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REGULAR MEETING AGENDA
125 E. College Street, Covina, California
Council Chamber of City Hall
Tuesday, April 19, 2016

**CITY COUNCIL/SUCCESSOR AGENCY TO THE COVINA
REDEVELOPMENT AGENCY/COVINA PUBLIC FINANCING
AUTHORITY/COVINA HOUSING AUTHORITY
JOINT MEETING—CLOSED SESSION
6:30 p.m.**

CALL TO ORDER

ROLL CALL

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

PUBLIC COMMENTS

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

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

CLOSED SESSION

- A. G.C. §54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 413 North Citrus Ave. (APN: 8431-028-026)
Agency negotiator: Andrea Miller, City Manager
Negotiating parties: Joe Oftelie, City Ventures
Under negotiation: Negotiations to include both price and terms of payment

RECESS



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

RECONVENE AND CALL TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Led by Councilmember Allen

INVOCATION

Given by Covina Police Chaplain Truax

PRESENTATIONS

Northview High School Wrestling Recognition

South Hills Girls Soccer Recognition

PUBLIC COMMENTS

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

COUNCIL/AGENCY/AUTHORITY COMMENTS

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

CITY MANAGER COMMENTS

CONSENT CALENDAR

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

CC 1. Minutes of the April 5, 2016, Regular Meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Housing Authority.

Report: [Minutes](#)

CC 2. Payment of City demands in the amount of \$1,423,661.71.

Report: [City Demands](#)

CC 3. Payment of Agency demands in the amount of \$10,108.78.

Report: [Agency Demands](#)

CC 4. Ordinance No. 16-2055 amending Section 8.60.070 of Chapter 8.60 (Fireworks, Pyrotechnics and Production Effects) of the Covina Municipal Code regarding violation of provisions of Chapter 8.60 – Second Reading and Adoption.

Report: [Ordinance No. 16-2055](#)

CC 5. Authorization for the payment of a performance bonus and an education incentive bonus to the City Manager.

Report: [Resolution No. 16-7475](#)

CC 6. Ordinance No. 16-2056 adding Chapter 10.68 to Title 10 (Vehicles and Traffic) of the Covina Municipal Code Relating to Speed Limits - Second Reading and Adoption.

Report: [Ordinance No. 16-2056](#)

CC 7. Proposed Third Amendment to Professional Services Agreement with Absolute Security International, Inc. for Security Services at the Covina Metrolink Station and Parking Complex.

Report: [Resolution No. 16-7476](#)

CC 8. Authorization to execute temporary assignment or lease of water rights from City of Covina to Covina Irrigating Company for Fiscal Year 2016-17; solicit Covina Irrigating Company Stock Leases for Fiscal Year 2016-17 from shareholders; and execute offer letter to lease Covina Irrigating Company stock from Shareholders and lease and order for water delivery under lease agreement forms with interested shareholders.

Report: [Water Rights Leases](#)

CC 9. Long-Term Water Conservation and Management Strategies – Preservation of Local Control.

Report: [Resolution No. 16-7477](#)

PUBLIC HEARING – NONE

CONTINUED BUSINESS - NONE

NEW BUSINESS

NB 1. Boards, Commissions, and Committees Update.

Report: [Resolution No. 16-7480](#)

Staff Recommendation:

Adopt **Resolution No. 16-7480** establishing policies related to the City’s advisory commissions, boards, and committees.

NB 2. Exception to the 180-day wait period to hire an Interim Public Safety Communications Supervisor.

Report: [Resolution Nos. 16-7478, 16-7479](#)

Staff Recommendation:

1. Adopt **Resolution No. 16-7478** authorizing an exception to the 180-day wait period for employment of a retiree;
2. Adopt **Resolution No. 16-7479** appointing Sheryl Ward as Interim Public Safety Communications Supervisor; and
3. Approve a limited-term appointment agreement with Sheryl Ward.

ADJOURNMENT

The Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Covina Housing Authority will adjourn to its next regular meeting of the Council/Agency/Authority scheduled for Tuesday, May 3, 2016, at 6:30 p.m. for closed session and 7:30 p.m. for open session inside the Council Chamber, 125 East College Street, Covina, California, 91723.

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.

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.

If you challenge in court any discussion or action taken concerning an item on this agenda, you may be limited to raising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City’s consideration of the item at the meeting.

The Covina City Clerk's Office does hereby declare that, in accordance with California Government Code Section 54954.2(a), the agenda for the Tuesday, April 19, 2016 meeting was posted on April 14, 2016, on the City's website and near the front entrances of: 1) Covina City Hall, 125 East College Street, Covina; and 2) the Covina Public Library, 234 N. Second Avenue, Covina.

MATERIALS RELATED TO AN ITEM ON THIS AGENDA, AND SUBMITTED TO THE CITY COUNCIL AFTER PUBLICATION OF THE AGENDA, ARE AVAILABLE TO THE PUBLIC IN THE CITY CLERK'S OFFICE AT 125 E. COLLEGE STREET, COVINA.

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ITEM NO. CC 1

MINUTES OF APRIL 5, 2016

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

CALL TO ORDER

Mayor Stapleton called the Council/Agency/Authority meeting to order at 6:30 p.m. with all Councilmembers present, except Councilmember Allen. There were no public comments. Mayor Stapleton recessed the Council to closed session at 6:30 p.m.

ROLL CALL

Councilmembers Present: Walter Allen III (arrived 6:31 p.m.), Peggy A. Delach, John C. King, Mayor Pro Tem/Vice-Chair Jorge Marquez, and Mayor/Chair Kevin Stapleton.

Councilmembers Absent: None.

Elected Members Present: City Treasurer Geoffrey Cobbett and City Clerk Mary Lou Walczak.

Staff Members Present: City Manager Andrea M. Miller, City Attorney Candice K. Lee, Interim Police Chief Kim Raney, Public Works Director Siobhan Foster, Community Development Director Brian Lee, Parks and Recreation/Library Director Amy Hall-McGrade, Human Resources Director Danielle Tellez, Interim Finance Director Dennis Swink, Assistant to the City Manager Angel Carrillo, City Engineer David Gilbertson, GIS Technician James Knox, and Chief Deputy City Clerk Sharon F. Clark.

CLOSED SESSION

- A. G.C. §54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 413 North Citrus Ave. (APN: 8431-028-026)
Agency negotiator: Andrea Miller, City Manager
Negotiating parties: Joe Oftelie, City Ventures
Under negotiation: Negotiations to include both price and terms of payment

- B. G.C. §54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

- C. G.C. §54957.6 – CONFERENCE WITH LABOR NEGOTIATORS
Agency Designed Representative: Mayor
Unrepresented Representative: City Manager

- D. G.C. § 54957.6 – CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: Peter Brown of Liebert Cassidy Whitmore, Chief Labor Negotiator and Danielle Tellez, Human Resources Director
Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME); Police Association of Covina (PAC); Police Management Group (PMG); and Police Supervisors of Covina (PSC)
- E. G.C. § 54957.6 – CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: Danielle Tellez, Human Resources Director
Unrepresented Employees: Mid-Management, Supervisory and Professional, and Confidential and Technical Employees; and Executive Employees (excluding the City Manager)

RECONVENE AND CALL TO ORDER

Mayor Stapleton reconvened the meeting into open session at 7:36 p.m. with all Councilmembers present.

