**ROLL CALL**

Council/Agency/Authority Members Allen, Delach, Marquez, Mayor Pro Tem/Vice Chairperson Stapleton and Mayor/Chairperson King

**PLEDGE OF ALLEGIANCE**

Led by Council Member Marquez

**INVOCATION**

Given by Covina Police Chaplain Truax

**PRESENTATIONS**

Presentation – Past Mayor Peggy Delach

- a) Mayor’s Presentation
- b) Local Officials Presentation

Presentation –129<sup>th</sup> Birthday Celebration – Covina Historical Society

Presentation – Covina Rotary Club

**PUBLIC COMMENTS**

*To address the Council/Agency/Authority please complete a yellow speaker request card located at the entrance and give it to the City Clerk/Agency/Authority Secretary. Your name will be called when it is your turn to speak. Those wishing to speak on a LISTED AGENDA ITEM will be heard when that item is addressed. Those wishing to speak on an item NOT ON THE AGENDA will be heard at this time. State Law prohibits the Council/Agency/Authority Members from taking action on any item not on the agenda. Individual speakers are limited to five minutes each.*

**COUNCIL/AGENCY/AUTHORITY COMMENTS**

*Council/Agency/Authority Members wishing to make any announcements of public interest or to request that specific items be added to future Council/Agency/Authority agendas may do so at this time.*

**CITY MANAGER COMMENTS**

## **CONSENT CALENDAR**

*All matters listed under consent calendar are considered routine, and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Council/Agency/Authority votes on them, unless a member of the Council/Agency/Authority requests a specific item be removed from the consent calendar for discussion.*

- CC 1.** City Council to approve the minutes from the March 3, 2015 regular meeting of the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Covina Housing Authority.
- CC 2.** City Council to approve the minutes from the March 17, 2015 regular meeting of the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Covina Housing Authority.
- CC 3.** City Council to approve payment of demands in the amount of \$3,403,826.26.
- CC 4.** Successor Agency to the Covina Redevelopment Agency to approve payment of demands in the amount of \$11,344.13.
- CC 5.** Housing Authority Board to receive and file the SB 341 Compliance Report (revised) on the Housing Successor Agency Low and Moderate Income Housing Asset fund for the year ended June 30, 2014.
- CC 6.** City Council to approve Facility Use Agreement between the City and Covina Farmer's Market and Family Night for the operation of Farmers' and Street Market in the City of Covina.
- CC 7.** City Council to adopt **Resolution No. 15-1339**, reviewing continued repairs to City Hall restrooms pursuant to Section 22050 of the California Public Contract Code.
- CC 8.** City Council to adopt **Resolution No. 15-7340**, authorizing city personnel to make deposits or withdrawals from the Local Agency Investment Fund (LAIF).
- CC 9.** Successor Agency to the Covina Redevelopment Agency to adopt **Resolution No. 15-030**, designating officers authorized to make deposits or withdrawals from the Local Agency Investment Fund (LAIF).
- CC 10.** Covina Public Finance Authority Board to adopt **Resolution No. 15-12**, designating officers authorized to make deposits or withdrawals from the Local Agency Investment Fund (LAIF).
- CC 11.** City Council to adopt **Resolution No. 15-7341**, amending the Fiscal Year 2014-2015 Budget to fund the expanded contract scope for Project No. F-1414.
- CC 12.** City Council to adopt **Resolution No. 15-7342**, amending the fiscal year 2014-2015 General Fund budget to accept up to \$600 from the East San Gabriel Valley Human Services Consortium for use of City office and authorize the City Manager to sign lease agreement.
- CC 13.** City Council to approve letter agreement with Control Automation Design for Charter Oak Reservoir Power Supply Panel SCADA Upgrade.

## **CONSENT CALENDAR CONTINUED**

**CC 14.** City Council to approve letter agreement with Control Automation Design for SCADA System Automation Services.

## **PUBLIC HEARING**

**PH1.** City Council to conduct a public hearing to consider resolutions authorizing annexation of territory to City of Covina Community Facilities District No. 2007-1 (Public Services) (Annexation No. 7), and to call and hold a special election (166 E. Center Street).

### **Staff Recommendation:**

- 1) City Council open the public hearing and consider public testimony; and
- 2) City Council to adopt **Resolution No. 15-7336**, authorizing the annexation of territory to Community Facilities District No. 2007-1 (Annexation No. 7) and authorizing the levy of a special tax and submitting the levy of tax to the qualified electors; and
- 3) City Council to adopt **Resolution No. 15-7337**, calling a special election and submitting to the voters of Annexation No. 7 of City of Covina Community Facilities District No. 2007-1 (Public Services), propositions regarding the annual levy of special taxes within Annexation No. 7 to finance public services, and the establishment of an appropriations limit; and
- 4) City Council to adopt **Resolution No. 15-7338**, making certain findings, certifying the results of an election and adding property to Community Facilities District No. 2007-1 (Public Services), Annexation No. 7.

## **NEW BUSINESS**

**NB1.** City Council's confirmation of Mayor's appointments to Intergovernmental Agencies and adoption of Resolution of the City Council of the City of Covina appointing the City's representative and alternate on the City Selection Committee.

### **Staff Recommendation:**

- 1) City Council to approve the Mayor's designation of delegates and alternates to Regional and City Boards and Commissions; and
- 2) City Council to adopt **Resolution No. 15-7344**, appointing the City's representative and alternate to act on behalf of the City at meetings of the City Selection Committee.
- 3) City Council to authorize the City Clerk to fill the appointed names on said resolution.

**NB2.** City Council discussion on imposing a moratorium on land use changes and the consideration of options to moratorium.

### **Staff Recommendation:**

- 1) City Council to direct staff to prepare a resolution establishing a policy and specific criteria for City Council to consider in reviewing any general plan amendment proposals.

**ADJOURNMENT**

The Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority will adjourn to its next regular meeting of the Council/Agency/Authority scheduled for **Tuesday, April 21, 2015**, at 6:30 p.m. for closed session and 7:30 p.m. for open session inside the Council Chamber, 125 East College Street, Covina, California, 91723.

# Draft minutes



CC1

## MINUTES OF MARCH 3, 2015 REGULAR MEETING OF THE COVINA CITY COUNCIL/SUCCESSOR AGENCY TO THE COVINA REDEVELOPMENT AGENCY /COVINA PUBLIC FINANCE AUTHORITY/COVINA HOUSING AUTHORITY HELD IN THE COUNCIL CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET, COVINA, CALIFORNIA

### CALL TO ORDER

Mayor Delach called the Council/Agency/Authority meeting to order at 7:20 p.m. and announced the closed session items. There was no public comment.

### ROLL CALL

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

**Council Members Absent:** NONE

**Elected Members Present:** COBBETT, WALCZAK

**Staff Members Present:** City Manager Miller, Interim City Attorney Hull, Assistant City Attorney Priest, Police Chief Raney, Police Captain Webster, L.A. County Fire Chief Enriquez, Parks and Recreation/Library Director Hall-McGrade, Finance Director De Alwis, Interim Public Works Director Gonzalez, Assistant to the City Manager Brancheau, Interim Community Development Director Fong, Public Works Manager/Building Official Hayes, Finance Manager Cole, Finance Manager Pacheco, Senior Management Analyst Smith, City Planner Carter, Senior Housing and CDBG Economic Development Manager Gasser, Library Services Supervisor Blair, Administrative Technician Virbia, Library Clerk Stanton, Officer Ramirez, Electronic Resource Analyst Kadir and Administrative Technician Balsz

### AGENDA POSTING DECLARATION

The Chief Deputy City Clerk of the City of Covina hereby declares the Council/Agency/Authority agenda for the March 3, 2015 meeting was posted on February 26, 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. G.C. §54957 - PUBLIC EMPLOYEE RELEASE  
Title: City Attorney
- B. G.C. §54957 - PUBLIC EMPLOYEE APPOINTMENT  
Title: Interim City Attorney

### RECONVENE THE MEETING

The City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority meeting reconvened at 7:33p.m., with all members present.

Interim City Attorney Elizabeth Hull announced that all Council Members were present for Closed Session item A, accepting City Attorney Marco Martinez's resignation and she would be acting as Interim City Attorney until Council makes a permanent decision on how to proceed.

### **PLEDGE OF ALLEGIANCE**

Council Member Allen led the pledge of allegiance.

### **INVOCATION**

Covina Police Chaplain Dave Truax gave the invocation.

### **PRESENTATIONS**

Mayor Delach invited Jonathan Buenaventura, Nathan Quintana and Marco Valadez, Cub Scouts from Troop 446, to the lectern and presented them with certificates for their accomplishments within the past years earning the Arrow of Light Award.

Mayor Delach invited Library staff, Mercedes Stanton, Krizia Virbia and Jennifer Blair to the lectern and presented each of them with certificates for their diligence in furthering their education and training in the field of Library Services.

### **PUBLIC COMMENTS**

David and Frances Munoz, residents at 1129 N. Reeder Avenue, requested the City's assistance with an ongoing dispute with their neighbors at 1139 N. Reeder Avenue who built a wall which encroaches on their property. City Manager Andrea Miller advised the Munoz's that she would check into the matter with staff, develop a plan of action and call them back before noon the following day.

Irene Snavelly invited Council, staff, and those present to the 1<sup>st</sup> annual Be The Match Walk on Sunday, March 15, 2015 from 1:00 p.m., to 5:00 p.m., at Royal Homes & Loans, 658 Shoppers Lane, Covina. Ms. Snavelly shared the walk would be honoring the memory of Covina Police Officer Jordan Corder as well Michael Miyamoto who was diagnosed with Leukemia at 5, but was able to have his life extended twice due to Be The Match.Org. Staff from Be The Match will be on site to register those interested in potentially becoming a bone marrow donor. Council Member Allen reminded everyone to be eligible for testing you have to be between the ages of 18 to 40.

Leonard W. Rose, Jr., La Puente resident, invited everyone to Covina Assembly of God's Easter Musical, I Will Follow Christ. Showtime is 7 p.m., on Sunday March 29, April 1 - 5, along with a 3 p.m. showing on Saturday April 4<sup>th</sup>.

### **COUNCIL/AGENCY/AUTHORITY COMMENTS**

Council Member Marquez remarked on the cancelled election and congratulated Mayor Delach and Council Member Allen on their re-election. Council Member Marquez spoke of his attendance with Mayor Delach at the grand opening of the PACE Facility at 535 S. Second Avenue, Covina. PACE is an all-inclusive care program for individuals over the age of 55.

Council Member Marquez announced The Charter Oak Education Foundation is hosting First Annual March Madness Elementary School Basketball Tournament at Royal Oak Middle School Gymnasium. Games will be held all week at 3:30 p.m., with a championship game on Monday March 9.

Mayor Pro Tem King shared that the coaches for the games are Covina Police Department Officers who have volunteered their time. Mayor Pro Tem King participated in The Eagle Scout Code of Honor Ceremony for Dylan Grover and remarked on what a blessing it was. Mayor Pro Tem King thanked Chief Raney for his leadership, diligence and guidance as Acting City Manager and welcomed new City Manager Andrea Miller. Mayor Pro Tem King requested to adjourn the meeting in memory of Betty Felton. Ms. Felton was a long time Covina resident, National Night Out host, volunteer at the Joslyn Center and accomplished pianist, graduating from the New York School for the Performing Arts.

Council Member Stapleton thanked Council for their receptiveness and willingness to hire City Manager Andrea Miller and also thanked staff for their patience and cooperation during the transition. Council Member Stapleton thanked Parks and Recreation/Library Services Director Hall-McGrade and staff for their hard work at City Manager's Miller's meet and greet event.

Mayor Delach also commented on the grand opening of the PACE Facility on Second Avenue and expressed what a great addition it is to the City.

Mayor Delach announced the following "hold the date" events:

- St. Patricks' Day Party, March 17, 2015 from 11:30 a.m. to 1:00 p.m. at the Joslyn Center, 815 N. Barranca Avenue, Covina.

### **CITY MANAGER COMMENTS**

City Manager Miller thanked Chief Raney for an excellent job with her transition to the City. City Manager Miller expressed how excited she is to be working for the City and is confident that by working together, she and staff will be able to move Covina forward. City Manager Miller thanked Council, staff and the community for their efforts in welcoming her.

### **CONSENT CALENDAR**

- CC 1.** City Council approved the minutes from the February 17, 2015 meeting of the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Covina Housing Authority.
- CC 2.** City Council adopted **Resolution No. 15-7326**, reviewing the restroom repairs at City Hall and continuing the emergency action to repair pursuant to Section 22050 of the California Public Contract Code.
- CC 3.** City Council approved revised Grant Scope/Cost Estimate for the Joslyn Center ADA and Beautification Improvement Project F-1404.

- CC 4. City Council adopted **Resolution No. 15-7327**, approving the City's application for, and receipt of, a Transit Oriented Development grant from the Los Angeles County Metropolitan Transportation Authority; and authorized the City Manager, or her designee, to execute all related documents.
- CC 5. City Council adopted **Resolution No. 15-7325**, amending the fiscal year 2014-2015 Library Services operating budget to expend the Young Adult Library Services (YALSA) and Dollar General Store stipend funds to support the development of California Libraries.
- CC 6. City Council approved the request by Business and Debt Counseling for exemption from the City's business license tax. The organization is located at 599 S. Barranca Avenue, Suite L103, Covina.
- CC 7. City Council received and filed the third quarter 2014 Sales Tax Report.

On a motion made by Council Member Stapleton, seconded by Council Member Marquez the City Council approved Consent Calendar items CC1 through CC7.

*Motion approved the Consent Calendar items CC1 – CC7 as follows:*

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

At the request of Mayor Delach, with Council consensus, the items listed below were discussed out of order of the posted agenda with the Public Hearing being the last order of business.

**CONTINUED BUSINESS**

- CBI. City Council to consider second reading and adoption of an Ordinance modifying the City's parking requirements citywide concerning automotive repair shops and automotive body and paint shops.

City Manager Miller gave a brief report of the item and noted it was a second reading.

On a motion made by Mayor Pro Tem King, seconded by Council Member Marquez, the City Council held second reading thereby adopting Ordinance No. 15-2036, modifying the City's parking requirements citywide concerning automotive repair shops and automotive body and paint shops.

*Motion carried for Continued Business item CBI and adopted Ordinance No. 15-2036 as follows:*

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

**CB2.** City Council to consider second reading and adoption of an Ordinance allowing medical, dental, and therapeutic offices.

City Manager Miller gave a brief report of the item and noted it was a second reading.

On a motion made by Council Member Stapleton, seconded by Council Member Allen, the City Council held second reading thereby adopting Ordinance No. 15-2035, allowing medical, dental, and therapeutic offices as a permitted use in the "C-2/Neighborhood Shopping Center," "C-3/Central Business," "C-3A/Regional or Community Shopping Center," "C-4/Highway Commercial," and "C-5/Specified Highway" zoning districts, subject to certain requirements.

*Motion carried for Continued Business item CB2 and adopted Ordinance No. 15-2035 as follows:*

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

**CB3.** City Council to consider second reading and adoption of an Ordinance, adding "automobile rental" as a permitted use within and modifying sign regulations for one property within the Shoppers Lane/Terrado Plaza Planned Community Development Area.

City Manager Miller gave a brief report and noted it was a second reading.

On a motion made by Council Member Stapleton, seconded by Council Member Allen, the City Council held second reading thereby adopting Ordinance No. 15-2037, adding "automobile rental" as a permitted use within and modifying the sign regulations for one property within the Shoppers Lane/Terrado Plaza Planned Community Development Area.

*Motion carried for Continued Business item CB3 and adopted Ordinance No. 15-2037 as follows:*

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

### **NEW BUSINESS**

**NB1.** City Council to adopt Resolutions relating to the annexation of territory to Community Facilities District No. 2007-01 (166 E. Center Street)

City Manager Miller gave a brief report on the item.

On a motion made by Council Member Allen, seconded by Council Member Stapleton, the City Council adopted Resolution No. 15-7321, declaring its intention to authorize the annexation of territory to Community Facilities District No. 2007-1 (Public Services); and adopted Resolution No. 15-7324, adopting boundary map showing territory proposed to be annexed in the future to Community Facilities District No. 2007-1 (Public Services).

***Motion carried for New Business item NB1 and adopted Resolutions No. 15-7321 and 15-7324 as follows:***

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

### **PUBLIC HEARING**

**PH 1.** City Council to reconsider its October 7, 2014 denial and to consider reopening the public hearing for General Plan Amendment GPA 14-002, Zone Change ZCH 14-001, Planned Community Development PCD 14-002 and Tentative Tract Map TTM 72121, and Site Plan Review SPR 14-003, for properties located at 777 and 847 East Edna Place and at 731 North Grand Avenue-APNS: 8429-006-018, 8429-006-017 and 8429-006-006 (“Gran Covina” Project).

At 8:12 p.m., Mayor Delach asked if Council chooses to entertain a motion and second to consider the previous action and move to reconsider the City Council previous denial of the Gran Covina Project entitlements and reopen the public hearing concerning the General Plan Amendment, Zone Change, Planned Community Development overlay, Tentative Tract Map and site plan review applications for the proposed for property generally located at 777 and 847 East Edna Place and 731 North Grand Avenue. Motion was made by Mayor Pro Tem King and seconded by Council Member Stapleton.

***Motion carried to reconsider the City Council previous October 7, 2014 denial (Gran Covina Project) as follows:***

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

City Attorney suggested Council Members disclose any ex-parte communications related to the item.

Council Member Allen reported he received a call from the developer, but declined to meet and suggested the developer address his comments at a public meeting.

Council Member Stapleton reported he did not meet with anyone.

Council Member Marquez reported he met with the developer to review the project changes.

Mayor Pro Tem King reported he exchanged emails with Mr. Schwartz after the October hearing; and did meet with the developer regarding the revised proposal.

Mayor Delach reported she received a text message offering a meeting date and declined.

Mayor Delach announced this is the time and place set for the public hearing on the reconsideration of the October 7, 2014 denial and reopening the public hearing for General Plan Amendment 14-002, Zone Change 14-002, Planned Community Development 14-002, Tentative Tract Map 72121, and Site Plan review 14-003 for the properties located at 777 and 847 East Edna Place and 731 North Grand Avenue (“Gran Covina” Project).

Mayor Delach inquired and City Clerk Mary Lou Walczak confirmed notice of the public hearing was posted, mailed and published in the San Gabriel Valley Examiner in the manner and form as required by law.

Interim Community Development Director Nancy Fong stated this item is a continuation of a complex land use issue that requires council consideration. The proposed project site consists of three parcels and approximately 6.1 acres of land. The applicant proposed to change the industrial land to residential use to build 67 units consisting of 35 single family homes and 32 townhomes on approximately five-acres of land with one-acre maintained for commercial development. In August 2014, the Planning Commission recommended denial to the City Council. The City Council then considered the project and after a long deliberation reversed the Commissions' decision and directed staff to return with the appropriate resolutions and ordinances for approval. At the October Council meeting, the City Council took in additional public input and after deliberations, at a 3-2 vote, denied the proposed project. Subsequent to the October meeting, there were multiple requests to reopen the public hearing and at the November 4, 2014 meeting, Council directed staff to re-advertise and re-notice a public hearing. A week prior to the meeting this evening, the applicant submitted an amended proposed project. The new amended project consists of a better land use alternative. The residential portion has been reduced in scope and size; the potential land use conflict between the two still exists to some extent. Community Development Director Fong briefed City Council on the staff recommendations listed on the agenda for consideration.

There was a brief general question and answer period regarding the proposed project.

At 8:32 p.m., Mayor Delach opened the public hearing and advised that this is a public hearing for the receipt of oral and written public testimony for and against the reconsideration of the project. You are not required to provide oral testimony in order to submit a comment. If you wish, you may simply submit your written comment to the City Clerk.

Anthony Kim, representing The Inland Oversight Committee, Upland, stated that his client pointed out a number of deficiencies in the Mitigated Negative Declaration. The project issues will be exacerbated because the applicant is proposing changes to the project by making a separate application to the Planning Commission at a later date and CEQA prohibits piecemeal environmental review. Mr. Kim asked Council to deny the project.

Greg Okura, representing the property owners of 731 N. Grand and 837 Edna Place, extended his support of the project and hopes the Council will see fit to continue to hear the project revisions. Mr. Okura believes the project would be a good way for the property to become a positive for the City and provide additional new housing.

Angela Thomas, Covina resident, spoke in favor of the project.

Johanne Schwartz, Covina business owner, read a statement regarding Edna Place being the heart of the M1 Zone in Covina. Ms. Schwartz outlined the need for a balanced community and that Edna Place M1 Zone has existed for over 50 years. She encouraged a no vote on the M1 Zone change.

Seth Schwartz, Covina business owner, spoke in opposition of the M1 Zone change.

Matt Begin, Covina business owner, stated the Council should be looking at what is best for the City in the long run. Mr. Begin indicated this is only going to bring problems if residential is on an active industrial street.

Dawn Nelson, Executive Director for the Covina Chamber of Commerce, spoke in support of the project. The Chamber feels this is a unique property and the proposed project will stimulate the local economy.

Rosa Roman, on behalf of Mr. and Mrs. Ko, read a letter which explains the Ko's project support and feeling that the mix of residential and restaurant would be a significant improvement.

Carol Greenberg, Covina business owner, spoke in support of the project. She reported that currently there are only 28 homes for sale under a \$500 price point and discussed the shortage of affordable homes.

Kevin Lee, Covina resident and representing the Blackard Family who owns the vacant lot on the south side of the project, supports the project and feels it is better than a vacant lot. Mr. Lee pointed out of the lack of residential property currently available in Covina.

Greg Cook, spoke on behalf of the applicant, gave a PowerPoint presentation regarding the project site. Mr. Cook discussed that they listed the property for sale for less than the purchase price with no offers on the industrial portion; there is interest in the commercial portion. Mr. Cook outlined the proposal to reduce the number of homes, townhomes and adding an industrial commercial component to the proposed project.

Frank Geraci, Covina business owner, recounted witnessing two young boys walking on Grandview when one boy ran into the street with a large semi-truck on Edna Place. Mr. Geraci spoke of a concern with having more kids at the location with the proposed project.

Katherine Jenson, Rutan & Tucker, land use and CEQA legal counsel for the project applicant, reported on the project revisions and stated there should be no further CEQA analysis because of the footprint reduction. Ms. Jenson extended statue example that the revised project should not have to return before the Planning Commission.

Don Cook, project applicant, reported that this project accounts for less than one-percent change to all the M1 zones in Covina and that industrial is being added to address the concerns of the neighboring businesses about the change. He stated this project would create 40 new jobs, would extend curbing and gutter and is offering to put in sidewalks to Grandview.

David Diaz, El Monte resident, spoke in favor of the project as someone who frequents Covina and is in the market to purchase a home. Mr. Diaz feels the project will meet the needs of the millennial generation and revitalize Covina.

Gemma Shallito, Covina resident, spoke in support of the project.

Dario Castellanos, Covina business owner, spoke in support of the project. He stated businesses need more customers and affordable housing.

Natalie McBurney, Covina resident, spoke in support of the project and the importance of having affordable housing.

Robert Fry, Covina resident, spoke in favor of the project, stating that buyers want new construction.

Gregg Tuttle, Baldwin Park business owner, spoke in favor of the project. Mr. Tuttle explained that every city needs revenue by bringing in sales tax and property tax, and that Council should look at what is good for the City.

Kenny King, unincorporated Covina business owner, believes the project is an unfavorable mix and there is a need to keep commercial property in Covina. Mr. King provided development suggestions for the property.

City Attorney Elizabeth Hull reported the following written comments were received and would be included with the record: Booklet from The "Just Say NO" Committee, the QuarterLee Newsletter, Commercial Real Estate Services, Lee & Associates, email from Matthew Begin, Briggs Law Corporation on behalf of clients, The Inland Oversight Committee and Covina Residents for Responsible Development.

Kevin Oros, Hacienda Heights resident, spoke in favor of the project and as a young professional sees the serious lack of affordable housing. Mr. Oros spoke of his excitement for the project because he would like to live in the community.

Josh Mason, Covina business owner, spoke in opposition and expressed a concern for his business directly across the street from residential.

At 9:33 p.m., Mayor Delach closed the public hearing.

On a motion made by Council Member Stapleton, seconded by Mayor Pro Tem King, the City Council to adopt **Resolution No. 15-7328**, denying General Plan Amendment GPA 14-002, denying Zone Change ZCH 14-001, and denying Planned Community Development Overlay Zone PCD 14-002; for properties located at 777 and 847 Edna Place and 731 North Grand Avenue (aka the "Gran Covina" project – APNS: 8429-006-018, 8429-006-017 and a portion of 8429-006-006).

Council Member Stapleton expressed that he is not in favor of spot zoning and not overruling the Planning Commission's decision regarding the project. Council Member Stapleton suggested reviewing all of the City's zoning in a comprehensive manner.

Mayor Delach spoke in favor of having a balanced community with places to live, work, shop and play. The General Plan was set up to create that balance. Mayor Delach feels the project is not a good mix for the City and that Council and staff need to look at pursuing commercial and industrial market.

Council Member Allen reported he is in favor of the project. Council Member Allen stated that the property has been vacant and blighted for so long and would like to see it developed; he hopes there is an effort to improve the property.

Council Member Marquez recounted that the property has had no construction in the past 30 years and is currently blighted. Council Member Marquez believes the project is good and would help increase funding for local schools and encourage young families to move to Covina.

Mayor Pro Tem King asserted that he feels the project is a good project, but believes the project is wrong for the location.

City Manager Miller suggested the Council be afforded an opportunity to come together and look at the City's General Plan and Zoning provisions, while staff addresses issues with the development review process. City Manager Miller noted that code enforcement will continue to enforce property standards.

***Motion carried adopting Resolution No. 15-7328, thereby denying GPA 14-002, ZCH 14-001, PCD 14-002 Overlay Zone, as follows:***

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

On a motion made by Council Member Stapleton, seconded by Mayor Delach, the City Council to adopt **Resolution No. 15-7329**, denying Tentative Tract Map 72721 for the residential development of 67 lots and for commercial development of 2 lots for properties located at 777 and 847 Edna Place and 731 North Grand Avenue (aka the “Gran Covina” project – APNS: 8429-006-018, 8429-006-017 and a portion of 8429-006-006).

***Motion carried adopting Resolution No. 15-7329, thereby denying TTM 72721, as follows:***

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

On a motion made by Council Member Stapleton, seconded by Mayor Pro Tem King, the City Council to adopt **Resolution No. 15-7330**, denying Site Plan Review SPR 14-003 for the residential development of 67 units and the commercial development of 2 buildings with drive-through facilities on properties located at 777 and 847 Edna Place and 731 North Grand Avenue (aka the “Gran Covina” project – APNS: 8429-006-018, 8429-006-017 and a portion of 8429-006-006).

