



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

Mayor Kevin Stapleton – Mayor Pro Tem Walt Allen, III
Council Members Peggy Delach – John King – Bob Low

REGULAR MEETING AGENDA
125 E. College Street, Covina, California
Council Chamber of City Hall
Tuesday, July 3, 2012
7:30 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 counter 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 on the City's website at 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 Deputy City Clerk of the Covina City Council hereby declares that the agenda for the **July 3, 2012** meeting was posted on **June 28, 2012** near the front entrance of the City Hall, 125 East College Street, Covina, in accordance with Section 54954.2(a) of the California Government Code.

July 3, 2012

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

CALL TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Led by Council Member Delach

INVOCATION

Led by Covina Police Chaplain David Truax

PRESENTATIONS

Recognition – 2012 Wall of Honor recipients

PUBLIC COMMENTS

To address the Council/Agency/Authority please complete a yellow speaker request card located at the entrance and hand 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 City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing 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/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing 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 June 19, 2012 regular meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority.
- CC 2.** City Council to authorize the creation of a full time Planning Aide classification.
- CC 3.** City Council to approve a request by the Covina Downtown Association to waive Planning application fee for fundraiser that will help to fund Thunderfest 2012.
- CC 4.** City Council to approve a Memoranda of Understanding with Azusa Unified School District for City to pay contribution to Covina Lighting Assessment District in lieu of levies against School District property.
- CC 5.** City Council to approve the Update of Certificates of Public Convenience and Necessity for Southern California Transportation, dba Yellow Cab of San Gabriel Valley; Keolis Transit America Inc., Diversified Transportation LLC, dba Pomona Yellow Cab; and Express Transportation Systems, dba AAA Yellow Cab and Checker Cab.
- CC 6.** City Council to adopt **Resolution No. 12-7084**, amending fiscal year 2012-2013 Parks and Recreation Department operating budget for Cougar Park Project #M-1204, funded by Prop 84 grant funds in the amount of \$2,125,750.
- CC 7.** City Council to adopt **Resolution No. 12-7085**, amending fiscal year 2012-2013 Park and Recreation Department operating budget for Project #D-1203 Wingate Wash Repairs to Drainage System at Kahler Russell Park funded by FEMA funds administered through Cal-EMA in the amount of \$299,093.
- CC 8.** City Council to adopt **Resolution No. 12-7086**, amending fiscal year 2012-2013 Police Department budget to reflect appropriations to complete the purchase of eligible items using 2009 State Homeland Security grant funds.

CONTINUED BUSINESS

- CB 1.** City Council to consider approval of an agreement for services to be provided at the McGill Transitional House between the City of Covina, the Covina Housing Authority and Catholic Charities of Los Angeles, Inc., for fiscal year 2012-2013; and the adoption of a Resolution for a budget amendment to fund related costs.

Staff Recommendation:

- 1) City Council to adopt **Resolution No. 12-7081**, amending the fiscal year 2012-2013 City budget to reflect approval of Supportive Housing Program (SHP) grant expenditures up to \$94,295; and
- 2) City Council to authorize the City Manager/Executive Director, or his designee, to execute an agreement for the McGill Transitional House Operation and Supportive Services with Catholic Charities of Los Angeles, Inc.

CB 2. City Council to consider second reading and adoption of an Ordinance to modify Planned Community Development, PCD 87-001, by changing certain provisions of the Sign Program for the Covina Town Square commercial center located at the southeast corner of Arrow Highway and Azusa Avenue.

Staff Recommendation:

- 1) City Council consider second reading, thereby adopting **Ordinance No. 12-2009**, modifying Planned Community Development, PCD 87-001, by changing certain provisions of the Sign Program for the Covina Town Square commercial center and making certain findings and conditions.

NEW BUSINESS

NB 1. City Council to consider adopting an Urgency Ordinance to amend the Town Center Specific Plan to reclassify the sale of alcohol for on-site consumption by a restaurant or food service establishment from a Permitted Use to a Conditional Use.

Staff Recommendation:

- 1) City Council to introduce, waive reading of and adopt **Urgency Ordinance No. 12-2010**, amending the Town Center Specific Plan to reclassify the sale of alcohol for on-site consumption by a restaurant or food service establishment form a Permitted Use to a Conditional Use.

ADJOURNMENT

The Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority will adjourn to a special meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority with Senator Dr. Ed Hernandez, O.D., on **Tuesday, July 10, 2012 at 8:00 a.m.**, in the Council Chamber located inside of City Hall, 125 East College Street, Covina, California, 91723.



MINUTES OF THE JUNE 19, 2012 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 Stapleton called the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority meeting to order at 6:31 p.m. All City Council Members were present. City Attorney Marco Martinez announced the closed session items listed on the regular meeting agenda. There was no public comment.

ROLL CALL

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

Council Members Absent: NONE

Elected Members Present: MANNING

Staff Members Present: City Manager, City Attorney, Police Chief, Fire Division Chief, Human Resources Director, Finance Director, Parks and Recreation Director, Public Works Director, Police Captain, Assistant Director of Public Works, Deputy Director of the Covina Successor Agency, Redevelopment Manager, Administrative Services Manager, Finance Manager, City Planner, Administrative Technician and Deputy City Clerk

AGENDA POSTING DECLARATION

The Deputy City Clerk of the City of Covina hereby declared that the agenda for the June 19, 2012 City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority meeting was posted on June 14, 2012 near the front entrance of City Hall, 125 East College Street, Covina, in accordance with §54954.2(a) of the California Government Code.

CLOSED SESSION

- A. G.C. §54956.8(b) – CONFERENCE WITH REAL PROPERTY NEGOTIATOR –Negotiations to include both price and terms
 Property: 626 & 602 S. Citrus Avenue (APN 8451-001-911)
 Negotiating parties: Michael Luce
 Agency negotiator: Daryl Parrish, City Manager
- B. G.C. §54956.8(b) – CONFERENCE WITH REAL PROPERTY NEGOTIATOR –Negotiations to include both price and terms
 Property: 635 S. Citrus Avenue (APN 8453-001-906)
 Negotiating parties: Craig Smith & Bill Gilmore, Timothy Thai, Jules Boand & Alex Alvarez
 Agency negotiator: Daryl Parrish, City Manager

C. G.C. §54956.8(b) – CONFERENCE WITH REAL PROPERTY NEGOTIATOR –Negotiations to include both price and terms
Property: 528 S. Citrus Avenue (APN 8445-021-037 and 8445-029-042)
Negotiating parties: PRY Properties
Agency negotiator: Daryl Parrish, City Manager

D. G.C. § 54957.6 - CONFERENCE WITH LABOR NEGOTIATORS
Agency Representative: Anthony Arroyo, Human Resources Director
Employee Organizations: A.F.S.C.M.E. – American Federation of State, County & Municipal Employees
P.A.C. – Police Association of Covina
P.M.G. – Police Management Group
Executive Group
Unaffiliated Employees

RECONVENE THE MEETING

The City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority meeting reconvened at 7:34 p.m.

City Attorney Marco Martinez reported City Council/Agency/Authority met in closed session to discuss the items listed on the regular meeting agenda with all members present. City Attorney Martinez reported there is no reportable action related to the closed session items listed.

PLEDGE OF ALLEGIANCE

Mayor Stapleton led the pledge of allegiance.

INVOCATION

Covina Police Chaplain Dave Truax gave the invocation.

PRESENTATIONS

Mayor Stapleton invited Sharon Janco-Plourde to the lectern and presented her with a proclamation for International Elder Abuse Awareness Day.

PUBLIC COMMENTS

Jim Oronoz, Covina resident, read a statement related to apartment buildings he owns on N. Vecino Drive in Covina. Mr. Oronoz stated he is doing his best to keep a safe environment for his tenants. He requested support from the City regarding ongoing issues of loitering and nuisances in the Prospero Park neighborhood. Mr. Oronoz asked for a meeting with City officials concerning these matters.

By consensus, the City Council suggested Mr. Oronoz meet with staff and that an update on this matter be placed on a future agenda for discussion.

Norm and Pat Klemz, Covina residents and members of the Friends of the Covina Public Library Committee, extended an invitation to the 50th Birthday of the Friends of the Covina Public

Library on June 23, 2012, 10:00 a.m. to 5:00 p.m. Mr. Klemz highlighted some of the activities scheduled at the event. Mr. Klemz thanked the City for the support of the project.

Bob Gorski, spoke regarding Covina Concert Band, 7:30 p.m., Thursday evenings at Covina Park and extended an invitation for all to attend.

Jim Scott, LaVerne resident, also spoke regarding summer music program Covina Concert Bands. He noted that Darrell Mansfield, Blues Hall of Fame and Hohner Harmonica Hall of Fame inductee would be at the July 11, 2012 special event.

Jerry Heinzl, Division Chief of the Los Angeles County Fire Department was introduced.

Mayor Stapleton invited Police Chief Kim Raney along with Andreea Barbu, Vice President of Covina Hills Forest Lawn, to the lectern. Ms. Barbu presented a monetary donation of \$2,500 to the Covina Police Department Memorial Fund Project. Mayor Stapleton noted that Forest Lawn has also offered to make a plaque for the Police Memorial.

COUNCIL/AGENCY/AUTHORITY COMMENTS

Council Member King spoke regarding the summer concerts at Covina Park and Heritage Plaza.

Council Member Delach noted that tomorrow is the summer solstice and is looking forward to a busy summer season.

Mayor Pro Tem Allen spoke on the realignment issues, property crime increase in local communities and a bill proposal to provide approximately \$20 million to local police agencies, which was discussed at the League of California Cities Public Safety Committee meeting. Mayor Pro Tem Allen complemented Tony Rice, City's State lobbyist, in keeping the City well informed.

Mayor Stapleton recapped the unveiling of the Olmec Head at Jalapa Park, showed photos of the event and read comments made by Angel Morales, President of Federacion Veracruzana.