PLEDGE OF ALLEGIANCE

Mayor Stapleton led the Pledge of Allegiance.

INVOCATION

Police Chaplain Truax gave the invocation.

PRESENTATIONS

Finch Clock 100th Birthday

Mayor Stapleton recited historical information regarding the Finch Clock and announced that a bell-ringing ceremony recognizing the 100th birthday of the clock would be held on April 8, 2016, at 12:00 p.m. next to the Clock. At Mayor Stapleton's invitation, Fred Feldheim of the Covina Historical Society added that in case of rain, the event would be postponed to next year.

DMV/Donate Life California Month Proclamation

Mayor Stapleton read a proclamation declaring April 2016 as DMV/Donate Life California Month into the record and presented the proclamation and flowers from the City to John Diaz, Mia Mejorado, Allen Jolley and other members of OneLegacy Donate Life California.

Recognition of 2016 Covina Police Department Baker to Vegas Relay Team

Mayor Stapleton recognized participants in the 2016 Covina Police Department Baker to Vegas Relay Team for their achievement in finishing seventh of 26 teams and for running in honor of fallen Officer Jordan Corder, and presented them with flowers from the City. It was noted that the baton carried in the race will be engraved and given to the Corder family.

City Manager Miller recognized Parks and Recreation/Library Director Hall-McGrade and City Clerk Walczak for coordinating the flower presentations during tonight's meeting.

National Library Week

Mayor Stapleton invited Norm Klemz, President of The Friends of the Covina Public Library, and other Friends members present to come forward, thanked them on behalf of the City Council for their hard work, time and dedication in support of the Library and Covina community, and presented them with flowers from the City. Councilmember Delach recognized Friends member Pat Klemz and Interim Finance Director Swink's wife, Mary Swink, for being among awardees of state Senator Dr. Ed Hernandez's Women of Achievement for 2016. Friends member Fred Feldheim announced that on April 16, 2016, the Friends are holding their semi-annual book sale from 10:00 a.m. to 4:00 p.m. at the Library, along with a bake sale.

A proclamation declaring April 12, 2016, as National Library Workers' Day was read into the record and presented, along with flowers from the City, by Mayor Stapleton to Covina Library employees: Library Clerk Brenda San, Library Assistant Mercedes Stanton, Management Analyst Veronica Palacios, and Library Coordinator Lilly Jimenez.

Parks and Recreation Department Awards Recognition

Mayor Stapleton announced that the Covina Christmas Parade Executive Committee had received a 2016 Service Award from California Parks and Recreation Society District 13 for their excellent work on the Covina Christmas Parade; and presented Parks and Recreation/Library Director Hall-McGrade with a plaque in recognition of receiving the Facility and Parks Planning and Design Award for Cougar Park.

PUBLIC COMMENTS

Member of the public Leticia Gross expressed concern about the One Charter Oak project developer allegedly making changes to the sewer plan for the project since it was approved by Council. Mayor Stapleton referred Ms. Gross to City Manager Miller and Community Development Director Lee for more information. City Manager Miller responded that the City is not aware of the developer making any changes and will look into it. Councilmember Delach thanked Ms. Gross for bringing her concerns to the Council and stated the City will check with the developer about minimizing inconvenience and improving communication with neighboring residents.

REPORT FROM CLOSED SESSION

City Attorney Lee announced that there was no reportable action from closed session and direction was given to staff; and that since discussion on closed session items had not been concluded, closed session would be reconvened after the conclusion of the open session portion of the meeting.

COUNCIL/AGENCY/AUTHORITY COMMENTS

Mayor Pro Tem Marquez and Councilmember Delach wished Covina a Happy 130th Birthday.

Councilmember King commented that progress is being made.

Councilmember Allen stated that he is happy to be in Covina.

Mayor Stapleton recognized Jean Adair for being honored as Covina Woman's Club's Citizen of the Year and announced the meeting would be adjourned in memory of Beverly Margett and Retired Covina Police Department Lieutenant Dan Alvarez. He announced Library events: Exhibit: Women Who Dare! from April 9 – 16, 2016; We All Need Libraries: Community Engagement Event on April 9, 2016, at 2:00 p.m.; and Family Reading Day on April 15, 2016, from 4:30 p.m. to 5:30 p.m.; and Parks and Recreation events: Registration for recreational classes, most of which start this week; and Chalk Art Festival on April 9, 2016, from 9:00 a.m. to 5:00 p.m. In closing, he read a note from Pete Reynolds to the Council thanking them for the recent meeting adjournment in memory of his wife, Caroline Reynolds.

CITY MANAGER COMMENTS

City Manager Miller reported that the County is interested in a new parcel tax measure which would replace the expiring park bond measure and is asking for cities to support it; however, although 87% of unincorporated parcels are in incorporated cities, the great majority of the funds collected would go to the County, not to the cities which are providing the services. Since much of the funding would be dedicated to grants, Covina would be competing for our own tax money. As there are potentially two parcel taxes for Covina voters to consider, City Manager Miller stated she would keep the Council updated as the County's intentions become clearer.

CONSENT CALENDAR

The following requests to pull Consent Calendar items for separate discussion were made: Councilmember King for item CC 6; Councilmember Allen for item CC 7; and Councilmember Delach for item CC 11.

A motion was made by Councilmember King, seconded by Mayor Pro Tem Marquez, to approve Consent Calendar items CC 1 – 5, 8 – 10, and 12 as presented.

Motion approved Consent Calendar items CC 1 – 5, 8 – 10, and 12 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

- CC 1. City Council approved the Minutes of the March 22, 2016, Special Meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Housing Authority.
- CC 2. City Council approved payment of City demands in the amount of \$3,428,545.71.
- CC 3. Successor Agency to the Covina Redevelopment Agency approved payment of Agency demands in the amount of \$16,626.80.
- CC 4. City Council waived full reading, read by title only, and adopted on second reading **Ordinance No. 16-2054** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF

THE CITY OF COVINA, CALIFORNIA, AMENDING SECTION 17.04.414.5 (MEDICAL MARIJUANA DISPENSARY) OF CHAPTER 17.04 (DEFINITIONS) OF TITLE 17 (ZONING) OF THE COVINA MUNICIPAL CODE TO PROHIBIT THE CULTIVATION OF MEDICAL MARIJUANA BY ALL PERSONS IN ALL ZONES IN THE CITY, INCLUDING CULTIVATION BY QUALIFIED PATIENTS, PRIMARY CAREGIVERS AND PERSONS WITH IDENTIFICATION CARDS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA.”