***Motion carried adopting Resolution No. 15-7330, thereby denying SPR 14-003, as follows:***

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

### **ADJOURNMENT**

At 10:02 p.m., the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority adjourned in memory of Betty Felton, to its next regular meeting on **Tuesday, March 17, 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:

\_\_\_\_\_  
Madeline M. Balsz, Administrative Technician

Approved this 7th day of April 2015:

\_\_\_\_\_  
John King, Mayor/Chairperson

# Draft minutes



CC2

## MINUTES OF MARCH 17, 2015 REGULAR MEETING OF THE COVINA CITY COUNCIL/SUCCESSOR AGENCY TO THE COVINA REDEVELOPMENT AGENCY /COVINA PUBLIC FINANCE AUTHORITY/COVINA HOUSING AUTHORITY HELD IN THE COUNCIL CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET, COVINA, CALIFORNIA

### CALL TO ORDER

Mayor Delach called the Council/Agency/Authority meeting to order at 7:30 p.m., with all members of the City Council present.

### ROLL CALL

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

**Council Members Absent:** NONE

**Elected Members Present:** WALCZAK

**Staff Members Present:** City Manager Miller, Interim City Attorney Hull, Assistant to the City Manager Brancheau, Police Chief Raney, Parks and Recreation/Library Director Hall-McGrade, Finance Director De Alwis, Interim Public Works Director Gonzalez, Interim Community Development Director Fong, Finance Manager Cole, Finance Manager Pacheco, Police Captain Povero, L.A. County Fire Chief Enriquez, Parks and Recreation Manager Evans, Senior Housing and CDBG Economic Development Manager Gasser, 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 March 17, 2015 meeting was posted on March 12, 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.

### PLEDGE OF ALLEGIANCE

Council Member Stapleton led the pledge of allegiance.

### INVOCATION

Covina Police Chaplin Dave Truax gave the invocation.

## **INSTALLATION OF OFFICERS**

### **Covina City Council**

Los Angeles County District Attorney Jackie Lacey administered the Oath of Office to appointed Council Member Walt Allen III.

Council Member Allen expressed appreciation to District Attorney Lacey, the Covina residents, City staff members, Council Members, the Covina Chamber of Commerce staff and Board Members, the Covina Downtown Business Association, and the men and women of the Covina Police Department. Council Member Allen spoke of his excitement with City Manager Andrea Miller's leadership for the City.

Fran Delach administered the Oath of Office to appointed Council Member Peggy Delach.

Council Member Delach expressed appreciation to her husband, Fran Delach, City Council Members, Covina Police Department, Los Angeles County Fire Department, new City Manager Andrea Miller, Covina businesses, Covina Downtown Association and for a balanced and prosperous community. Council Member Delach reaffirmed her commitment over the next four years to make Covina the best place it can be.

## **CITY COUNCIL REORGANIZATION**

### ***Election of Mayor and Mayor Pro Tempore***

City Clerk Mary Lou Walczak opened the nomination for one person to serve as Mayor, with the term expiring March 2016.

Motion was made by Council Member Stapleton, seconded by Council Member Delach, to nominate John King as Mayor. Being no further nominations, the nominations were closed and a roll-call vote was taken.

#### ***Motion approved John King as Mayor with the term expiring March 2016:***

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

Mayor King opened the nomination for one person to serve as Mayor Pro Tempore, with the term expiring March 2016.

Motion was made by Council Member Allen, seconded by Council Member Delach, to nominate Kevin Stapleton as Mayor Pro Tempore. Being no further nominations, the nominations were closed and a roll-call vote was taken.

#### ***Motion approved Kevin Stapleton as Mayor Pro Tempore with the term expiring March 2016:***

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

Mayor King briefly spoke about the privilege and honor of serving alongside the Council Members in the community he calls home.

### **PRESENTATIONS**

Police Chief Kim Raney invited Council Member Delach to the lectern where he presented her with a photo of the 2014 Police Department.

James Scharton, Covina High School Future Farmers of America Vice President, presented his region speech regarding a current agriculture issue. The speech will be presented to the Southern Regional Finals at Cal Poly Pomona on March 24, 2015.

### **PUBLIC COMMENTS**

None.

### **COUNCIL/AGENCY/AUTHORITY COMMENTS**

Mayor Pro Tem Stapleton thanked his colleagues and congratulated Council Member Allen and Council Member Delach. He reminded everyone that the Covina Baseball Association opening day is Saturday, March 21, 2015, at Hollenbeck Park. Mayor Pro Tem Stapleton wished everyone a Happy Easter. Mayor Pro Tem Stapleton requested to adjourn the meeting in memory of Helen Qualkenbush, a 60 year resident of Glendora and mother of 5 children, 11 grandchildren and 12 great-grandchildren, most of which still reside locally. Mayor Pro Tem Stapleton summarized that the audit sub-committee received a positive unmodified opinion of the City's financial statements.

Mayor Pro Tem Stapleton requested, Council Member Delach seconded, for an item on an upcoming agenda to consider establishing a moratorium regarding zoning changes.

Council Member Allen recognized community members in the audience and expressed his appreciation for what they do to make Covina special.

Council Member Marquez congratulated Council Member Allen and Council Member Delach and expressed appreciation for a great working relationship. Council Member Marquez cited the accomplishments during the past year. Council Member Marquez inquired about an ordinance or official article for future mayor rotations.

Mayor Delach wished everyone a Happy St. Patrick's Day and Easter.

Mayor King announced the following "hold the date" events:

- Covina Rotary Club Annual Fun Run, Saturday, March 21, 2015, beginning at 8:00 a.m., at South Hills High School, West Covina
- The 2015 Craft Beer Walk Fundraiser, benefiting the Covina Public Library Literacy Program on Saturday, March 21, 2015, 5:00 p.m. to 8:00 p.m., in Downtown Covina

### **CITY MANAGER COMMENTS**

City Manager Andrea Miller congratulated Council Member Allen and Council Member Delach on their reelection; and newly appointed Mayor King and Mayor Pro Tem Stapleton. City Manager Miller indicated staff would provide information related to the proposed zoning moratorium and alternatives for Council consideration. City Manager Miller recognized Mayor Delach and the remarkable job she did at the State of the City address.

### **CONSENT CALENDAR**

- CC 1.** City Council approved the January payment of demands in the amount of \$3,501,400.32.
- CC 2.** Successor Agency to the Covina Redevelopment Agency approved the January payment of demands in the amount of \$91,817.27.
- CC 3.** City Council approved the February payment of demands in the amount of \$3,912,086.60.
- CC 4.** Successor Agency to the Covina Redevelopment Agency approved the February payment of demands in the amount of \$88,504.13.
- CC 5.** City Council approved a request by East Valley Community Health Center, Inc., located at 276 W. College Street, Covina, for an exemption from the City's business license tax.
- CC 6.** City Council approved a Professional Services Agreement with Advantec Consulting Engineers, for construction support services on the Cienega/Glendora Traffic Signal Installation Project T-0733.
- CC 7.** City Council/Housing Authority received and filed the SB 341 Compliance Report on the Housing Successor Agency Low and Moderate Income Housing Asset fund for the year ended June 30, 2014.
- CC 8.** City Council received and filed the Public Works Department monthly activity report.
- CC 9.** City Council adopted **Resolution 15-7331**, amending the previously approved budget for the purchase of a new Computer Aided Dispatch/Record Management System (CAD/RMS) for the Covina Police Department.
- CC 10.** City Council adopted **Resolution No. 15-7332**, reviewing the restroom repairs at City Hall, and continuing the emergency action to repair the City Hall restrooms pursuant to Section 22050 of the California Public Contract Code.
- CC 11.** City Council allocated funding for the purchase of equipment and small tools from Covina Rents; and adopted **Resolution No. 15-7333**, amending fiscal year 2014-2015 Public Works Department, Central Equipment fund and the fiscal year 2014-2015 Parks and Recreation Department fund.

**CC 12.** City Council adopted **Resolution No. 15-7334**, approving applications and fees for street hanging and banner hanging in city parks.

**CC 13.** City Council adopted **Resolution No. 15-7335**, approving applications and fees for use of outdoor facilities, use of city buildings and use of athletic fields.

On a motion made by Mayor Pro Tem Stapleton, seconded by Council Member Marquez, the City Council approved Consent Calendar items CC-1 through CC13.

*Motion approved the Consent Calendar items CC1 – CC13 as follows:*

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

**ADJOURNMENT**

At 8:23 p.m., the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority adjourned in memory Helen Qualkenbush to its next regular meeting of the Council/Agency/Authority on **Tuesday, April 7 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, Chief Deputy City Clerk

Approved this 7th day of April 2015:

\_\_\_\_\_  
John C. King, Mayor/Chairperson

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 3

**STAFF SOURCE:** Dilu De Alwis, Finance Director *DDA*

**ITEM TITLE:** Payment of Demands

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**STAFF RECOMMENDATION**

Approve Payment of Demands in the amount of **\$3,403,826.26**

**BACKGROUND**

Attached is a list of warrants and demands, which are being presented for approval and are summarized as follows:

<u>DATE OF DEMANDS</u>	<u>DEMAND NUMBERS</u>	<u>AMOUNT</u>
<b>ACCOUNTS PAYABLE WARRANTS</b>		
March 1-March 19, 2015	Wires/EFTs 4943-4947	\$688,417.04
	Checks 73003-73369	\$2,132,002.54
<b>PAYROLL</b>		
MARCH 10, 2015 PAYROLL DD, CHECKS & TAXES		\$577,411.10
<b>VOIDS</b>		
None		
<b>WORKERS COMPENSATION</b>		
March 11, 2015	Week ending 3/4/15	\$3,528.22
March 12, 2015	Week ending 3/11/15	\$2,467.36
	<b>GRAND TOTAL:</b>	<b>\$3,403,826.26</b>

**RELEVANCE TO STRATEGIC PLAN** Not applicable

**EXHIBITS**

A. Accounts Payable Register

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: <u><i>DDA</i></u>
City Manager: _____	Other: _____

CITY OF COVINA  
Check Register  
March 1, 2015 - March 19, 2015

Check #	Check Date	Vendor	Name	Amount
4943	03/12/2015	4160	ICMA RETIREMENT TRUST-IRA	\$ 165.00
4944	03/12/2015	1405	ICMA RETIREMENT TRUST-457	6,330.36
4945	03/12/2015	1403	ICMA RETIREMENT TRUST-401	270.53
4946	03/12/2015	4003	MidAmerica	2,240.96
4947	03/12/2015	2033	NATIONWIDE RETIREMENT SOLUTIONS	6,644.54
4948	03/17/2015	2955	US BANK	357,856.25
4949	03/17/2015	279	BANK OF NEW YORK MELLON	314,909.40
			<b>Subtotal EFT/wires</b>	<b>\$ 688,417.04</b>
73003	03/03/2015	26	ABSOLUTE SECURITY	8,472.96
73004	03/03/2015	74	AGI ACADEMY	294.00
73005	03/03/2015	91	ALAS, NINA	282.18
73006	03/03/2015	113	ALL CITY MANAGEMENT SVC	5,046.54
73007	03/03/2015	128	ALLIANT INSURANCE SERVICES INC	1,417.00
73008	03/03/2015	134	ALLSTATE POLICE EQUIPMENT INC	82.41
73009	03/03/2015	158	AMERICAN TRAFFIC SOLUTIONS	32,370.00
73010	03/03/2015	4117	ARTISTIC RECONSTRUCTION TEAM FOR SUCCESS	105.00
73011	03/03/2015	220	AT&T LONG DISTANCE	26.60
73012	03/03/2015	260	B & K ELECTRIC WHOLESALE	1,388.60
73013	03/03/2015	269	BAKER AND TAYLOR INC	661.68
73014	03/03/2015	318	BELL BUILDING MAINTENANCE CO	1,813.00
73015	03/03/2015	3771	BLACK & WHITE EMERGENCY VEHICLES	1,197.22
73016	03/03/2015	411	BRODART CO	133.16
73017	03/03/2015	423	BRUNSWICK COVINA BOWL	122.48
73018	03/03/2015	470	CAL POLY POMONA FOUNDATION	200.00
73019	03/03/2015	568	CAT SPECIALTIES INC	191.93
73020	03/03/2015	576	CB RANCH ENTERPRISES	736.00
73021	03/03/2015	617	CHARTER OAK GYMNASTICS INC	2,508.00
73022	03/03/2015	649	CINTAS CORP #693	366.71
73023	03/03/2015	654	CITRUS CAR WASH	100.00
73024	03/03/2015	703	COMBINED GRAPHICS	44.69
73025	03/03/2015	710	COMMUNICATIONS CENTER	340.00
73026	03/03/2015	3235	COOK, SHAWNA	903.84
73027	03/03/2015	749	BOHL PH.D., NANCY K.	300.00
73028	03/03/2015	783	CITY OF COVINA WATER	361.92
73029	03/03/2015	799	CRAIG'S CPR&FIRST AID TRAINING	35.00
73030	03/03/2015	807	CRITERION PICTURES	350.00
73031	03/03/2015	3982	CAROL A CUGNU	262.87
73032	03/03/2015	829	CURLEY, JOHN	250.00
73033	03/03/2015	849	DAPEER ROSENBLIT & LITVAK LLP	7,788.00
73034	03/03/2015	862	DE ALWIS, DILU	569.20
73035	03/03/2015	4072	JUAN CARLOS CHAVEZ DE LEON	859.80
73036	03/03/2015	970	EDISON CO	685.92
73037	03/03/2015	1055	FEDEX	28.39
73038	03/03/2015	4126	BRITTANY FUENTES	86.61
73039	03/03/2015	1156	THE GAS COMPANY	997.90

CITY OF COVINA  
Check Register  
March 1, 2015 - March 19, 2015

73040	03/03/2015	1180 GIAMMARCO, ANTHONY	326.90
73041	03/03/2015	1198 GLOBALSTAR LLC	53.13
73042	03/03/2015	4007 GMZ ENGINEERING INC	59,918.40
73043	03/03/2015	1215 GONZALES, RICHARD	196.00
73044	03/03/2015	1235 GRAINGER	543.82
73045	03/03/2015	3988 LANDSCAPE WAREHOUSE III	5.28
73046	03/03/2015	1428 INGRAM DIST GROUP	15.01
73047	03/03/2015	1437 INTER-CON SECURITY SYSTEMS INC	5,148.00
73048	03/03/2015	3654 JEREMIAH DONOVAN	409.48
73049	03/03/2015	1499 JOBS AVAILABLE INC	351.00
73050	03/03/2015	1561 KEYSTONE UNIFORM DEPOT	781.05
73051	03/03/2015	1612 LA CNTY DEPT OF PUBLIC WORKS	2,739.32
73052	03/03/2015	1615 LA CNTY MTA	580.00
73053	03/03/2015	1638 LAM, LY CHOU	226.13
73054	03/03/2015	3190 LAYNE, JONATHAN DANIEL	348.26
73055	03/03/2015	3209 LAYNE, SHARON	210.00
73056	03/03/2015	1694 LEWIS ENGRAVING INC	18.53
73057	03/03/2015	1707 LIEBERT CASSIDY WHITMORE	8,844.70
73058	03/03/2015	4212 CHRISTINE MALETZ	134.40
73059	03/03/2015	3932 ARLENE D. MAR	327.76
73060	03/03/2015	1829 MAUREEN KANE & ASSOCIATES INC	1,500.00
73061	03/03/2015	4089 MEASOM, DEVIN THOMAS	105.00
73062	03/03/2015	3983 MERCADO, DANIELJR.	1,050.00
73063	03/03/2015	1933 MISSION LINEN SUPPLY	77.12
73064	03/03/2015	4175 ARTHUR MORTIMIER	5,392.00
73065	03/03/2015	3236 MUNOZ, VINCENT	871.50
73066	03/03/2015	3718 NADENE VALDEZ	284.35
73067	03/03/2015	2075 NOLO PRESS OCCIDENTAL	28.78
73068	03/03/2015	2101 OCLC/FOREST PRESS	1,260.05
73069	03/03/2015	2104 OFFICE DEPOT	109.75
73070	03/03/2015	2104 OFFICE DEPOT	538.82
73071	03/03/2015	2104 OFFICE DEPOT	118.41
73072	03/03/2015	4201 ROBERT HALF	805.90
73073	03/03/2015	99999 CHICKIE CORRAL	45.00
73074	03/03/2015	99999 ABEL ARROYO	10.00
73075	03/03/2015	99999 AMY HOWIE	55.00
73076	03/03/2015	99999 FELIPE GUTIERREZ	101.00
73077	03/03/2015	99999 KALATRECE YOZGADLIAN	33.00
73078	03/03/2015	99999 KIMBERLEY PANARELLI	45.00
73079	03/03/2015	99999 MARY LOU WALCZAK	50.00
73080	03/03/2015	99999 SILVIA RAMIREZ	215.00
73081	03/03/2015	99999 VALARIE ORTEGA	45.00
73082	03/03/2015	4178 TORTANO, LLC	5,587.19
73083	03/03/2015	2189 PARADA, MIGUEL	520.29
73084	03/03/2015	4210 PARKER, CANDEN JANNINE	1,267.23
73085	03/03/2015	2238 PEST OPTIONS INC	265.00

CITY OF COVINA  
Check Register  
March 1, 2015 - March 19, 2015

73086	03/03/2015	2243 PETERSON, GREGG	250.00
73087	03/03/2015	4215 PRESTON, BRAD	2,900.03
73088	03/03/2015	4213 JOSHUA PRISK	112.00
73089	03/03/2015	4101 MGF & SONS, INC	547.01
73090	03/03/2015	4101 MGF & SONS, INC	247.28
73091	03/03/2015	4082 LETICIA REED	52.03
73092	03/03/2015	2415 REPUBLIC MASTER CHEFS	219.74
73093	03/03/2015	3655 ROBERT WONG	112.00
73094	03/03/2015	3882 LILIANA ROMAN	119.43
73095	03/03/2015	2519 SALAMONE, KIMBERLY	263.20
73096	03/03/2015	3653 SARAH HSU	105.00
73097	03/03/2015	4106 SCHNEIDER, TINA MARIE	45.50
73098	03/03/2015	2584 SCLLN	150.00
73099	03/03/2015	2585 SCMAF-SAN GABRIEL VALLEY	70.00
73100	03/03/2015	2607 SERESINGHE, AJITH	1,000.00
73101	03/03/2015	2612 SEVOLD, CHERYL	253.18
73102	03/03/2015	2719 SPARKLETTS	35.48
73103	03/03/2015	2744 STATE DISBURSEMENT	236.00
73104	03/03/2015	2787 SUTMAN, WILLIAM M	126.00
73105	03/03/2015	2818 GABE BF VAN LEEUWEN	258.07
73106	03/03/2015	2839 THERMAL COMBUSTION INNOVATORS	221.62
73107	03/03/2015	2846 THOMAS, TERRI	1,063.93
73108	03/03/2015	3185 TOSHIBA FINANCIAL SERVICES	1,787.61
73109	03/03/2015	2903 TRI-XECUTEX CORP	80.00
73110	03/03/2015	2901 TODD, ANDREW II	1,599.50
73111	03/03/2015	2958 US POSTMASTER TMS ACCOUNT#135095	2,717.14
73112	03/03/2015	4194 M2 EVENT MANAGEMENT, LLC	1,629.25
73113	03/03/2015	3234 VELARDE-KUBANIK, MONICA	294.00
73114	03/03/2015	4065 VERIZON BUSINESS SERVICES	607.29
73115	03/03/2015	2999 VERIZON CALIFORNIA	221.27
73116	03/03/2015	3187 WAGONER, PAMELA	425.60
73117	03/03/2015	4187 WOLOSKI, RICHARD	255.00
73118	03/10/2015	3 FISHER, RYAN	1,200.00
73119	03/10/2015	14 A1 RENTALS	525.90
73120	03/10/2015	32 ACEVES, JORGE L.	115.85
73121	03/10/2015	4209 ADLERHORST INTERNATIONAL	4,500.00
73122	03/10/2015	68 AFLAC ACCT# YQ792 WORLDWIDE HEADQUARTERS	215.34
73123	03/10/2015	3545 ALL STAR AUTOMOTIVE	150.00
73124	03/10/2015	3977 ALLIANT CONSULTING, INC.	1,842.00
73125	03/10/2015	173 ANDY ZAMBRANO	300.00
73126	03/10/2015	219 AT&T	33.22
73127	03/10/2015	254 AZUSA LIGHT & WATER	837.07
73128	03/10/2015	269 BAKER AND TAYLOR INC	334.55
73129	03/10/2015	318 BELL BUILDING MAINTENANCE CO	3,786.00
73130	03/10/2015	341 BEST BEST & KRIEGER LLP	8,478.10
73131	03/10/2015	3937 RETRIEV TECHNOLOGIES INC	290.00

CITY OF COVINA  
 Check Register  
 March 1, 2015 - March 19, 2015

73132	03/10/2015	735 BOBCAT OF CERRITOS INC	598.10
73133	03/10/2015	448 C & W ENTERPRISES	240.00
73134	03/10/2015	475 MARINO, LAWRENCE E	1,595.00
73135	03/10/2015	486 CALIFORNIA PRODUCT STEWARDSHIP COUNCIL	1,000.00
73136	03/10/2015	536 CARQUEST AUTO PARTS	101.97
73137	03/10/2015	572 CATHOLIC CHARITIES OF LOS ANGELES	9,290.51
73138	03/10/2015	649 CINTAS CORP #693	615.99
73139	03/10/2015	700 COLLEY FORD	249.32
73140	03/10/2015	710 COMMUNICATIONS CENTER	5,070.44
73141	03/10/2015	720 COMPUTER SERVICE COMPANY	6,147.60
73142	03/10/2015	766 COVINA DISPOSAL CO	25,615.62
73143	03/10/2015	775 COVINA POLICE ASSOCIATION	150.00
73144	03/10/2015	826 CSMFO	80.00
73145	03/10/2015	862 DE ALWIS, DILU	130.00
73146	03/10/2015	939 DOWNTOWN FORD	68,631.04
73147	03/10/2015	970 EDISON CO	26,807.80
73148	03/10/2015	971 EDS AUTO PARTS	9.76
73149	03/10/2015	1055 FEDEX	146.95
73150	03/10/2015	4216 FESTIVAL OF ARTS OF LAGUNA BEACH	1,640.00
73151	03/10/2015	1092 FORENSIC NURSE SPECIALISTS INC	690.00
73152	03/10/2015	3800 GARVEY EQUIPMENT COMPANY	125.31
73153	03/10/2015	1194 GLOBAL ENVIRONMENTAL T&C INC	1,180.00
73154	03/10/2015	1204 GOLDEN STATE WATER COMPANY	149.97
73155	03/10/2015	1235 GRAINGER	229.37
73156	03/10/2015	3251 HANSON, HARLAND ULYSSES	1,068.23
73157	03/10/2015	1387 HUNTER, JOHN L.	968.75
73158	03/10/2015	3988 LANDSCAPE WAREHOUSE III	42.13
73159	03/10/2015	1429 INLAND EMPIRE STAGES	938.00
73160	03/10/2015	3854 IPC INC.	23,233.12
73161	03/10/2015	3802 AFS, INC	334.95
73162	03/10/2015	1463 J.G. TUCKER AND SON	8.50
73163	03/10/2015	3731 MT LIBRARY SERVICES	65.52
73164	03/10/2015	1561 KEYSTONE UNIFORM DEPOT	228.75
73165	03/10/2015	1614 LA CNTY FIRE DEPARTMENT	667,749.41
73166	03/10/2015	1617 LOS ANGELES COUNTY	16.00
73167	03/10/2015	1650 LARA, LAURA	130.00
73168	03/10/2015	1663 LAW ENFORCEMENT MEDICAL	275.00
73169	03/10/2015	1673 LAWSON PRODUCTS INC	547.31
73170	03/10/2015	1680 LEAGUE OF CALIF CITIES	2,300.00
73171	03/10/2015	1694 LEWIS ENGRAVING INC	10.90
73172	03/10/2015	1712 LIGHTHOUSE INC, THE	76.77
73173	03/10/2015	1715 LIGHTNING OIL COMPANY INC	75.00
73174	03/10/2015	1745 LOS ANGELES FREIGHTLINER	915.96
73175	03/10/2015	1858 MCMASTER CARR SUPPLY CO	207.39
73176	03/10/2015	1924 MILLERS & ISHAMS	191.99
73177	03/10/2015	1933 MISSION LINEN SUPPLY	99.56

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73178	03/10/2015	2035 NATIONAL NEIGHBORHOOD WATCH INSTITUTE	1,299.51
73179	03/10/2015	2091 O REILLY AUTO PARTS	72.56
73180	03/10/2015	2104 OFFICE DEPOT	65.31
73181	03/10/2015	4201 ROBERT HALF	804.80
73182	03/10/2015	3722 OSCAR LUQUE	60.00
73183	03/10/2015	2167 PACIFIC TEK	445.57
73184	03/10/2015	4178 TORTANO, LLC	3,768.43
73185	03/10/2015	2238 PEST OPTIONS INC	95.00
73186	03/10/2015	4177 PETTY CASH	90.15
73187	03/10/2015	4101 MGF & SONS, INC	503.76
73188	03/10/2015	2415 REPUBLIC MASTER CHEFS	170.25
73189	03/10/2015	2648 SIEMENS BUILDING TECHNOLOGIES	1,264.94
73190	03/10/2015	2676 SMART AND FINAL IRIS CORP	615.43
73191	03/10/2015	2689 SNAP ON TOOLS	3,016.67
73192	03/10/2015	2738 STAPLETON, KEVIN	1,098.57
73193	03/10/2015	4219 TASHA STRASZEWSKI	250.00
73194	03/10/2015	2855 TIME WARNER CABLE	254.51
73195	03/10/2015	2898 TRIANGLE TRUCK PARTS	99.36
73196	03/10/2015	2962 USI INC	242.26
73197	03/10/2015	2968 VALLEY MANUFACTURING	4,053.32
73198	03/10/2015	3813 JEFFREY C VAN DAM	5,280.00
73199	03/10/2015	2999 VERIZON CALIFORNIA	446.30
73200	03/10/2015	3014 VISION SERVICE PLAN (CA)	21.26
73201	03/10/2015	3043 WARREN DISTRIBUTING INC	274.92
73202	03/10/2015	3064 WELLDYNERX	63.48
73203	03/10/2015	3068 WELLS FARGO FINANCIAL LEASING	163.50
73204	03/10/2015	4133 WESTERN A/V	15,604.27
73205	03/10/2015	3706 WESTRUX INTERNATIONAL INC	3,047.11
73206	03/10/2015	4222 BRUCE WAYNE DUNAMS	4,250.00
73207	03/12/2015	68 AFLAC ACCT# YQ792 WORLDWIDE HEADQUARTERS	4,391.44
73208	03/12/2015	69 AFSCME	1,040.00
73209	03/12/2015	487 CalPERS	62,411.10
73210	03/12/2015	3846 CLEA	514.50
73211	03/12/2015	3846 CLEA	110.25
73212	03/12/2015	775 COVINA POLICE ASSOCIATION	2,900.00
73213	03/12/2015	878 DELTA DENTAL OF CALIFORNIA	8,846.45
73214	03/12/2015	1106 FRANCHISE TAX BOARD	250.00
73215	03/12/2015	1247 GREAT WEST LIFE & ANNUITY	4,341.41
73216	03/12/2015	3795 PRE-PAID LEGAL SERVICES, INC	308.46
73217	03/12/2015	2234 PERS	152,301.98
73218	03/12/2015	2235 PERS LONG TERM CARE PROGRAM	238.88
73219	03/12/2015	3893 STATE DISBURSEMENT UNIT	247.00
73220	03/12/2015	3954 SUN LIFE FINANCIAL	5,343.26
73221	03/12/2015	2946 UNITED WAY OF GREATER LA	17.50
73222	03/12/2015	3014 VISION SERVICE PLAN (CA)	879.57
73223	03/12/2015	3764 WAGeworks	38.00