Mayor Stapleton announced that the Friends of the Covina Public Library 50th birthday celebration at the Covina Public Library, Saturday, June 23, 2012 from 10:00 a.m. to 5:00 p.m.

Mayor Stapleton announced that summer evening entertainment takes place on Monday, Wednesday and Thursday evenings at Covina Park and Heritage Plaza. Visit the City's website for information or contact the Park and Recreation Department at (626) 384-5340.

Mayor Stapleton announced that the Covina Public Library has summer reading programs for all ages. Additional information can be found on the City's website or call the Library (626) 384-5300.

Mayor Stapleton requested staff contact names and numbers be included in billing notices mailed to the community. Mayor Stapleton requested to adjourn the meeting tonight in memory of Don Luttrell, who worked at Covina veteran events.

CITY MANAGER COMMENTS

City Manager Daryl Parrish reported on the cost recover challenges because of the abolishment of redevelopment. He explained that the City received \$3.01 million dollar property tax increment from Los Angeles County to the City Successor Agency and that this is lower than the estimated \$4.2 million dollars the City was expected to receive. City Manager Parrish reported that it is anticipated that the County would pass along the second property tax increment to cities in December 2012.

City Manager Parrish gave an AB 1234 report that he, Mayor Stapleton, Mayor Pro Tem Allen and Council Member King attended the International Council of Shopping Centers (ICSC) Conference in Las Vegas, May 20-23, 2012.

City Manager Parrish suggested Council review opposing pending legislation AB 904, which has to do with prohibiting cities and counties from requiring minimum parking standards greater than one space per 1,000 square feet per transit intensive areas.

City Manager Parrish reported Harbor Freight Tools opened a new store in Covina.

CONSENT CALENDAR

On a motion made by Council Member King, seconded by Council Member Delach, the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority approved Consent Calendar items CC1, CC3, CC4, CC5, CC6, CC7, CC8, CC9, CC11 and CC12. Consent Calendar item CC2, CC10 and CC13 were removed from the agenda for further discussion and consideration. **Motion carried 5-0.**

CC 1. City Council approved the summary minutes from the May 30, 2012 Budget Workshop meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority.

CC 2. City Council to approve the minutes from the June 5, 2012 regular meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority.

Council Member Low expressed that the June 5 minutes do not accurately reflect his comments made regarding the City Manager's contract.

On a motion made by Council Member King, seconded by Council Member Delach, the City Council approved the minutes from the June 5, 2012 regular meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority. **Motion carried 4-1, with Council Member Low in opposition.**

CC 3. City Council received and filed the monthly strategic plan objectives update.

CC 4. City Council received and filed the Public Works Department monthly activity report.

- CC 5. City Council received and filed the payment of demands in the amount of \$3,698,331.35.
- CC 6. Successor Agency to the Covina Redevelopment Agency received and filed the payment of demands in the amount of \$225,411.82.
- CC 7. City Council directed staff to publish a notice of intent to review the City's Conflict of Interest Code and complete the code review and any proposed amendments.
- CC 8. City Council approved a request by Hathaway-Sycamores Child and Family Services, located at 1411 N. Grand Ave., Suite 100, Covina, for an exemption from the City's business license tax for calendar year 2012.
- CC 9. City Council adopted **Resolution No. 12-7082**, adopting investment policies for fiscal year 2012-2013 for the City of Covina.
- CC 10. City Council to approve a Memoranda of Understanding (MOU) with Covina Valley and Charter Oak Unified School Districts for the City to pay contribution to Covina Lighting Assessment District in lieu of levies against school district property.

Council Member Low inquired if the two school districts would receive ballots even though the MOU would allow exemption to the districts.

City Manager Daryl Parrish responded the school district would be given ballots, adding there is an administrative cost associated because school districts do not receive property tax bills because they are exempt from paying property taxes.

Council Member Low inquired if Azusa Unified School District should be extended the same privilege.

City Manager Daryl Parrish replied that staff would extend the same MOU and would come back to City Council.

On a motion made by Council Member Delach, seconded by Mayor Pro Tem Allen, the City Council approved a Memoranda of Understanding with Covina Valley and Charter Oak Unified School Districts for the City to pay contribution to Covina Lighting Assessment District in lieu of levies against school district property. **Motion carried 4-1, with Council Member Low in opposition.**

- CC 11. City Council authorized the creation of Senior Deputy City Clerk classification.
- CC 12. City Council approved the renewal of parking enforcement services agreement between the City of Covina and Inter-Con Security Systems, Inc., and authorized the City Manager to execute said agreement.
- CC 13. City Council to approve a contract with West Coast Arborists, Inc., for tree trimming services of the City's park and street trees.

Council Member Low spoke regarding a tree in front of his residence that was excessively trimmed and he questions the quality of work by the landscaping company.

On a motion made by Mayor Pro Tem Allen, seconded by Council Member Delach, the City Council approved the contract with West Coast Arborists, Inc., for tree trimming services of the City's park and street trees. **Motion carried 4-1, with Council Member Low in opposition.**

PUBLIC HEARING

PH 1. Public Hearing was before City Council to expenditures of the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG).

At 8:38 p.m., Mayor Stapleton opened the public hearing and took public testimony. There was no comment. At 8:38 p.m., Mayor Stapleton closed the public hearing.

Police Chief Kim Raney provided a brief report on the item for consideration.

On a motion made by Mayor Pro Tem Allen, seconded by Council Member Low, the City Council received and filed the program expenditures of the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG). **Motion carried 5-0.**

PH 2. Public Hearing was before City Council to consider introduction and waiver of further reading of an Ordinance to modify Planned Community Development, PCD 87-001, by changing certain provisions of the Sign Program for the Covina Town Square commercial center located at the southeast corner of Arrow Highway and Azusa Avenue.

At 8:39 p.m., Mayor Stapleton opened the public hearing and took public testimony. There was no comment. At 8:40 p.m., Mayor Stapleton closed the public hearing.

City Manager Parrish provided a brief report of the item for consideration.

On a motion made by Council Member Delach, seconded by Council Member King, the City Council introduced and waived further reading of **Ordinance No. 12-2009**, modifying Planned Community Development, PCD 87-001, by changing certain provisions of the Sign Program for the Covina Town Square Commercial Center findings and conditions. **Motion carried 5-0.**

CONTINUED BUSINESS

CB 1. City Council to review options and provide staff with direction on the future use of 135 E. Badillo Avenue, Covina.

City Manager Daryl Parrish reported that the upon review the Oversight Board to the Successor Agency determined that this property was not being used for governmental purposes and should go back to City Council to determine what to do with the property.

Deputy Executive Director of the Successor Agency Robert Neiuber reported the City could choose to use the property for governmental purpose or purchase or sell the property.

Upon further discussion, Mayor Pro Tem Allen, Council Member King and Mayor Stapleton requested staff present options to Council at the first meeting in September.

NEW BUSINESS

NB 1. Mayor to consider making appointment to the Library Board of Trustees; and City Council to make appointments to the remaining Boards, Commissions and Committees and/or schedule interviews.

Mayor Stapleton appointed the recommended applicant, Gayle Mitchell. On a motion made by Council Member Low, seconded by Mayor Pro Tem Allen, the City Council ratified Mayor's appointment to the Covina Library Board of Trustees. **Motion carried 5-0.**

On a motion made by Mayor Stapleton, seconded by Council Member Delach, the City Council appointed John Connors to the Planning Commission and Historic Preservation Board; Robert Orso to the Cultural Arts Advisory Commission; Marian King to the Housing and Community Development Committee; Kay Manning to the Traffic Advisory Committee and Youth Accountability Board; Thomas Melendrez to the Traffic Advisory Committee; and Roxanne Medina, Henry Medina and Audrey Conner to the Youth Accountability Board. **Motion carried 5-0.**

NB 2. City Council/Successor Agency to the Covina Redevelopment Agency to consider adopting the annual budget for the fiscal year commencing July 1, 2012 and ending June 30, 2013.

City Manager Daryl Parrish highlighted some of the discussion that took place at the May Budget Workshop and the \$241,000 deficit reported during the meeting. He explained that the auditors informed staff of additional expenditures, which increase the deficit to \$276,560. City Manger Parrish reported that the City received one-time revenue, in the form of an insurance settlement, of \$312,000, which closes the deficit this fiscal year.

City Manager Parrish reported on the approximate 4% increase in the Los Angeles Fire Department contract. He spoke of the option of reviewing the paramedic amendment, which has an approximate value of \$189,000.

Division Fire Chief Jerry Heinzl reported under the City's recommendation, Station 154 would be the paramedic assessment engine that would remain and the City would not be paying for the third position. He reported the ill effect would be the lack of advance life support that would be arriving initially with eliminating the paramedic equipment, paramedic certification and reducing the firefighter level to basic life support.

Further discussion continued regarding paramedic amendment assessment, City fire station locations, and response times to various locations throughout the City.

Lew Currier, Director of Los Angeles County Fire Fighter Local 1014, stated the Union is representative of 58 contract cities that are in the similar situation and is assisting those cities with trying to locate other funding sources. He urged that before considering the cutting of services to Covina residents that the Council allow the Union look at the budget and possibly find other alternatives to make cuts or other viable solutions.

Following a brief discussion and on a motion made by Council Member Delach, seconded by Council Member King, the City Council/Successor Agency utilized the one-time revenue to balance the general fund budget; to keep the current paramedic services while engaging Local 1014 to review funding sources and City staff to provide a status update at the first meeting in September; the City Council/Successor Agency adopted **City Resolution No. 12-7083**, adopting the City of Covina budget for July 1, 2012 through June 30, 2013; and **Successor Agency Resolution No. 12-008**, adopting the Successor Agency to the Covina Redevelopment Agency budget for July 1, 2012 through June 30, 2013. **Motion carried 4-1, with Council Member Low in opposition.**

ADJOURNMENT

At 9:30 p.m., Mayor Stapleton adjourned the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority in memory of Don Luttrell to the next regular meeting, **Tuesday, July 3, 2012**, at 6:30 p.m. for closed session and at 7:30 p.m. for open session in the Council Chamber located inside City Hall, 125 East College Street, Covina, California, 91723.