- CC 5. City Council: 1) Adopted City **Resolution No. 16-7468** authorizing participation in the 2015 Continuum of Care (CoC) Program grant, through the Los Angeles Homeless Services Authority (LAHSA) for supportive services, operation and administration of the Transitional House in Fiscal Year 16-17; 2) Adopted Successor Agency **Resolution No. 16-003** supporting the City’s participation in the 2015 Continuum of Care Program grant through the Los Angeles Homeless Services Authority; and 3) Adopted Housing Authority **Resolution No. 16-002** supporting the City’s participation in the 2015 Continuum of Care Program grant through the Los Angeles Homeless Services Authority.
- CC 8. City Council authorized the City Manager to execute the agreement with Pacific Parking Systems, Inc. for parking-machine maintenance at the Metrolink West Parking Structure and at the Civic Center (Downtown) Parking Structure for a one-year term in an amount not to exceed \$3,750.
- CC 9. City Council adopted **Resolution No. 16-7469** accepting an easement on an existing alley for public street and highway purposes associated with development of property at 642 and 656 E. San Bernardino Road.
- CC 10. City Council adopted **Resolution No. 16-7472** approving the recordation of Tract Map No. 73397 “Lark Ellen Villas;” 501 Lark Allen Avenue.
- CC 12. City Council: 1) Approved the Mayor’s designation of delegates and alternates to Intergovernmental agencies; 2) Adopted **Resolution No. 16-7474** appointing Mayor Kevin Stapleton as the City’s representative and Councilmember Walter Allen III as alternate to act on behalf of the City at meetings of the City Selection Committee; and 3) Authorized the Chief Deputy City Clerk to fill in the appointed names on Resolution No. 16-7474.

CONSENT CALENDAR ITEMS PULLED FOR SEPARATE DISCUSSION

- CC 6. **Amendment to the Agreement between All City Management Services, Inc. and the City of Covina for School Crossing Guard Services.**

Councilmember King commented that safety is important, but school crossing guards should be funded by the school district, which gets the most benefit from property tax dollars.

In response to an inquiry from Mayor Pro Tem Marquez about whether the City has talked to the school district about the matter, Councilmember King replied yes, and they thanked the City for the crossing guards; but since there is a new superintendent, it may be worth talking to them again.

A motion was made by Councilmember King, seconded by Councilmember Delach to approve the amendment to the current agreement between All City Management Services, Inc. and the City of Covina for school crossing guard services for fiscal year 2016-2017; and authorize the City Manager to execute the amendment.

Motion approved Consent Calendar items CC 6 as follows:

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

CC 7. Extension of Covina’s Parking Enforcement Service contract with Inter-Con Security, Inc.

Councilmember Allen stated he had intended to pull Consent Calendar item CC 11 rather than Consent Calendar item CC 7. A motion was made by Councilmember Delach, seconded by Councilmember Allen to approve a one-year extension of Covina’s Parking Enforcement Service contract with Inter-Con Security, Inc.

Motion approved Consent Calendar items CC 7 as follows:

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

CC 11. Resolution No. 16-7473 amending the Fiscal Year 2015-16 Capital Improvement Program Budget by \$42,550 for Project P1502 Resurfacing of Grand Avenue Project between Arrow Highway and San Bernardino Road funded by State of California Department of Resources Recycling and Recovery (CalRecycle).

Councilmember Allen expressed his great happiness that Grand Avenue will be paved from Arrow Highway to San Bernardino Road and thanked Public Works Director Foster and staff for finding the resources to accomplish the project.

Councilmember Delach thanked Public Works Director Foster for doing an excellent job, commented that even though the City received a grant for this project, it falls far short of the actual cost which will be borne 72% by the City and 28% by the County, and inquired how long it will take to acquire the balance of the funds needed and when the project will start.

City Manager Miller responded that the estimate is for the project to begin in Spring 2017, that funding sources are still being evaluated including reallocation of Proposition A and Proposition C funds, that a cooperative agreement with the County is still being crafted, and plans are to have needed funds by Spring 2017.

A motion was made by Councilmember Delach, seconded by Councilmember Allen, to adopt **Resolution No. 16-7473** amending the Fiscal Year 2015-16 Capital Improvement Program Budget by \$42,550 for Project P1502 Resurfacing of Grand Avenue Project between Arrow Highway and San Bernardino Road funded by State of California Department of Resources Recycling and Recovery (CalRecycle).

Motion approved Consent Calendar items CC 11 as follows:

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

A motion was made by Councilmember King, seconded by Councilmember Delach to reorder the agenda to consider New Business item NB 4, Covina Senior and Community Center Update, next to accommodate those present at the meeting for this item.

Motion approved reorder of the agenda as follows:

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

NB 4. Covina Senior and Community Center Update – Consider refinement of possible site location alternatives.

City Manager Miller introduced the item. The staff report and a PowerPoint presentation were presented by Public Works Director Foster and Community Development Director Lee.

Councilmember King expressed his thankfulness that Council and staff is listening to the community, thanked the project team, commented on feedback received from the community indicating it is not supportive of the Covina Park option and thanked the community for the reasonable dialogue, and made a motion to remove Covina Park from list of possible locations for the senior and community center. Councilmember Allen seconded the motion.

Councilmember Delach asked if staff could determine what quantifiable amount of space could be cleared in Covina Park to accommodate a new center to see if replacing old space with new space is feasible; and also look at every available city-owned property in Project Area 1 since funding is available in that area;

Councilmember Allen suggested looking into a cooperative agreement with Citrus Valley Health Partners to obtain property currently used as an Intercommunity Hospital parking lot.

Councilmember Delach stated she doesn't agree with any other proposed location listed in the Update except maybe the Woman's Club, and that Kelby Park would be the next possible scenario; and though the City may own other property, it doesn't have funding to build there.

Councilmember Marquez expressed agreement with looking for properties in Project Area 1 as it would be best to find a way to use the four million dollars available for use in that area.

Councilmember King suggested that since Citrus Valley Health Partners is in need of a parking structure, maybe the project money could be used in Project Area 1 for that purpose in trade for Citrus Valley Health Partners building a senior and community center on the City's property outside Project Area 1.

Mayor Stapleton received clarification from Councilmember King that his motion was to direct staff to continue systematic assessment of multiple sites, excluding Covina Park, as the possible location for the placement of the Covina Senior and Community Center; continue to solicit community input on the possible sites; and present the results of the site location assessment and community input to the City Council as soon as practicable.