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73224	03/12/2015	3045 WASHINGTON NATIONAL INSURANCE COMPANY	146.99
73225	03/12/2015	4223 ZUMWALT, KRISTINE	750.00
73226	03/17/2015	11 A & B ELECTRIC	260.00
73227	03/17/2015	23 ABORTA BUG INC	70.00
73228	03/17/2015	26 ABSOLUTE SECURITY	8,340.57
73229	03/17/2015	32 ACEVES, JORGE L.	262.32
73230	03/17/2015	4224 ACOSTA GROWERS INC	94.83
73231	03/17/2015	52 ADVANCED GRAPHIX INC	312.79
73232	03/17/2015	84 AIRGAS-WEST	365.84
73233	03/17/2015	85 AJAX SIGN GRAPHICS INC	26.16
73234	03/17/2015	113 ALL CITY MANAGEMENT SVC	5,075.46
73235	03/17/2015	3177 ALLIANCE ENVIRONMENTAL	675.00
73236	03/17/2015	129 ALLIED AIR CONDITIONING COMPANY	237.50
73237	03/17/2015	151 AMERICAN LIBRARY ASSOC	500.00
73238	03/17/2015	183 AQUA-METRIC SALES COMPANY	2,144.00
73239	03/17/2015	196 ARMORCAST PRODUCTS COMPANY	721.71
73240	03/17/2015	219 AT&T	726.94
73241	03/17/2015	255 AZUSA PLUMBING & HEATNG SUPPLY	48.25
73242	03/17/2015	260 B & K ELECTRIC WHOLESale	31.15
73243	03/17/2015	269 BAKER AND TAYLOR INC	381.83
73244	03/17/2015	283 BANK OF THE WEST	17,099.21
73245	03/17/2015	341 BEST BEST & KRIEGER LLP	52,633.03
73246	03/17/2015	430 BUILDING ELECTRONIC CONTROLS	75.00
73247	03/17/2015	508 CAMGUARD SYSTEMS	1,320.00
73248	03/17/2015	536 CARQUEST AUTO PARTS	885.40
73249	03/17/2015	568 CAT SPECIALTIES INC	348.93
73250	03/17/2015	600 CERTIFIED UNDERCAR PARTS	183.34
73251	03/17/2015	634 CHEVRON PRODUCTS COMPANY	280.65
73252	03/17/2015	3736 CHRISTIAN BROTHERS MECHANICAL SERVICES INC	933.00
73253	03/17/2015	649 CINTAS CORP #693	535.21
73254	03/17/2015	654 CITRUS CAR WASH	312.92
73255	03/17/2015	682 CLINICAL LAB OF SAN BERNARDINO	420.00
73256	03/17/2015	700 COLLEY FORD	129.52
73257	03/17/2015	700 COLLEY FORD	322.59
73258	03/17/2015	710 COMMUNICATIONS CENTER	115.20
73259	03/17/2015	720 COMPUTER SERVICE COMPANY	6,598.00
73260	03/17/2015	4225 CORELOGIC, INC.	300.00
73261	03/17/2015	749 BOHL PH.D., NANCY K.	1,300.00
73262	03/17/2015	767 COVINA DOWNTOWN ASSOCIATION	7,848.01
73263	03/17/2015	771 COVINA IRRIGATING CO	328,325.00
73264	03/17/2015	777 COVINA RENTS	119.90
73265	03/17/2015	3701 DEPARTMENT OF JUSTICE	147.00
73266	03/17/2015	896 DH MAINTENANCE SERVICES	7,046.57
73267	03/17/2015	3164 DIVERSIFIED TRANSPORTATION	29,687.03
73268	03/17/2015	939 DOWNTOWN FORD	94,088.13
73269	03/17/2015	970 EDISON CO	9,520.07

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73270	03/17/2015	1055 FEDEX	6.79
73271	03/17/2015	1075 FLEET SERVICES	101.41
73272	03/17/2015	1098 FOSTER, DAVE	52.80
73273	03/17/2015	3817 FUN EXPRESS, LLC	20.99
73274	03/17/2015	1156 THE GAS COMPANY	1,594.72
73275	03/17/2015	1197 GLOBAL WATER MANAGEMENT LLC	55,025.38
73276	03/17/2015	1204 GOLDEN STATE WATER COMPANY	114.70
73277	03/17/2015	1235 GRAINGER	1,025.24
73278	03/17/2015	1241 GRAND PRINTING	3,085.57
73279	03/17/2015	1312 HAWK INDUSTRY PRODUCTS	40.00
73280	03/17/2015	1352 HINDERLITER DELLAMAS & ASSOC	2,256.33
73281	03/17/2015	1361 HOLLIDAY ROCK CO INC	2,135.05
73282	03/17/2015	1364 HOME DEPOT	2,257.54
73283	03/17/2015	3988 LANDSCAPE WAREHOUSE III	258.29
73284	03/17/2015	1427 INGLEWOOD, CITY OF PTS PROCESSING CTR	2,584.02
73285	03/17/2015	1430 INLAND WATER WORKS	2,236.68
73286	03/17/2015	1437 INTER-CON SECURITY SYSTEMS INC	4,461.60
73287	03/17/2015	1463 J.G. TUCKER AND SON	72.21
73288	03/17/2015	1505 JOHNNY'S POOL SERVICE	326.91
73289	03/17/2015	3250 KEENAN & ASSOCIATES	10,125.00
73290	03/17/2015	1571 KING BOLT CO	60.17
73291	03/17/2015	1608 LA CNTY CDC/CDBG	855.00
73292	03/17/2015	1619 LA CNTY SHERIFF'S DEPT	773.25
73293	03/17/2015	1622 LA FRAMING WHOLESALER	998.44
73294	03/17/2015	1646 LANGUAGE LINE SERVICES INC	15.98
73295	03/17/2015	1694 LEWIS ENGRAVING INC	87.20
73296	03/17/2015	1748 LOS ANGELES TIMES	517.20
73297	03/17/2015	1754 LOWE'S COMPANIES INC	41.48
73298	03/17/2015	1778 MADRID, VICKI	20.00
73299	03/17/2015	3681 MARIPOSA GRILL & CANTINA INC	3,272.28
73300	03/17/2015	1858 MCMASTER CARR SUPPLY CO	247.73
73301	03/17/2015	1933 MISSION LINEN SUPPLY	61.00
73302	03/17/2015	3810 MYERS & SONS HI-WAY SAFETY INC	229.55
73303	03/17/2015	2027 NAPA AUTO PARTS	15.74
73304	03/17/2015	3563 NEWEGG INC	322.57
73305	03/17/2015	2091 O REILLY AUTO PARTS	320.86
73306	03/17/2015	2104 OFFICE DEPOT	2.82
73307	03/17/2015	4201 ROBERT HALF	841.54
73308	03/17/2015	99999 ALPHONSO GONZALES	18.00
73309	03/17/2015	99999 ANNE PERKINS-YIN	56.06
73310	03/17/2015	99999 ARB INC	432.14
73311	03/17/2015	99999 Aurora Behavioral Health	6,114.00
73312	03/17/2015	99999 BRAD MANNING	64.95
73313	03/17/2015	99999 CHARLES SIMS	291.00
73314	03/17/2015	99999 KRISTEN WEGER	15.50
73315	03/17/2015	99999 MARTIN ARCE PROPERTIES	149.02

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73316	03/17/2015	99999 Moris Musharbash Inc.	13.00
73317	03/17/2015	99999 Platinum Coachworks Inc	326.00
73318	03/17/2015	99999 RYAN RASMUSSEN	240.00
73319	03/17/2015	99999 TRINA ORTEGA	12.19
73320	03/17/2015	99999 VIDAL MARQUEZ	20.00
73321	03/17/2015	2134 ORKIN PEST CONTROL	103.76
73322	03/17/2015	2309 PROFESSIONAL ACCOUNT MANAGEMENT LLC	538.00
73323	03/17/2015	50 PROGREEN BLDG MAINTENANCE	1,543.10
73324	03/17/2015	2317 PROSPERO PARK OWNERS ASSOCIATION	7,072.53
73325	03/17/2015	2329 PUENTE READY MIX INC	1,912.95
73326	03/17/2015	3258 SALA, JOSEPH WILLIAM JR	886.18
73327	03/17/2015	2345 QUILL	280.59
73328	03/17/2015	2389 RC KEMP CONSULTING LLC	1,250.00
73329	03/17/2015	2407 REGIONAL TAP SERVICE CENTER	640.20
73330	03/17/2015	2415 REPUBLIC MASTER CHEFS	240.11
73331	03/17/2015	2415 REPUBLIC MASTER CHEFS	97.01
73332	03/17/2015	2434 RICE/ENGLANDER & ASSOCIATES	6,000.00
73333	03/17/2015	2444 RIO HONDO COLLEGE	382.00
73334	03/17/2015	3984 DANIEL ROXBURGH	1,446.85
73335	03/17/2015	2505 RUTTY, WILLIAM JAMES	170.00
73336	03/17/2015	2557 SANTA ANITA FAMILY SERVICE	140.00
73337	03/17/2015	2615 SGV CITY MANAGERS' ASSOC	30.00
73338	03/17/2015	2620 SGV NEWSPAPER GROUP	501.28
73339	03/17/2015	2689 SNAP ON TOOLS	63.22
73340	03/17/2015	2711 SOUTHEAST CONSTRUCTION INC	237.89
73341	03/17/2015	4192 SOUTHERN CALIFORNIA WATER UTILITIES ASSOCIATION	75.00
73342	03/17/2015	4214 MEDRANO, FRANK	65.00
73343	03/17/2015	3950 STERICYCLE, INC.	2,781.47
73344	03/17/2015	2852 THREE VALLEY MUN WATER DISTR	19,279.76
73345	03/17/2015	4221 THREE VALLEYS MUNICIPAL WATER DISTRICT	100.00
73346	03/17/2015	2855 TIME WARNER CABLE	303.00
73347	03/17/2015	3544 TIMOTHY BURKE	175.00
73348	03/17/2015	2877 TOSHIBA BUSINESS SOLUTIONS	74.12
73349	03/17/2015	3185 TOSHIBA FINANCIAL SERVICES	1,705.85
73350	03/17/2015	2903 TRI-XECUTEX CORP	160.00
73351	03/17/2015	2914 TUCKER TIRE	164.82
73352	03/17/2015	2935 UNDERGROUND SERVICE ALERT	76.50
73353	03/17/2015	2942 UNITED SITE SERVICES OF CA INC	104.80
73354	03/17/2015	2954 URBAN GRAFFITI ENTERPRISES INC	9,307.68
73355	03/17/2015	2958 US POSTMASTER TMS ACCOUNT#135095	1,184.21
73356	03/17/2015	2969 VALLEY TROPHY	506.85
73357	03/17/2015	2995 VENTEK INTERNATIONAL	1,035.00
73358	03/17/2015	2999 VERIZON CALIFORNIA	2,064.29
73359	03/17/2015	3001 VERIZON WIRELESS	5,445.61
73360	03/17/2015	3023 VULCAN MATERIALS COMPANY	1,496.92
73361	03/17/2015	3043 WARREN DISTRIBUTING INC	382.08

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73362	03/17/2015	3064 WELLDYNERX	19.91
73363	03/17/2015	3070 WEST COAST ARBORISTS INC	12,121.98
73364	03/17/2015	3075 CITY OF WEST COVINA	605.00
73365	03/17/2015	3080 WESTERN EMULSIONS INC	293.51
73366	03/17/2015	3082 WESTERN WATER WORKS SUPPLY	2,499.26
73367	03/17/2015	3102 WILLDAN FINANCIAL SERVICES	3,000.00
73368	03/17/2015	3134 XEROX CORPORATION	883.63
73369	03/17/2015	3152 YWCA	1,466.28

**Subtotal checks \$ 2,132,002.54**  
**Subtotal EFT/wires (from above) \$ 688,417.04**

**TOTAL checks/EFTs \$ 2,820,419.58**

STATE OF CALIFORNIA        )  
  ) ss:  
COUNTY OF LOS ANGELES    )

I, Dilu De Alwis being first duly sworn, declare that I am the Finance Director of the City of Covina and have read the attached Register(s) of Audited Demands for the City of Covina dated Accounts Payable for March 1-19, 2015; Payroll for 3/10/15; and Workers Compensation for 3/11/15 and 3/12/15; know the contents thereof, and do CERTIFY as to the accuracy of the attached Demands and the availability of funds for their payment pursuant to the government Code Section 37202.

Dilu De Alwis  
Finance Director

Subscribed and sworn to before me

this 2ND day of APRIL, 2015

Madeline M. Baly-Deputized

**SUCCESSOR AGENCY TO THE  
COVINA REDEVELOPMENT AGENCY  
AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 4

**STAFF SOURCE:** Dilu De Alwis, Finance Director 

**ITEM TITLE:** Payment of Demands

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**STAFF RECOMMENDATION**

Approve Payment of Demands in the amount of \$11,344.13

**BACKGROUND**

Attached is a list of warrants and demands, which are being presented for approval and are summarized as follows:

<u>DATE OF DEMANDS</u>		<u>DEMAND NUMBERS</u>	<u>AMOUNT</u>
<b>ACCOUNTS PAYABLE WARRANTS</b>			
March 1-March 19, 2015		Checks 1150-1159	\$2,348.79
<b>PAYROLL</b>			
March 12, 2015	INSURANCE	PAYROLL PAID 3/10/15	\$3,004.38
March 12, 2015	PAYROLL	PAYROLL PAID 3/10/15	\$5,990.96

**VOIDS**

**GRAND TOTAL: \$11,344.13**

**RELEVANCE TO STRATEGIC PLAN** Not applicable

**EXHIBITS**

A. ACCOUNTS PAYABLE REGISTER

REVIEW TEAM ONLY	
City Attorney: _____	Finance Director:  _____
City Manager: _____	Other: _____

Check #	Check Date	Vendor	Name	Amount
1150	03/03/2015	970	EDISON CO	84.09
1151	03/03/2015	2158	PACHECO, DEBBIE	302.10
1152	03/03/2015	2942	UNITED SITE SERVICES OF CA INC	68.17
1153	03/10/2015	341	BEST BEST & KRIEGER LLP	964.00
1154	03/10/2015	1156	THE GAS COMPANY	54.33
1155	03/17/2015	341	BEST BEST & KRIEGER LLP	550.00
1156	03/17/2015	766	COVINA DISPOSAL CO	81.15
1157	03/17/2015	896	DH MAINTENANCE SERVICES	95.00
1158	03/17/2015	2942	UNITED SITE SERVICES OF CA INC	68.17
1159	03/17/2015	2999	VERIZON CALIFORNIA	81.78
<b>TOTAL CHECKS</b>				<b><u>2,348.79</u></b>

STATE OF CALIFORNIA        )  
  ) ss:  
COUNTY OF LOS ANGELES    )

I, Dilu De Alwis being first duly sworn, declare that I am the Finance Director of the City of Covina and have read the attached Register(s) of Audited Demands for the Covina Successor Agency to the Covina Redevelopment Agency dated Accounts Payable for March 1-19 2015; and Payroll for 3/12/15; know the contents thereof, and do CERTIFY as to the accuracy of the attached Demands and the availability of funds for their payment pursuant to the government Code, Section 37202.

Dilu De Alwis,  
Finance Director

Subscribed and sworn to before me  
this 2<sup>ND</sup> day of APRIL, 2015

Madeline M. Balcy - Deputy

## **COVINA HOUSING AUTHORITY** **AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 5

**STAFF SOURCE:** Dilu de Alwis, Director of Finance *DeAlwis*  
Nuala Gasser, Senior Housing & CDBG Economic Development Manager *NG*

**ITEM TITLE:** SB 341 Compliance Report (revised) on the Housing Successor Agency  
Low and Moderate Income Housing Asset Fund

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### **STAFF RECOMMENDATION**

Housing Authority Board to receive and file the SB 341 Compliance Report (revised) on the Housing Successor Agency Low and Moderate Income Housing Asset fund for the year ended June 30, 2014.

### **FISCAL IMPACT**

None

### **BACKGROUND**

On January 1, 2014, Senate Bill 341 (SB 341) became effective, requiring each housing successor agency that assumed the housing functions of a former redevelopment agency to post a report on its website containing information regarding the Low- and Moderate-Income Housing Assets Fund (Fund) of the former redevelopment agency for the previous fiscal year.

In addition, the housing successor agency is required to conduct and provide an independent financial audit of the Fund within six months of the end of the fiscal year. The audit may be included as part of the City's independent financial audit. The new report requirements are attached as Exhibit A.

An independent financial audit of the Low and Moderate Income Housing Asset Fund was provided to the governing body of the Covina Housing Authority on December 17, 2014, and again at the joint City Council/Covina Housing Authority meeting on January 20, 2015. The independent audit of the Housing Authority's Low and Moderate Income Housing Assets Fund is included as part of the Comprehensive Audited Financial Report (CAFR) and is on the City's website at [www.covinaca.gov](http://www.covinaca.gov).

At the March 17, 2015, meeting, the Housing Authority Board received the original Compliance Report which included items 1 through 11. The California Department of Housing and Community Development (HCD) updated its requirements in March 2015. The changes to the HCD requirements are based on Assembly Bill 1793, effective January 2015, which amended Health & Safety Code Section 34176.1(f), and added new provisions under (f) (12) (A)-(D). The new provisions require an inventory of homeownership units assisted by the former redevelopment agency or the housing successor that are subject to covenants or restrictions.

The revised Covina Housing Authority SB 341 Compliance Report (Report) is attached as Exhibit B, and includes question 12 as required by AB 1793 and the new HCD requirement. The Report includes specified housing financial and activity information and is to be submitted as an addendum to the Annual Progress Report (APR) which is submitted to HCD pursuant to State housing law, and is due on April 1.

The revised SB 341 Compliance Report was mailed to the California Department of Housing and Community Development on March 23, 2015.

**RELEVANCE TO THE STRATEGIC PLAN**

None.

**EXHIBITS**

- A. Annual Report Requirements
- B. Covina Housing Authority SB 341 Compliance Report

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: _____ 
City Manager: _____	Other: _____

Assembly Bill 1793 (Chapter 672, Statutes of 2014, effective January 2015) Amendments.

AB 1793 amended Health & Safety Code Section 34176.1(f) and added new provisions (f)(12)(A)-(D).

**HCD Note:** *New provisions are underlined on next page. When new requirements are imposed that an agency cannot typically meet in the same calendar or fiscal year in which the statutory change took effect (e.g. year 2015 for AB 1793) for good cause (e.g. additional time and/or resources are needed to comply with new requirements), HCD's practice is that the agency compliance due date can fall in the next calendar or fiscal year (e.g. year 2016).*

Senate Bill 341 (Chapter 796, Statutes of 2013) previously amended Health & Safety Code Section 34176 to address particular provisions and functions relating to former "redevelopment agencies" and new "housing successor" entities allowed to elect and assume particular functions of redevelopment agencies (RDAs) dissolved in 2012. A housing successor entity can include a local Public Housing Authority when a city or county elects not to become the housing successor entity.

SB 341 eliminated the former redevelopment agency annual report requirement due to both the Department of Housing and Community Development (HCD) and State Controller while RDAs were active. All successor housing entities, starting with the FY ending in 2014, are required to comply with different annual report requirements within six months after the end of each fiscal year (FY). One requirement is to provide an independent financial audit to the legislative body. Another requirement is for a city or county housing successor to report housing financial and activity information by:

- (1) including specified information with the Annual Progress Report (APR) required to be annually submitted to HCD by April 1 pursuant to State housing law in reporting progress in implementing the Housing Element. (NOTE: Required "housing fund" data can be a paper report identified as an addendum to the APR. The separate housing fund data report can be attached to the APR or sent separately) and
- (2) posting specified information on the jurisdiction's website.

Following are SB 341 and AB 1793 annual report requirements described in H&SC section 34176.1 beginning with subsection (f) [note: reference to Section 33080.1 relates to former RDA reporting requirements]:

**H&SC 34176.1:**

*(f) Section 33080.1 of this code and Section 12463.3 of the Government Code shall not apply. Instead, the housing successor shall conduct, and shall provide to its governing body, an independent financial audit of the Low and Moderate Income Housing Asset Fund within six months after the end of each fiscal year, which may be included in the independent financial audit of the host jurisdiction. If the housing successor is a city or county, it shall also include in its report pursuant to Section 65400 of the Government Code and post on its Internet Web site all of the following information for the previous fiscal year. If the housing successor is not a city or county, it shall also provide to its governing body and post on its Internet Web site all of the following information for the previous fiscal year:*

*(1) The amount deposited to the Low and Moderate Income Housing Asset Fund, distinguishing any amounts deposited for items listed on the Recognized Obligation Payment Schedule from other amounts deposited.*

*(2) A statement of the balance in the fund as of the close of the fiscal year, distinguishing any amounts held for items listed on the Recognized Obligation Payment Schedule from other amounts.*

*(3) A description of expenditures from the fund by category, including, but not limited to, expenditures (A) for monitoring and preserving the long-term affordability of units subject to affordability restrictions or covenants entered into by the redevelopment agency or the housing successor and administering the activities described in paragraphs (2) and (3) of subdivision (a), (B) for homeless prevention and rapid rehousing services for the development of housing described in paragraph (2) of subdivision (a), and (C) for the development of housing pursuant to paragraph (3) of subdivision (a).*

(4) As described in paragraph (1) of subdivision (a), the statutory value of real property owned by the housing successor, the value of loans and grants receivable, and the sum of these two amounts.

(5) A description of any transfers made pursuant to paragraph (2) of subdivision (c) in the previous fiscal year and, if still unencumbered, in earlier fiscal years and a description of and status update on any project for which transferred funds have been or will be expended if that project has not yet been placed in service.

(6) A description of any project for which the housing successor receives or holds property tax revenue pursuant to the Recognized Obligation Payment Schedule and the status of that project.

(7) For interests in real property acquired by the former redevelopment agency prior to February 1, 2012, a status update on compliance with Section 33334.16. For interests in real property acquired on or after February 1, 2012, a status update on the project.

(8) A description of any outstanding obligations pursuant to Section 33413 that remained to transfer to the housing successor on February 1, 2012, of the housing successor's progress in meeting those obligations, and of the housing successor's plans to meet unmet obligations. In addition, the housing successor shall include in the report posted on its Internet Web site the implementation plans of the former redevelopment agency.

(9) The information required by subparagraph (B) of paragraph (3) of subdivision (a).

(10) The percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period.

(11) The amount of any excess surplus, the amount of time that the successor agency has had excess surplus, and the housing successor's plan for eliminating the excess surplus.

(12) An inventory of homeownership units assisted by the former redevelopment agency or the housing successor that are subject to covenants or restrictions or to an adopted program that protects the former redevelopment agency's investment of moneys from the Low and Moderate Income Housing Fund pursuant to subdivision (f) of Section 33334.3. This inventory shall include all of the following information:

(A) The number of those units.

(B) In the first report pursuant to this subdivision, the number of units lost to the portfolio after February 1, 2012, and the reason or reasons for those losses. For all subsequent reports, the number of the units lost to the portfolio in the last fiscal year and the reason for those losses.

(C) Any funds returned to the housing successor as part of an adopted program that protects the former redevelopment agency's investment of moneys from the Low and Moderate Income Housing Fund.

(D) Whether the housing successor has contracted with any outside entity for the management of the units and, if so, the identity of the entity.

**COVINA HOUSING AUTHORITY SB 341 COMPLIANCE REPORT  
(ADDENDUM TO COVINA ANNUAL PROGRESS REPORT SUBMITTED TO HCD)**

**Housing Successor Agency  
Low and Moderate Income Housing Assets Fund  
Specified Activity Information Pursuant to  
California Health and Safety Code Section 34176  
Year Ended June 30, 2014**

The Covina Housing Authority was activated by the City of Covina on January 25, 2011 by Resolution 11-6926. On January 30, 2012, by Resolution 12-7045, the Covina City Council elected not to retain the housing assets and functions previously performed by the Covina Redevelopment Agency, which was dissolved pursuant to Part 1.85 of Division 24 of the California Health and Safety Code. All rights, powers, duties and obligations were transferred to the Covina Housing Authority. The Covina Housing Authority is the housing successor agency of the Covina Redevelopment Agency.

On January 1, 2014, Senate Bill 341 (SB 341) became effective, requiring each housing successor agency that assumed the housing functions of a former redevelopment agency to post a report on its website containing information regarding the Low- and Moderate-Income Housing Assets Fund (Fund) of the former redevelopment agency for the previous fiscal year.

In addition, the housing successor agency is required to conduct and provide an independent financial audit of the Fund within six months of the end of the fiscal year. The audit may be included as part of the City's independent financial audit.

An independent financial audit of the Low and Moderate Income Housing Asset Fund was provided to the governing body of the Covina Housing Authority on December 17, 2014, and again at the joint City Council/Covina Housing Authority meeting on January 20, 2015. The independent audit of the Housing Authority's Low and Moderate Income Housing Assets Fund is included as part of the Comprehensive Audited Financial Report (CAFR) and is on the City's website at [www.covinaca.gov](http://www.covinaca.gov).