Respectfully Submitted:

Catherine M. LaCroix, CMC
Deputy City Clerk

Approved this 3rd day of July, 2012.

Mayor/Chairperson Stapleton

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012

ITEM NO.: CC 2

STAFF SOURCE: Anthony Arroyo, Human Resources Director
Guadalupe Marquez, Sr. Human Resources Analyst

ITEM TITLE: Authorize the Creation of a Full Time Planning Aide Classification

STAFF RECOMMENDATION

Authorize the creation of a full time Planning Aide classification.

FISCAL IMPACT

The fiscal impact for the creation of a full time Planning Aide will not exceed \$15,000. Monies generated from the new collection of business license inspection fees as permitted under Council-adopted resolution No. 09-6792, dated September 15, 2009 will partially fund this position. Staff will also present at a Council meeting date in the near future, a proposal to recover Administrative Conditional Use Permit fees for staff services that at this time are not being captured. It is also anticipated that this position will assist in the development of the Geographic Information Systems (GIS) as the permitting module of MUNIS software is implemented and funding will be made available for this position from the IT budget.

BACKGROUND

As the economy continues to show signs of recovery and also as a result of a heightened interest by developers, new business owners, and residents in Covina, especially Downtown, an increase in the number of Planning applications has been experienced. Those showing interest most particularly in Downtown are implementing projects and building design improvements in keeping with City of Covina Planning and Economic Development concepts. This is evident in the following Downtown City/Private projects of the last decade:

- The Olson Citrus Walk Project
- Heritage Plaza
- City Ventures, Vintage Walk
- The soon to be designed and constructed, City Ventures new housing development – 1009 N. Citrus Avenue
- Downtown façade improvements
- CCPA Revitalization
- Construction of two downtown multi-level parking structures
- Covina Metrolink Station improvements
- New business interest and improvement in the area – Azo Vino, Stella Dog, 3 Vinos, Sugar Bowl, RED, and future food establishments planned for by Covina restaurateur, Mercy Moreno

The implementation of the Town Center Specific Plan in 2004 has served as a very valuable tool which has enabled development to take place.

Both Downtown development and added interest in the surrounding Covina community continues to increase and is likely to grow in the near future with the long awaited potential development of the blighted Ford and Clippenger sites. Staff has also experienced a large spike in Administrative Conditional Use Permit applications received over the last two years. As a result, it is important to ensure that Planning Division staffing levels are poised to adequately and expeditiously process new Planning applications. Planning management believes that the creation of a full-time Planning Aide will enable staff to serve applicants in the spirit of good customer services. It is also anticipated that the Planning Aide will assist IT with GIS assignments required to be completed through the implementation of the new Munis system.

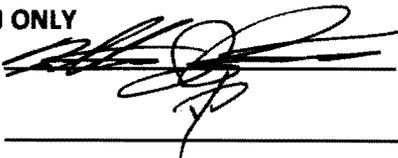
The full time salary of the Planning Aide will be commensurate with the current part time salary that is already in place which is a salary range of \$1,771 – \$2,752/month.

RELEVANCE TO THE STRATEGIC PLAN

None.

EXHIBITS

A. Job Description

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

CITY OF COVINA

PLANNING AIDE

*Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities that are associated with specified positions. Therefore, specifications **may not include all** duties performed by individuals within a classification. In addition, specifications are intended to outline the **minimum** qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

DEFINITION:

Under general direction, performs zoning enforcement, conducts field inspections and surveys, performs survey analysis, prepares minor reports and illustrations; and does related work as required.

DISTINGUISHING CHARACTERISTICS:

The **Planning Aide** is the entry level position that assists City Planning staff with counter operations and processing of Planning applications. Prepares minor reports and illustrations related to general planning and site development. Assumes basic projects and completes them with little assistance. Also assists Information Technology (IT) staff with Graphic Information System (GIS) assignments.

SUPERVISION RECEIVED/EXERCISED:

Receives direction from a department head and/or division manager.

ESSENTIAL FUNCTIONS: *(include but are not limited to the following)*

- Processes Planning applications
- Prepares documents for mailings and public hearings
- Verifies land use for business license applications
- Works the public counter
- Completes GIS work for the IT Department

PHYSICAL, MENTAL, AND ENVIRONMENTAL WORKING CONDITIONS:

Position requires prolonged sitting, standing, walking, kneeling, squatting, and stooping in the performance of daily activities. The position also requires repetitive hand movement and fine coordination in data entry and preparing reports using a computer keyboard. Additionally, the position requires both near and far vision in reading written reports and work related documents. Acute hearing is required when providing phone and personal service. The need to lift, drag and push files, paper and documents weighing up to 25 pounds is also required.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

QUALIFICATIONS: *(The following are minimal qualifications necessary for entry into the classification.)*

Education and/or Experience:

Graduation from high school supplemented by two or more years of college work in the areas of urban planning, civil engineering, architecture or a related field.

License/Certificate:

Possession of, or ability to obtain, a valid Class C California driver's license.

KNOWLEDGE/ABILITIES/SKILLS: *(The following are a representative sample of the KAS's necessary to perform essential duties of the position.)*

Knowledge and Abilities:

Knowledge of the basic principles of community planning and good record keeping practices. Possession of typing skills and basic computer knowledge. To collect, analyze and interpret data pertaining to planning; to prepare minor reports and illustrations. Ability to learn and apply the provisions of the municipal code; to maintain sound public relations and to deal tactfully and effectively with public and co-workers. Drafting skills are desirable.

Skill to:

Operate standard office equipment, including a computer and variety of word processing and software applications.

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012 **ITEM NO.:** CC 3

STAFF SOURCE: Lisa Brancheau, Assistant to the City Manager/Project Manager LB
Vidal F. Marquez, Administrative Intern, Planning Division

ITEM TITLE: Request by the Covina Downtown Association (CDA) to waive Planning Application fee for fundraiser that will help to fund Thunderfest 2012

STAFF RECOMMENDATION

Approve request by the Covina Downtown Association to waive Planning Application fee for fundraiser that will help to fund Thunderfest 2012

FISCAL IMPACT

There is a fiscal impact as Planning Division Administrative Conditional Use Permit (ACU) fees in the amount of \$1,883.00 would not be received if the request for waiver is approved.

BACKGROUND

The CDA is raising funds for this year's Thunderfest to be held in October in Downtown Covina. In the past, the City's Redevelopment Agency provided a subsidy to assist the CDA in covering various costs. Without the aid of the Redevelopment Agency this year due to its dissolution, the CDA is attempting to raise funds to operate the event through fundraisers.

On May 17, 2012, the CDA submitted an Administrative Conditional Use Permit (ACU) application to the Planning Division which requires a fee of \$1,883.00 for a "Covina Yard Sale" fundraiser. Per this application process, comments and conditions from the City's various departments are issued to the CDA to ensure that the fundraising activities are carried out in a safe and orderly manner. The fundraiser is planned to be held in the rear City Hall parking lot off of Italia Street on Saturday July 28, 2012 from 7:00 AM to 3:00 PM.

Per the attached letter, the CDA respectfully requests that the City Council waive the ACU fee application amount of \$1,883.00 for this event. Waiving the fee will help the CDA minimize their up-front costs to operate Thunderfest 2012. The annual Thunderfest event is important for the City as it brings people together and helps to instill a sense of community pride for all. Thunderfest attracts people from all over the San Gabriel Valley and beyond and further promotes the revitalization of the downtown business community.

RELEVANCE TO THE STRATEGIC PLAN

In keeping with Strategic Planning goal to Enhance Safety and Quality of Life in Covina.

EXHIBITS

A. Fee Waiver Request Letter

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

5/15/12

**Mr. Daryl Parrish
125 E College St.
Covina Ca. 91723**

Good morning Sir!

Per your suggestion, The Covina Downtown Association is planning to have the “Covina Downtown Yard Sale” on July 28th, 2012 from 8a.m. – 2p.m..

We are requesting the use of the City Hall parking lot on that Saturday beginning at 7:00 a.m. with setup until 3:00 p.m., when we be cleaned up and back to normal. We are planning to charge each vendor \$50 per space which would be the length of a vehicle by 10’ wide. We are planning to park up to 100 vendors in the parking lot, which would bring in almost \$5000 to begin funding the “Thunderfest” event in October. We currently have over 30 vendors already interested in selling at this event, including antique dealers, downtown merchants and service clubs.

We will use the driveway next to Giovanni’s for the vendors to enter the selling area, and the driveway at the east end of the parking lot would serve as the exit for the vendors. The customers would have access to the Civic parking structure for parking. To simplify the setup, we would serve no food. There are 10 restaurants and stores within two blocks of the event for customer’s use, and public restrooms one block away.

Pg 2

We would very much appreciate that any permits or fees be waived for this event, as it is a fundraiser for the “Thunderfest event” in October.

The Downtown Association will provide our own liability insurance for this event, and volunteers to maintain orderly conduct throughout the event, and cleanup afterward. As mentioned, we will have service clubs and downtown merchants selling at this event to also help us “police the area”.

I believe we have covered everything, but if you have any questions, please let me know.

**George Peterson
President
Covina Downtown Association
626 824 1941
George@covina.com**

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012

ITEM NO.: CC 4

STAFF SOURCE: Daryl Parrish, City Manager ϕ

ITEM TITLE: Memorandum of Understanding with Azusa Unified School District for City to Pay Contribution to Covina Lighting Assessment District In Lieu of Levies Against School District Property.