Councilmember Delach requested the motion be amended to also exclude the former K-Mart, bowling alley, and Bank of America properties from consideration as site locations. Councilmembers King and Allen agreed to amend their motion and second accordingly.

City Manager Miller requested and received clarification that Council's direction is for staff to also look at non-city-owned and occupied properties.

In response to an inquiry from Councilmember Delach as to how seniors are doing at the temporary Valleydale Park location, Parks and Recreation/Library Director Hall-McGrade replied that events and the lunch program are running well, and some initial transportation issues had been resolved.

There was no public comment.

Motion approved New Business item NB 4 as follows:

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

RECESS AND RECONVENE

Mayor Stapleton called a recess at 9:03 p.m. and reconvened the meeting at 9:08 p.m. with all Councilmembers present.

PUBLIC HEARING

PH 1. Code Amendment re: Section 8.60.070 of Chapter 8.60 (Fireworks, Pyrotechnics and Production Effects) of the Covina Municipal Code regarding violation of provisions of Chapter 8.60.

The staff report was presented by City Manager Miller.

Mayor Stapleton opened the Public Hearing. There was no public comment.

Mayor Stapleton closed the Public Hearing.

Mayor Pro Tem Marquez inquired about the amount of fines in other cities and expressed concern that \$1000 for a first offense is too high. City Manager Miller explained that the penalty for violations is a misdemeanor, that the amount of the fine that is actually imposed is at the judge's discretion, and this ordinance increases the maximum fine amount. Councilmember Allen added that this ordinance is aimed at offenses involving professional-grade fireworks.

A motion was made by Councilmember Delach, seconded by Mayor Pro Tem Marquez, to waive full reading, read by title only, and introduce for first reading **Ordinance No. 16-2055** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING SECTION 8.60.070 OF CHAPTER 8.60 (FIREWORKS, PYROTECHNICS AND PRODUCTION EFFECTS) OF TITLE 8 (HEALTH AND SAFETY) OF THE COVINA MUNICIPAL CODE REGARDING VIOLATIONS OF PROVISIONS OF CHAPTER 8.60."

Motion approved Public Hearing item PH 1 as follows:

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

CONTINUED BUSINESS – None.

NEW BUSINESS

NB 1. 2015/2016 Core Strategies – Goals and Objectives Update.

City Manager Miller introduced the item. The staff report and a PowerPoint presentation were presented by Assistant to the City Manager Carrillo.

City Manager Miller commented that updates on progress being made will be brought to Council on a regular basis.

In response to a question from Councilmember Delach about how soon the vacant code enforcement position is anticipated to be filled, City Manager Miller replied that an issue has been resolved, so the recruitment should now move forward quickly.

There was no public comment.

A motion was made by Councilmember Delach, seconded by Councilmember King to receive and file the Update.

Motion approved New Business item NB 1 as follows:

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

NB 2. Approval of Engineering and Traffic Survey, March 2016, for the City of Covina and Introduction of Ordinance No. 16-2056 Adding Chapter 10.68 of Title 10 (Vehicles and Traffic) of the Covina Municipal Code Relating to Speed Limits.

City Manager Miller introduced the item. The staff report was presented by Public Works Director Foster and City Engineer Gilbertson.

In response to a request from Councilmember King, City Engineer Gilbertson provided details of the process used to update traffic surveys.

There was no public comment.

A motion was made by Councilmember Delach, seconded by Councilmember King to waive full reading, read by title only, and introduce for first reading **Ordinance No. 16-2056** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, ADDING CHAPTER 10.68 OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE COVINA MUNICIPAL CODE RELATING TO SPEED LIMITS."

Motion approved New Business item NB 2, Introduction of Ordinance No. 16-2056, as follows:

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

A motion was made by Councilmember Delach, seconded by Councilmember King to adopt **Resolution No. 16-7470** approving the Engineering and Traffic Survey, March 2016, for the City of Covina (E&TS) and the prima facie speed limits recommended to be established on the highway segments included in the E&TS.

Motion approved New Business item NB 2, Adoption of Resolution No. 16-7470, as follows:

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

A motion was made by Councilmember Delach, seconded by Councilmember King to adopt **Resolution No. 16-7471** appropriating \$270 in available Proposition C Fund balance to the fiscal year 2015-16 budget and allocating the funds to the Citywide Engineering and Traffic Survey – Project T-1501 (account no. 2405-2100-51005-T1501).

Motion approved New Business item NB 2, Adoption of Resolution No. 16-7471, as follows:

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

A motion was made by Councilmember Delach, seconded by Councilmember King to authorize the Department of Public Works to schedule the second reading of Ordinance No. 16-2056 for the next City Council meeting on April 19, 2016; and authorize the City Manager to execute the Amendment to the Agreement with Willdan Engineering for the completion of two additional radar speed surveys requested by the City Traffic Engineer in an amount not to exceed \$270.

Motion approved New Business item NB 2, Scheduling of Second Reading for Ordinance No. 16-2056 and Amendment to the Agreement with Willdan Engineering, as follows:

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

NB 3. 2015-16 Adopted Budget Mid-Year Review.

City Manager Miller introduced the item and recognized Finance Committee members present. The staff report and a PowerPoint presentation were presented by Interim Finance Director Swink.

In response to an inquiry from Mayor Pro Tem Marquez about Measure R revenues, Interim Finance Director Swink replied he will research it and report back.

There was no public comment.

A motion was made by Councilmember Allen, seconded by Mayor Pro Tem Marquez, to approve the Revenue and Expenditure adjustments listed on Attachment C of the Agenda Report.

Motion approved New Business item NB 2 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

CLOSED SESSION

Mayor Stapleton recessed the meeting to Closed Session at 9:53 p.m.

RECONVENE AND CALL TO ORDER

Mayor Stapleton reconvened the meeting into open session at 10:18 p.m. with all Councilmembers present.

ADJOURNMENT

At 10:18 p.m., the meeting of the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Covina Housing Authority was adjourned in memory of Beverly Margett and retired Covina Lieutenant Dan Alvarez to the next regular meeting of the Council/Agency/Authority scheduled for Tuesday, April 19, 2016, at 5:00 p.m. for study session in the Covina Library Community Room at 234 N. Second Avenue, Covina, California, 91723; and at 6:30 p.m. for closed session and 7:30 p.m. for open session inside the Council Chamber, 125 East College Street, Covina, California, 91723.