Following are SB 341 annual report requirements described in H&SC section 34176.1 beginning with subsection (f) [note: reference to Section 33080.1 relates to former RDA reporting requirements]:

*(f) Section 33080.1 of this code and Section 12463.3 of the Government Code shall not apply. Instead, the housing successor shall conduct, and shall provide to its governing body, an independent financial audit of the Low and Moderate Income Housing Asset Fund within six months after the end of each fiscal year, which may be included in the independent financial audit of the host jurisdiction. If the housing successor is a city or county, it shall also include in its report pursuant to Section 65400 of the Government Code and post on its Internet Web site all of the following information for the previous fiscal year. If the housing successor is not a city or county, it shall also provide to its governing body and post on its Internet Web site all*

# COVINA HOUSING AUTHORITY SB 341 COMPLIANCE REPORT

of the following information for the previous fiscal year (see 1 through 12 below):

1. The amount deposited to the Low and Moderate Income Housing Asset Fund, distinguishing any amounts deposited for items listed on the Recognized Obligation Payment Schedule from other amounts deposited. [Health & Safety Code 34176.1(f)(1)]

Recognized Obligation Payment Schedule amount	\$0.00
Other amounts	\$726,513
<b>TOTAL</b>	<b>\$726,513</b>

2. A statement of the balance in the fund as of the close of the fiscal year, distinguishing any amounts held for items listed on the Recognized Obligation Payment Schedule from other amounts. [Health & Safety Code 34176.1(f)(2)]

Recognized Obligation Payment Schedule amount	\$0.00
Other amounts	\$739,049
<b>TOTAL</b>	<b>\$739,049</b>

3. A description of expenditures from the fund by category, including, but not limited to, expenditures (A) for monitoring and preserving the long-term affordability of units subject to affordability restrictions or covenants entered into by the redevelopment agency or the housing successor and administering the activities described in paragraphs (2) and (3) of subdivision (a), (B) for homeless prevention and rapid rehousing services for the development of housing described in paragraph (2) of subdivision (a), and (C) for the development of housing pursuant to paragraph (3) of subdivision (a). [Health & Safety Code 34176.1(f)(3)]

(A) Monitoring/preserving long-term affordability	\$8,571
(B) Homeless prevention/rapid rehousing	\$0
(C) Housing development	\$0
<b>TOTAL</b>	<b>\$8,571</b>

## COVINA HOUSING AUTHORITY SB 341 COMPLIANCE REPORT

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4. As described in paragraph (1) of subdivision (a), the statutory value of real property owned by the housing successor, the value of loans and grants receivable, and the sum of these two amounts. [Health & Safety Code 34176.1(f)(4)]

Real Property	\$425,610
Assets held for resale	\$0
Loans receivable	\$4,860,565
<b>TOTAL</b>	<b>\$5,286,175</b>

5. A description of any transfers made pursuant to paragraph (2) of subdivision (c) in the previous fiscal year and, if still unencumbered, in earlier fiscal years and a description of and status update on any project for which transferred funds have been or will be expended if that project has not yet been placed in service. [Health & Safety Code 34176.1(f)(5)]

Not applicable. No Housing Successor Asset Fund monies were transferred to other housing successors in this fiscal year. The Housing Authority also did not receive any such transfers during this time period.

6. A description of any project for which the housing successor receives or holds property tax revenue pursuant to the Recognized Obligation Payment Schedule and the status of that project. [Health & Safety Code 34176.1(f)(6)]

Not Applicable. The Housing Successor Asset Fund did not receive or hold property tax revenues pursuant to the Recognized Obligation Payment Schedule during the fiscal year.

7. For interests in real property acquired by the former redevelopment agency prior to February 1, 2012, a status update on compliance with Section 33334.16. For interests in real property acquired on or after February 1, 2012, a status update on the project. [Health & Safety Code 34176.1(f)(7)]

# COVINA HOUSING AUTHORITY SB 341 COMPLIANCE REPORT

**Property Received From the Former Redevelopment Agency Prior to February 1, 2012:**

APN	Date Acquired	DOF Transfer Approval	Original Cost	Status
8434-002-904	July 27, 2004	Feb. 21, 2013	\$425,610	In use as transitional housing
8445-001-918	May 20, 2005. Time extension obtained May 18, 2010	Feb. 21, 2013	\$730,200	March 1, 2011 entered into DDA to sell property. Sale completed March 3, 2014

**Property Acquired On or After February 1, 2012:**

Not Applicable. The Housing Successor has not acquired any properties after February 1, 2012.

8. A description of any outstanding obligations pursuant to Section 33413 that remained to transfer to the housing successor on February 1, 2012, of the housing successor's progress in meeting those obligations, and of the housing successor's plans to meet unmet obligations. In addition, the housing successor shall include in the report posted on its Internet Web site the implementation plans of the former redevelopment agency. [Health & Safety Code 34176.1(f)(8)]

Outstanding obligations pursuant to Section 33413 that remain to transfer to the Housing Successor on February 1, 2012	None
Unmet obligations	None

The table below identifies a surplus of 314.1 restricted units, and a surplus of 81.3 units restricted for very-low income households. The housing successor has met and exceeded its required housing production.

# COVINA HOUSING AUTHORITY SB 341 COMPLIANCE REPORT

**Inclusionary Housing Status Table**

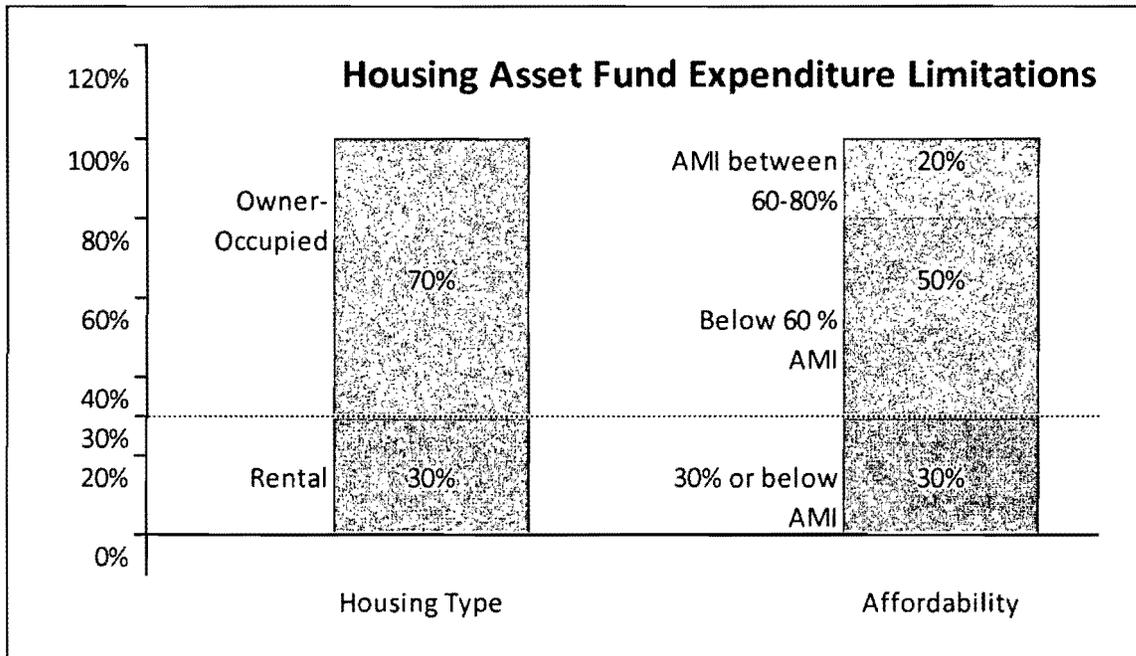
Description	No. Units Required	Surplus Units (Exceeds Requirement)
Total number of restricted units required	76.4	
Total number of restricted units produced	390.5	314.1
Total number of very low income units required	30.7	
Total number of very low income units produced	112.0	81.3

The Implementation Plan is posted on the City Web site.

9. The information required by subparagraph (B) of paragraph (3) of subdivision (a). [Health & Safety Code 34176.1(f)(9)]

*The housing successor shall expend all funds remaining in the Low and Moderate Income Housing Asset Fund after the expenditures allowed (Monitoring and homeless services) for the development of housing affordable and occupied by households earning 80 percent or less of the area median income , with at least 30 percent of these remaining funds expended for the development of rental housing affordable to and occupied by households earning 30 percent or less of the area median income and no more than 20 percent of these remaining funds expended for the development of housing affordable to and occupied by households earning between 60 percent and 80 percent of the area median income. A housing successor shall demonstrate in the annual report described in subdivision (f), for 2019, and every five years thereafter, that the housing successor's expenditures from January 1, 2014, through the end of the latest fiscal year covered in the report comply with the requirements of this subparagraph.*

# COVINA HOUSING AUTHORITY SB 341 COMPLIANCE REPORT



*Failure to comply with the extremely low income requirement in any 5-year reporting period will result in the Housing Authority having to ensure that 50% of remaining funds be spent on extremely low income rental units until in compliance. Exceeding the expenditure limit for households earning between 60% and 80% of the AMI in any 5-year reporting period will result in the Housing Authority not being able to expend any funds on these income categories until in compliance.*

The Authority had administrative and monitoring expenses in the period from January 1, 2014 to June 30, 2014. Reporting for this period is not required until 2019.

Senior and Non-Senior Units Created	Number of Units by Income Type				Total	
	EL 0-29%	VL 30-49%	L 50-59%	L 60-80%	Units	Funds Spent
Units created FY 17-18						n/a
Units created FY 16-17						n/a
Units created FY 15-16						n/a
Units created this reporting yr (FY 14-15)						n/a
Units created this reporting yr (Jan 1 2014- June 30, 2014)						0
Five Year Total	0	0	0	0		
5 year % On Units By Income Type	0	0	0	0		
Under Limit Yes/No	Yes	Yes	Yes	Yes		

## COVINA HOUSING AUTHORITY SB 341 COMPLIANCE REPORT

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10. The percentage of units of deed-restricted rental housing restricted to seniors and assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the previous 10 years in relation to the aggregate number of units of deed-restricted rental housing assisted individually or jointly by the housing successor, its former redevelopment agency, and its host jurisdiction within the same time period. [Health & Safety Code 34176.1(f)(10)]

For this report, the ten-year period reviewed is July 1, 2004 through June 30, 2014.

July 1, 2004 – June 30, 2014	
No. of assisted senior rental units	0
No. of total assisted rental units	7
Senior Housing Percentage	0%

Covina Gardens at 200 W Rowland is a 90-unit rental apartment project, 89 units of which are deed-restricted moderate, low income and very-low income housing. The owner voluntarily provides this housing to seniors only.

11. The amount of any excess surplus, the amount of time that the successor agency has had excess surplus, and the housing successor's plan for eliminating the excess surplus. [Health & Safety Code 34176.1(f)(11)]

When the Covina Redevelopment Agency was dissolved there were no excess surplus funds in its Low and Moderate Income Housing Fund. Remaining funds were distributed to the taxing entities through the Low and Moderate Housing Due Diligence Review. No excess surplus has accrued.

## COVINA HOUSING AUTHORITY SB 341 COMPLIANCE REPORT

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The following information is provided as required under Assembly Bill 1793 (Chapter 672, Statutes of 2014, effective January 2015) Amendments. AB 1793 amended Health & Safety Code Section 34176.1(f) and added new provisions (f)(12)(A)-(D).

12. An inventory of homeownership units assisted by the former redevelopment agency or the housing successor that are subject to covenants or restrictions or to an adopted program that protects the former redevelopment agency's investment of moneys from the Low and Moderate Income Housing Fund pursuant to subdivision (f) of Section 33334.3. This inventory shall include all of the following information:

(A) The number of those units.

Ownership Units Covenanted to be Affordable as of June 30, 2014	No. of Units
Number of ownership units covenanted to be affordable	18
Total	18

(B) In the first report pursuant to this subdivision, the number of units lost to the portfolio after February 1, 2012, and the reason or reasons for those losses. For all subsequent reports, the number of the units lost to the portfolio in the last fiscal year and the reason for those losses.

Ownership Units Lost to the Portfolio	No. of Units
Number of units lost to the portfolio after February 1, 2012 through June 30, 2014	0

(C) Any funds returned to the housing successor as part of an adopted program that protects the former redevelopment agency's investment of moneys from the Low and Moderate Income Housing Fund.

Not applicable.

(D) Whether the housing successor has contracted with any outside entity for the management of the units and, if so, the identity of the entity.

The Housing Successor has not contracted with any outside entity for management of the units.

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:**

**CC 6**

**STAFF SOURCE:** Amy Hall-McGrade, Parks & Recreation Director *AHM*  
Lisa Evans, Parks & Recreation Manager *LE*  
Melody Hynes, Community Relations Supervisor *MH*

**ITEM TITLE:** City Council to Approve Facility Use Agreement between the City of Covina and Covina Farmers' Market and Family Night for the operation of Farmers' and Street Market in the City of Covina

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**STAFF RECOMMENDATION**

Approve Facility Use Agreement between the City of Covina and Covina Farmers' Market and Family Night for the operation of Farmers' and Street Market in the City of Covina.

**FISCAL IMPACT**

The estimated annual revenue from the Market is \$11,000 (\$6,000 in account 1010 3400 43320 and \$5,000 in account 1010 RS26 43311). Direct expenditures associated with the operation of the Market include trash can liners and toilet paper (\$600 in account 1010 3400 54610), electricity (\$1,000 in account 1010 3400 52120), and water (\$1,000 in account 1010 3400 52100). The remaining revenue of \$8,400 will be used to enhance recreational programming and replace event equipment (various accounts).

**BACKGROUND**

Harry Brown-Hiegel has operated the Covina Farmers' Market and Family Night events since 2001. The Market has been operating at the newly renovated Heritage Plaza since April 2012. The working relationship between Harry Brown-Hiegel and the Parks & Recreation Department has continued to be a positive one. The Market brings hundreds of people to the downtown area every Friday night, which continues to benefit the downtown businesses with increased exposure.

Due to increased fees assessed by the Health Department for State-Certified Farmers' Markets, the Market will no longer maintain that designation. However, it continues to be governed by the California Department of Food & Agriculture, which sets forth laws and regulations pertaining to the selling and reselling of fruits and vegetables (Exhibit B).

**RELEVANCE TO THE STRATEGIC PLAN**

The estimated revenue will provide an opportunity to enhance recreational programming and also increase exposure of all business in the downtown area.

**EXHIBITS**

- A. Facility Use Agreement for a Farmers' and Street Market in the City of Covina
- B. California Department of Food & Agriculture Inspection and Compliance Branch Standardized Program pamphlet

**REVIEW TEAM ONLY**

City Attorney: \_\_\_\_\_

Finance Director: *my* Opalheer

City Manager: \_\_\_\_\_

Other: \_\_\_\_\_

**CITY OF COVINA - FACILITY USE AGREEMENT  
FOR A FARMERS' AND STREET MARKET  
IN THE CITY OF COVINA**

**PARTIES:**

This FACILITY USE AGREEMENT (the "Agreement"), by and between the CITY OF COVINA, a municipal corporation ("CITY") and Covina Farmers' Market and Family Night, ("CFM") is made on April 7, 2015.

**EFFECTIVE DATE:**

This Agreement is entered into and shall be effective as of April 3, 2015 (the "effective date").

**RECITALS:**

1. CITY desires to generate retail activities at the facility commonly known as the Heritage Plaza (the "Premises") located upon City property located at 400 North Citrus Avenue, Covina, California.
2. The activity referred to in Recital (1) will compliment CITY's continued efforts to bring more foot traffic to the downtown area.
3. CFM is experienced and qualified to organize, establish and maintain the successful operation of a farmers' market and street market in said downtown area.
4. This Agreement may be renewed annually with provisions for changes that are mutually agreed upon in writing.

**AGREEMENT:**

In consideration of the mutual promises set forth below, the parties agree as follows:

1. **PREMISES:** The Premises located at Heritage Plaza, 400 North Citrus Avenue, Covina, California.
2. **TERM:** CFM hereby agrees to provide to CITY all expertise, personnel and services necessary to organize, establish, promote and operate a farmers' market and street fair (the "Market") in the downtown area at CITY's premises beginning April 3, 2015 through April 2, 2016.
3. **MARKET HOURS:** CFM will operate the Market on Fridays between the hours of **5 p.m. and 9 p.m. Hours and market size may be adjusted due to daylight savings and season and scheduled activities of the CITY.** CFM will provide all services and equipment for the operation of the Market;
4. **UTILITIES:** CITY shall pay and be solely responsible for all utilities furnished to the Premises.

5. **PAYMENT PROCESS:** CFM shall establish money handling and recordkeeping mechanisms for the operation of the Market and remit twenty percent (20%) of gross revenues to CITY by the fifteenth (15<sup>th</sup>) of each month for the previous month's receipts.

a. CFM shall provide reports to CITY containing sufficient financial and other pertinent data, each month with the submittal of the monthly receipts as delineated in paragraph 5 above;

6. **DISTURBANCES AND SOUND AMPLIFICATION:** CFM shall adhere to requirements of Covina Municipal Code sections 9.48.150, 9.48.155, and 9.48.157 regarding disturbances and sound amplification. If amplified sound will be utilized, then CFM will be required to obtain a Sound Permit through the Parks & Recreation Department.

7. **SIGNAGE:** CFM shall not permit or install permanent advertising signs on park buildings or on park property without written approval of the CITY's Parks & Recreation Director. CFM shall submit signage installation requests in writing to the Parks & Recreation Director for approval. Requests must include detailed description of signage design and placement. CFM shall provide accurate signage pursuant to Food & Agriculture Code § 890, et seq.

8. **MAINTENANCE:** CFM, during and after use, shall maintain the Premises in a safe, sanitary, neat, and tidy condition. When, in response to calls after normal work hours by members of CFM, CITY repairs or resolves a problem at the Market, payment for this "call out" shall be as follows:

a. If, according to this Agreement, the item is within the maintenance responsibility of CITY, CITY will pay for the call out.

b. If, however, the service is within the maintenance responsibility of CFM, CITY shall bill CFM for the services rendered by CITY staff, including, but not limited to, costs of any materials used in the repair and actual labor and administrative costs. CFM shall pay such bills within thirty (30) days of the date issued by CITY.

### **FACILITY PROBLEMS**

#### CITY contact persons (during normal business hours):

Melody Hynes, Community Relations Supervisor (626) 384-5344

Lisa Evans, Parks & Recreation Manager (626) 384-5336

#### CITY contact persons (after normal business hours):

Covina Police Department (626) 331-3391 or (626) 384-5653

9. **INSURANCE:** During the term of this Agreement, CFM shall maintain in full force and effect policies of Workers' Compensation insurance covering all of its employees or be self-insured with respect to such insurance in accordance with the laws of the State of California. In addition, during the term hereof, CFM shall maintain in full force and effect a policy or policies of liability insurance (including product liability coverage) in amounts not less than one million dollars (\$1,000,000) for personal injury to any one person, one million dollars

(\$1,000,000) for property damage or a combined single limit of two million dollars (\$2,000,000). All insurance provided by CFM under this paragraph and all renewals shall be issued by such good, responsible, and standard companies rated at least A: Class XII in the current edition of Best's Insurance Guide and authorized to do business in California.

Certificates and endorsements evidencing the existence of the insurance specified in this paragraph 8 shall be filed with CITY's risk manager prior to undertaking any of its activities provided for in this Agreement.

10. **INDEMNIFICATION AND HOLD HARMLESS:** Each such policy shall be endorsed naming CITY and their elected officials, officers, employees and agents as additional insureds, shall waive all rights of subrogation, shall be primary insurance and shall provide that such insurance shall not be materially altered or terminated except after sixty (60) days-notice is provided to CITY. CFM does hereby agree to indemnify and hold harmless CITY and its elected officials, officers, employees and agents from and against any and all damages, claims, demands, actions and causes of action, and any and all attorneys' fees and court costs related thereto, in any way connected with or arising out of or alleged to be connected with or arising out of the actions or activities of CFM, its officers, agents or employees in performing services pursuant to this Agreement.

All notices to be delivered pursuant to this Agreement shall be given by personal service or by depositing the written notice in the custody of the United States Postal Service or its lawful successor, postage prepaid, addressed as follows:

**To CITY:**  
Attention: City Manager  
City of Covina  
125 East College Street  
Covina, CA 91723

**To CITY:**  
Attention: Amy Hall-McGrade  
Covina Parks & Recreation Department  
1250 North Hollenbeck Avenue  
Covina, CA 91722

**To Covina Farmers' Market:**  
Attention: Harry Brown-Hiegel  
1906 West 22<sup>nd</sup> Street  
Los Angeles, CA 90018-1644

11. **EARLY TERMINATION:** The initial term of this Agreement shall commence April 3, 2015 and remain in effect for one year unless terminated by a party as set forth herein. CITY may terminate the whole or any part of this Agreement at any time either for breach of this Agreement or for the CITY's convenience and without cause by giving written notice to CFM of such termination, and specifying the effective date thereof, at least thirty (30) calendar days before the effective date of such termination. CFM may only terminate this Agreement for breach of this Agreement upon giving the CITY not less than thirty (30) calendar days' written notice.

12. **MARKET OBLIGATIONS:** In consideration of the CITY's approval to operate the Covina Farmers' Market and Family Night, it is expressly agreed by the parties that CFM shall:

a. Obtain and maintain all licenses and permits required by the State of California, County of Los Angeles, CITY (including an annual event business license from the Finance Department) and any and all public authorities having jurisdiction with respect to the operation of the Market, and respond to and maintain professional relationships with all such agencies.

b. Recruit, retain and maintain contact with quality farmers and products, vendors, artisans and entertainers for the Market. The Market will be limited to no more than fifty percent (50%) of booths selling manufactured goods;

c. Provide all advertising and marketing efforts related to the opening and continued operations of the Market pursuant to paragraph 6 herein;

d. Collect all monies from farmers and vendors and disburse all CFM monies, pay CFM expenses and maintain all financial and other CFM records in accordance with generally accepted applicable principles and standards. The CITY reserves the right to review the financial records of CFM at any time;

e. Provide any and all management services related to the operation of the Market in a professional manner;

f. Receive, process and respond to all City customer concerns related to the operation of the Market;

g. Promote the Market locally and regionally;

h. Supplement promotional activities through the conduct of special events, statewide media, and other outreach outside the CITY;

i. Provide advice and cooperate with any volunteer organization within the community that is willing to aid in the success of the Market;

j. Provide all equipment essential to implementing the Market on a weekly basis, including any generators necessary to supplement electrical power available on the Premises.

k. Provide a safe and healthful environment for vendors and customers by setting and enforcing safety measures at all times before, during, and after events. Examples include, **but are not limited to**, taping of all exposed cords and rugs, immediately taking care of spills, keeping tools and other working material in a safe place away from the general event area, supply proper lighting for event teardown, etc. Do not block sidewalks, walkways, crosswalks, curb ramps or any other access ramps at any time before, during or after the event. Report all maintenance issues to the CITY immediately so that repairs can be made as soon as possible.

l. Strictly adhere to all direction/restrictions provided by the CITY with regard to maintenance and upkeep of the park, and setup and activities of the Market.

m. Ensure that all food vendors who work with any type of grease material have tarps underneath their cooking areas and utilize double tarps over their food areas.

n. Ensure that all food vendors who have cooking grills, ovens, smokers or broilers that create heat and smoke are not to be placed where the smoke and grease will cause damage to any of the park's landscaping.

o. Shall NOT operate a Kids' train at any time during the Market.

p. Ensure that generators are not placed directly on grass areas where the generator may burn the grass.

q. Frequently check the grass areas where any inflatable bouncer is placed to ensure that the bouncer is not causing any damage to the grass below it. If, in the event that there is damage to the grass, agrees not to put the bouncer up until the grass is restored.

r. Dispose of all trash from the Market in the designated dumpsters at City Hall, 125 East College Street.

s. Provide adequate supervision of the pony riding location by ensuring that all persons observing the pony rides remain in the designated viewing area on the north side of the pony riding location. At no time shall anyone be allowed to sit on the fencing or stand on the rock bed to view the activity.

t. Employ a company to power wash cement once per month. Company must indemnify the City of Covina with liability insurance (including product liability coverage) in amounts not less than one million dollars (\$1,000,000) for personal injury to any one person, one million dollars (\$1,000,000) for property damage or a combined single limit of two million dollars (\$2,000,000). In addition, all cleanings must be scheduled a minimum of 30 days in advance with date and time provided to the CITY.

13. **RELATIONSHIP OF PARTIES:** It is understood and agreed that the parties hereto will be acting in a wholly independent capacity and neither party will act as the agent, employee, partner or joint venturer of another party.

a. The Parties expressly intend and agree that CFM in performing this Agreement shall act as an independent contractor and shall have control over its work and the manner in which it is performed by it and its employees. CFM acknowledges that it is not an agent or employee of CITY and is not entitled to participate in any benefits that CITY provides for its employees.

b. If any term, condition or covenant of this Agreement, or the application thereof to any person or circumstance, shall be invalid or unenforceable, the remainder of this Agreement, other than those terms, conditions, or covenants held invalid or unenforceable, shall be unaffected thereby and shall be valid and shall be enforced to the fullest extent permitted by law.

14. **ASSIGNMENT:** CFM shall not assign, delegate, transfer or hypothecate this Agreement or any interest therein, directly or indirectly, by operation of law or otherwise, without the prior written consent of CITY. Any attempt to do so without such consent shall be null and void and confer no right on any third party.

a. Except as provided herein, this Agreement may be amended or modified only by the written, mutual agreement of all parties.

b. Should any dispute under this Agreement lead to litigation, the prevailing party shall be entitled to reasonable attorneys' fees for the prosecution or defense of the action.

c. No breach of any provision of this Agreement can be waived unless in writing. Waiver of any one breach of any provision shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.

This Agreement constitutes the entire agreement between the parties. CITY and CFM hereby acknowledge that they have neither made nor accepted any other promise or obligation with respect to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement and entered into the same as of April 7, 2015.

**CITY OF COVINA**

DATE:

BY: \_\_\_\_\_  
Mayor, City of Covina

**ATTEST:**

\_\_\_\_\_  
Catherine LaCroix, Chief Deputy City Clerk

DATE:

**COVINA FARMERS' MARKET**

DATE:

BY: \_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

**Approved as to form this 7th day of April, 2015.**

\_\_\_\_\_  
City Attorney

# It's the Law!

Failure to comply with California Laws and Regulations pertaining to the selling and reselling of fruits and vegetables may result in confiscation of product and/or fines of up to \$1000.00 for each violation depending on the severity.



## OUR MISSION

"To provide professional services that support and contribute to a safe, abundant, quality food supply; environmentally sound agricultural practices; and an equitable marketplace for California Agriculture."

*Please help keep illegally obtained produce out of the marketplace by providing "Proof of Ownership"*

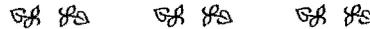
You may access and review the laws and regulations that pertain to fruits and vegetables through the web:

<http://www.cdffa.ca.gov> -> Laws & Regs Tab



## CDFA Contact Information

Inspection Services Division  
Inspection and Compliance Branch  
Standardization Program  
1220 N. Street  
Sacramento, CA 95814  
(916) 900-5030



## County Contact Information

County of Los Angeles  
Department of  
Agricultural Commissioner /  
Weights & Measures

*Pest Exclusion and Produce Quality*  
11012 Garfield Ave.  
South Gate, CA 90280  
(562) 622-0426

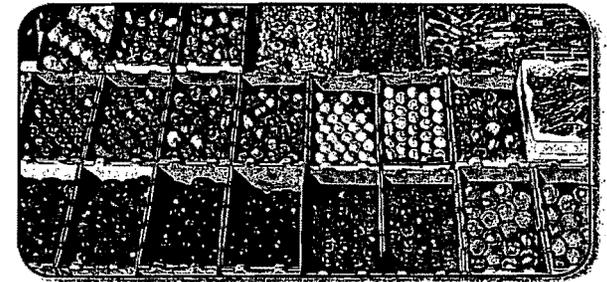
[acwm.lacounty.gov](http://acwm.lacounty.gov)

September 2013



Inspection and Compliance Branch

Standardization Program



*Fresh Produce  
Container Labeling  
Proof of Ownership*

When Transporting and Selling  
Fruits Nuts and Vegetables at:

- Wholesale Markets •
- Flea Markets •
- Swap Meets •
- Roadside Stands •



**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 7

**STAFF SOURCE:** Alex Gonzalez, Interim Director of Public Works <sup>AS</sup>

**ITEM TITLE:** Continue Repairs to City Hall Restrooms under Section 22050 of the California Public Contract Code

---

**STAFF RECOMMENDATION**

Adopt **Resolution No. 15-7339** reviewing the restroom repairs at City Hall, and continuing the emergency action to repair the City Hall restrooms pursuant to Section 22050 of the California Public Contract Code.