STAFF RECOMMENDATION

Approve Memorandum of Understanding with Azusa Unified School District for City to pay a contribution to the Covina Citywide Lighting District No. 1 ("LAD") in lieu of levying assessments against School District property.

FISCAL IMPACT

In the event the current assessment ballot measure passes, the fiscal impact to the General Fund will be \$493 for fiscal year 2012-2013. If the assessment ballot measure fails, there is no additional fiscal impact as the School District properties are not within the current lighting district.

BACKGROUND

At its May 15th meeting, the City Council approved several resolutions to initiate proceedings to form the LAD and to conduct a mail-in ballot to establish the LAD. If established, the LAD will supersede the current lighting district, which is nearly 34 years old and only covers portions of the City that do not include property of the School District. The LAD is intended to include all parcels within the boundary of the City of Covina. As property owners within the proposed LAD, the Azusa Unified School District received ballots with annual levies totaling \$493.

Although the District would be subject to the annual LAD levy, they are generally exempt from property taxes. Thus the County of Los Angeles will not be generating a property tax bill which includes the LAD levy. In order to collect the levy from the School District, the City would have to engage the services of the Engineering firm responsible for calculating the levy and manually bill the District which would result in the LAD incurring administrative costs.

The attached Memorandum of Understanding would commit the City to pay the equivalent of the School District's LAD levy by making a contribution to the LAD, which is allowed under State law. As a result, the School District would be effectively relieved of its obligations to pay assessments into the LAD. The City must pay this contribution from General Fund revenues or other unrestricted funds. Pursuant to California Proposition 218, the City may not pass this cost on to other property owners within the LAD through higher assessment levies.

The MOU provides by its terms that it will only become effective if and when the City Council takes final action to form the LAD. Should the City Council decide not to form the LAD, the MOU would automatically terminate without further action. Additionally, the MOU will be limited solely to the City's contribution payments to the LAD on behalf of the School District. They do not constitute a general waiver or reduction of any other taxes, assessments or fees that the School District would otherwise owe to the City.

RELEVANCE TO STRATEGIC PLAN

Not applicable.

EXHIBITS

A. Memorandum of Understanding – Azusa Unified School District

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

**Memorandum of Understanding
Payment In Lieu of Covina Citywide Lighting District No. 1 Assessments
Azusa Unified School District**

This Memorandum of Understanding (“MOU”) is entered into this 3rd day of July 2012 by and between the City of Covina, a California municipal corporation (“City”), and the Azusa Unified School District, a California public school district (“AUSD”). City and AUSD may be referred to herein individually as a “Party” and collectively as the “Parties.”

WHEREAS, On May 15, 2012, the Covina City Council adopted Resolutions 12-7074, 12-7075 and 12-7076 initiating proceedings for the formation of the “Covina Citywide Lighting District No. 1” (the “District”) along with initiating proceedings for the levy and collection of annual assessments related thereto, commencing with Fiscal Year 2012/2103 (the “Assessments”);

WHEREAS, pursuant to California Proposition 218 (California Constitution, Article XIII D, Section 4), Government Code, Section 53753 and Streets and Highways Code, Sections 22500 *et. seq.*, the Covina City Council has set a public hearing date of July 17, 2012, at which time it will consider ballots submitted by property owners who would be subject to the Assessments and render a decision whether to form the District and collect the Assessments;

WHEREAS, pursuant to California Proposition 218 (California Constitution, Article XIII D, Section 4), parcels owned by any local public agency within the District, such as a school district, are not exempt from the District’s Assessments, unless the City can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit;

WHEREAS, the Assessment Engineer’s Report approved by Resolution 12-7075 acknowledges that “developed public property” will receive a special benefit from the District and calculates an Assessment amount for those parcels based upon that special benefit; and

WHEREAS, because AUSD’s property within the District constitutes “developed public property” receiving a special benefit, it is subject to Assessments in accordance with the methodology set forth in the Assessment Engineer’s Report;

WHEREAS, AUSD has informed City that payment of the Assessments would constitute an undue financial burden for which CVUSD has no resources to pay;

WHEREAS, in order to keep the District’s financial effects upon AUSD cost neutral, City desires to provide financial assistance to AUSD in the form of payments to offset the Assessments that would otherwise be due from AUSD to the District;

WHEREAS, Streets and Highways Code, Section 22657 provides that if there is a deficit in the District’s improvement fund during any fiscal year, the City Council, from any available and unencumbered funds of the City, may provide for a contribution to the District;

WHEREAS, City’s payments as set forth herein provide financial assistance to support local public education. Therefore, this expenditure of City funds is for a public purpose and does not constitute a gift of public funds under California Constitution, Article XVI, Section 6.

NOW THEREFORE, THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Recitals. The Parties acknowledge that the Recitals set forth above are true and correct.
2. Payment of City Funds to Offset AUSD Assessments. City hereby agrees to pay, as a contribution to the District pursuant Streets and Highways Code, Section 22657, an amount equal to those Assessments that would otherwise be due and payable by AUSD to the District for each fiscal year during which the District exists. (the "Contribution") As of the date of this Agreement, the Parties estimate that the Contribution would be Four Hundred Ninety Three Dollars (\$493.00) for the 2012/2103 Fiscal Year. City shall pay the Contribution to the District each fiscal year at the same time as Assessments are collected from other parcels within the District. City shall pay the Contribution from City's General Fund or from such other unencumbered funds that may be spent for the purposes of this Agreement.
3. No Collection of Assessments From AUSD. City agrees not to directly bill AUSD for Assessments upon parcels owned by AUSD which are located within the District. If necessary, City will also notify the Los Angeles County Assessor's Office, or such other County agency responsible for collection of District Assessments, not to collect Assessments from AUSD.
4. Agreement Not Effective Unless District is Formed. This Agreement shall only become effective if and when the City Council takes final action to form the District. In the event the City Council decides not to form the District, this Agreement shall automatically terminate without further action from either Party.
5. No Effect on Other Taxes, Assessments, Charges or Fees. This Agreement is limited to those Assessments that would otherwise be due from AUSD to the District, and shall not be construed as a general waiver, credit, offset or reduction of any other taxes, assessments, charges or fees otherwise due from AUSD to City or any of its subdivisions.
6. General Provisions.
 - a. *Law and Venue.* This 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 Agreement, the action shall be brought in a state or federal court situated in the County of Los Angeles, California.
 - b. *Authority to Sign.* The undersigned hereby represent and warrant that they have been duly authorized by their respective City Council or School Board to execute this Agreement.
 - c. *Non-Assignment.* Neither Party may assign this Agreement, in whole or in part, without the prior written consent of the other Party.
 - d. *Counterparts/Amendment.* This MOU may be executed in counterparts each of which shall constitute an original. This MOU may not be modified or amended except in writing signed by both Parties hereto.

IN WITNESS WHEREOF, the Parties have executed this MOU as of the date last entered below.

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

**AZUSA UNIFIED
SCHOOL DISTRICT,
a California public school district**

By: _____
City Manager

By: _____

Its: _____

Attest:

City Clerk

Attest:

Secretary

Approved as to Form:

City Attorney

Approved as to Form:

Legal Counsel

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012

ITEM NO.: CC 5

STAFF SOURCE: Captain David Povero, Covina Police Department
Kalieh Honish, Assistant Director of Public Works
Alex Gonzalez, Senior Management Analyst

ITEM TITLE: Approve the Update of Certificates of Public Convenience and Necessity for: Southern California Transportation, D.B.A. Yellow Cab of San Gabriel Valley; Keolis Transit America Inc., Diversified Transportation L.L.C., D.B.A. Pomona Yellow Cab; and Express Transportation Systems, D.B.A. AAA Yellow Cab and Checker Cab.

STAFF RECOMMEDATION:

Approve the update of Certificates of Public Convenience and Necessity for: Southern California Transportation, D.B.A. Yellow Cab of San Gabriel Valley; Keolis Transit America Inc., Diversified Transportation L.L.C., D.B.A. Pomona Yellow Cab; and Express Transportation Systems, D.B.A. AAA Yellow Cab and Checker Cab.

FISCAL IMPACT:

None.

BACKGROUND:

Southern California Transportation, operating as Yellow Cab of San Gabriel Valley; Keolis Transit America Inc., Diversified Transportation L.L.C., operating as Pomona Yellow Cab; and Express Transportation Systems, operating as AAA Yellow Cab and Checker Cab maintain current Certificates of Public Necessity and Convenience to operate in the City of Covina. As part of their annual business license renewals the companies have provided updated information to Transportation and Police Department staff. Some of the updated information provided to the City constitutes applications for changes in the respective company's Certificate of Public Convenience and Necessity as stated in CMC 5.44.080. Under this section, the City Council is granted the discretion to determine whether the requested changes are in the public interest, necessity and convenience and whether the requested changes should be granted to each company's Certificate of Public Convenience and Necessity. The changes requested by the three companies are detailed below:

Southern California Transportation

Current Status

Eight vehicles
\$1.50 flag drop
\$2.40 per mile
\$0.40 per minute wait time

Requested Change

Increase to ten vehicles
No change
No change
Decrease to \$0.39 per minute

Keolis Transit America

Current Status

Corporate status: Diversified Transportation LLC

Requested Change

Acquired by Keolis Transit America

Express Transportation

Current Status

Satellite office in Covina
Four vehicles
AAA Yellow Cab vehicle branding
\$2.00 flag drop
\$2.20 per mile
\$0.40 per minute wait time

Requested Change

No Covina office
Increase to ten vehicles
Add Checker Cab vehicle branding
Increase to \$2.65 flag drop
Increase to \$2.45 per mile
Increase to \$0.44 per minute

RELEVANCE TO THE STRATEGIC PLAN:

None.

EXHIBITS:

None.