Respectfully submitted:

Sharon F. Clark, CMC
Chief Deputy City Clerk

Approved this 19th day of April, 2016:

Kevin Stapleton, Mayor/Chair



CITY OF COVINA

AGENDA REPORT

ITEM NO. CC 2

MEETING DATE: April 19, 2016

TITLE: Payment of Demands

PRESENTED BY: Dennis Swink, Interim Finance Director

RECOMMENDATION: Approve Payment of Demands in the amount of \$1,423,661.71

BACKGROUND:

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

<u>DATE OF DEMANDS</u>		<u>DEMAND NUMBERS</u>		<u>AMOUNT</u>
ACCOUNTS PAYABLE WARRANTS				
Mar. 18 - Mar. 31, 2016	Wires/EFTs	5089-5094	\$	57,810.17
	Checks	79057-79352	\$	778,657.54
<u>PAYROLL</u>				
3/24/16			\$	534,854.00
<u>VOIDS</u>				
			\$	-
<u>WORKERS COMPENSATION</u>				
3/18/16				\$2,106.96
3/21/16				\$19,118.07
3/22/16				\$9,487.31
3/23/16				\$801.03
3/24/16				\$26.00
3/25/16				\$1,127.66
3/28/16				\$516.35
3/29/16				\$1,866.44
3/30/16				\$14,947.98
3/31/16				\$2,342.20
GRAND TOTAL:			\$	1,423,661.71

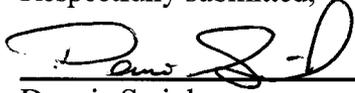
DISCUSSION:

FISCAL IMPACT:

Sufficient funding is available and the related costs are included in the Fiscal Year 15/16 Adopted Budget.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

Respectfully submitted,



Dennis Swink
Interim Finance Director

ATTACHMENTS:

Attachment A: Check Register

CITY OF COVINA
Check Register
MAR 18 - MAR 31, 2016

Check #	Check Date	Vendor	Name	Amount
5089	3/24/16	4003	MidAmerica	43,971.60
5090	3/24/16	4160	ICMA	80.00
5091	3/24/16	1405	ICMA RETIREMENT	5,053.47
5092	3/24/16	4003	MidAmerica	1,819.10
5093	3/24/16	2033	NATIONWIDE RETI	6,000.00
5094	3/24/16	4223	ZUMWALT, KRISTI	886.00
			subtotal EFT/wires	\$57,810.17
79057	3/23/16	3	12 MILES OUT.CO	1,200.00
79058	3/23/16	23	ABORTA BUG INC	75.00
79059	3/23/16	44	ADAMSON INDUSTR	5,472.90
79060	3/23/16	4209	ADLERHORST INTE	206.94
79061	3/23/16	69	AFSCME	40.00
79062	3/23/16	158	AMERICAN TRAFFI	16,185.00
79063	3/23/16	4079	ASSOCIATED TRAN	231.00
79064	3/23/16	219	AT&T	726.95
79065	3/23/16	219	AT&T	18.98
79066	3/23/16	219	AT&T	18.98
79067	3/23/16	219	AT&T	29.12
79068	3/23/16	219	AT&T	74.63
79069	3/23/16	219	AT&T	74.63
79070	3/23/16	219	AT&T	325.46
79071	3/23/16	255	AZUSA PLUMBING	245.66
79072	3/23/16	260	B & K ELECTRIC	37.77
79073	3/23/16	269	BAKER AND TAYLO	145.58
79074	3/23/16	269	BAKER AND TAYLO	2,720.39
79075	3/23/16	475	CALIBER POOL AN	1,595.00
79076	3/23/16	4438	CALIFORNIA COMP	1,900.00
79077	3/23/16	536	CARQUEST AUTO P	70.96
79078	3/23/16	4357	CASTELLANOS	23.25
79079	3/23/16	4435	CHILD CREATIVIT	450.00
79080	3/23/16	4388	CHINO SHORT LOA	412.02
79081	3/23/16	649	CINTAS CORP #69	586.87
79082	3/23/16	4207	CORNERSTONE COM	8,000.00
79083	3/23/16	749	COUNSELING TEAM	520.00
79084	3/23/16	4268	COVINA LAWN MOW	6.53
79085	3/23/16	4268	COVINA LAWN MOW	15.26
79086	3/23/16	4268	COVINA LAWN MOW	45.95
79087	3/23/16	783	COVINA WATER	1,246.65
79088	3/23/16	849	DAPEER ROSENBLI	3,316.60
79089	3/23/16	878	DELTA DENTAL OF	146.46
79090	3/23/16	878	DELTA DENTAL OF	373.38
79091	3/23/16	3164	DIVERSIFIED TRA	102,863.28
79092	3/23/16	4292	DUDEK	2,425.00

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79093	3/23/16	970	EDISON CO	1,914.34
79094	3/23/16	4332	ERIC ARROYO	1,350.00
79095	3/23/16	3911	FACTORY MOTOR P	94.78
79096	3/23/16	1156	GAS COMPANY, TH	443.86
79097	3/23/16	3300	General Petrole	1,618.01
79098	3/23/16	1204	GOLDEN STATE WA	57.01
79099	3/23/16	1215	GONZALES, RICHA	336.00
79100	3/23/16	1235	GRAINGER	966.61
79101	3/23/16	1241	GRAND PRINTING	617.00
79102	3/23/16	1361	HOLLIDAY ROCK C	329.18
79103	3/23/16	1364	HOME DEPOT	983.26
79104	3/23/16	3988	HYDRO CONNECTIO	115.90
79105	3/23/16	1428	INGRAM DIST GRO	44.22
79106	3/23/16	1441	INTERSTATE BATT	195.36
79107	3/23/16	4077	INTERWEST CONSU	12,687.50
79108	3/23/16	1463	J.G. TUCKER AND	205.77
79109	3/23/16	1505	JOHNNY'S POOL S	56.46
79110	3/23/16	1531	JW LOCK CO INC	2,175.54
79111	3/23/16	1571	KING BOLT CO	48.89
79112	3/23/16	4220	KJ SERVICES ENV	2,177.81
79113	3/23/16	1613	LA CNTY DISTRIC	500.04
79114	3/23/16	1615	LA CNTY MTA	460.00
79115	3/23/16	4341	Landcare	8,772.49
79116	3/23/16	1644	LANDSCAPE STRUC	1,145.24
79117	3/23/16	1694	LEWIS ENGRAVING	118.81
79118	3/23/16	1729	LONG BEACH BMW	29,966.65
79119	3/23/16	1933	MISSION LINEN S	112.91
79120	3/23/16	3843	MOSS, LEVY & HA	29,000.00
79121	3/23/16	4057	NATIONAL ASSOCI	40.00
79122	3/23/16	2075	NOLO PRESS OCCI	28.78
79123	3/23/16	2091	O REILLY AUTO P	222.78
79124	3/23/16	2104	OFFICE DEPOT	54.08
79125	3/23/16	2104	OFFICE DEPOT	277.30
79126	3/23/16	2104	OFFICE DEPOT	196.30
79127	3/23/16	4201	OFFICE TEAM	444.80
79128	3/23/16	4201	OFFICE TEAM	444.80
79129	3/23/16	99999	MICHAEL HSU	789.00
79130	3/23/16	2238	PEST OPTIONS IN	265.00
79131	3/23/16	4238	PETCO ANIMAL SU	239.71
79132	3/23/16	4429	PROFORCE TEMPOR	1,982.13
79133	3/23/16	4401	R E MICHEL COMP	122.45
79134	3/23/16	4101	RANCHO JANITORI	50.79
79135	3/23/16	2415	REPUBLIC MASTER	419.60
79136	3/23/16	3796	RICHARD, WATSON	9,461.42
79137	3/23/16	2444	RIO HONDO COLLE	165.60