**FISCAL IMPACT**

The fiscal impact of the project is estimated to be \$95,000. This project will be funded from undesignated funds in Fund 4701 – Impact Fees General Government. A future agenda item will allocate funding for the project.

**BACKGROUND**

The City's contract engineering firm began work in late October 2014 to assess and design a repair for the damaged floor in the City Hall restroom. During design and inspection, it was determined that the restroom floor had suffered significant damage due to wood rot, termites and moisture intrusion.

On February 17, 2015, the City Council adopted Resolution 15-7315, authorizing a contract to complete emergency repairs for the restrooms at City Hall pursuant to Section 22050, subdivision (a) of the California Public Contract Code ("Section 22050").

Section 22050 requires a governing body that takes action pursuant to subdivision (a) of that Section to review the emergency action at its next regularly scheduled meeting and, by a four-fifths vote, determine that there is a need to continue the action. On February 17, 2015, the Covina City Council took action pursuant to subdivision (a) of Section 22050 to repair the City Hall restrooms. Therefore, the City Council is required to review this action and determine whether it is necessary to continue this action. On March 3, 2015, the City Council adopted Resolution 15-7326 continuing the emergency action; and on March 17, 2015, the City Council adopted Resolution 15-7333 continuing the emergency action.

The repairs to the City Hall restrooms are in process and are scheduled for completion by the week of April 27, 2015.

**RELEVANCE TO STRATEGIC PLAN**

This item is directly relevant to the City's Strategic Plan's Goal of providing efficient, visible and responsive public safety by guaranteeing the safety of public facilities.

**EXHIBITS**

A. Resolution 15-7339

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director:  _____
City Manager: _____	Other: _____

RESOLUTION NO. 15-7339

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COVINA, CALIFORNIA, CONFIRMING THE CONTINUED  
EXISTENCE OF AN EMERGENCY CONDITION FOR CITY HALL  
RESTROOM REPAIRS, PURSUANT TO SECTION 22050 OF THE  
CALIFORNIA PUBLIC CONTRACT CODE

WHEREAS, the City of Covina is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California (“City”); and

WHEREAS, the City endeavors to provide safe and reliable public facilities for public use; and

WHEREAS, from time-to-time City facilities will experience unexpected failure, stress, or damage in the course of any day or night; and

WHEREAS, the resolution of any unexpected failure, stress or damage may occur at times when the normal purchase order bidding process is not possible in order to bring a swift resolution to interruption of regular services, requiring that the City contract with the vendor who is most readily and reasonably available to address the urgent situation; and

WHEREAS, on February 17, 2015 the Covina City Council adopted Resolution No. 15-7315 declaring an emergency, authorizing the waiver of bidding requirements, and approving the repair of City Hall restrooms pursuant to California Public Code Section 22050; and

WHEREAS, under Section 22050 of the California Public Contract Code “a public agency, pursuant to a four-fifths vote of its governing body may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts”; and

WHEREAS, California Public Contract Code Section 22050, subdivision (c) provides that “If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and . . . at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action”; and

WHEREAS, Resolution 15-7339 constitutes action specified in subdivision (a) of California Public Contract Code Section 22050; and

WHEREAS, repairs to the City Hall restrooms are ongoing.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Covina, as follows:

SECTION 1. The City Council hereby reviews the emergency action to repair the restrooms at City Hall pursuant to California Public Contract Code Section 22050.

SECTION 2. The City Council hereby determines that the emergency action to repair the City Hall restrooms needs to continue in order to respond to the emergency pursuant to California Public Contract Code Section 22050.

SECTION 3. Such action shall be reviewed by the City Council at subsequent regular meetings to determine whether there is a need to further continue the action.

SECTION 4. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 7th day of April, 2015.

---

, Mayor

ATTEST:

---

City Clerk

APPROVED AS TO FORM;

---

City Attorney

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 8

**STAFF SOURCE:** Dilu de Alwis, Finance Director *DDA*

**ITEM TITLE:** Consider Authorizing City Personnel to Make Deposits and Withdrawals from the Local Agency Investment Fund

---

**STAFF RECOMMENDATION**

Adopt **Resolution No. 15-7340**, rescinding Resolution No. 09-6796, authorizing investment of monies in the Local Agency Investment Fund, and designating officers authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund (LAIF).

**FISCAL IMPACT**

None.

**BACKGROUND**

The City, in accordance with its City Council approved investment policy, invests a portion of its idle funds in the Local Agency Investment Fund. The City staff positions authorized to make deposits to and withdrawals from LAIF had been the City Manager, Finance Director, Finance Manager and Senior Accountant. Due to the appointment of the City Manager it is necessary to update the authorized agents of the City for LAIF transactions. The City must approve a new resolution that names Andrea Miller, City Manager, Dilu de Alwis, Finance Director, Tricia Cole, Finance Manager and Debbie Pacheco, Finance Manager, as authorized agents of the City for LAIF transactions.

**EXHIBITS**

A. Resolution **15-7340**

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: <i>by DPA</i> _____
City Manager: _____	Other: _____

**RESOLUTION NO 15-7340**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA RESCINDING RESOLUTION NO 09-6796 AND AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND DESIGNATING OFFICERS AUTHORIZED TO ORDER THE DEPOSIT OR WITHDRAWAL OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)**

**WHEREAS**, Pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a Local Agency for purposes of investment by the State Treasurer; and

**WHEREAS**, the City Council does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose for investment as stated therein is in the best interests of the City of Covina.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council does hereby authorize the deposit and withdrawal of City of Covina monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

**BE IT FURTHER RESOLVED**, that the following City of Covina, California officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Andrea Miller, City Manager	Signature _____
Dilu de Alwis, Finance Director	Signature _____
Tricia Cole, Finance Manager	Signature _____
Debbie Pacheco, Finance Manager	Signature _____

**BE IT FURTHER RESOLVED** that Resolution 09-6796, adopted October 6, 2009, is hereby rescinded in its entirety.

**PASSED AND ADOPTED** by the City Council of the City of Covina, Los Angeles County, State of California, held on the 7<sup>th</sup> of April, 2015.

\_\_\_\_\_  
John King, Mayor

**ATTEST:**

\_\_\_\_\_  
Mary Lou Walczak, City Clerk

**APPROVED AS TO FORM:**

---

Elizabeth Hull, City Attorney

I, CATHERINE M. LaCROIX, City Clerk of the City of Covina, hereby CERTIFY that Resolution No. 15-7340 was adopted by the Covina City Council at a meeting of the City Council held April 7<sup>th</sup>, 2015 and was approved and passed by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:

---

Catherine M. LaCroix, City Clerk

**SUCCESSOR AGENCY TO THE CITY OF  
COVINA REDEVELOPMENT AGENCY  
AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 9

**STAFF SOURCE:** Dilu de Alwis, Finance Director *DA*

**ITEM TITLE:** Consider Authorizing City Personnel to Make Deposits and Withdrawals from the Local Agency Investment Fund

---

**AGENCY STAFF RECOMMENDATION**

Adopt **Resolution No. 15-030**, rescinding Resolution No. 14-024, authorizing investment of monies in the Local Agency Investment Fund, and designating officers authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund (LAIF).

**FISCAL IMPACT**

None.

**BACKGROUND**

The Agency, in accordance with its Agency members' approved investment policy, invests a portion of its idle funds in the Local Agency Investment Fund. The Agency staff positions authorized to make deposits and withdrawals from LAIF had been the City Manager, Finance Director, Finance Manager and Senior Accountant. Due to the appointment of the City Manager it is necessary to update the authorized agents of the Successor Agency for LAIF transactions. The Successor Agency must approve a new resolution that names Andrea Miller, Executive Director, Dilu de Alwis, Finance Director, Tricia Cole, Finance Manager and Debbie Pacheco, Finance Manager, as authorized agents of the Successor Agency for LAIF transactions.

**EXHIBITS**

A. Resolution 15-030

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: <i>by</i> <u>Debbie Pacheco</u>
City Manager: _____	Other: _____

**RESOLUTION NO. 15-030**

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COVINA REDEVELOPMENT AGENCY RESCINDING RESOLUTION NO 14-024 AND AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND DESIGNATING OFFICERS AUTHORIZED TO ORDER THE DEPOSIT OR WITHDRAWAL OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)**

**WHEREAS**, pursuant to Health and Safety Code Section 34173(d), the City of Covina elected to serve as Successor Agency to the dissolved Covina Redevelopment Agency ("Successor Agency"), confirmed by Resolution No. 12-7041 adopted on January 11, 2012; and

**WHEREAS**, Pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a Local Agency for purposes of investment by the State Treasurer; and

**WHEREAS**, the Successor Agency Board members do hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose for investment as stated therein is in the best interests of the Successor Agency to the City of Covina Redevelopment Agency.

**NOW, THEREFORE, BE IT RESOLVED**, that the Successor Agency Board of the Successor Agency to the City of Covina Redevelopment Agency do hereby authorize the deposit and withdrawal of Successor Agency to the Covina Redevelopment Agency monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard.

**BE IT FURTHER RESOLVED**, that the following Agency officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Andrea Miller, Executive Director	Signature _____
Dilu de Alwis, Finance Director	Signature _____
Tricia Cole, Finance Manager	Signature _____
Debbie Pacheco, Finance Manager	Signature _____

**BE IT FURTHER RESOLVED**, that Resolution 14-024 adopted July 1, 2014, is hereby rescinded in its entirety.

**PASSED AND ADOPTED** by the Successor Agency to the Covina Redevelopment Agency of the City of Covina, Los Angeles County, State of California, held on the 7<sup>th</sup> of April, 2015.

\_\_\_\_\_  
Kevin Stapleton , Chairperson  
Successor Agency to the City of  
Covina Redevelopment Agency

**ATTEST:**

\_\_\_\_\_  
Mary Lou Walczak, Agency Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Elizabeth Hull, Agency Attorney

I, CATHERINE M. LaCROIX, Secretary for the Successor Agency to the City of Covina Redevelopment Agency for the City of Covina, hereby CERTIFY that Resolution No. 15-030 was adopted by the Covina Successor Agency at a regular meeting of the Agency held April 7<sup>th</sup>, 2015 and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Catherine M. LaCroix,  
Agency Secretary

**COVINA PUBLIC FINANCING AUTHORITY**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 10

**STAFF SOURCE:** Dilu de Alwis, Finance Director *DA*

**ITEM TITLE:** Consider Authorizing City Personnel to Make Deposits and Withdrawals from the Local Agency Investment Fund.

---

**STAFF RECOMMENDATION**

Adopt **Resolution No. 15-12**, rescinding Resolution No. 09-6797, authorizing investment of monies in the Local Agency Investment Fund, and designating officers authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund (LAIF).

**FISCAL IMPACT**

None.

**BACKGROUND**

As required by the State Treasurer's Office, the City established a separate LAIF account for the deposit of bond proceeds from the 2009 Sewer Bonds issued under the Covina Financing Authority. Due to the appointment of the City Manager it is necessary to update the authorized agents of the Authority authorized to manage LAIF transactions. The City must approve a new resolution that names Andrea Miller, Executive Director, Dilu de Alwis, Finance Director, Tricia Cole, Finance Manager and Debbie Pacheco, Finance Manager, as authorized agents of the Authority for LAIF transactions.

**EXHIBITS**

A. Resolution 15-12

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: <i>by Dilu de Alwis</i> _____
City Manager: _____	Other: _____

**RESOLUTION NO. 15-12**

**A RESOLUTION OF THE COVINA PUBLIC FINANCING AUTHORITY BOARD OF THE CITY OF COVINA, CALIFORNIA, RESCINDING RESOLUTION NO 09-6797 AND AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND.**

**WHEREAS**, Pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the state treasurer; and

**WHEREAS**, the Covina Financing Authority does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein as in the best interests of the City of Covina.

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the Covina Financing Authority authorizes the deposit and withdrawal of Authority monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the Sate Treasurer's Office of all banking information provided in that regard.

**SECTION 2.** That the following Authority officers or their successors in office of Executive Director, Finance Director and/or Finance Officers shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Andrea Miller, Executive Director	Signature _____
Dilu de Alwis, Finance Director	Signature _____
Tricia Cole, Finance Manager	Signature _____
Debbie Pacheco, Finance Manager	Signature _____

**SECTION 3.** That Resolution 09-6797 adopted October 9, 2009 is hereby rescinded in its entirety.

**SECTION 4.** The Chair shall sign this Resolution and the Agency Secretary shall attest and certify to the passage and adoption thereof.

**PASSED, APPROVED, AND ADOPTED** this 7<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
John King, Chairperson

**ATTEST:**

\_\_\_\_\_  
Mary Lou Walczak,  
Authority Secretary

**APPROVED AS TO FORM:**

---

Elizabeth Hull,  
Authority Attorney

I, CATHERINE M. LaCROIX, Secretary of the Covina Public Financing Authority, hereby CERTIFY that Resolution No. 15-12 was adopted by the Covina Public Financing Authority at a regular meeting of the Authority held April 7<sup>th</sup>, 2015 and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Catherine M. LaCroix,  
Authority Secretary

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:**

CC 11

**STAFF SOURCE:** Alex Gonzalez, Interim Director of Public Works  
Vivian Castro, Environmental Services Manager

KG

**ITEM TITLE:** Adoption of Resolution 15-7341, Amending the Fiscal Year 2014-2015 Budget to Fund the Expanded Contract Scope for Project No. F-1414

---

**STAFF RECOMMENDATION**

Adopt **Resolution No. 15-7341**, amending the fiscal year 2014-2015 budget to allocate additional funding for Project No. F-1414 in the amount of \$21,084.96 from Proposition A funds.

**FISCAL IMPACT**

Savings of \$84,000 in Project T-0814B, Pedestrian and Metrolink Station Improvements Project (4300-4350-55200) due to the reduced number of retrofitted acorn lamps in Project No. T-0814B. An increase of \$21,084.96 in Proposition A funds in (2400-TO01-52422) due to the addition of the retrofitted acorn lamps on the Metrolink platform to Project No. F-1414. Project changes will result in a net savings in Proposition A reserves of \$62,915.04. Neither project is funded by the General Fund.

**BACKGROUND**

Adoption of this resolution provides additional funding to Project No. F-1414 to cover the cost of retrofitting additional "acorn" streetlamps that were originally included in the scope of Project No. T-0814B at a significantly higher cost.

At the October 7, 2014, meeting, the City Council awarded Hillcrest Contracting \$1,422,991.20 for the construction of Pedestrian and Metrolink Station Improvements (Project No. T-0814B), which included upgrading of acorn lamps located in the station platform and station-adjacent streets.

At the December 16, 2014, meeting, the City Council awarded a contract to Facilities Solutions Group for energy efficiency upgrades to City-owned streetlights (Project No. F-1414). The agreement was the first authorized by the City Council pursuant to 4217.10 et seq of the California Government Code and the first to use free project engineering assistance provided by The Energy Network. The proposal provided by the contractor broke down the projects into specific job order tasks with unit prices and quantities. As such, any change orders would simply require adjusting the quantities for specific tasks at the agreed-upon unit price. Among the tasks listed in the Energy Efficiency Design-Build Contract for Lighting was the retrofitting of acorn lamps throughout the City with custom-designed Light Emitting Diode (LED) lamps. The

quantity included all acorn lamps in the City, with the exception of those at the Metrolink Station platform and adjacent area.

At its February 17, 2015, meeting, the City Council adopted Resolution No. 15-7317, amending the Fiscal Year 2014-2015 budget to fund Project No. F-1414 from specific accounts.

Subsequent analysis by City staff revealed that project cost savings, additional energy savings, and rebates would be available if the acorn lamps originally included in Project No. T-0814B were retrofitted under Project No. F-1414 instead. Furthermore, procurement of replacement parts and maintenance would be simplified by having one standard type of acorn LED lamp throughout the City.

**RELEVANCE TO STRATEGIC PLAN**

Expanding the scope of the Energy Efficiency Design-Build Contract for Lighting will reduce project costs, increase energy savings, and simplify maintenance, which supports the Strategic Plan Goals of fostering innovation, efficiency, and sustainability. Additionally, the significant energy and maintenance cost savings over the lifetime of the projects support the goal of enhancing the City's financial well-being.

**EXHIBITS**

A. Resolution 15-7341

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: _____ 
City Manager: _____	Other: _____

**RESOLUTION NO. 15-7341**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COVINA, CALIFORNIA, AMENDING THE FISCAL YEAR  
2014-2015 BUDGET**

**WHEREAS**, the City of Covina is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California (“City”); and

**WHEREAS**, the budget for the City of Covina for fiscal year commencing July 1, 2014 and ending June 30, 2015 was approved on June 1, 2014; and

**WHEREAS**, the approved budget is in accordance with all applicable ordinances of the City and all applicable statutes of the State; and

**WHEREAS**, the reallocation of the appropriations between departmental activities may be made by the City Manager, amendments (increases/decreases) to the Budget shall be by approval and Resolution of the City Council; and

**WHEREAS**, an increase of \$21,084.96 in Proposition A funds is needed in 2400-TO01-52422 due to the expanded scope of Project No. F-1414; and

**WHEREAS**, there are savings of \$84,000 in Proposition A funds in 4300-4350-55200 due to reduced scope of Project No. T-0814B; and

**WHEREAS**, there is an overall savings of \$62,915.04 in Proposition A Fund reserves as a result of these change orders.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the City Council of the City of Covina, as follows:

**SECTION 1.** Amend fiscal year 2014-2015 budget as follows:

- Increase 2400-TO01-52422-F1414 from \$192,646.00 to \$213,730.96 with \$21,084.96 from Proposition A Transportation Fund reserves in 2400-0000-33000.

**SECTION 2.** The City Clerk shall certify to the adoption of this resolution.

**PASSED, APPROVED AND ADOPTED** this 7th day of April, 2015.

---

John King, Mayor

**ATTEST:**

---

City Clerk

**APPROVED AS TO FORM;**

---

City Attorney

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 12

**STAFF SOURCE:** Lisa Brancheau, Assistant to the City Manager

*LB*

**ITEM TITLE:** Lease Agreement between the City of Covina and the East San Gabriel Valley Human Services Consortium

**STAFF RECOMMENDATION**

Adopt Resolution No. 15-7342 of the City Council of the City of Covina, California, amending the fiscal year 2014-2015 General Fund budget revenues by \$2,400 for the revenues related to the East San Gabriel Valley Human Services Consortium use of City office space, and authorize the City Manager to sign the Lease Agreement as specified in Exhibit A.

**FISCAL IMPACT**

The Agreement provides that the East San Gabriel Valley Human Services Consortium (DBA, LA Works) pay the City \$200 rent per month for up to twelve months for use of two cubicles, scanner, and dedicated phone line for two of their employees to utilize as they wind down their operations. The lease agreement will provide up to \$2,400 in revenue to account no.: 10100800 43600.

**BACKGROUND**

The East San Gabriel Valley Human Services Consortium offices were closed last September 2014 as a result of their various funding sources being withdrawn. In an effort to assist the Consortium's request for office space, the City Council accommodated their need with the approval of Resolution No. 14-7287 and Lease Agreement on October 7, 2014. The Lease Agreement expired on March 31, 2015.

The Consortium Board at its regular meeting of March 19, 2015, approved a request to the City to renew the lease for a period of twelve months. Should the City Council approve this item, the Consortium will be allowed to continue to conduct business and complete their wind-down efforts while generating revenue for the City.

**RELEVANCE TO THE STRATEGIC PLAN**

While this action is not relevant to the Strategic Plan, this item meets the City Council's standard of providing customer service.

**EXHIBITS**

A. Resolution No. 15-7342

**REVIEW TEAM ONLY**

City Attorney: \_\_\_\_\_ Finance Director: \_\_\_\_\_

City Manager: \_\_\_\_\_ Other: \_\_\_\_\_

*DL*

**RESOLUTION NO. 15-7342**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING THE FISCAL YEAR 2014-2015 GENERAL FUND BUDGET TO ACCEPT UP TO \$600 FROM THE EAST SAN GABRIEL VALLEY HUMAN SERVICES CONSORTIUM FOR USE OF CITY OFFICE SPACE FOR A PERIOD OF UP TO TWELVE MONTHS**

WHEREAS, the City of Covina is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California ("City"); and

WHEREAS, the budget for the City of Covina for fiscal year commencing July 1, 2014 and ending June 30, 2015 was approved in June 2014; and

WHEREAS, the approved budget is in accordance with all applicable ordinances of the City and all applicable statutes of the State; and

WHEREAS, the reallocation of the appropriations between departmental activities may be made by the City Manager, amendments (increases/decreases) to the Budget shall be by approval and Resolution of the City Council;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Covina, as follows:

SECTION 1. Amend the fiscal year 2014-2015 General Fund Budget as follows:

Account No.: 10100800 43600                      \$600

SECTION 2. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of April, 2015.

---

John King, Mayor

ATTEST:

---

Catherine La Croix  
Chief Deputy City Clerk

APPROVED AS TO FORM;

---

Best Best & Krieger LLP  
City Attorney

**EXHIBIT A**

**LEASE AGREEMENT**  
**[Attached Behind This Page]**

**LEASE AGREEMENT**

**between**

**CITY OF COVINA**  
**a California municipal corporation**

**AND**

**EAST SAN GABRIEL VALLEY HUMAN SERVICES CONSORTIUM a California**  
**Joint Powers Authority (JPA)**  
**Governmental Agency**

## **City of Covina Lease Agreement**

### **1. Parties and Date.**

The Agreement ("Agreement") is made and entered into this 7<sup>th</sup> day of April, 2015 (the "Effective Date"), by and between the **City of Covina** ("City"), a California municipal corporation, with its principal place of business at 125 E. College St., Covina CA, 91723, and **East San Gabriel Valley Human Services Consortium** ("Lessee"), a California Joint Powers Authority (JPA) with its principal place of business at 545 N. Rimsdale Ave. #3629 Covina, CA 91722. The City and Lessee are sometimes herein referred to individually as "Party" and collectively as "Parties."

### **2. Recitals.**

#### **2.1 City Property.**

City is the owner of that real property located at 125 College St. Covina, CA 91723, also known as City Hall (the "City Property").

#### **2.2 Purpose of Agreement.**

City desires to lease to Lessee, and Lessee desires to lease from City, a portion of the City Property for due and adequate consideration, the receipt and sufficiency of which is acknowledged by the Parties and further described and set forth in this Agreement, for the purpose of operating an office of East San Gabriel Valley Human Services Consortium ("East San Gabriel Valley Human Services Consortium"), at a portion of the City Property.

### **3. Terms.**

#### **3.1 Description of Leased Premises.**

City hereby leases to Lessee, and Lessee leases from City, on the terms and conditions set forth in this Agreement, portions of the City Property consisting of the following areas which are described in Exhibit "A", attached hereto and incorporated herein by this reference and described below (the "Leased Premises"):

(a) Approximately 100 interior square feet, which includes two cubicles within the Human Resources office located on the second floor of City Hall.

#### **3.2 Term.**

The term of this Agreement shall be for twelve (12) months, beginning April 7, 2015, to April 6, 2016 unless earlier terminated as provided herein (the "Term"). At the expiration of the Term of this Agreement, City reserves the right to renegotiate renewal of this Agreement.

### **3.3 Lease Payment.**

**3.3.1** The Leased Premises are leased to the Lessee for the sum of TWO HUNDRED DOLLARS (\$200.00) per month during the Term of this Agreement (“Lease Payment”). The Lease Payment shall be made payable to the “City of Covina” and paid by the first (1<sup>st</sup>) of every month or the following business day with the first payment being made on April 8, 2015.

### **3.4 Use.**

The Leased Premises are leased to Lessee solely for the purpose of operating East San Gabriel Valley Human Services Consortium-related business.

### **3.5 Acceptance; Surrender.**

The Lessee shall be deemed to have accepted the Leased Premises as being in good condition for the above-stated uses. The Lessee shall, upon the termination or expiration of the Agreement term, surrender the Leased Premises in as good condition, reasonable use and wear excepted.

### **3.6 Reasonable Access to Leased Premises.**

City and its agents shall have the right at all reasonable times to enter the Leased Premises to:

- (a) Inspect the Leased Premises to determine whether Lessee is carrying on any activity that violates this Agreement;
- (b) Serve, post, and keep posted notices required by law or that City considers necessary for the protection of the City or the City Property; or
- (c) Conduct facility inspections and make necessary mechanical repairs. Such repairs and inspections will be scheduled in advance and are subject to Lessee’s approval.

### **3.7 Hours of Operation.**

During the Term of this Agreement, Lessee shall have exclusive use of the portion of the Leased Premises, between the hours of 7:00 a.m. and 6:00 p.m. Monday through Thursday, with the exception of nationally recognized holidays or other days off observed by the City of Covina (“Hours of Operation”). The City shall notify Lessee of observed holidays each year during the Term of this Agreement. During the Hours of Operation, Lessee shall have the use, in common with others, of the rest rooms, hallways, entrances, parking spaces, and other similar facilities to and surrounding the Leased Premises. Lessee must notify City in advance, either verbally or in writing, of using the Leased Premises outside of the Hours of Operation.

### **3.8 Lessee's Obligations**

#### **3.8.1 Lawful Operation.**

Lessee shall manage the East San Gabriel Valley Human Services Consortium-related operations in accordance with all applicable federal, state, and City laws and regulations, and this Agreement. Lessee shall be responsible for ensuring that all necessary approvals, licensing requirements and permits remain in effect during the Term of this Agreement in order to operate East San Gabriel Valley Human Services Consortium in a lawful manner.

#### **3.8.2 Utilities and Janitorial Services.**

Except as otherwise specifically provided in this Agreement, City shall pay for all utility costs associated with the Leased Premises. The Lease Payment shall pay all charges for telephone service, janitorial services; internet access will be available via the City's Wi-Fi network.

#### **3.8.3 Signage.**

Signage will not be required.

#### **3.8.4 Requests for Repairs.**

For requests for repairs pursuant to Section 3.9 of this Agreement, Lessee shall notify City staff. Lessee shall immediately report any mechanical failure of, or damage to, the Leased Premises or any City-owned equipment, furnishings or other property.

#### **3.8.5 Maintain Clean, Safe Environment.**

Lessee shall maintain the Leased Premises in a clean, orderly, and safe manner at all times and shall adhere to all federal, state and local laws.

### **3.9 City Obligations - Maintenance and Repair.**

City shall maintain in good repair the heating, ventilation and cooling system, plumbing and electrical systems, windows, roofs, sidewalks, yards, and common areas of the Leased Premises. City shall also pay for the exterior landscape maintenance for the Leased Premises. City shall not be required to repair any of the above items unless and until Lessee has notified City in writing of the need for such repairs or replacement. Once notified, City shall complete any and all needed repairs and replacements within a reasonable period of time at no cost or expense to the Lessee, except to the extent that such repairs or replacements are attributable in whole or in part to the negligence or misconduct of the Lessee, its employees, agents, contractors, licensees and invitees.