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

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012

ITEM NO.: CC 6

STAFF SOURCE: Amy Hall-McGrade, Parks & Recreation Director *AH*
Lisa Evans, Parks & Recreation Manager *LE*

TITLE: Adopt **Resolution No. 12-7084** amending the fiscal year 2012-2013 Parks & Recreation Department's operating budget for Cougar Park Project #M-1204 funded by Prop 84 grant funds in the amount of \$2,125,750.

STAFF RECOMMENDATION

Adopt **Resolution No. 12-7084** amending the fiscal year 2012-2013 Parks & Recreation Department's operating budget for Cougar Park project #M-1204 funded by Prop 84 grant funds in the amount of \$2,125,750.

FISCAL IMPACT

There is no General Fund impact. The account numbers requiring amendment are as follows:

46003400 55200 M1204 (expenditure) \$2,125,750
46003400 42177 M1204 (revenue) \$2,125,750

BACKGROUND

The California State Parks' Office of Grants and Local Services awarded the Parks & Recreation Department with \$2,125,750 for the Cougar Park Project application that was submitted in July 2011. This was Round Two of the Statewide Park Program and was intensely competitive with 64 projects selected from more than 400 applications submitted.

Cougar Park project site is off of Citrus Avenue and Puente Street behind District Field. The park amenities will include Community Center, children's playground, splash pad and water spray feature, community garden, historical mural, benches, picnic area, and parking lot.

RELEVANCE TO THE STRATEGIC PLAN

The development of Cougar Park will increase the Park System acreage and recreational opportunities for the community residents and meets one of the City's three-year goals to "Enhance Parks & Recreation and Library services."

EXHIBITS

A. Resolution No. 12-7084

REVIEW TEAM ONLY	
City Attorney: <i>[Signature]</i>	Finance Director: <i>[Signature]</i>
City Manager: <i>[Signature]</i>	Other: <i>[Signature]</i>

RESOLUTION NO. 12-7084

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, TO AMEND THE FISCAL YEAR 2012-2013 PARKS & RECREATION DEPARTMENT'S OPERATING BUDGET FOR COUGAR PARK PROJECT #M-1204.

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

WHEREAS, the budget for the City of Covina for fiscal year commencing July 1, 2012 and ending June 30, 2013 was approved on June 19, 2012; 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, all expenditures for Cougar Park Project #M-1204 will be covered through grant funds in the amount of \$2,125,750;

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

SECTION 1. Amend the fiscal year 2012-2013 Parks & Recreation Department's operating budget as follows:

46003400 55200 M1204 (expenditure) \$2,125,750

46003400 42177 M1204 (revenue) \$2,125,750

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

PASSED, APPROVED AND ADOPTED this third day of July, 2012.

Mayor

ATTEST:

Deputy City Clerk

Approved as to form:

Legal Counsel

CERTIFICATION

I, Catherine M. LaCroix, Deputy City Clerk of the City of Covina, hereby CERTIFY that Resolution No. was adopted by the Covina City Council at a regular meeting of the City Council held this third day of July, 2012, and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Catherine M. LaCroix
Deputy City Clerk

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012

ITEM NO.: CC 7

STAFF SOURCE: Amy Hall-McGrade, Parks & Recreation Director *AH*
Lisa Evans, Parks & Recreation Manager *LE*

TITLE: Adopt **Resolution No. 12-7085** amending the fiscal year 2012-2013 Parks & Recreation Department's operating budget for Project #D-1203 Wingate Wash Repairs to Drainage System at Kahler Russell Park funded by FEMA funds administered through Cal-EMA in the amount of \$299,093.

STAFF RECOMMENDATION

Adopt **Resolution No. 12-7085** amending the fiscal year 2012-2013 Parks & Recreation Department's operating budget for Project #D-1203 Wingate Wash Repairs to Drainage System at Kahler Russell Park funded by Federal Emergency Management Agency (FEMA) funds administered through Cal EMA in the amount of \$299,093.

FISCAL IMPACT

There is no impact to the General Fund. The account numbers requiring amendment are as follows:

4600PFO6 55320 D1203 (expenditure) \$299,093
4600PFO6 42070 D1203 (revenue) \$299,093

BACKGROUND

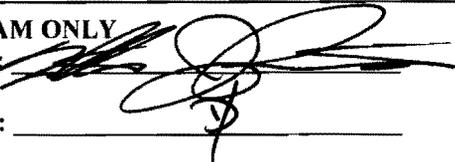
In April 2010, the City of Covina applied to receive FEMA funding for repairs to the Wingate Wash Drainage System at Kahler Russell Park as a result of storm damage that occurred during the incident period of January 17-February 6, 2010. The City has hired Land Development Design Corporation to complete the design and manage the project. The project will be completed in April 2013.

RELEVANCE TO THE STRATEGIC PLAN

The repairs to Wingate Wash Drainage System at Kahler Russell Park will provide a continued safe play environment for the community residents, which is relevant to the City's three-year goal to "Enhance Parks & Recreation and Library services."

EXHIBITS

A. Resolution No. 12-7085

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

RESOLUTION NO. 12-7085

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, TO AMEND THE FISCAL YEAR 2012-2013 PARKS & RECREATION DEPARTMENT'S OPERATING BUDGET FOR PROJECT #D-1203 WINGATE WASH REPAIRS TO DRAINAGE SYSTEM AT KAHLER RUSSELL PARK.

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

WHEREAS, the budget for the City of Covina for fiscal year commencing July 1, 2012 and ending June 30, 2013 was approved on June 19, 2012; 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, all expenditures for Project #D-1203 Wingate Wash Drainage System at Kahler Russell Park will be covered through FEMA grant funds administered through Cal EMA in the amount of \$299, 903;

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

SECTION 1. Amend the fiscal year 2012-2013 Parks & Recreation Department's operating budget as follows:

4600PF06 55320 D1203 (expenditure) \$299,093

4600PF06 42070 D1203 (revenue) \$299,093

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

PASSED, APPROVED AND ADOPTED this third day of July, 2012.

Mayor

ATTEST:

Deputy City Clerk

Approved as to form:

Legal Counsel

CERTIFICATION

I, Catherine M. LaCroix, Deputy City Clerk of the City of Covina, hereby CERTIFY that Resolution No. was adopted by the Covina City Council at a regular meeting of the City Council held this third day of July, 2012, and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Catherine M. LaCroix
Deputy City Clerk

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012

ITEM NO.: CC 8

STAFF SOURCE: Kim J. Raney, Chief of Police *KR*

ITEM TITLE: A Resolution of the City Council of the City of Covina, amending the fiscal year 2012-2013 Police Department budget to reflect appropriations to complete the purchase of eligible items using 2009 State Homeland Security Grant Funds

STAFF RECOMMENDATION:

Adopt **Resolution No. 12-7086** which amends the 2012-2013 Covina Police Department budget in order to complete allowable purchases using 2009 State Homeland Security Grant Funds.

FISCAL IMPACT:

There is no impact to the general fund; however, the adoption of this resolution will increase the Police Department revenue account 22781130 42035 HSG09 by \$22,550 and the appropriation account 22781130 55700 HSG09 by \$22,550.

BACKGROUND:

On August 18, 2009, a staff report (CC 12) was submitted to Council noting the various Police Department grant applications that had been submitted and were pending approval. The 2009 SHSGP grant was included on this list. In October of 2010, the subrecipient agreement between the County of Los Angeles and the City of Covina for 2009 State Homeland Security Grant Funds (SHSGP) was submitted and in November of 2010 we received notification that our request had been approved in the amount of \$22,550. These grant funds are designated for the purchase of an automated license plate reader (ALPR).

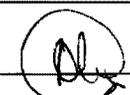
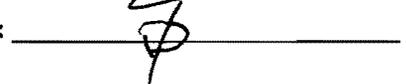
The grant is set to expire in September of 2012 and the final equipment purchases will be completed before that time.

RELEVANCE TO THE STRATEGIC PLAN:

None.

EXHIBITS:

A. Resolution # 12-7086

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

RESOLUTION NO. 12-7086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, AMENDING THE FISCAL YEAR 2012-2013 POLICE DEPARTMENT BUDGET TO REFLECT APPROPRIATIONS TO COMPLETE THE PURCHASE OF ELIGIBLE ITEMS USING 2009 STATE HOMELAND SECURITY GRANT FUNDS (SHSGP)

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

WHEREAS, the budget for the City of Covina for fiscal year commencing July 1, 2012 and ending June 30, 2013 was approved on June 19, 2012; 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, the Covina Police Department wishes to complete the designated purchases under the 2009 State Homeland Security Grant.

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

SECTION 1. Amend the fiscal year 2012-2013 Police Department Budget as follows:

Revenue Account

22781130 42035 HSG09 \$22,550 2009 State Homeland Security Grant Funds (SHSGP)

Expenditure Account

22781130 55700 HSG09 \$22,550 Patrol- Computer Hardware and Software

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

PASSED, APPROVED AND ADOPTED this 3RD DAY OF July 2012:

Kevin Stapleton, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM;

Marco Martinez, City Attorney

**CITY OF COVINA/
COVINA HOUSING AUTHORITY/
AGENDA ITEM COMMENTARY**

MEETING DATE: July 3, 2012

ITEM NO.: CB 1

STAFF SOURCE: Dilu de Alwis, Director of Finance *DA*
Nuala Gasser, Senior Redevelopment Manager *mg*

ITEM TITLE: Consider approval of agreement for services to be provided at the McGill Transitional House between the City of Covina, the Covina Housing Authority and Catholic Charities of Los Angeles, Inc. for FY 2012-2013, and a budget amendment to fund related costs.

STAFF/AUTHORITY RECOMMENDATION

- a. Adopt City **Resolution 12-7081** of the City of Covina amending the Fiscal Year 2012-2013 City budget to reflect approval of SHP grant expenditures up to \$94,295
- b. Authorize the City Manager/Executive Director or his designee to execute an Agreement for the McGill Transitional House Operation and Supportive Services with Catholic Charities of Los Angeles, Inc.