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79138	3/23/16	2510	S & S WORLDWIDE	207.93
79139	3/23/16	2676	SMART AND FINAL	49.82
79140	3/23/16	2715	SOUTHERN CA TRA	56.44
79141	3/23/16	4105	SPILLMAN TECHNO	8,610.00
79142	3/23/16	3950	STERICYCLE, INC	294.61
79143	3/23/16	3560	SYLVIA GONZALES	64.50
79144	3/23/16	4437	TELEPACIFIC COM	1,067.06
79145	3/23/16	3185	TOSHIBA FINANCI	1,908.64
79146	3/23/16	2903	TRI-XECUTEX COR	80.00
79147	3/23/16	2995	VENTEK INTERNAT	1,575.00
79148	3/23/16	2999	VERIZON CALIFOR	1,017.19
79149	3/23/16	3001	VERIZON WIRELES	1,195.59
79150	3/23/16	3004	VICTORY EXTERMI	25.00
79151	3/23/16	3023	VULCAN MATERIAL	914.16
79152	3/23/16	3043	WARREN DISTRIBU	91.93
79153	3/23/16	3070	WEST COAST ARBO	16,895.40
79154	3/23/16	3077	WEST LITE SUPPL	171.57
79155	3/23/16	3082	WESTERN WATER W	2,178.92
79156	3/23/16	4417	WILLIAM AVERY A	5,500.00
79157	3/23/16	3132	WRIGHT DESIGNS	1,234.21
79158	3/23/16	3134	XEROX CORPORATI	203.94
79159	3/23/16	3137	Y TIRE SALES	60.93
79160	3/24/16	68	AFLAC	4,268.82
79161	3/24/16	69	AFSCME	780.00
79162	3/24/16	487	CaIPERS	65,058.79
79163	3/24/16	3846	CLEA	490.00
79164	3/24/16	3846	CLEA	110.25
79165	3/24/16	775	COVINA POLICE A	2,750.00
79166	3/24/16	789	COVINA-FSA, CIT	1,070.02
79167	3/24/16	878	DELTA DENTAL OF	7,748.25
79168	3/24/16	1106	FRANCHISE TAX B	32.27
79169	3/24/16	1247	GREAT WEST LIFE	3,795.10
79170	3/24/16	3795	LEGAL SHIELD	252.56
79171	3/24/16	2234	PERS	149,987.94
79172	3/24/16	2235	PERS LONG TERM	136.55
79173	3/24/16	2946	UNITED WAY OF G	17.50
79174	3/24/16	3014	VISION SERVICE	817.97
79175	3/24/16	4255	VOYA FINANCIAL	4,391.32
79176	3/24/16	3045	WASHINGTON NATI	76.18
79177	3/30/16	58	ADVANTAGE	4,596.01
79178	3/30/16	113	ALL CITY MANAGE	11,532.15
79179	3/30/16	128	ALLIANT INSURAN	549.00
79180	3/30/16	134	ALLSTATE POLICE	261.78
79181	3/30/16	4418	AMERICAN FLOOR	924.57
79182	3/30/16	160	AMERICAN WEST C	25.00

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79183	3/30/16	219	AT&T	18.89
79184	3/30/16	219	AT&T	18.98
79185	3/30/16	220	AT&T LONG DISTA	33.43
79186	3/30/16	254	AZUSA LIGHT & W	425.11
79187	3/30/16	255	AZUSA PLUMBING	62.90
79188	3/30/16	269	BAKER AND TAYLO	173.81
79189	3/30/16	293	BARRACO, PAUL	181.28
79190	3/30/16	4353	BREA, CITY OF	29,700.00
79191	3/30/16	430	BUILDING ELECTR	75.00
79192	3/30/16	649	CINTAS CORP #69	209.25
79193	3/30/16	654	CITRUS CAR WASH	208.25
79194	3/30/16	692	CODE PUBLISHING	684.25
79195	3/30/16	720	COMPUTER SERVIC	3,446.00
79196	3/30/16	4430	CONNECTOR KINGS	978.75
79197	3/30/16	693	COSUGI	100.00
79198	3/30/16	783	COVINA WATER	474.16
79199	3/30/16	3554	CROSSROADS MULC	3,708.50
79200	3/30/16	3701	DEPARTMENT OF J	320.00
79201	3/30/16	3268	DESERT DIAMOND	598.00
79202	3/30/16	3164	DIVERSIFIED TRA	24,739.79
79203	3/30/16	947	DUNN EDWARDS CO	219.66
79204	3/30/16	962	EAST DISTRICT S	276.00
79205	3/30/16	962	EAST DISTRICT S	8,745.00
79206	3/30/16	970	EDISON CO	5,751.11
79207	3/30/16	1055	FEDEX	20.36
79208	3/30/16	1156	GAS COMPANY, TH	20.77
79209	3/30/16	1198	GLOBALSTAR LLC	58.66
79210	3/30/16	3825	GOLDEN EMPIRE C	4,500.00
79211	3/30/16	1235	GRAINGER	141.26
79212	3/30/16	1277	HAEBE, CYNTHIA	4,001.25
79213	3/30/16	1282	HALL-McGRADE, A	378.83
79214	3/30/16	1352	HINDERLITER DEL	12,572.34
79215	3/30/16	1361	HOLLIDAY ROCK C	494.86
79216	3/30/16	1427	INGLEWOOD, CITY	2,866.95
79217	3/30/16	1429	INLAND EMPIRE S	928.00
79218	3/30/16	1437	INTER-CON SECUR	4,966.08
79219	3/30/16	4077	INTERWEST CONSU	4,250.00
79220	3/30/16	1463	J.G. TUCKER AND	173.44
79221	3/30/16	3731	JUNIOR LIBRARY	96.74
79222	3/30/16	1531	JW LOCK CO INC	107.58
79223	3/30/16	1547	KELLY PAPER CO	666.81
79224	3/30/16	1561	KEYSTONE UNIFOR	1,029.18
79225	3/30/16	3721	KRIZIA N VIRBIA	157.50
79226	3/30/16	3987	KYOCERA DOCUMEN	2,080.34
79227	3/30/16	1619	LA CNTY SHERIFF	785.66