#### **3.10 Insurance.**

Lessee shall maintain limits no less than: (1) *General Liability*: \$1,000,000 per occurrence

for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with general aggregate limit is used, either the general aggregate limit shall apply separately to this Agreement/location or the general aggregate limit shall be twice the required occurrence limit; (2) *Automobile Liability (if applicable)*: \$1,000,000 per accident for bodily injury and property damage; and (3) *Workers' Compensation and Employer's Liability (if applicable)*: Workers' Compensation limits as required by the Labor Code of the State of California. Employer's Liability limits of \$1,000,000 per accident for bodily injury or disease. Insurance is to be placed with insurers with a current A.M. Best's rating no less than A:VIII, licensed to do business in California, and satisfactory to City. Waiver of Subrogation for workers' compensation and insurances should be primary and non-contributory for East San Gabriel Valley Human Services Consortium.

### **3.11 No Joint Venture or Partnership.**

City and Lessee shall not, by virtue of this Agreement, in any way or for any reason, be deemed to be or have become a partner of the other in the conduct of its business or otherwise, or a joint venturer.

### **3.12 Independent Contractor.**

Neither Lessee, nor any of its agents, employees, invitees, licensees, or guests shall constitute employees of the City.

### **3.13 Improvements.**

Improvements are not required.

### **3.14 Violations.**

Lessee shall not engage in, or permit or authorize any of Lessee's employees, agents, licensees, invitees, or guests to engage in any activity which constitutes a violation of any applicable state, federal, ordinance or regulation.

### **3.15 Repair of Damage.**

Lessee agrees to notify City in writing within three (3) days of any damage to the Leased Premises resulting from fire, earthquake, or any other identifiable event of a sudden, unexpected, or unusual nature ("Casualty") ("Repair Notice Period"). If the Leased Premises are damaged by a Casualty or areas provided access to the Leased Premises are damaged to the extent that Lessee does not have reasonable access to the Leased Premises and if neither City nor Lessee has elected to terminate this Agreement, City shall, at City's sole cost and expense, promptly and diligently restore such areas and the Leased Premises to substantially the same condition as existed before the Casualty, except for modifications required by building codes and other laws. During the period of time that Lessee does not have reasonable access to the Leased Premises due to damage by a Casualty, or during the time that the City makes any necessary or reasonable repairs and modifications to the Leased Premises, City shall have no obligation to provide Lessee a suitable

alternate location for East San Gabriel Valley Human Services Consortium. However, in making the repairs and modifications contemplated by this Section, City shall make all reasonable efforts to avoid materially impairing Lessee's access to the Leased Premises.

### **3.16 General Mutual Indemnity.**

**3.16.1** Lessee shall defend, indemnify and hold City, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged acts, omissions or willful misconduct of Lessee, its directors, officers, employees, agents, consultants and contractors arising out of or in connection with this Agreement, including but not limited to (a) the condition of the Leased Premises, (b) Lessee's use of the Leased Premises, or (c) Lessee's operations or services in connection with or pursuant to this Agreement, including without limitation the payment of all consequential damages and attorneys' fees and other related costs and expenses. Lessee shall defend, at Lessee's own cost, expense and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against City, its officials, officers, employees, agents or volunteers. Lessee shall pay and satisfy any judgment, award or decree that may be rendered against City or its officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding. Lessee shall reimburse City and its officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Lessee's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its officials, officers, employees, agents or volunteers.

**3.16.2** It is the intent of the Parties that where negligence is determined to have been joint or contributory, principles of comparative negligence will be followed, and each Party shall bear the proportionate cost of any loss damage, expense or liability attributable to that Party's negligence. This indemnification, defense and hold harmless obligation shall not be limited by insurance coverages and shall survive the termination or expiration of this Agreement.

### **3.17 Default or Abandonment by Lessee; Waiver**

This section is not applicable.

### **3.18 Assignment/Sublease.**

Lessee may not sell, assign, mortgage, sublease, or transfer Lessee's interest in this Agreement without the City's prior written consent. Any attempted transfer without City's written consent shall be void and shall constitute a non-curable breach of this Agreement.

### **3.19 Option to Terminate.**

**3.19.1** Either party may terminate this Agreement upon giving thirty (30) days written notice to the address listed in Section 3.25 of this Agreement.

**3.19.2** If the Repair Period Notice required by Section 3.15 indicates that the anticipated period for repairing the Leased Premises or areas exceeds thirty (30) days, Lessee may elect to terminate this Agreement without any liability of any kind by providing written notice (“Lessee’s Termination Notice”) to City within ten (10) days after receipt of the City’s repair period notice. If Lessee does not elect to terminate within this ten (10) day period, Lessee shall be deemed to have waived the option to terminate.

**3.20 Severability.**

If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions hereof shall remain in full force and shall not be affected, impaired or invalidated thereby.

**3.21 Attorneys’ Fees.**

In case either Party brings an action to enforce any term or condition of this Agreement, the prevailing Party shall be entitled to its reasonable attorneys’ fees as determined by the court, and all other costs and expenses related to such action.

**3.22 Waiver.**

The waiver by either Party of the breach of any provision of this Agreement shall not be deemed to be a waiver of any subsequent breach of that or any other provision.

**3.23 Binding on Successors.**

This Agreement shall apply to and be binding upon the heirs, successors in interest, executors, administrators, and assigns of the respective Parties hereto. The terms Lessee, City, Party and Parties shall include the heirs, successors in interest, executors, administrators, assigns, agents, employees, officers, or officials of such party or parties.

**3.24 Captions.**

The various headings contained herein and the grouping of the provisions of this Agreement into separate paragraphs are for the purpose of convenience only, and shall not be considered in interpreting the provisions of this Agreement.

**3.25 Notices.**

Any and all notices which are required under the terms and conditions of this Agreement or which either City or Lessee desire to serve upon the other shall be in writing and shall be deemed served when delivered personally or faxed, or when deposited in the United States mail, postage prepaid, return receipt requested, addressed as follows:

**CITY:**  
City of Covina  
125 E. College St.  
Covina, CA 91723  
Attn. City Manager

**LESSEE:**  
East San Gabriel Valley Human  
Services Consortium  
545 N. Rimsdale Ave. #3629  
Covina, CA 91722  
Attn: Thomas Mauk

Any notice so given shall be considered served on the other Party three (3) days after deposit in the U.S. mail, first class postage prepaid, return receipt requested, and addressed to the Party at its applicable address. Actual notice, including by fax, shall be deemed adequate notice on the date actual notice occurred regardless of the method of service.

**3.26 Governing Law.**

This Agreement, and the rights and obligations of the Parties, shall be governed and interpreted in accordance with the laws of the State of California. Venue shall be in Los Angeles County.

**3.27 Entire Agreement.**

This Agreement, along with any exhibits and attachments attached hereto and incorporated herein by reference, constitutes the entire agreement between the City and the Lessee relative to the City Property, and may only be modified by mutual consent of the Parties in writing.

**3.28 Authority to Enter Agreement.**

Lessee has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

**3.29 Counterparts.** This Agreement may be signed in counterparts, each of which shall constitute an original.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties hereby execute this Agreement and make it effective on the date first written above.

**CITY:**

CITY OF COVINA,  
a municipal corporation

By: \_\_\_\_\_  
Andrea M. Miller  
City Manager

Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Cathy LaCroix  
Chief Deputy City Clerk

**APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_  
Best Best & Krieger LLP  
City Attorney

**LESSEE:**

East San Gabriel Valley Human Services Consortium  
a California JPA Governmental Agency

By: \_\_\_\_\_  
Thomas Mauk  
Interim Chief Executive Officer

Date: \_\_\_\_\_

## **EXHIBIT "A"**

### **DESCRIPTION OF LEASED PREMISES**

Leased Premises include two (2) cubicle workstations located in the Human Resources Office, which is located on the second (2<sup>nd</sup>) floor of City Hall. The two cubicles make up approximately one hundred (100) square feet.

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 13

**STAFF SOURCE:** Alex Gonzalez, Interim Public Works Director **AG**

**ITEM TITLE:** Letter Agreement with Control Automation Design for Charter Oak Reservoir Power Supply Panel SCADA Upgrade

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**STAFF RECOMMENDATION**

Authorize the City Manager to sign the Letter Agreement with Control Automation Design, for information technology hardware and programming support services on the Supervisory Control and Data Acquisition (SCADA) system at Charter Oak Reservoir as specified in Exhibit A of the Letter Agreement.

**FISCAL IMPACT**

The \$19,303.00 cost of this agreement is budgeted for FY 2014-2015 under (6011-5060-55420).

**BACKGROUND**

The pump operations and water level management at the Charter Oak Reservoir are controlled by a motor control center panel that is operated remotely by City staff using a SCADA system. The SCADA system gathers real time information on the status of the municipal water system, and allows City staff to remotely manage the reservoir pumps and water levels according to real time demand. The SCADA system also provides an alarm to the City's water pump operator in the event of a municipal water system problem. A City water pump operator travels with a laptop and is on duty at all hours to respond remotely to any water system issues and draw water into the system from Covina Irrigating Company and Metropolitan Water District as needed to manage customer demand. When City staff started experiencing reliability issues with the existing SCADA system, possible causes and potential solutions were investigated. It was determined that an upgrade was necessary to maintain remote control and alarm capabilities for the Charter Oak Reservoir.

The Letter Agreement specifies the project scope, compensation and conditions under which the contractor, Control Automation Design, is authorized to upgrade the City's SCADA power supply panel at Charter Oak Reservoir. It states that total compensation for the work is not to exceed \$19,303.00.

**RELEVANCE TO STRATEGIC PLAN**

This item is directly relevant to the City's Strategic Plan Goal of providing efficient, visible and responsive public safety by guaranteeing the safety and availability of the City's potable water supply.

**EXHIBITS**

A. Letter Agreement for Upgrade of Charter Oak Reservoir Power Supply Panel

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: _____ 
City Manager: _____	Other: _____



# CITY OF COVINA

125 East College Street • Covina, California 91723-2199  
www.covinaca.gov

March 3, 2015

Ms. Alice Choi  
Control Automation Design, Inc.  
1107 Fair Oaks Avenue, #526  
South Pasadena, CA 91030

Re: Letter Agreement for Upgrade of Charter Oak Reservoir Power Supply Panel

Dear Mrs. Choi:

*PARTIES:* This letter shall be our agreement ("Letter Agreement") regarding the CITY'S CHARTER OAK RESERVOIR SUPERVISORY CONTROL AND DATA ACQUISITION ("SCADA") SYSTEM described below ("Services") to be provided by CONTROL AUTOMATION DESIGN, INC., corporation ("Contractor") as an independent contractor to the City of Covina ("City") for the City's UPGRADE OF THE SCADA POWER SUPPLY PANEL AT THE CHARTER OAK RESERVOIR ("Project"). Contractor is retained as an independent contractor and is not an employee of the City.

*SERVICES; SCHEDULE OF PERFORMANCE:* The Services to be provided include the following: The Services to be provided are more particularly described in the Scope of Services attached hereto as EXHIBIT "B" and incorporated herein by reference. Services on the Project shall begin immediately and be completed by JUNE 30, 2015, unless extended by the City in writing.

*STANDARD OF CARE:* Contractor shall perform all Services under this Letter Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California, and consistent with all applicable laws. Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications, and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Letter Agreement.

*SUBSTITUTION OF KEY PERSONNEL:* Contractor has represented to City that certain key personnel will perform and coordinate the Services under this Letter Agreement. Should one or more of such personnel become unavailable, Contractor may substitute other personnel of at least equal competence upon written approval of City. In the event that City and Contractor cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Letter Agreement for cause. The key personnel for performance of this Letter Agreement are as follows: ALICE CHOI.

*COMPENSATION:* The total compensation shall not exceed NINETEEN THOUSAND, THREE HUNDRED THREE DOLLARS (\$19,303.00) without written approval of City's PUBLIC WORKS DIRECTOR. Contractor's rate sheet attached hereto as EXHIBIT "B" and incorporated herein by reference Contractor's invoice shall include a detailed description of the Services performed. Invoices shall be submitted to the City monthly as performance of the Services progresses. City shall review and pay the approved charges on such invoices in a timely manner.

EXHIBIT A  
7 pages

(BB&K: 9-10)

City of Covina

Control Automation Design, Inc. Letter Agreement for Upgrade of Charter Oak Reservoir Power Supply Panel

March 3, 2015

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*PREVAILING WAGES:* Contractor is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. If the Services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Letter Agreement. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Contractor's principal place of business and at the project site. Contractor shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

*INSURANCE:* Contractor shall provide proof of commercial general liability and automobile insurance to the City in amounts and with policies, endorsements and conditions required by the City for the Services. If Contractor is an employer or otherwise hires one or more employees during the term of this Project, Contractor shall also provide proof of workers' compensation coverage for such employees which meets all requirements of state law. Contractor shall also provide errors and omissions professional liability insurance appropriate to its profession in an amount, with conditions and for a term acceptable to the City.

*TERMINATION:* The City may terminate this Letter Agreement at any time with or without cause. If the City finds it necessary to terminate this Letter Agreement without cause before Project completion, Contractor shall be entitled to be paid in full for those Services adequately completed prior to the notification of termination. Contractor may terminate this Letter Agreement only upon 30 calendar days' written notice to the City only in the event of City's failure to perform in accordance with the terms of this Letter Agreement through no fault of Contractor

*INDEMNIFICATION:* To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its directors, officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions of Contractor, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Contractor's Services, the Project or this Letter Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorneys fees and other related costs and expenses. Notwithstanding the foregoing, to the extent Contractor's Services are subject to Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Contractor. Contractor's obligation to indemnify shall survive expiration or termination of this Letter Agreement, and shall not be restricted to insurance proceeds, if any, received by the City, its directors, officials officers, employees, agents, or volunteers.

*LAWS & REGULATIONS; EMPLOYEE/LABOR CERTIFICATIONS:* Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements; all emissions limits and permitting requirements imposed by the South Coast Air Quality Management

District (SCAQMD), the California Air Resources Board (CARB) or other governmental agencies; and all water quality laws, rules and regulations of the Environmental Protection Agency, the State Water Resources Control Board, the Los Angeles Regional Water Quality Control Board and the City. By executing this Letter Agreement, Contractor verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time. Contractor shall maintain records of its compliance, including its verification of each employee, and shall make them available to the City or its representatives for inspection and copy at any time during normal business hours. The City shall not be responsible for any costs or expenses related to Contractor's compliance with the requirements. To the same extent and under the same conditions as Contractor, Contractor shall require all of its subcontractors, sub-subcontractors and consultants performing any work relating to the Project or this Letter Agreement to make the same verifications and comply with all requirements and restrictions provided herein. Contractor's failure to comply or any material misrepresentations or omissions relating thereto shall be grounds for terminating this Letter Agreement for cause. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services. Finally, Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment in violation of state or federal law. As provided for in the indemnity obligations of this Letter Agreement, Contractor shall indemnify City against any alleged violations of this paragraph, including, but not limited to, any fines or penalties imposed by any governmental agency.

*GOVERNING LAW; VENUE; GOVERNMENT CODE CLAIM COMPLIANCE ATTORNEY'S FEES:*

This Letter Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Letter Agreement, the action shall be brought in a state or federal court situated in Los Angeles County, State of California. In addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Contractor must comply with the claim procedures set forth in Government Code sections 900 *et seq.* prior to filing any lawsuit against the City. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed conditions have been followed by Contractor. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Contractor shall be barred from bringing and maintaining a valid lawsuit against the City. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Letter Agreement, the prevailing party shall be entitled to recover all reasonable fees and costs incurred, including reasonable attorney's fees, as determined by the court.

*ASSIGNMENT; AMENDMENT:* Contractor shall not assign, sublet, or transfer this Letter Agreement or any rights under or interest in this Letter Agreement without the written consent of the City, which may be withheld for any reason. This Letter Agreement may not be modified or altered except in writing signed by both parties. Except to the extent expressly provided for in the termination paragraph, there are no intended third party beneficiaries of any right or obligation of the Parties.

*ENTIRE AGREEMENT; CONSTRUCTION & CAPTIONS:* This is an integrated Letter Agreement representing the entire understanding of the parties as to those matters contained herein, and

City of Covina  
Control Automation Design, Inc. Letter Agreement for Upgrade of Charter Oak Reservoir Power Supply  
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supersedes and cancels any prior oral or written understanding or representations with respect to matters covered hereunder. Since the Parties or their agents have participated fully in the preparation of this Letter Agreement, the language of this Letter Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. The captions of the various paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content or intent of this Letter Agreement.

City of Covina  
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If you agree with the terms of this Letter Agreement, please indicate by signing and dating where indicated below. An original, executed copy is enclosed for your records.

**CITY OF COVINA,  
a California municipal corporation**

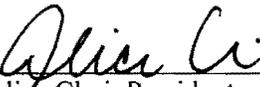
*Approved by:*

*Attest:*

\_\_\_\_\_  
Andrea Miller  
City Manager

\_\_\_\_\_  
Catherine M. LaCroix  
Senior Deputy City Clerk

**CONTROL AUTOMATION DESIGN, INC.,  
a California corporation**

By:   
Alike Choi, President

City of Covina  
Control Automation Design, Inc. Letter Agreement for Upgrade of Charter Oak Reservoir Power Supply  
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## **EXHIBIT "A"**

### **SCOPE OF SERVICES**

Control Automation Design, Inc. shall upgrade the Charter Oak reservoir power supply grade panel for Supervisory Control and Data Acquisition ("SCADA") including, but not limited to: programming Programmable Logic Controller ("PLC"), SCADA, and the operator interface. Install panel hardware to include: terminal blocks, UPS, power supply, start-up and panel test.

**EXHIBIT "B"**  
**COMPENSATION**

<b>Description</b>	<b>Cost</b>
Charter Oak – Programming PLC	\$1,500.00
Charter Oak – Programming SCADA	\$3,500.00
Charter Oak – Programming Operator Interface	\$3,240.00
Charter Oak – Panel Test	\$1,000.00
Start-up	\$5,000.00
Charter Oak – Panel Hardware (Terminal blocks, UPS, Power Supply)	\$1,856.00
Charter Oak – Operator Interface	\$2,090.00
Charter Oak – Antenna and Coaxial Cable	\$239.80
Charter Oak – Operator Interface Installation	\$500.00
Sales Tax (9%)	\$376.72
<b>TOTAL</b>	<b>\$19,302.52</b>

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** CC 14

**STAFF SOURCE:** Alex Gonzalez, Interim Public Works Director <sup>AG</sup>

**ITEM TITLE:** Letter Agreement with Control Automation Design for SCADA System Automation Services

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**STAFF RECOMMENDATION**

Authorize the City Manager to sign the Letter Agreement with Control Automation Design, for information technology hardware and programming support services to automate the City's participation in Southern California Edison's (SCE) Automated Demand Response program via the existing SCADA system at the Forestdale, Cypress and Charter Oak Reservoirs as specified in Exhibit A of the Letter Agreement.

**FISCAL IMPACT**

The \$44,330.00 cost of this agreement is budgeted for FY 2014-2015 under (6011-5060-55420) and the cost is recuperated under an agreement with SCE through the EnerNOC Demand Response Program. Cost savings from energy use reductions will be ongoing as a result of the City's participation in SCE's demand response program.

**BACKGROUND**

The pump operations and water level management at City reservoirs are controlled by a motor control center panel that is operated remotely by City staff using a SCADA system. The SCADA system gathers real time information on the status of the municipal water system, and allows City staff to remotely manage the reservoir pumps and water levels according to real time demand. Control Automation Design's service allows SCE's automated demand response program to automatically shut down boosters at City reservoirs using the existing SCADA system to achieve energy savings during a Demand Response event. Under this system, the City receives a signal from SCE that an event is pending, and the City will have the option to select which boosters will not participate in the event in real time. The City may need to option out selected boosters during an event depending on the demand for water in the system and existing reservoir levels.

The Letter Agreement specifies the project scope, compensation and conditions under which the contractor, Control Automation Design, is authorized to obtain, install and program a Programmable Logic Controller for the City's SCADA system. It states that total compensation for the work is not to exceed \$44,330.00.

**RELEVANCE TO STRATEGIC PLAN**

This item is directly relevant to the City's Strategic Plan Goal of providing efficient, visible and responsive public safety by guaranteeing the safety and availability of the city's potable water supply during periods of peak energy demand.

**EXHIBITS**

A. Letter Agreement for SCADA System Automation Services

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: <u>DL</u>
City Manager: _____	Other: _____



# CITY OF COVINA

125 East College Street • Covina, California 91723-2199

www.covinaca.gov

March 3, 2015

Ms. Alice Choi  
Control Automation Design, Inc.  
1107 Fair Oaks Avenue, #526  
South Pasadena, CA 91030

Re: Letter Agreement for SCADA System Automation Services

Dear Mrs. Choi:

*PARTIES:* This letter shall be our agreement ("Letter Agreement") regarding the AUTOMATION OF THE CITY'S SUPERVISORY CONTROL AND DATA ACQUISITION ("SCADA") SYSTEM described below ("Services") to be provided by CONTROL AUTOMATION DESIGN, INC., corporation ("Contractor") as an independent contractor to the City of Covina ("City") for the City's SCADA SYSTEM ("Project"). Contractor is retained as an independent contractor and is not an employee of the City.

*SERVICES; SCHEDULE OF PERFORMANCE:* The Services to be provided include the following: The Services to be provided are more particularly described in the Scope of Services attached hereto as EXHIBIT "B" and incorporated herein by reference. Services on the Project shall begin immediately and be completed by JUNE 30, 2015, unless extended by the City in writing.

*STANDARD OF CARE:* Contractor shall perform all Services under this Letter Agreement in a skillful and competent manner, consistent with the standards generally recognized as being employed by professionals in the same discipline in the State of California, and consistent with all applicable laws. Contractor represents that it, its employees and subcontractors have all licenses, permits, qualifications, and approvals of whatever nature that are legally required to perform the Services, including a City Business License, and that such licenses and approvals shall be maintained throughout the term of this Letter Agreement.

*SUBSTITUTION OF KEY PERSONNEL:* Contractor has represented to City that certain key personnel will perform and coordinate the Services under this Letter Agreement. Should one or more of such personnel become unavailable, Contractor may substitute other personnel of at least equal competence upon written approval of City. In the event that City and Contractor cannot agree as to the substitution of key personnel, City shall be entitled to terminate this Letter Agreement for cause. The key personnel for performance of this Letter Agreement are as follows: ALICE CHOI.

*COMPENSATION:* The total compensation shall not exceed FORTY-FOUR THOUSAND, THREE HUNDRED THIRTY DOLLARS (\$44,330.00) without written approval of City's PUBLIC WORKS DIRECTOR. Contractor's rate sheet attached hereto as EXHIBIT "B" and incorporated herein by reference Contractor's invoice shall include a detailed description of the Services performed. Invoices shall be submitted to the City monthly as performance of the Services progresses. City shall review and pay the approved charges on such invoices in a timely manner.

EXHIBIT A  
7 pages

*PREVAILING WAGES:* Contractor is aware of the requirements of California Labor Code Section 1720, *et seq.*, and 1770, *et seq.*, as well as California Code of Regulations, Title 8, Section 16000, *et seq.*, (“Prevailing Wage Laws”), which require the payment of prevailing wage rates and the performance of other requirements on “public works” and “maintenance” projects. If the Services are being performed as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Letter Agreement. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Contractor’s principal place of business and at the project site. Contractor shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

*INSURANCE:* Contractor shall provide proof of commercial general liability and automobile insurance to the City in amounts and with policies, endorsements and conditions required by the City for the Services. If Contractor is an employer or otherwise hires one or more employees during the term of this Project, Contractor shall also provide proof of workers’ compensation coverage for such employees which meets all requirements of state law. Contractor shall also provide errors and omissions professional liability insurance appropriate to its profession in an amount, with conditions and for a term acceptable to the City.

*TERMINATION:* The City may terminate this Letter Agreement at any time with or without cause. If the City finds it necessary to terminate this Letter Agreement without cause before Project completion, Contractor shall be entitled to be paid in full for those Services adequately completed prior to the notification of termination. Contractor may terminate this Letter Agreement only upon 30 calendar days’ written notice to the City only in the event of City’s failure to perform in accordance with the terms of this Letter Agreement through no fault of Contractor

*INDEMNIFICATION:* To the fullest extent permitted by law, Contractor shall defend, indemnify and hold the City, its directors, officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any alleged acts, errors or omissions of Contractor, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Contractor’s Services, the Project or this Letter Agreement, including without limitation the payment of all consequential damages, expert witness fees and attorneys fees and other related costs and expenses. Notwithstanding the foregoing, to the extent Contractor’s Services are subject to Civil Code Section 2782.8, the above indemnity shall be limited, to the extent required by Civil Code Section 2782.8, to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Contractor. Contractor’s obligation to indemnify shall survive expiration or termination of this Letter Agreement, and shall not be restricted to insurance proceeds, if any, received by the City, its directors, officials officers, employees, agents, or volunteers.

*LAWS & REGULATIONS; EMPLOYEE/LABOR CERTIFICATIONS:* Contractor shall keep itself fully informed of and in compliance with all local, state and federal laws, rules and regulations in any manner affecting the performance of the Project or the Services, including all Cal/OSHA requirements; all emissions limits and permitting requirements imposed by the South Coast Air Quality Management District (SCAQMD), the California Air Resources Board (CARB) or other governmental agencies; and all

water quality laws, rules and regulations of the Environmental Protection Agency, the State Water Resources Control Board, the Los Angeles Regional Water Quality Control Board and the City. By executing this Letter Agreement, Contractor verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time. Contractor shall maintain records of its compliance, including its verification of each employee, and shall make them available to the City or its representatives for inspection and copy at any time during normal business hours. The City shall not be responsible for any costs or expenses related to Contractor's compliance with the requirements. To the same extent and under the same conditions as Contractor, Contractor shall require all of its subcontractors, sub-subcontractors and consultants performing any work relating to the Project or this Letter Agreement to make the same verifications and comply with all requirements and restrictions provided herein. Contractor's failure to comply or any material misrepresentations or omissions relating thereto shall be grounds for terminating this Letter Agreement for cause. By its signature hereunder, Contractor certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services. Finally, Contractor represents that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment in violation of state or federal law. As provided for in the indemnity obligations of this Letter Agreement, Contractor shall indemnify City against any alleged violations of this paragraph, including, but not limited to, any fines or penalties imposed by any governmental agency.