FISCAL IMPACT

\$27,000 in matching funds will be drawn from the general fund and community donations and appropriated from Account 10107400-53741-37000. Grant funds up to \$94,295 will be received from Los Angeles Homeless Services Authority (LAHSA) and expended as follows: \$69,822 for supportive services out of Account 21304400-53741-37000; \$19,983 for operating costs out of Account 21304400-53742-37001, and \$4,490 in administrative costs out of Account 21304400-53745-37002.

BACKGROUND

The McGill House, a transitional house for homeless women and children, has been in operation since 2005. In the past three years, Catholic Charities of Los Angeles Inc. (CCLA), has provided case management services for residents at the home. CCLA services are provided under a one-year agreement between City/Agency, and CCLA an agreement for the 2012-2013 program year is being brought forward at this time.

Case Management services are funded through an annual federal Supportive Housing Program (SHP) grant through the Los Angeles Homeless Services Authority (LAHSA). For program year July 1, 2012 through June 30, 2013, an application is pending for \$94,295 through the Los Angeles Continuum of Care 2010 SuperNOFA,

An Agreement for operation of the McGill House for the 2012-2013 fiscal year, between the City of Covina, the Covina Housing Authority, and CCLA is attached as Exhibit A. The Agreement

provides for operation, supportive and administrative services, which will be carried out by staff employed by CCLA, and housed in the El Monte office. The Agreement will be effective only if the SuperNOFA grant application is approved through LAHSA for FY 2012-2013.

Matching Funds

On May 1, 2012, under Continued New Business, the City Council considered the request for funding of the required match for the federal SHP grant, and approved funding up to the required amount, not to exceed \$27,000. In addition, two donations have been received to assist with the matching funds: one from the Covina Women’s Club, and one from a local business, Hydro-Fitting Manufacturing Corporation.

Agency staff has determined that the Agreement is categorically exempt from further California Environmental Quality Act (“CEQA”) review pursuant to State CEQA Guidelines Section 15378(b)(4) because it is a government funding mechanism.

The contract provides for one year of service, which is the period of time funds are available through the federal SHP grant. Service will commence on July 1, 2012, and end June 30, 2013. Funding is detailed on Exhibit C of the Agreement, and is attached as Exhibit C to this report. In brief, the Agreement provides that over a period of one year, supportive, operating and administrative services will be provided by CCLA up to the amount of \$118,413, of which up to \$94,295 is paid by the federal SHP grant.

Supportive Services funding includes pay for the Resident Attendant as well as the Case Manager, and services for the residents including mental health, education, child care, and transportation costs. The house manager oversees the residents at the house, and the case manager assists the residents in reaching their planned goals, which ultimately include moving to permanent housing. Operating Costs include partial funding for the Regional Director, insurance, and costs related to the house, including maintenance, utilities, supplies, furnishings and emergency food. Administrative costs are limited to five percent of what is expended in the year, and provides funding for contractor accounting and auditing expenses. The budget is attached as Exhibit C to the agreement. Additional costs related to the structure are paid through the general fund.

RELEVANCE TO THE STRATEGIC PLAN

Not applicable.

EXHIBITS

- A. Agreement for services to be provided at the McGill House, Covina. (on file in City Clerk’s office)
- B. Budget Resolution
- C. Program and grant budget

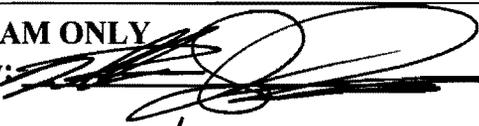
REVIEW TEAM ONLY	
City Attorney: 	Finance Director: 
City Manager: 	Other: _____

EXHIBIT A

Agreement is on file with the City Clerk of the City of Covina

AGREEMENT FOR SERVICES TO BE PROVIDED AT THE MCGILL STREET HOUSE, COVINA

Parties: **City of Covina**
Covina Housing Authority
Catholic Charities of Los Angeles, Inc.

Project Term: **July 1, 2012 to June 30, 2013**

EXHIBIT B

RESOLUTION NO. 12-7081

A RESOLUTION OF THE CITY OF COVINA TO AMEND THE FISCAL YEAR 2012-2013 CITY BUDGET TO REFLECT APPROVAL OF GRANT EXPENDITURES UP TO \$94,295.

WHEREAS, the budget for the CITY OF COVINA ("City") for Fiscal Year commencing July 1, 2012 and ending June 30, 2013 was approved on June 19, 2012; 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, the City wishes to fund costs related to the federal Supportive Housing Program grant associated with the transitional house for homeless women and children in the City.

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

SECTION 1. Amend the fiscal year 2012-2013 City of Covina operating budget as follows:

Account 21304400-57341-37000	Supportive Services/Personnel	\$69,822
Account 21304400-53742-37001	Operating Costs/Personnel	\$19,983
Account 21304400-53745-37002	Administrative Costs	\$ 4,490

SECTION 2. The Agency Secretary shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 3th day of July, 2012.

Kevin Stapleton, Mayor

ATTEST:

Deputy City Clerk

APPROVED AS TO FORM:

Agency Counsel

CERTIFICATION

I, Catherine M. LaCroix, Deputy City Clerk of the City of Covina, hereby CERTIFY that Resolution No. 12-7081 was adopted by the Covina City Council at a regular meeting of the City Council held this 3rd day of July, 2012, and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Catherine M. LaCroix
Deputy City Clerk

EXHIBIT C

Agency Name: City of Covina
Program Name: McGill Transitional House
Contract #: CA0416B9D001_____

For Period: July 1, 2012 - June 30, 2013

Total Award: \$84,295

**Budget Total
Program
In This Column**

**This Col.
is to identify
what in Col
H will be
Funded by
Cash Match**

**This Col.
Identifies
the amount
of your program
to be billed
to SHP**

**Expendi-
tures by:**

BUDGET FOR YEAR				
FTE	Total Program Budget (SHP request and Cash Match)	Cash Match	SHP Request	
SUPPORTIVE SERVICES				
Case Management:				
Case Manager/Client Services Coordinator	38,000.00		30,400.00	CCLA
Residential Attendant	22,456.00		17,965.00	CCLA
Supervisor	125.00		100.00	CCLA
Fringe Benefits:	12,483.00		9,986.00	CCLA
Transportation/Mileage	1,500.00		1,200.00	CCLA
	74,564.00	0.00	69,822.00	
Mental Health Services-Evaluation and counseling	3,750.00		3,000.00	City
	3,750.00	0.00	3,000.00	
Education/Literacy/Job Training	3,000.00		2,400.00	City
	3,000.00	0.00	2,400.00	
Child Care Costs	3,516.00		2,813.00	City
	3,516.00	0.00	2,813.00	
Transportation costs including bus and tax passes and	2,448.00		1,958.00	City
	2,448.00	0.00	1,958.00	
Other (Please Specify)			0.00	
Cash match for any eligible budgeted item		17,456.00	-	City
		17,456.00	0.00	
TOTAL SUPPORTIVE SERVICES	87,278.00	17,456.00 20.000%	69,822.00 80.000%	
OPERATING COSTS				
Regional Director	10,750.00		10,750.00	CCLA
Fringe Benefits:	3,270.00		3,270.00	CCLA
Maintenance/Repair	5,090.00		400.00	City
Utilities Gas/Electric/Water/Trash/Sewer/Phone	3,442.00		600.00	City
Phone line at El Monte (line item added by NG)			1,200.00	CCLA
Equipment	300.00		300.00	City/CCLA
Supplies Office/Household/Kitchen/Bath	2,073.00		1,943.00	City/CCLA
Insurance Commercial Liability	1,000.00		1,000.00	CCLA
Furnishings	450.00		250.00	City
Food	270.00		270.00	City/CCLA
Cash match for any eligible budgeted line item		6,662.00	-	City
TOTAL OPERATING COSTS	26,645.00	6,662.00 25.003%	19,983.00 74.997%	
ADMINISTRATIVE				
Accounting	2,386.00	N/A	2,386.00	CCLA
Audit fees	2,104.00	N/A	2,104.00	CCLA
TOTAL ADMINISTRATIVE	4,490.00	0.00	4,490.00 5.000%	
Total Budget Award	118,413.00	24,118.00	94,295.00	

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012

CB 2
ITEM NO.:

STAFF SOURCE: Lisa Brancheau, Assistant to the City Manager/Project Manager 
Shelby Williams, City Planner
Alan Carter, Senior Planner

ITEM TITLE: City Council to consider second reading and adoption of an Ordinance to modify Planned Community Development, PCD 87-001, by changing certain provisions of the Sign Program for the Covina Town Square commercial center located at the southeast corner of Arrow Highway and Azusa Avenue.

STAFF RECOMMEDATION

City Council consider second reading, thereby adopting **Ordinance No. 12-2009**, modifying Planned Community Development, PCD 87-001, by changing certain provisions of the Sign Program for the Covina Town Square commercial center and making certain findings and conditions.

FISCAL IMPACT

No impact to the General Fund.

BACKGROUND

On June 19, 2012, the City Council introduced an Ordinance granting a Planned Community Amendment (PCD) Modification application to change a provision of the Sign Program for the Covina Town Square commercial center. The proposed modification would permit the larger businesses that operate within the building in the southwestern portion of the center (e.g., Sprint) to display signage on the western side of the building to facilitate business exposure from Azusa Avenue, as opposed to relying on business exposure from the more distant Arrow Highway.

EXHIBITS

A. Ordinance No. 12-2009.

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

ORDINANCE NO. 12-2009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, MODIFYING PLANNED COMMUNITY DEVELOPMENT PCD 87-001, BY CHANGING CERTAIN PROVISIONS OF THE SIGN PROGRAM FOR THE COVINA TOWN SQUARE COMMERCIAL CENTER, AND MAKING CERTAIN FINDINGS AND CONDITIONS.