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79228	3/30/16	1646	LANGUAGE LINE S	55.46
79229	3/30/16	1694	LEWIS ENGRAVING	46.82
79230	3/30/16	1792	MANNING & MARDE	6,446.07
79231	3/30/16	4231	MARRIOTT INTERN	406.80
79232	3/30/16	1908	MICHAEL J O'DAY	160.00
79233	3/30/16	1933	MISSION LINEN S	34.32
79234	3/30/16	2040	NATIONAL STORMW	824.00
79235	3/30/16	2104	OFFICE DEPOT	68.41
79236	3/30/16	4201	OFFICE TEAM	422.56
79237	3/30/16	99999	AFFORDABLE PROPERTY MGMT	57.15
79238	3/30/16	99999	ANA WILSON	70.00
79239	3/30/16	99999	ANNA LAM	30.92
79240	3/30/16	99999	ANNE MARIE SMITH	12.19
79241	3/30/16	99999	ASHLEY REYNOSO	2,692.99
79242	3/30/16	99999	ASTRID GALLON-GONZALEZ	70.00
79243	3/30/16	99999	BARBARA VANDERPAS	77.47
79244	3/30/16	99999	BERENICE GONZALEZ	120.00
79245	3/30/16	99999	BETTE CALCANINI	50.00
79246	3/30/16	99999	BRENDA LOPEZ	16.00
79247	3/30/16	99999	CALIFORNIA PACIFIC	32.19
79248	3/30/16	99999	CHIU HSIA CHANG	20.12
79249	3/30/16	99999	COLLEEN RUBIO	45.00
79250	3/30/16	99999	DAWNETTE O'DONNELL	47.36
79251	3/30/16	99999	DEBORAH DADEMASCHE	70.00
79252	3/30/16	99999	DEBORAH SIEDENTOPP	56.00
79253	3/30/16	99999	DOLORES OWENS	36.00
79254	3/30/16	99999	ELBA ALBINO	35.00
79255	3/30/16	99999	EMILIE CONGLETON	82.50
79256	3/30/16	99999	GEORGIANNA NICOLE ALVAREZ	219.33
79257	3/30/16	99999	GIANINA NUNEZ	45.00
79258	3/30/16	99999	GILDA MADRID	25.00
79259	3/30/16	99999	GRIGOR KGLYAN	59.43
79260	3/30/16	99999	HARDY & HARPER INC.	482.82
79261	3/30/16	99999	HARRY HAKOPIAN	1,007.71
79262	3/30/16	99999	HELEN CALLAWAY	33.22
79263	3/30/16	99999	HILLARY PALUMBO	91.00
79264	3/30/16	99999	HILLCREST CONTRACTING	182.77
79265	3/30/16	99999	HYLA VERSHBOW	58.00
79266	3/30/16	99999	IRENE R. MEZA	56.00
79267	3/30/16	99999	IRETON ENTERPRISES INC	43.78
79268	3/30/16	99999	J STOLTE	49.51
79269	3/30/16	99999	JACKY CHAN	36.44
79270	3/30/16	99999	JACQUELINE WILLIAMS	33.93
79271	3/30/16	99999	JARED LUTTRULL	11.38
79272	3/30/16	99999	JESUS E. VELASCO	30.00

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79273	3/30/16	99999	JULIE REILLY	7.79
79274	3/30/16	99999	KYLE WALKER	140.00
79275	3/30/16	99999	LILIAN PEREIRA	29.86
79276	3/30/16	99999	LINDA LAIDLAW	80.00
79277	3/30/16	99999	LINDA SWAN	56.00
79278	3/30/16	99999	LISA BROOKS	9.00
79279	3/30/16	99999	LISA PIZANA	9.00
79280	3/30/16	99999	LIZBETH MARTINEZ	39.08
79281	3/30/16	99999	LOIS DRAGUS	115.42
79282	3/30/16	99999	MARGOT SANTOS	48.00
79283	3/30/16	99999	MARIANA VEASQUEZ	42.00
79284	3/30/16	99999	MARIBEL MOSLEY	80.00
79285	3/30/16	99999	MELANIE GINES	45.00
79286	3/30/16	99999	MICHELLE HERNANDEZ	48.00
79287	3/30/16	99999	MIGUEL PERALTA	31.58
79288	3/30/16	99999	NADINE ESPINOZA	91.00
79289	3/30/16	99999	NAULCHAN SAIDARASAMUT	48.12
79290	3/30/16	99999	NAYBY GUILLEN	60.00
79291	3/30/16	99999	PAUL GARCIA	47.13
79292	3/30/16	99999	PETER CHAN	12.06
79293	3/30/16	99999	PETER POONBIRD	43.11
79294	3/30/16	99999	RADER REALTY	31.27
79295	3/30/16	99999	RANDI KAMEOKA	40.00
79296	3/30/16	99999	RAY AGUILAR	194.23
79297	3/30/16	99999	RIVI LITVIN	155.69
79298	3/30/16	99999	ROMAN LIMON	54.60
79299	3/30/16	99999	RONALD GEDDES	56.90
79300	3/30/16	99999	RUTH BEEBE	25.00
79301	3/30/16	99999	SAN GABRIEL CHILDREN'S CENTER, INC	58.84
79302	3/30/16	99999	SANDIP SENGUPEA	68.63
79303	3/30/16	99999	SAPPHIRE REALTY, LLC	29.09
79304	3/30/16	99999	SFR 2012-1 US WEST LLC	89.57
79305	3/30/16	99999	SHARMON SCURLOCK	45.00
79306	3/30/16	99999	SHI-TAI WANG	143.45
79307	3/30/16	99999	SIMONA VASQUEZ	14.26
79308	3/30/16	99999	STARBUCKS, SITE #05583	89.15
79309	3/30/16	99999	STARBUCKS, SITE# 05583	65.38
79310	3/30/16	99999	STEFAN LIN	44.61
79311	3/30/16	99999	SUI SONG	28.74
79312	3/30/16	99999	SUSAN SIMS	13.00
79313	3/30/16	99999	TESS MARQUEZ	76.22
79314	3/30/16	99999	TINA WONG	18.40
79315	3/30/16	99999	URSULA ASENCIO	35.00
79316	3/30/16	99999	VICKY VAN ANROOY	50.00
79317	3/30/16	99999	VIVIAN PROCTOR	100.00