*GOVERNING LAW; VENUE; GOVERNMENT CODE CLAIM COMPLIANCE ATTORNEY'S FEES:*

This Letter Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Letter Agreement, the action shall be brought in a state or federal court situated in Los Angeles County, State of California. In addition to any and all contract requirements pertaining to notices of and requests for compensation or payment for extra work, disputed work, claims and/or changed conditions, Contractor must comply with the claim procedures set forth in Government Code sections 900 *et seq.* prior to filing any lawsuit against the City. Such Government Code claims and any subsequent lawsuit based upon the Government Code claims shall be limited to those matters that remain unresolved after all procedures pertaining to extra work, disputed work, claims, and/or changed conditions have been followed by Contractor. If no such Government Code claim is submitted, or if any prerequisite contractual requirements are not otherwise satisfied as specified herein, Contractor shall be barred from bringing and maintaining a valid lawsuit against the City. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Letter Agreement, the prevailing party shall be entitled to recover all reasonable fees and costs incurred, including reasonable attorney's fees, as determined by the court.

*ASSIGNMENT; AMENDMENT:* Contractor shall not assign, sublet, or transfer this Letter Agreement or any rights under or interest in this Letter Agreement without the written consent of the City, which may be withheld for any reason. This Letter Agreement may not be modified or altered except in writing signed by both parties. Except to the extent expressly provided for in the termination paragraph, there are no intended third party beneficiaries of any right or obligation of the Parties.

*ENTIRE AGREEMENT; CONSTRUCTION & CAPTIONS:* This is an integrated Letter Agreement representing the entire understanding of the parties as to those matters contained herein, and supersedes and cancels any prior oral or written understanding or representations with respect to matters covered hereunder. Since the Parties or their agents have participated fully in the preparation of this

Letter Agreement, the language of this Letter Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. The captions of the various paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content or intent of this Letter Agreement.

If you agree with the terms of this Letter Agreement, please indicate by signing and dating where indicated below. An original, executed copy is enclosed for your records.

**CITY OF COVINA,  
a California municipal corporation**

*Approved by:*

*Attest:*

\_\_\_\_\_  
Andrea Miller  
City Manager

\_\_\_\_\_  
Catherine M. LaCroix  
Senior Deputy City Clerk

**CONTROL AUTOMATION DESIGN, INC.,  
a California corporation**

By:   
Alice Choi, President

**EXHIBIT "A"**

**SCOPE OF SERVICES**

Control Automation Design, Inc. shall provide to the City of Covina Public Works Department, Supervisory Control and Data Acquisition ("SCADA") technical services that include: furnishing and installing a Programmable Logic Controller ("PLC") at City Yard to communicate with the S2, programming the SCADA to allow the City to select boosters to Opt-Out, programming the PLC at each site, start-up, and testing services. The services will automate Southern California Edison's Automated Demand Response ("ADR") program to automatically shut down boosters at Forestdale, Cypress, and Charter Oak via the existing SCADA system.

**EXHIBIT "B"**  
**COMPENSATION**

<b>Description</b>	<b>Cost</b>	
PLC Control Panel At City Yard	\$9,941.00	
Panel Labor, Mount, and Install	\$2,500.00	
Engineering	\$5,000.00	
Wiring Diagram	\$3,000.00	
Programming	\$12,000.00	
Functional Test	\$5,000.00	
Start-Up	\$5,000.00	
	Mark-Up [10%]	\$994.00
	Tax [9%]	\$895.00
	<b>TOTAL</b>	<b>\$44,330.00</b>

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** PH 1

**STAFF SOURCE:** Dilu de Alwis, Director of Finance   
Nuala Gasser, Senior Housing & CDBG Economic Development Manager 

**ITEM TITLE:** Public Hearing to consider Resolutions authorizing annexation of territory to City of Covina Community Facilities District No. 2007-1 (Public Services) (Annexation No. 7), and to call and hold a special election (166 E. Center Street)

---

**STAFF RECOMMENDATION**

- a. Adopt **Resolution No. 15-7336**, authorizing the annexation of territory to Community Facilities District No. 2007-1 (Annexation No. 7) and authorizing the levy of a special tax and submitting the levy of tax to the qualified electors; and
- b. Adopt **Resolution No. 15-7337**, calling a special election and submitting to the voters of Annexation No. 7 of City of Covina Community Facilities District No. 2007-1 (Public Services), propositions regarding the annual levy of special taxes within Annexation No. 7 to finance public services, and the establishment of an appropriations limit; and
- c. Adopt **Resolution No. 15-7338**, making certain findings, certifying the results of an election and adding property to Community Facilities District No. 2007-1 (Public Services), Annexation No. 7.

**FISCAL IMPACT**

The "Special Tax" authorized by the proposed Community Facilities District (CFD) will generate \$1,392.51 annually, based on three apartment units at the FY 2014-2015 tax rate of \$464.17 per multi-family unit and will be deposited to Account No. 2740-4800-45800. The Special Tax shall be used to pay for the following additional services in the District: police, fire protection and suppression, paramedic services, and park maintenance. The Special Tax will increase annually by the greater of two percent (2.00%), or the percentage change in the Consumer Price Index.

**BACKGROUND**

The purpose of the public hearing is to 1) authorize the annexation of territory to the CFD (Annexation No. 7); 2) call and hold an election of property owners within the CFD, and 3) authorize the levy of a special tax within Annexation No. 7 to the CFD. The related resolutions are hereby presented to the City Council, pursuant to the Conditions of Approval for five (5) apartments to be built in the 166 E. Center Street, Covina, California development, of which three (3) units are subject to the Community Facilities District tax.

Pursuant to the Conditions of Approval for development of a five-unit apartment development at 166 E. Center Street, Covina, the applicant agreed to annex to the CFD, or to pay an in lieu fee

based on the financial impact on Police, Fire, Emergency, and Parks services. The builder opted to annex into the CFD. Under the proposed CFD, in Fiscal Year 2014-2015, any newly constructed, non-exempted multi family or mixed-use units are charged \$464.17 per year for the following services: police, fire protection and suppression, paramedic services, and park maintenance. This Special Tax appears on the annual Property Tax bill for each unit. The Special Tax authorized by the CFD shall be levied on all units for which building permits were issued on or before May 1 of the preceding fiscal year.

The purpose of the CFD is to finance the aforementioned public safety and park services that are provided to the territory within the District beyond that provided by the City generally. In Fiscal Year 2014-2015 it has been determined that the cost of these services, for each additional multi-family home, is \$464.17 per year. This program has been conceived with the intention that all future residential development, which results in a net increase of non-exempted residential units, would be required to annex to the CFD. The project at 166 E. Center Street, has a total of three (3) new residential units. The special tax will be applicable to three (3) units in Annexation No. 7.

At the March 3, 2015, City Council meeting, the Council adopted the boundary map showing territory proposed to be annexed as Annexation No. 7, and declared its intention to authorize the annexation of that territory to CFD No. 2007-1 (Public Services).

**RELEVANCE TO THE STRATEGIC PLAN**

This action will assist the City to reach the goal of enhancing financial stability, as the special tax assessed on all future residential development will provide some of the needed funding to provide public safety and park services.

**EXHIBITS**

- A. Map of 166 W. Center Street, Covina, Annexation No. 7
- B. Resolution No. 15-7336
- C. Resolution No. 15-7337
- D. Resolution No. 15-7338

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: _____ 
City Manager: _____	Other: _____

# ANNEXATION MAP NO. 7 COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES)

CITY OF COVINA  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 7 TO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES), CITY OF COVINA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF COVINA AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BY ITS RESOLUTION NO. \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK  
CITY OF COVINA

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE BOOK OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE(S) \_\_\_\_\_ AND AS INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

\_\_\_\_\_  
BY DEPUTY  
COUNTY RECORDER  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES) OF THE CITY OF COVINA RECORDED WITH THE LOS ANGELES COUNTY RECORDER'S OFFICE ON MAY 18, 2007, AS DOCUMENT NO. 20071218337 IN THE BOOK OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE LOS ANGELES COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE LOS ANGELES COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



### LEGEND

-  Annexation Boundary
-  MAP REFERENCE NUMBER

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	8445-019-002



+

**EXHIBIT B**

**RESOLUTION NO. 15-7336**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AUTHORIZING THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (ANNEXATION NO. 7) AND AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING THE LEVY OF TAX TO THE QUALIFIED ELECTORS**

**WHEREAS**, this Council, on March 3, 2015, adopted Resolution No. 15-7321 (hereafter referred to as the "Resolution of Intention") stating its intention to annex territory to City of Covina Community Facilities District No. 2007-1 (Public Services) ("CFD No. 2007-1"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"); and

**WHEREAS**, a copy of the Resolution of Intention, which states the authorized services to be provided and financed by CFD No. 2007-1, and a description and map of the proposed boundaries of the territory to be annexed to CFD No. 2007-1 ("Annexation No. 7"), is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

**WHEREAS**, on the 7th of April, 2015, this Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to CFD No. 2007-1; and

**WHEREAS**, at said hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to CFD No. 2007-1 and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

**WHEREAS**, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to CFD No. 2007-1 by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in CFD No. 2007-1, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the territory proposed to be annexed to CFD No. 2007-1, or (iii) owners of one-half or more of the area of land in the territory within CFD 2007-1 and not exempt from special tax, or (iv), owners of one-half or more of the area of land in the territory proposed to be annexed to CFD No. 2007-1 and not exempt from the special tax; and

**WHEREAS**, a boundary map for Annexation No. 7 to CFD No. 2007-1 has been filed with the County Recorder of the County of Los Angeles, which map shows the territory to be annexed in these proceedings, and a copy thereof is on file with the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, determined and ordered by the City Council for the City of Covina Community Facilities District No. 2007-1, Annexation No. 7 as follows:

**SECTION 1 Recitals.** The above recitals are all true and correct.

**SECTION 2 Authorization.** All prior proceedings taken by this Council with respect to CFD No. 2007-1 and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act.

**SECTION 3 Boundaries.** The description and map of the boundaries of the territory to be annexed to CFD No. 2007-1, on file with the City Clerk, are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of CFD No. 2007-1, and said territory is hereby annexed to CFD No. 2007-1, subject to voter approval of the levy of the special taxes therein as hereinafter provided.

**SECTION 4 Services.** The services which CFD No. 2007-1 is authorized to finance are in addition to those provided in or required for the territory within CFD No. 2007-1 and the territory to be annexed to CFD No. 2007-1 and will not be replacing services already available. A general description of the services to be financed is as follows:

**PUBLIC SERVICES**

New police services, fire protection and suppression services, paramedic services, and park maintenance, including but not limited to (i) the costs of contracting services, (ii) related facilities, equipment, vehicles, ambulances, fire apparatus and supplies, (iii) the salaries and benefits of City staff that directly provide police services, fire protection and suppression services, paramedic services, and park maintenance respectively, and (iv) City overhead costs associated with providing such services within CFD No. 2007-1. The Special Tax provides only partial funding for Public Services.

**SECTION 5 Special Taxes.** It is the intention of this City Council that, except where funds are otherwise available, a special tax sufficient to pay for said services to be provided in CFD No. 2007-1 and the territory proposed to be annexed as part of Annexation No. 7, secured by recordation of a continuing lien against all non-exempt real property in Annexation No. 7, will be levied annually within the boundaries of Annexation No. 7 from and after the annexation of such property to CFD No. 2007-1. The special taxes shall be those as originally authorized through the formation of CFD No. 2007-1 and adopted by Ordinance of this legislative body, and no changes or modifications are proposed in the special taxes from those as originally set forth and made applicable to CFD No. 2007-1.

For particulars as to the rate and method of apportionment of the proposed special tax (the "RMA"), reference is made to the attached and incorporated Exhibit "A," which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within Annexation No. 7 to clearly estimate the maximum annual amount that said person will have to pay on said special tax.

**SECTION 6** Election. The provisions of the Resolution of Intention of the City, each as heretofore adopted by this Council, are by this reference incorporated herein as if fully set forth herein.

(a) Pursuant to the provisions of the Act, the proposition of the levy of the special tax within Annexation No. 7 shall be submitted to the voters within Annexation No. 7 at an election called therefore as hereinafter provided. This Council hereby finds that twelve (12) or more persons have not been registered to vote within Annexation No. 7 for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within Annexation No. 7 and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in Annexation No. 7.

(b) Pursuant to Section 53326 of the Act, the election shall be conducted by mail ballot under applicable sections of the California Elections Code, commencing with Section 4000 of said code with respect to elections conducted by mail. The Council called a special election to consider the measures described and incorporated in the ballot, attached as Exhibit "B," which election was held on April 7, 2015, (hereafter referred to as "Election Day"). The City Clerk was the election official to conduct the election and provided each landowner in the territory to be annexed to CFD No. 2007-1, a ballot in the form of Exhibit "B", which form is hereby approved. The City Clerk has accepted the ballots of the qualified electors received prior to 7:30 p.m. on Election Day, whether received by mail or by personal delivery.

(c) This Council hereby further finds that the provision of Section 53326 of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters, has been waived by the voters and the date for the election hereinabove specified is established accordingly.

**SECTION 7** The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
John C. King, Mayor

ATTEST:

\_\_\_\_\_  
Catherine LaCroix, Senior Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Catherine M. LaCroix, Deputy City Clerk of the City of Covina, hereby CERTIFY that Resolution No. 15-7336 was adopted by the Covina City Council at a regular meeting of the City Council held this 7th day of April, 2015, and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Catherine M. LaCroix  
Senior Deputy City Clerk

**EXHIBIT A**

**FIRST AMENDED RATE AND METHOD OF APPORTIONMENT**

# FIRST AMENDED RATE AND METHOD OF APPORTIONMENT

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## CITY OF COVINA

### COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES)

A special tax as hereinafter defined shall be levied on and collected for Community Facilities District No. 2007-1 (Public Services) of the City of Covina ("CFD No. 2007-1") each Fiscal Year, commencing in Fiscal Year 2007-2008, in an amount determined by the City Council of the City of Covina through the application of the appropriate Special Tax for "Developed Property," as described below. All of the real property in CFD No. 2007-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Communities Facilities Act of 1982 as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

**"Administrative Expenses"** means any actual ordinary and necessary expense of the City of Covina, or designee thereof or both, to carry out the administration of CFD No. 2007-1 related to the determination of the amount of the levy of the Special Tax, the collection of the Special Tax including the expenses of collecting delinquencies, the payment of a proportional share of salaries and benefits of any City employee whose duties are directly related to the administration of CFD No. 2007-1, fees and expenses for counsel, Special Tax consultant and other consultants hired by the City in relation to CFD No. 2007-1, costs associated with responding to public inquiries regarding CFD No. 2007-1, and costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2007-1.

**"Affordable Housing"** means any Unit within CFD No. 2007-1 that is subject to a written and recordable covenant, deed restriction, resale restriction, regulatory agreement or similar agreement with either the City of Covina or the Redevelopment Agency of the City of Covina, which restricts the amount of rent for that Unit to "affordable rent" (as that term is defined in California Health and Safety Code Section 50053) for a period of not less than fifty-five (55) years, or which restricts the purchase price for that Unit to "affordable housing cost" (as that term is defined in California Health and Safety Code Section 50052.5) for a period of not less than forty-five (45) years. A Unit shall no longer be considered Affordable Housing following the expiration or termination of the applicable covenant, restriction or agreement.

**"Annual Escalation Factor"** means for the Special Tax, the greater of (i) two percent (2.00%), or (ii) the percentage change in the Consumer Price Index for the Calendar Year ending in December of the prior Fiscal Year.

**"Assessor's Parcel"** means a lot or parcel of land designated on an Assessor's Parcel Map with an assigned Assessor's Parcel number within the boundaries of CFD No. 2007-1.

**“Assessor’s Parcel Map”** means an official map of the Assessor of the County designating parcels by Assessor’s Parcel number.

**“Base Year”** means Fiscal Year ending June 30, 2008.

**“Boundary Map”** means the map of the boundaries for CFD No. 2007-1, as approved by the City Council, and recorded with the County in maps of assessments and community facilities districts.

**“Building Permit”** means a permit for new construction for a residential dwelling Unit. For purposes of this definition, “Building Permit” shall not include permits for construction or installation of retaining walls, utility improvements, or other such improvements not intended for human habitation.

**“Calendar Year”** means the period commencing January 1 of any year and ending the following December 31.

**“CFD Administrator”** means an official of the City, or designee thereof, responsible for determining the Special Tax Requirements and providing for the levy and collection of the Special Tax.

**“CFD No. 2007-1”** means Community Facilities District No. 2007-1 (Public Services) established by the City under the Act.

**“City”** means the City of Covina.

**“City Council”** means the City Council of the City, acting as the Legislative Body of CFD No. 2007-1, or its designee.

**“Consumer Price Index”** means the index published by the U.S. Department of Labor, Bureau of Labor Statistics for all urban consumers in the Los Angeles-Riverside-Orange County area.

**“County”** means the County of Los Angeles.

**“Developed Property”** means all Assessor’s Parcels within CFD No. 2007-1 for which Building Permits were issued on or before May 1 preceding the Fiscal Year for which the Special Tax is being levied, provided that a Final Map was created on or before January 1 of the prior Fiscal Year and that each such Assessor's Parcel is associated with a Lot, as determined reasonably by the City and/or CFD administrator.

**“Exempt Property”** means all Assessor’s Parcels within CFD No. 2007-1 designated as being exempt from the Special Tax as determined in Section F.

**“Final Map”** means a subdivision of property evidenced by the recordation of a final map, parcel map, or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or the recordation of a condominium plan pursuant to California Civil Code 1352 that creates individual lots for which Building Permits may be issued without further subdivision.

**“Fiscal Year”** means the period commencing on July 1 of any year and ending the following June 30.

**“Lot”** means an individual legal lot created by a Final Map for which a Building Permit could or has been issued.

**“Maximum Special Tax”** means the Maximum Special Tax determined in accordance with Section C, which can be levied by CFD No. 2007-1 in any Fiscal Year on Taxable Property within CFD No. 2007-1.

**“Mixed-Use Property”** means all Assessor’s Parcels of Developed Property for which Building Permit(s) have been issued for purposes of constructing Non-Residential Property and Residential Property. Residential Units on Mixed-Use Property shall be classified as Multi-Family Residential.

**“Multi-Family Residential”** means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing a residential structure consisting of two or more residential Units that share common walls, including, but not limited to, duplexes, triplexes, town homes, condominiums, apartment Units, and residential Units on Assessor’s Parcels that are considered Mixed-Use Property.

**“Non-Residential Property”** means all Assessor’s Parcels for which a Building Permit was issued for any type of non-residential use.

**“Public Property”** means any property within the boundaries of CFD No. 2007-1 that is owned by or irrevocably dedicated to the City, the federal government, the State of California, the County, CFD No. 2007-1, or other public agency. For purposes of this definition, property owned by the Redevelopment Agency of the City of Covina is **not** considered Public Property and any property owned by the Redevelopment Agency will be subject to the levy of a Special Tax in accordance with Sections C and D herein.

**“Public Services”** means new police services, fire protection and suppression services, paramedic services, and park maintenance, including but not limited to (i) the costs of contracting services, (ii) related facilities, equipment, vehicles, ambulances, fire apparatus and supplies, (iii) the salaries and benefits of City and Fire District staff that directly provide police services, fire protection and suppression services, paramedic services, and park maintenance, and (iv) City and Fire District overhead costs associated with providing such services within CFD No. 2007-1. The Special Tax provides only partial funding for police, fire protection services, paramedic services, and park maintenance.

**“Special Tax”** means any special tax authorized to be levied by CFD No. 2007-1 pursuant to the Act to fund the Special Tax Requirement.

**“Single-Family Residential”** means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one single-family residential dwelling Unit.

**“Taxable Property”** means all Assessor’s Parcels within CFD No. 2007-1 that are not exempt from the levy of the Special Tax.

**“Tax Class”** means any of the classes listed in Table 1 below.

**“Undeveloped Property”** means all Assessor’s Parcels within CFD No. 2007-1 for which Building Permits have not been issued and that is not classified as Approved Property or Public Property.

“Unit” means any separate residential dwelling unit in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use.

## **B. CLASSIFICATION OF ASSESSOR’S PARCELS**

Each Fiscal Year, beginning with Fiscal Year 2007-2008, each Assessor’s Parcel within CFD No. 2007-1 shall be classified as Developed Property or Exempt Property. In addition, each Fiscal Year, beginning with Fiscal Year 2007-2008, each Assessor’s Parcel of Developed Property shall be further classified as Single-Family Residential, Multi-Family Residential, or Mixed-Use Property.

## **C. MAXIMUM ANNUAL SPECIAL TAX**

The Maximum Special Tax for each Assessor’s Parcel classified as Single-Family Residential, Multi-Family Residential, and Mixed-Use Property in Fiscal Year 2007-2008 shall be equal to the Maximum Special Tax set forth in Table 1.

TABLE 1  
MAXIMUM ANNUAL SPECIAL TAX RATES  
Fiscal Year 2007-2008

<b>Tax Class</b>	<b>Description</b>	<b>Maximum Special Tax</b>
1	Single-Family Residential	\$527 per Unit
2	Multi-Family Residential	\$395 per Unit
3	Mixed-Use Property	\$395 per Unit

For each subsequent Fiscal Year following the Base Year, the Maximum Special Tax for each Assessor’s Parcel classified as Developed Property shall be adjusted by the Annual Escalation Factor.

## **Multiple Tax Classes**

In some instances an Assessor’s Parcel may contain more than one Tax Class. The Maximum Special Tax levied on such Assessor’s Parcel shall be the sum of the Maximum Special Tax that can be imposed on all Tax Classes located on that Assessor’s Parcel.

## **D. METHOD OF APPORTIONMENT OF SPECIAL TAX**

Commencing with Fiscal Year 2007-2008, and for each subsequent Fiscal Year, the Special Tax shall be levied on each Assessor’s Parcel of Developed Property at the applicable Maximum Special Tax as set forth in Section C.

## **E. TERMINATION OF SPECIAL TAX**

The Special Tax shall be levied in perpetuity to fund Public Services provided to CFD No. 2007-1.

## **F. EXEMPTIONS**

The City shall classify as Exempt Property: (i) Public Property, (ii) Non-Residential Property, (iii) Undeveloped Property, (iv) Affordable Housing, or (v) Assessor's Parcels with public or utility easements making impractical their utilization for other purposes than those set forth in the easement.

## **G. APPEALS**

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the City Council not later than twelve months after having paid the first installment of the Special Tax that is disputed. A representative(s) of CFD No. 2007-1 shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and rule on the appeal. If the representative's decision requires that the Special Tax for an Assessor's Parcel be modified or changed in favor of the property owner, a cash refund shall not be made, but an adjustment shall be made to the Special Tax on that Assessor's Parcel in the subsequent Fiscal Year(s).

## **H. MANNER OF COLLECTION**

The annual Special Taxes shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 2007-1 may collect the Special Taxes at a different time or in a different manner if necessary to meet its financial obligations.

**EXHIBIT B**  
**SAMPLE BALLOT**



OFFICIAL BALLOT  
SPECIAL ELECTION

City of Covina  
Community Facilities District No. 2007-1  
(Public Services)  
Annexation No. 7

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the Office of the City Clerk of the City of Covina no later than 7:30 p.m. on April 7, 2015, either by mail or in person. Ballots received after the special election with a postmark of the special election date, or earlier date, shall not be considered. The City Clerk's office is located at 125 East College Street, Covina, California, 91723.

To vote, mark a cross (X) in the voting square after the word "YES" or after the word "NO". All distinguishing marks otherwise made are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Covina and obtain another.

**PROPOSITION A:** Shall special taxes be levied annually on taxable property within the territory to be annexed into the City of Covina Community Facilities District No. 2007-1 (Public Services), County of Los Angeles, State of California ("Annexation No. 7") and collected so long as the special taxes are needed to pay for police services, fire protection and suppression services, paramedic services, and park maintenance at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "B" to the Resolution of Intention, Resolution No. 07-6578, adopted by the City Council of the City of Covina on May 1, 2007, and as amended by Resolution No. 09-6743?

Yes

No

**PROPOSITION B:** Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Annexation No. 7 to the City of Covina Community Facilities District No. 2007-1 (Public Services), County of Los Angeles, State of California, in the amount of \$100,000 per annum?

Yes

No

Number of votes: 1 Property Owner: AFT ONE LLC

By: \_\_\_\_\_  
Ban Tieu

By: \_\_\_\_\_  
Yuhan Feng

## EXHIBIT C

### RESOLUTION NO. 15-7337

#### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF ANNEXATION NO. 7 OF CITY OF COVINA COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES) PROPOSITIONS REGARDING THE ANNUAL LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 7 TO FINANCE PUBLIC SERVICES, AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT**

**WHEREAS**, pursuant to Section 53339.7 of the California Government Code the City Council (hereafter referred to as the “City Council”) of the City of Covina (the “City”) has adopted the resolution authorizing the annexation of territory to City of Covina Community Facilities District No. 2007-1 (Public Services), County of Los Angeles, State of California (“CFD No. 2007-1”); and

**WHEREAS**, by that resolution, the City Council called a special election on the propositions to be submitted to the voters of the territory proposed to be annexed to CFD No. 2007-1 (“Annexation No. 7”) with respect to the levy of special taxes therein for the financing of public services within CFD No. 2007-1; and

**WHEREAS**, pursuant to Section 53326 of the California Government Code, it is necessary that the City Council submit to the voters of Annexation No. 7 the annual levy of special taxes on taxable property within Annexation No. 7; and

**WHEREAS**, pursuant to Section 53325.7 of the California Government Code and the provisions of said Code, the City Council may also submit to the voters of Annexation No. 7 a proposition for the establishment of an appropriations limit for Annexation No. 7; and

**WHEREAS**, twelve (12) or more registered voters have not resided within the territory of Annexation No. 7 for each of the ninety (90) days preceding April 7, 2015.

**NOW, THEREFORE, BE IT RESOLVED**, determined and ordered by the City Council for the City of Covina Community Facilities District No. 2007-1, Annexation No. 7 as follows:

**SECTION 1 Findings.** The City Council finds that: (i) the foregoing recitals are true and correct; (ii) 12 persons have not been registered to vote within the territory to be annexed to CFD No. 2007-1 for each of the 90 days preceding the close of the public hearing on April 7, 2015; (iii) pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by the landowners of the territory to be annexed to CFD No. 2007-1, whose property would be subject to the special taxes if they were

levied at the time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within Annexation No. 7 which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) the owners of all of the land in Annexation No. 7 by written consent (a) waived the time limits set forth in Section 53326 of the California Government Code for holding the election called by this resolution and the election on the propositions (b) consented to the holding of the election on April 7, 2015, (c) waived notice and mailed notice of the time and date of the election, (d) waived an impartial analysis by the City Attorney of the ballot propositions pursuant to Section 9280 of the California Elections Code and arguments and rebuttals pursuant to Sections 9281 to 9287, inclusive, and 9295 of that Code, and mailing of a statement pursuant to Section 9401 of that Code, and (e) waived a synopsis of the measures to be included in the official ballot for said elections pursuant to Section 12111 of that Code; and (v) the City Clerk (hereafter referred to as the "City Clerk") has consented to the holding of the election on April 7, 2015.

**SECTION 2** Call of Election. The City Council hereby calls and schedules an election for April 7, 2015, on the proposition of the annual levy of special taxes on taxable property within Annexation No. 7 to CFD No. 2007-1 to finance public services within the CFD No. 2007-1, and on the proposition of the establishment of an appropriations limit for Annexation No. 7 to CFD No. 2007-1.