THE CITY COUNCIL OF THE CITY OF COVINA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to a Council public hearing conducted on June 19, 2012 and processing in the manner set forth by State law and local ordinance, and after recommendation thereon by the Planning Commission after a duly noticed public hearing on April 24, 2012, this modification (“Modification”) to Planned Community Development (PCD 87-001) is made for the reasons of public interest, convenience, and necessity.

SECTION 2. The following described real property in the City of Covina, County of Los Angeles, State of California, is hereby subject to the Modification:

Assessors Parcel Number 8408-001-055 as documented in Tax Assessors Records in the County of Los Angeles, State of California, also known as the Covina Town Square Commercial Center located at 1314-1318 N. Azusa Avenue (the “Center”).

SECTION 3. The proposed Modification amends the sign program originally approved by PCD 87-001 with respect to Type “G” signs within the Center. The Modification is hereby worded as follows:

“Sign Type “G”:

TYPICAL SHOP TENANT INDIVIDUAL, CHANNEL LETTER, FASCIA SIGN

- * Maximum height - to be mounted at Developer approved locations only
- * Average letter height - 20”
- * Permitted users - any tenant

- * Maximum sign area - length of sign shall not exceed 75% of tenant's shop width or 30 feet, whichever is less
- * Type of illumination - internal
- * Permitted number - one sign per shop tenant on wall which faces public parking
- * Also permitted - one logo or trademark not exceeding 12 sq. ft. in area

Notwithstanding the above, three of the shop tenants occupying Building "I" or the building in the southwestern portion of the Center (presently "Hometown Buffet" (1318 N. Azusa Ave.), "Sprint" (1316 N. Azusa Ave.), and "Skyzone" (1314 N. Azusa Ave.)) may have two (2) signs, one sign which faces northerly onto public parking and another which faces westerly onto Azusa Avenue. The signs facing northerly shall comply with the standards as set forth above. The signs facing westerly shall conform to the following standards:

Sign A: The sign must be centered horizontally between the first (furthest north) and second expansion joints and centered vertically within the sign band. The sign may have a maximum letter height of 3', a maximum logo height of 3' 6", and a maximum sign length of 20'.

Sign B: The sign must be centered horizontally between the second and third expansion joints and centered vertically within the sign band. The sign may have a maximum letter height of 3', a maximum logo height of 3' 6", and a maximum sign length of 16'.

Sign C: The existing "HomeTown Buffet" sign located between the third and fifth (furthest south) expansion joints may remain in place as currently installed. Any new sign shall be centered both horizontally between the third and fifth (furthest south) expansion joints and vertically within the existing sign area or sign band. The sign may have a maximum letter height of 50", a maximum logo height of 50", and a maximum sign length of 32'."

SECTION 4. After giving full consideration to all evidence presented at said hearing, both oral and documentary, reviewing the recommendation of the Planning Commission, and after being fully informed, the City Council hereby finds as follows:

1. The Modification to PCD 87-001 is consistent with the Covina General Plan. The Center will continue to conform to the existing "General Commercial" land use designation set forth in the General Plan. Further, this Modification fosters the occupancy of vacant tenant spaces within the Center and will enhance their ability to attract customers along Azusa Avenue, thereby boosting the economic base of the City. On the other hand, this Modification is relatively minor, focused on one building within the Center (Building "I") and, therefore, will not result in excessive signage or visual blight, which would be contrary to the goals and policies of the Covina General Plan;

2. The Modification only makes minor alterations to the existing sign program governing the Center and only affects one building within the Center (Building "I"). It does not alter the underlying "C-3A (PCD)" and "C-3A" zoning of the Center and, therefore, remains consistent with the Zoning Code; and
3. The Modification only makes minor alterations to the existing sign program governing the Center and only affects one building within the Center (Building "I"). This Modification does not alter the existing layout of buildings and other structures, on-site parking, vehicle and pedestrian circulation, or other physical elements of the Center. Further, the additional signage allowed by this Modification is a significant distance from the two streets serving the Center (particularly Arrow Highway – 625'; Azusa Avenue – 130'). Therefore, the site remains adequate in size and shape to accommodate the use, as amended by this Modification; and
4. The Modification only makes minor alterations to the existing sign program governing the Center and only affects one building within the Center (Building "I"). No additional buildings within the Center are proposed. Further, although this Modification may result in additional customer traffic coming to the Center, the impact on traffic will be negligible relative to Azusa Avenue and Arrow Highway. Both are four-lane primary arterial streets serving the Center and will remain adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed uses benefitting from this Modification; and
5. The additional signage allowed by this Modification is limited to one building within the Center (Building "I") and relatively minor in the context of the entire Center. With the exception of allowing additional and somewhat larger signage on one building within the Center, all signage within the Center must continue to comply with all applicable local ordinances and regulations to minimize its impact on neighboring properties. Further, the additional signage would not dominate or detract from the architectural integrity of Building "I". The additional signage allowed by this Modification will face westerly into North Azusa Avenue. It will not face toward neighboring residential properties to the east nor toward any other sensitive uses in the vicinity. Lastly, no adverse effects or aesthetic problems have been identified in the years that Hometown Buffet has had an off-premises sign on the west-facing wall of Building "I". Therefore, this Modification is not detrimental to the surrounding property or uses permitted in the general area.
6. In its recommendation, the Covina Planning Commission has proposed 4 pages of conditions of approval regulating the additional signage allowed by this Modification. These conditions have been used successfully in similar signage-related applications in the past and will mitigate any negative impacts from the additional signage. Therefore, they provide adequate safeguards to protect the health, safety and general welfare;

7. The additional signage allowed by this Modification will result in a more balanced combination of signage and design on the western side of Building “I”. In addition, the change would be consistent with prior direction about signage from the joint City Council/Planning Commission workshop regarding the Zoning Code update. Therefore, the Modification is necessary to protect the public peace, health and safety;
8. The Modification only makes minor alterations to the existing sign program governing the Center and only affects one building within the Center (Building “I”). This Modification remains consistent with the originally approved precise plan of development for the Center and meets the intent of the existing sign program for the Center. The Modification is reasonable and consistent with previously-granted sign-related changes and exceptions, which are more specifically outlined in the Planning Commission’s findings. Therefore, this Modification is in substantial compliance with the precise plan of the Center.

SECTION 5. In considering this application relative to the California Environmental Quality Act (CEQA) Guidelines, the City Council affirms the determination of the Planning Commission that this Modification is categorically exempt from the CEQA Guidelines (pursuant to Class 11, Section 15311(a)), because it consists of construction or placement of minor structures accessory to existing commercial facilities, including on-premise signage.

SECTION 6. The Modification to PCD 87-001, as set forth in Section 3 above, is hereby granted, subject to the following conditions of approval which are deemed necessary to protect the public health, safety, and general welfare of the community:

(Conditions of Approval attached behind this Ordinance)

SECTION 7. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose.

PASSED AND APPROVED on this ____ day of _____, 2012.

KEVIN STAPLETON, MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: July 3, 2012

ITEM NO.: NB 1

STAFF SOURCE: Daryl Parrish, City Manager 
Marco Martinez, City Attorney

ITEM TITLE: Urgency Ordinance No. 12-2010 Amending the Town Center Specific Plan to Reclassify the Sale of Alcohol for On-Site Consumption by a Restaurant or Food Service Establishment from a Permitted Use to a Conditional Use.

STAFF RECOMMENDATION

Adopt Urgency Ordinance No. 12-2010 amending the Town Center Specific Plan to reclassify the sale of alcohol for on-site consumption by a restaurant or food service establishment from a Permitted Use to a Conditional Use.

FISCAL IMPACT

None.

BACKGROUND/ANALYSIS

The Covina Municipal Code generally requires that any restaurant or bona fide eating establishment within the City obtain a Conditional Use Permit (“CUP”) from the Planning Commission prior to selling alcohol to customers for on-site consumption. (CMC §17.62.026). The one exception applies to restaurants/food service establishments located within two areas of the Covina Town Center Specific Plan (“TCSP”). Under current TCSP regulations, restaurants/food service establishments may sell alcohol to customers for on-site consumption within the TCSP-IV (Mixed Use) and TCSP-V (Retail and Service Core) Focused Activity Areas as a permitted use without obtaining a CUP.

With the recent submission of several applications for restaurants/food service establishments proposing to sell alcohol for on-site consumption within the TCSP, concerns have been raised about the proliferation of these land uses, with the corresponding increase in crowd control difficulties, disorderly conduct, crime and need for police response. Due to the location of the TCSP-IV and V areas, there is added sensitivity that these uses, if left unchecked, could have an especially negative impact on the City’s Downtown Core along Citrus Avenue. As such, staff believes that these land uses merit additional scrutiny by the Planning Commission through the CUP process.

The attached Ordinance proposes to reclassify these land uses from “permitted uses” to “conditional uses” to achieve this purpose. Staff would like to emphasize that the proposed Ordinance does not outright prohibit restaurants/food service establishments from selling alcohol for on-site consumption. Rather, it allows the Planning Commission to review and approve these

applications through the public hearing process and, if approved, to impose reasonable conditions of approval to address any negative land use impacts tied to alcohol sales. As stated above, this is already the case everywhere outside the TCSP Area and the proposed Ordinance merely brings the TCSP into line with the rest of the City.

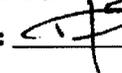
As additional background, the TCSP already requires the following types of alcohol sales to obtain a CUP: (i) Alcohol sales for *on-site* consumption by any business that is not a restaurant or food service establishment (ie: bars), and (ii) Sales of beer and wine (but not hard liquor) for *off-site* consumption.

There are also concerns that several restaurants seeking to sell alcohol for on-site consumption could become established within the TCSP Area, and without CUP review, during the time a standard ordinance works through the legal process of Planning Commission recommendation, Council approval, and the 30-day effectiveness period. Therefore, the attached Ordinance is being proposed as an urgency measure to address these concerns immediately. Pursuant to Government Code, Section 36937, the City Council may adopt an ordinance as an urgency measure upon a 4/5 supermajority vote and upon making certain findings that the ordinance addresses a current and immediate threat to the public health, safety and welfare. Findings to this effect are included in attached Urgency Ordinance No. 12-2010. If approved by the Council this evening, Urgency Ordinance No. 12-2010 would become effective immediately.

Lastly, the proposed Ordinance expressly states that it will not apply to restaurants/food service establishments that have already obtained final approval of their land use entitlements to operate. Therefore, such a restaurant/food service establishment will not be required to obtain a CUP to sell alcohol for on-site consumption. Any restaurants/food service establishments that have land use entitlement applications pending, but not final approval, will be subject to the proposed Ordinance and will have to obtain a CUP to sell alcohol for on-site consumption.

EXHIBITS

- A. Urgency Ordinance No. 12-2010

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

URGENCY ORDINANCE NO. 12-2010

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA AMENDING CERTAIN SECTIONS OF THE COVINA TOWN CENTER SPECIFIC PLAN TO RECLASSIFY THE SALE OF ALCOHOL FOR ON SITE CONSUMPTION BY A RESTAURANT OR FOOD SERVICE ESTABLISHMENT FROM A PERMITTED USE TO A CONDITIONAL USE, AND SETTING FORTH THE FACTUAL BASIS FOR SAME AS AN URGENCY ORDINANCE.

WHEREAS, the Covina Municipal Code generally requires that a restaurant or bona fide eating establishment obtain a Conditional Use Permit ("CUP") from the Planning Commission prior to selling alcohol to customers for on-site consumption (Covina Municipal Code §17.62.026); and

WHEREAS, the one exception to this general rule is for restaurants and food service establishments located within two areas of the Covina Town Center Specific Plan ("TCSP"). Under current TCSP regulations, alcohol may be sold for consumption on site within the TCSP-IV and TCSP-V Focused Activity Areas in conjunction with a restaurant or other food service establishment, as a matter of right and without the need to obtain a CUP; and

WHEREAS, the sale of alcohol for on site consumption within these areas of the TCSP, without additional local regulation, leads to increased crowd control difficulties, disorderly conduct and crime, requiring increased police response and reducing property values for neighboring properties. The City Council therefore finds that this presents a current and immediate threat to the public health, safety and welfare; and

WHEREAS, the City Council believes that the sale of alcohol for on site consumption within these areas of the TCSP merits additional scrutiny by the City. By requiring these uses to obtain a CUP from the Planning Commission prior to commencing operations, and by imposing reasonable land use conditions of approval upon these uses, the City Council finds that this will provide the added scrutiny needed to address the negative impacts posed by these uses; and

WHEREAS, consequently, the City Council finds that this urgency ordinance is required for the immediate preservation of the public health, safety, and welfare.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. That the regulations governing “Conditional Uses” within the Town Center Specific Plan Mixed Use Focused Activity Area (TCSP-4) as more particularly set forth in Chapter V, Section H, subsection 1, paragraph d. (pgs. V-30 through V-31), are hereby amended as follows:

- “ V. Land Use and Circulation Plan
.....
H. Regulatory Requirements
1. Development Standards by Focused Activity Area
.....
d. Mixed Use Focused Activity Area (TCSP-4)
.....
.....

Conditional Uses: The following uses are permitted subject to a conditional use permit:

- **Single-Room Occupancy residential (SRO).** Residential uses that provide multiple single-room dwelling units, each intended for occupancy by one person. Such units may contain food preparation, sanitary facilities, or both, or contain shared food preparation and sanitary facilities.
- **Parking Facilities.** Freestanding publicly- or privately-operated parking facilities, surface parking lots or parking structures.
- **Light industrial uses.** Light industrial uses, including storage associated with light industrial uses, that are of a scale and type of operation, fabrication, assembly, manufacture, or processing that is consistent with the intent of the Mixed-Use Focused Activity Area.
- **Sale of alcohol.** The sale of alcohol for on-site consumption, including in conjunction with entertainment uses, that is *whether or* not part of a *restaurant or* food service establishment. Additionally, the display and sale of beer and wine (but not hard alcohol or spirits) for off-site consumption, irrespective of geographic distance from another similar use or a sensitive use.
- ~~**Outdoor eating or sales.** Food service or sales, which include the sale or consumption of alcohol, that occur within a public right of way, such as sidewalk cafes and sales, but only in conjunction with business located in an adjacent building.~~
- **Automobile service.** Automobile service, repair, and retail sales of gasoline and other automobile products.”

SECTION 2. That the regulations governing "Permitted Uses and Conditional Uses" within the Town Center Specific Plan Retail and Service Core Focused Activity Area (TCSP-5) as more particularly set forth in Chapter V, Section H, subsection 1, paragraph e. (pgs. V-32 through V-33), are hereby amended as follows:

- " V. Land Use and Circulation Plan
.....
H. Regulatory Requirements
1. Development Standards by Focused Activity Area
.....
e. Retail and Service Core Focused Activity Area
(TCSP-5)

Permitted Uses: Permitted uses in the Retail and Service Core Focused Activity Area include:

- **Retail.** Retail business uses of all types, except adult-oriented businesses.
- **Food service.** Restaurants and food service establishments. ~~T which do not include the sale or consumption of alcohol for consumption on site must be in conjunction with a restaurant or other food service establishment.~~
- **Other Services.** Business offices and professional uses of all types, provided, however, that said uses are permitted only above the first floor of any building located along Citrus Avenue between San Bernardino Road and Badillo Street. For buildings located elsewhere within the focused activity area, said uses are permitted on any floor.
- **Dwellings.** Single family dwellings, two family dwellings, and multiple dwellings, but only above the first floor of any building.
- **Entertainment and performance establishments.** Live and non-live entertainment and performing uses, including movie theaters; live theaters; comedy, music, and dance clubs; and video, mechanical, and other arcade games (if no more than three such games); but excluding adult-oriented businesses.
- **Arts and crafts sales and galleries.** Uses involved in the exhibit, sales, public education, manufacture, and distribution of all manner of arts, crafts, sculpture, and the like. The floor area devoted to the manufacture of arts, crafts, sculpture, and the like shall not exceed the floor area devoted to exhibits and/or sales.
- **Lodging.** Lodging facilities, such as hotels, motels, and bed-and-breakfast inns. The term "bed-and-breakfast inn" or "bed-and-breakfast lodge" shall be defined as follows: A single-family, two-family or multiple dwelling (whether or not located on the first floor) in which paying guests are lodged on an overnight transient basis, with meals served in connection with their lodging. Such inns or lodges

shall contain not greater than six (6) lodging units. Meals shall only be served to residents or guests of the inn/lodge and not to the general public. There shall be no separate or additional kitchen facilities for guests. The period for consecutive overnight lodging for any guest shall not exceed thirty (30) calendar days.

- **Parking facilities.** Freestanding publicly- or privately-operated parking facilities, surface parking lots or parking structures.
- **Outdoor eating or sales.** Food service or sales, which do not include the sale or consumption of alcohol, that occur within a public right-of-way, such as sidewalk cafes and sales, but only in conjunction with business located in an adjacent building.

Conditional Uses: The following uses are permitted subject to a conditional use permit:

- **Single-Room Occupancy residential (SRO).** Residential uses above the first floor in any building that provide multiple single-room dwelling units, each intended for occupancy by one person. Such units may contain food preparation, sanitary facilities, or both, or contain shared food preparation and sanitary facilities.
- **Sale of alcohol.** The sale of alcohol for on-site consumption, including in conjunction with entertainment uses, ~~that is~~ whether or not part of a restaurant or food service establishment. Additionally, the display and sale of beer and wine (but not hard alcohol or spirits) for off-site consumption, irrespective of geographic distance from another similar use or a sensitive use.
- **Parking Facilities.** Freestanding publicly- or privately-operated parking facilities, surface parking lots or parking structures.
- **Arcades.** Video, mechanical, and other arcade games in excess of three.
- **Automobile service.** Automobile service, repair, and retail sales of gasoline and other automobile products.
- ~~**Outdoor eating or sales.** Food service or sales, which include the sale or consumption of alcohol, that occur within a public right of way, such as sidewalk cafes and sales, but only in conjunction with business located in an adjacent building.~~

SECTION 3. This urgency ordinance shall not apply to any restaurant or food service establishment which, prior to the date this urgency ordinance is adopted, has obtained final approval from the City of all required land use entitlements to operate the restaurant or food service establishment. For purposes of this Section 3, "land use entitlement" includes any of the following: general plan amendment, specific plan amendment, zone change, subdivision map, conditional use permit, variance and site plan review approval. For purposes of this Section 3,

“restaurant” or “food service establishment” shall have the same meaning as “bona fide eating establishment” as set forth in Section 17.04.100 of the Covina Municipal Code.

SECTION 4. Pursuant to Government Code Section 36937, this Ordinance is designed to protect the health, safety and welfare of the citizens of the City of Covina and becomes effective immediately upon adoption by a four fifths (4/5) vote of the City Council. The City Council hereby finds that there is an urgent need to adopt these regulations in order to eliminate the current and immediate threats set forth above.

SECTION 5. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion or the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify to the adoption of this ordinance. Not later than fifteen (15) days following the passage of this urgency ordinance, the ordinance, or a summary of the ordinance, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Covina.

SIGNED AND APPROVED this 3rd day of July, 2012.

KEVIN STAPLETON, MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

I HEREBY CERTIFY that the above and foregoing ordinance was duly passed and adopted by the Covina City Council at its regular meeting held on the 3rd day of July, 2012, by the following vote, to wit:

AYES;
NOES:
ABSENT:

City Clerk