**SECTION 3** Propositions. The propositions to be submitted to the voters of Annexation No. 7 at such special election shall be as follows:

***Proposition A:*** Shall special taxes be levied annually on taxable property within the territory to be annexed into the City of Covina Community Facilities District No. 2007-1 (Public Services), County of Los Angeles, State of California ("Annexation No. 7"); and collected so long as the special taxes are needed to pay for police services, fire protection and suppression services, paramedic services, and park maintenance at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "B" to the Resolution of Intention, Resolution No. 07-6578, adopted by the City Council of the City of Covina on May 1, 2007, and as amended by Resolution No. 09-6743?

***Proposition B:*** Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Annexation No. 7 to the City of Covina Community Facilities District No. 2007-1 (Public Services), County of Los Angeles, State of California, in the amount of \$100,000 per annum?

The First Amended Rate and Method of Apportionment is attached as Exhibit A.

**SECTION 4** Conduct of Election. Except as otherwise provided in Section 5 hereof, the special election shall be conducted by the City Clerk in accordance with the provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they may be applicable.

**SECTION 5** Election Procedures. The procedures to be followed in conducting the special election on (i) the proposition with respect to the levy of special taxes on taxable property within Annexation No. 7 to CFD No. 2007-1 to pay for public services, and (ii) the proposition with respect to the establishment of an appropriations limit for Annexation No. 7 to CFD No. 2007-1 in the amount of \$100,000 per annum shall be as follows:

(a) Pursuant to Section 53326 of the California Government Code, ballots for the special election shall be distributed to the qualified electors by the City Clerk by mail or by personal service.

(b) Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of cities, and in particular Division 4 (commencing with Section 4000) of that Code with respect to election conducted by mail, the City Clerk, or designated official, shall mail or deliver to each qualified elector an official ballot in the appropriate form, and shall also mail or deliver to all such qualified electors a ballot pamphlet, instructions to voter, and a return identification envelope addressed to the City Clerk for the return of voted official ballots.

(c) The official ballot to be mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of, or other person affiliated with, the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the propositions set forth in the official ballot as marked thereon in the voting square opposite each such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within Annexation No. 7 to CFD No. 2007-1.

(d) The return identification envelope mailed or delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the following: (i) the name of the landowner, (ii) the address of the landowner, (iii) a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, (iv) the printed name and signature of the voter, (v) the address of the voter, (vi) the date of signing and place of

execution of the declaration, and (vii) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

(e) The information to voter form to be delivered by the City Clerk to the landowner-voter shall inform them that the official ballot shall be returned to the City Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 7:30 p.m. on the 7<sup>th</sup> day of April, 2015; provided that if all qualified electors have voted, the election shall be closed with the concurrence of the City Clerk.

(f) Upon receipt of the return identification envelope, which are returned prior to the voting deadline on the date of the election, the City Clerk shall canvass the votes cast in the election, and shall file a statement with the City Council as to the results of such canvass and the election on each proposition set forth in the official ballot.

**SECTION 6** The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 7th day of April, 2015.

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John C. King, Mayor

ATTEST:

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Catherine LaCroix, Senior Deputy City Clerk

APPROVED AS TO FORM:

---

City Attorney

**CERTIFICATION**

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, hereby CERTIFY that Resolution No. 15-7337 was adopted by the Covina City Council at a regular meeting of the City Council held this 7th day of April, 2015, and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Catherine M. LaCroix  
Senior Deputy City Clerk

**EXHIBIT A**  
**FIRST AMENDED RATE AND METHOD OF APPORTIONMENT**

(Please see Exhibit A to Resolution 15-7336 in this same packet)

**EXHIBIT D**

**RESOLUTION NO. 15-7338**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, MAKING CERTAIN FINDINGS, CERTIFYING THE RESULTS OF AN ELECTION AND ADDING PROPERTY TO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES), ANNEXATION NO. 7**

**WHEREAS**, the City Council of the City of Covina (the “City Council”), has previously formed a Community Facilities District pursuant to the provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, said Article 3.5 thereof. The existing Community Facilities District being designated as Community Facilities District No. 2007-1 (Public Services) (hereafter referred to as CFD No. 2007-1); and,

**WHEREAS**, the City Council initiated proceedings to annex certain territory to Community Facilities District No. 2007-1 (Public Services), Annexation No. 7 (hereafter referred to as “Annexation No. 7”); and

**WHEREAS**, at this time the unanimous consent to the annexation of Annexation No. 7 has been received from the property owner or owners of such territory; and

**WHEREAS**, twelve (12) or more registered voters have not resided within the territory of Annexation No. 7 for each of the ninety (90) days preceding April 7, 2015, therefore, pursuant to the Act the qualified electors of Annexation No. 7 shall be the “landowners” of Annexation No. 7 as such term is defined in Government Code Section 53317(f) and each such landowner who is the owner of record, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that she or he owns within; and

**WHEREAS**, the time limit specified by the Act for conducting an election to submit the levy of the special taxes on the property within Annexation No. 7 to the qualified electors of Annexation No. 7 and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified electors of Annexation No. 7; and

**WHEREAS**, the City Clerk of the City of Covina has caused ballots to be distributed to the qualified electors of Annexation No. 7, has received and canvassed such ballots and made a report to the City Council regarding the results of such canvas, a copy of which is attached as Exhibit A hereto and incorporated herein by this reference; and

**WHEREAS**, at this time the measure voted upon and such measure did receive the favorable 2/3's vote of the qualified electors, and the City Council desires to declare the results of the election; and

**WHEREAS**, a map showing the territory to be annexed and designated as Annexation No. 7 (hereafter referred to as the “Annexation Map”), a copy of which is attached as Exhibit B hereto and incorporated herein by this reference, and a list of Properties to be annexed and landowners, a copy of which is attached as Exhibit C hereto and incorporated herein by this reference, has been submitted to the City Council.

**NOW, THEREFORE, BE IT RESOLVED**, determined and ordered by the City Council for the City of Covina Community Facilities District No. 2007-1, Annexation No. 7 as follows:

**SECTION 1** Recitals. The above recitals are all true and correct.

**SECTION 2** Findings. This City Council does hereby determine as follows:

(a) The unanimous consent to the annexation of Annexation No. 7 to CFD No. 2007-1 has been given by all of the owners within Annexation No. 7 and such consent shall be kept on file in the Office of the City Clerk.

(b) Twelve (12) or more registered voters have not resided within the territory of Annexation No. 7 for each of the ninety (90) days preceding April 7, 2015, therefore, pursuant to the Act the qualified electors of Annexation No. 7 shall be the “landowners” of such Annexation No. 7 as such term is defined in Government Code Section 53317(f).

(c) The qualified electors of Annexation No. 7 have unanimously voted in favor of the levy of special taxes within Annexation No. 7 upon its annexation to CFD No. 2007-1.

**SECTION 3** Annexed Area. The boundaries and parcels of territory within Annexation No. 7 and on which special taxes will be levied in order to pay for the costs and expenses of authorized public services are shown on the Annexation Map as submitted to and hereby approved by this City Council.

**SECTION 4** Declaration of Annexation. The City Council does hereby determine and declare that Annexation No. 7 is now added to and becomes a part of CFD No. 2007-1. The City Council, acting as the legislative body of CFD No. 2007-1, is hereby empowered to levy the authorized special tax within Annexation No. 7.

**SECTION 5** Notice. Immediately upon adoption of this Resolution, notice shall be given as follows:

An Amendment to the Notice of Special Tax Lien (Notice of Annexation) shall be recorded in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.

**SECTION 6** The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
, Mayor

ATTEST:

\_\_\_\_\_  
Catherine LaCroix, Senior Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

CERTIFICATION

I, Catherine M. LaCroix, Senior Deputy City Clerk of the City of Covina, hereby CERTIFY that Resolution No. 15-7338 was adopted by the Covina City Council at a regular meeting of the City Council held this 7<sup>th</sup> day of April, 2015, and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Catherine M. LaCroix  
Senior Deputy City Clerk

**EXHIBIT A**

**CERTIFICATE OF ELECTION OFFICIAL AND STATEMENT OF VOTES CAST**



**EXHIBIT B**  
**ANNEXATION MAP**

## ANNEXATION MAP NO. 7 COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SERVICES)

CITY OF COVINA  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2015.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING  
PROPOSED BOUNDARIES OF ANNEXATION NO. 7 TO  
COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC  
SERVICES), CITY OF COVINA, COUNTY OF LOS ANGELES,  
STATE OF CALIFORNIA, WAS APPROVED BY THE CITY  
COUNCIL OF THE CITY OF COVINA AT A REGULAR  
MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2015, BY ITS RESOLUTION NO.  
\_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK  
CITY OF COVINA

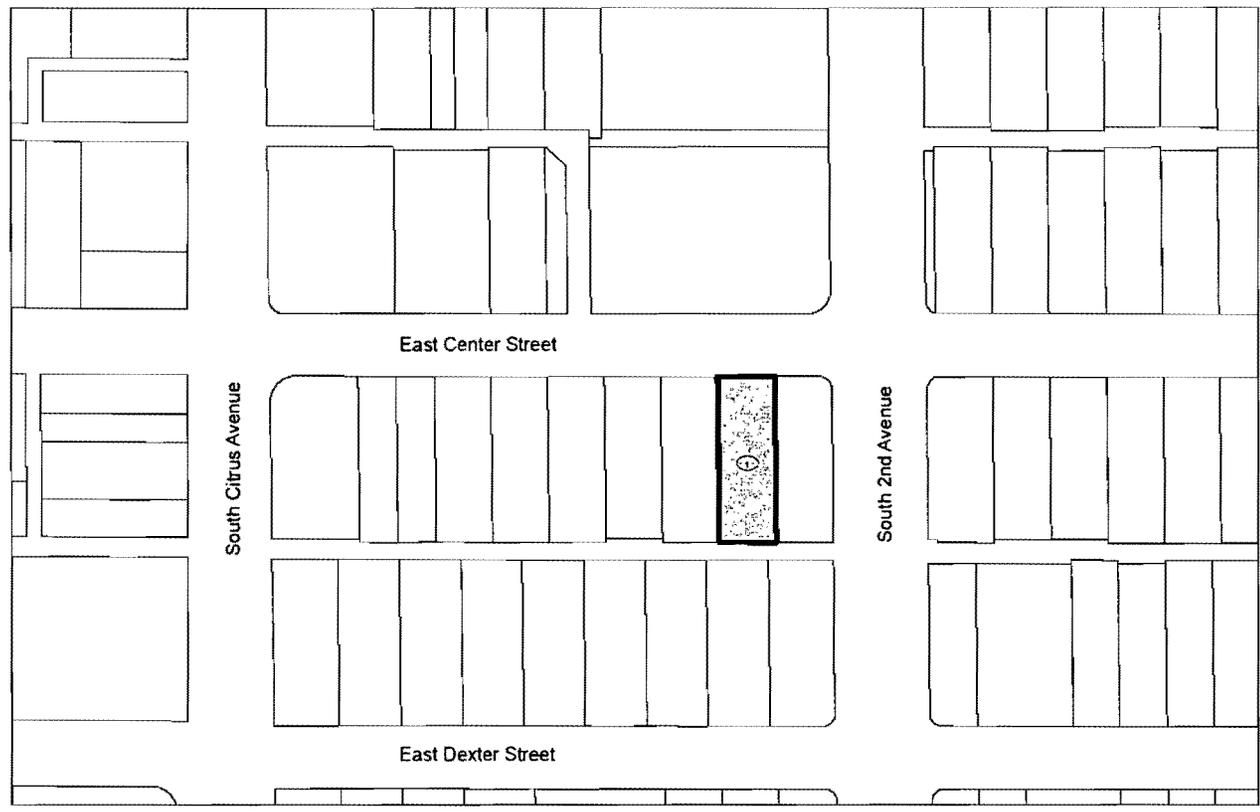
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, AT THE  
HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE BOOK  
OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES  
DISTRICTS, PAGE(S) \_\_\_\_\_ AND AS INSTRUMENT NO.  
\_\_\_\_\_ IN THE OFFICE OF THE COUNTY  
RECORDER IN THE COUNTY OF LOS ANGELES, STATE OF  
CALIFORNIA.

\_\_\_\_\_  
BY DEPUTY  
COUNTY RECORDER  
COUNTY OF LOS ANGELES  
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF  
COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC  
SERVICES) OF THE CITY OF COVINA RECORDED WITH  
THE LOS ANGELES COUNTY RECORDER'S OFFICE ON  
MAY 18, 2007, AS DOCUMENT NO. 20071218337 IN THE  
BOOK OF MAPS OF ASSESSMENT AND COMMUNITY  
FACILITIES DISTRICTS.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL  
SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND  
DIMENSIONS AS SHOWN ON THE LOS ANGELES COUNTY  
ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE LOS ANGELES COUNTY ASSESSOR'S MAPS SHALL  
GOVERN FOR ALL DETAILS CONCERNING THE LINES AND  
DIMENSIONS OF SUCH LOTS OR PARCELS.



**LEGEND**  
 Annexation Boundary  
 MAP REFERENCE NUMBER

MAP REFERENCE NUMBER	ASSESSOR'S PARCEL NUMBER
1	8445-019-002

+

**EXHIBIT C**  
**LIST OF PROPERTIES TO BE ANNEXED**

**LIST OF PROPERTIES TO BE ANNEXED**

**ANNEXATION #7**

AFT ONE LLC, Developer

**Vesting Tract No.**

n/a

**Address**

166 East Center Street, Covina, CA

**Landowner**

AFT ONE LLC  
Ban Tieu, Managing Partner  
Yuhan Feng, Managing Partner  
5812 Temple City Blvd., #508  
Temple City, CA 91780

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** NB 1

**STAFF SOURCE:** Andrea Miller, City Manager

**ITEM TITLE:** Confirmation of Mayor's Appointments to Intergovernmental Agencies and Adoption of Resolution of the City Council of the City of Covina appointing the City's Representative and Alternate on the City Selection Committee.

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**STAFF RECOMMENDATION**

- a. Approve the Mayor's designation of delegates and alternates to Regional and City Boards Commissions;
- b. Approve **Resolution 15-7344** appointing the City's Representative and Alternate to act on behalf of the City at meetings of the City Selection Committee; and
- c. Authorize the City Clerk to fill in the appointed names on Resolution 15-7344.

**FISCAL IMPACT**

None

**BACKGROUND**

With each election and/or reorganization of the City Council, appointments are made by the Mayor of City representatives (Council Members) to various organizations in which the City has membership or participates as a liaison.

Following is the list of organizations to which the Mayor has assigned participation by Council representatives.

- County Sanitation Districts of Los Angeles County
- L. A. Works
- Foothill Transit Zone
- Independent Cities Association
- League of California Cities \*
- San Gabriel Valley Council of Governments (COG)
- San Gabriel Valley Mosquito and Vector Control District
- San Gabriel Valley Water Association
- Southern California Association of Governments
- City Selection Committee \*
- CCHOA/CCEAC(CA Cities Home Ownership Authority/CA Cities Economic Assistance Corporation)

- \* Historically the delegate and alternate of these organizations are the same as the meetings are held concurrently.



**CITY OF COVINA**  
**SCHEDULE OF MAYOR'S COUNCILMANIC APPOINTMENTS TO INTERGOVERNMENTAL AGENCIES**  
**April 1, 2014**

<u>AGENCY</u>	<u>DELEGATE</u>	<u>ALTERNATE</u>	<u>MEETING DAYS AND TIMES</u>
Sanitation Districts of Los Angeles County 1955 Workman Mill Road Whittier, CA 90607 (562) 908-4288	<b>Delach</b>	<b>King</b>	4th Wednesday each month at 1:30 p.m., District Offices Kimberly S. Compton, Sec. to Brd
L. A. Works (formerly ESGV Consortium) 5200 Irwindale Ave. Irwindale, CA 91706 (626) 960-3964	<b>Stapleton</b>	<b>Allen</b>	3rd Thursday each month at 4:00 p.m., L.A. Works offices Sal Velasquez, Executive Director
Foothill Transit Zone 100 S. Vincent Ave., Suite 200 West Covina, CA 91790 (626) 931-7300 ext. 0	<b>Delach</b>	<b>King</b>	1st Wednesday Annually in May at 5:30 p.m. Doran Barnes, Executive Director
Independent Cities Association 1600 Rosecrans Ave., 4 <sup>th</sup> Fl. Manhattan Beach, CA 90266 (310) 995-9800 <a href="mailto:trish@platinumprrsolutions.com">trish@platinumprrsolutions.com</a>	<b>Stapleton</b>	<b>Allen</b>	Quarterly/when called at 6:30 p.m. Trish Pietrzak, President
League of California Cities L. A. County Division P.O. Box 1444 Monrovia, CA 91017 (626) 786-5142 <a href="mailto:jquan@cacities.org">jquan@cacities.org</a>	<b>Allen</b>	<b>Delach</b>	1st Thursday each month at 6:30 p.m. (various locations) Jennifer Quan, Executive Director
San Gabriel Valley Council of Governments (COG) 1000 S. Fremont Ave, Unit #42 Alhambra, CA 91803 (626) 457-1800	<b>Stapleton</b> <i>transportation committee Stapleton / Justine I-10 210 Corridor - Stapleton Solid Waste - Stapleton</i>	<b>Marquez</b>	3rd Thursday each month at 6:00 p.m. (Edison Center/Irwindale) (6080 Irwindale Ave.) Andrea Miller, Exec. Dir.
San Gabriel Valley Mosquito and Vector Control District 1145 North Azusa Canyon Rd. West Covina, CA 91790 (626) 814-9466	<b>(Henry Morgan)</b> (Serves until 1/12 or resigns from district) (appointed Nov 8, 2008 for 4 years)		2nd Friday each month at 7:00 a.m. Mr. Steve West, District Manager
SGV Water Assn. (Watermaster) 725 N. Azusa Ave. Azusa, CA 91702 (626) 815-1300 <a href="http://www.sgvwa.org">www.sgvwa.org</a> <a href="http://www.watermaster.org">www.watermaster.org</a>	<b>King</b>	<b>Stapleton</b>	2nd Wednesday, quarterly at 6:30 pm Kelly Gardner, Admin Mgr. <a href="mailto:kelly@watermaster.org">kelly@watermaster.org</a>
Southern California Association of Governments (SCAG) 818 West Seventh Street, 12th Fl. Los Angeles, CA 90017-3435 (213) 236-1858	<b>Marquez</b>	<b>King</b>	Annual/when called Hasam Ikhata, Exec. Director
City Selection Committee & LAFCO L.A. County Commission Services Hall of Admin., 500 W. Temple St. Room B50 Los Angeles, CA 90012 (213) 974-1411 <a href="mailto:BFamuyiwa@bos.lacounty.gov">BFamuyiwa@bos.lacounty.gov</a>	<b>Delach</b>	<b>Allen</b>	When Called (Held in conjunction w/ League meetings) Ms. Sa Chi Hami, Exec. Officer Bolaji Famuyiwa

CITY OF COVINA  
SCHEDULE OF MAYOR'S COUNCILMANIC APPOINTMENTS  
April 1, 2014

COUNCIL LIAISON TO BOARDS, COMMISSIONS, COMMITTEES

Planning Commission ..... Delach/King  
(Council Chambers @ 7:30 p.m. 2<sup>nd</sup> & 4<sup>th</sup> Tuesday each month)

H.C.D.A. ....King/Stapleton  
(Library Community Room @ 7:00 p.m.—check agenda)  
(CD Partnership – John King)

Youth Accountability Board ..... Marquez/King  
(Quarterly —check agenda for time and location)

Library Board of Trustees .....Stapleton/Delach  
(Library Community Room—7:30 pm/2nd Tuesday each month)

Cultural Arts Advisory Commission .....Marquez/Allen  
(Hollenbeck Park Office 7:00 p.m./1<sup>st</sup> Wednesday after 2<sup>nd</sup> Tuesday each month)

Covina Concert Band .....Allen/Marquez  
(Recreation Hall at Covina Park @ 9:00 a.m. on the 3<sup>rd</sup> Saturday of odd months, Jan. March, May, July, Sept., Nov.)

City Auditors Committee .....Stapleton/Allen  
Meets twice a year with the City Auditors

Community Recognition Committee .....King/Allen  
Meets annually

Liaison to the Covina Chamber of Commerce .....Stapleton/Delach

**Council Committee -- Policy Development Assignments**  
(Additions/deletions to policy types and assignments may occur throughout the year)

Planning – Delach/King  
Code Enforcement – Stapleton/Allen  
Parks & Recreation – King/Marquez  
Seniors – Stapleton

**RESOLUTION NO. 15-7344**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COVINA, CALIFORNIA, APPOINTING THE CITY'S  
REPRESENTATIVE AND ALTERNATE ON THE CITY  
SELECTION COMMITTEE.**

**WHEREAS**, the City Council of the city of Covina does hereby resolve as follows.

SECTION 1. \_\_\_\_\_, shall be the City of Covina representative to the City Selection Committee and as such is entitled to participate in all meetings of that Committee on behalf of the City.

SECTION 2. \_\_\_\_\_, shall be the City of Covina alternate representative to the City Selection Committee and as such is entitled to participate in all meetings of that Committee in the absence of the City's representative.

SECTION 3. The City Clerk shall certify to the adoption of this resolution.

Further the City Clerk shall transmit a copy thereof to the County of Los Angeles, Board Operations, Commission Services; and the League of California Cities, Los Angeles County Division.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
John C. King, Mayor

ATTEST:

\_\_\_\_\_  
Mary Lou Walczak, City Clerk

APPROVED AS TO FORM;

\_\_\_\_\_  
Elizabeth Hull, City Attorney

**CERTIFICATION**

I, Catherine M. LaCroix, Chief Deputy City Clerk of the City of Covina, California, do hereby certify that Resolution No. 15-7344 was adopted by the Covina City Council at a regular meeting thereof held on the 7th of April, 2015, by the following vote of the Council:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

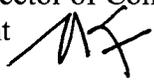
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Catherine M. LaCroix  
Chief Deputy City Clerk

**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** April 7, 2015

**ITEM NO.:** NB 2

**STAFF SOURCE:** Kim Raney, Acting Director of Community Development Director  
Nancy Fong, Consultant 

**ITEM TITLE:** Discussion on imposing a moratorium on land use changes and the consideration of options to moratorium

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**STAFF RECOMMENDATION**

Direct staff to prepare a resolution establishing a policy and specific criteria for City Council to consider in reviewing any general plan amendment proposals.

**FISCAL IMPACT**

There is no fiscal impact to the General Fund.

**BACKGROUND**

On March 3, 2015, the City Council held a duly noticed public hearing and considered a proposal to change the General Plan land use designations from Commercial and Industrial to Residential for a project site about 6 acres in size, located at the northwest quadrant of Grand Avenue and Edna Place. It was the third public hearing during which the City Council considered and deliberated on the merits of the proposal. The City Council, with a 3 to 2 vote, denied the proposed General Plan land use changes. After the public hearing and at Council Comments, 2 members of the City Council noted the City's General Plan is outdated and in need of an update and suggested the City Council consider a moratorium on General Plan land use changes to give the City an opportunity to study and analyze land uses citywide and determine where and what changes need to be made. As a result of the Council comments, staff prepared information about moratorium with options the City Council may wish to consider.

**ANALYSIS:**

This section of the report will present the purpose and the authority the City has to adopt a moratorium, the applicability of a moratorium to general plan land use changes, the advantages and disadvantages of having a moratorium, and options for consideration.

- A. Authority to Adopt Moratorium. Governmental Code Section 65858 allows a city to adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with any contemplated General Plan, Specific Plan or Zoning Ordinance amendment proposal, which the legislative body is intending to study within a reasonable time, in order to protect the public safety, health and welfare.
- B. Applicability of Moratorium. The purpose for a moratorium is to preserve the status quo for a reasonable time while the City Council and community take time to study the land

use issues and develop new land use rules to respond to new or changing circumstances not adequately dealt with by the current laws. A moratorium prevents developers or property owners from rushing to develop their land under the current land use rules while the City Council and community are in the process of changing them. A moratorium is generally not used for general plan amendments but is used for "lower level" applications such as discretionary permits and entitlements and involving uses that may be in conflict with a contemplated general plan, specific plan or zoning proposal. The adoption of a moratorium must contain findings that there is a "current and immediate threat to the public, health, safety or welfare."

C. Advantages and Disadvantages of Having a Moratorium. Adopting a moratorium is an extreme land use action, which could generate both positive and negative consequences for the City.

1. The Advantages of Having a Moratorium

- It allows the City Council, within a reasonable time, to study and analyze the citywide land uses and determine where and what changes need to be made.
- It provides an opportunity for increase public participation and public debate that focus on the issues.
- It allows the City to eliminate the incentive of "hasty" planning.
- It allows the City to have a better control of community development.

2. The Disadvantages of Having a Moratorium

- It could send a "wrong message" to the development community that the City is turning away development. Developers and builders are very sensitive to the "moratorium" and tend to shy away from these communities that have adopted them. This could have indirect economic impact to the City.
- The City will be participating in the International Council of Shopping Centers (ICSC) Conference in May, 2015 and a moratorium would conflict with the efforts to market and encourage development in the City.
- It could result in a legal challenge by the Association of Building Industry (BIA). Typically, BIA will raise the implications of such a public policy on housing and claim that the moratorium will restrict and prohibit housing development and is in conflict with the Housing Element of the General Plan.
- It might cause other legal challenges for due process and equal protection by property owners.

D. Less Restrictive Option to a Moratorium. Under the State's Planning and Zoning Law, cities are required to maintain a General Plan, which is a long term plan for guiding the physical development of the city. The City Council has the authority to deny or is under no obligation at all to approve a general plan amendment requested as part of a proposed development. There is no legal liability for the City to reject and disapprove a proposed general plan amendment necessary for a proposed development project. However, the City Council may wish to adopt a resolution that establishes a policy and specific criteria for the Planning Commission and City Council to utilize in considering any general plan amendment proposals on a case by case basis. Examples of specific criteria are special

studies and reports that may be required of the developers that address the long term cost and benefits to the City, the impacts to the City's park and open space system, the impact to physical infrastructures and the impacts to public safety services and general services such as water and sewer system the City has to provide. The developers or property owners could be required to provide, at their expenses, these studies as part of the general plan amendment proposal. Each required special study or report would be required to demonstrate that the benefits outweigh the long term cost before the City Council would consider the general plan amendment proposal. If a proposed development that requires a general plan amendment demonstrates the project is of high quality and has more benefits than cost to the City, then this less restrictive option would allow the City Council to consider such proposal. A moratorium would not give the City Council this option.

**OPTIONS FOR COUNCIL TO CONSIDER:**

- A. Direct staff to prepare a resolution that establishes a policy and specific criteria or requirements that must be met prior to consideration of general plan amendment proposals.
- B. Direct staff to prepare a moratorium that would prohibit the consideration of any uses that conflict with the General Plan
- C. Take no action.

**RELEVANCE TO THE STRATEGIC PLAN:**

None.

<b>REVIEW TEAM ONLY</b>	
City Attorney: _____	Finance Director: _____ 
City Manager: _____	Other: _____