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79318	3/30/16	99999	WENDOLY ALMAGUER	70.00
79319	3/30/16	99999	WESLEY BECKMANN	73.17
79320	3/30/16	99999	WILLIAMS-SONOMA STORES INC	80.00
79321	3/30/16	99999	XIOMARA ANTONIEWICZ	25.00
79322	3/30/16	99999	XIZHI SUN	50.04
79323	3/30/16	99999	YESENIA BARRIENTOS	40.00
79324	3/30/16	99999	YUMIN TSAI	56.90
79325	3/30/16	4387	PETERS, DONALD	145.00
79326	3/30/16	4429	PROFORCE TEMPOR	1,010.00
79327	3/30/16	2415	REPUBLIC MASTER	829.22
79328	3/30/16	3796	RICHARD, WATSON	390.00
79329	3/30/16	4350	RKA Consulting	20,411.25
79330	3/30/16	2557	SANTA ANITA FAM	180.00
79331	3/30/16	2585	SCMAF-SAN GABRI	70.00
79332	3/30/16	2619	SGV EXAMINER	252.00
79333	3/30/16	4389	SOCIAL VOCATION	2,034.90
79334	3/30/16	2711	SOUTHEAST CONST	188.88
79335	3/30/16	2719	SPARKLETTS	20.02
79336	3/30/16	2743	STATE CONTROLLE	2,322.02
79337	3/30/16	2804	TAG AMS INC	100.00
79338	3/30/16	2852	THREE VALLEY MU	9,099.43
79339	3/30/16	2926	TYLER TECHNOLOG	9,810.00
79340	3/30/16	2935	UNDERGROUND SER	57.00
79341	3/30/16	2954	URBAN GRAFFITI	9,938.30
79342	3/30/16	2969	VALLEY TROPHY	671.44
79343	3/30/16	2983	VAVRINEK TRINE	12,255.00
79344	3/30/16	4065	VERIZON BUSINES	611.10
79345	3/30/16	2999	VERIZON CALIFOR	635.91
79346	3/30/16	3004	VICTORY EXTERMI	50.00
79347	3/30/16	3043	WARREN DISTRIBU	33.50
79348	3/30/16	3075	WEST COVINA, CI	220.00
79349	3/30/16	3078	WEST PAYMENT CE	295.35
79350	3/30/16	3082	WESTERN WATER W	415.07
79351	3/30/16	3134	XEROX CORPORATI	149.96
79352	3/30/16	3152	YWCA	863.27

subtotal checks	\$	778,657.54
subtotal payroll	\$	534,854.00
subtotal voids	\$	-
subtotal workers' compensation	\$	52,340.00

TOTAL checks/EFTs **\$1,423,661.71**

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

I, Dennis Swink, being first duly sworn, declare that I am the Interim Finance Director of the City of Covina and have read the attached Register(s) of Audited Demands for the City of Covina Accounts Payable for 3/18 – 3/31/16; payroll for 3/24/16; workers’ compensation and voids for 3/18 – 3/31/16; know the contents thereof, and do certify as to the accuracy of the attached demands and the availability of funds for their payment pursuant to the Government Code Section 37202.



Dennis Swink
Interim Finance Director



**SUCCESSOR AGENCY TO THE
COVINA REDEVELOPMENT AGENCY**

AGENDA REPORT

ITEM NO. CC 3

MEETING DATE: April 19, 2016
TITLE: Payment of Demands
PRESENTED BY: Dennis Swink, Interim Finance Director
RECOMMENDATION: Approve Payment of Demands in the amount of \$ 10,108.78

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

<u>DATE OF DEMANDS</u>	<u>DEMAND NUMBERS</u>	<u>AMOUNT</u>
ACCOUNTS PAYABLE WARRANTS Mar. 18 - Mar 31, 2016	no checks written	\$0.00
<u>PAYROLL</u> Mar. 24, 2016		\$10,108.78
	GRAND TOTAL:	\$10,108.78

DISCUSSION:

FISCAL IMPACT:

Sufficient funding is available and the related costs are included in the Fiscal Year 15/16 Adopted Budget.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dennis Swink', written over a horizontal line.

Dennis Swink
Interim Finance Director

ATTACHMENTS:

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

I, Dennis Swink, first duly sworn, declare that I am the Interim Finance Director of the City of Covina and have read the attached Register(s) of Audited Demands for the Covina Successor Agency to the Covina Redevelopment Agency Accounts Payable for 3/18 – 3/31/16 and payroll for 3/24/16; know the contents thereof, and do certify as to the accuracy of the attached demands and the availability of funds for their payment pursuant to the Government Code Section 37202.



Dennis Swink
Interim Finance Director



CITY OF COVINA

AGENDA REPORT

ITEM NO. CC 4

-
- MEETING DATE:** April 19, 2016
- TITLE:** Ordinance No. 16-2055 amending Section 8.60.070 of Chapter 8.60 (Fireworks, Pyrotechnics and Production Effects) of the Covina Municipal Code regarding a violation of provisions of Chapter 8.60 – second reading and adoption.
- PRESENTED BY:** Andrea M. Miller, City Manager
- RECOMMENDATION:** Waive full reading, read by title only and adopt on second reading **Ordinance No. 16-2055** entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING SECTION 8.60.070 OF CHAPTER 8.60 (FIREWORKS, PYROTECHNICS AND PRODUCTION EFFECTS) OF TITLE 8 (HEALTH AND SAFETY) OF THE COVINA MUNICIPAL CODE REGARDING VIOLATIONS OF PROVISIONS OF CHAPTER 8.60.”
-

BACKGROUND:

The attached Ordinance was approved at introduction by a unanimous vote of the City Council at the April 5, 2016, City Council Meeting.

DISCUSSION:

It is recommended that the City Council waive full reading, read by title only and adopt on second reading **Ordinance No. 16-2055** entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING SECTION 8.60.070 OF CHAPTER 8.60 (FIREWORKS, PYROTECHNICS AND PRODUCTION EFFECTS) OF TITLE 8 (HEALTH AND SAFETY) OF THE COVINA MUNICIPAL CODE REGARDING VIOLATIONS OF PROVISIONS OF CHAPTER 8.60.”

FISCAL IMPACT:

The recommended action will result in an increase in the fines that the City may assess for a violation of Chapter 8.60. The fine will increase from \$500 to \$1,000 for each violation of Chapter 8.60.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

It can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, because the Ordinance only increases the fine assessed for violations of existing regulations. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrea M. Miller", is written over a solid horizontal line.

Andrea M. Miller
City Manager

ATTACHMENT:

Attachment A: Ordinance No. 16-2055.

ORDINANCE NO. 16-2055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING SECTION 8.60.070 OF CHAPTER 8.60 (FIREWORKS, PYROTECHNICS AND PRODUCTION EFFECTS) OF TITLE 8 (HEALTH AND SAFETY) OF THE COVINA MUNICIPAL CODE REGARDING VIOLATIONS OF PROVISIONS OF CHAPTER 8.60

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

SECTION 1. Code Amendment. Section 8.60.070 of Chapter 8.60 (Fireworks, Pyrotechnics and Production Effects) of Title 8 (Health and Safety) of the Covina Municipal Code is hereby amended to read as follows:

“8.60.070 Violation and Penalty.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor. Any violation of this Chapter will be prosecuted pursuant to Section 1.16.010 of the Municipal Code.”

SECTION 2. The terms of this Ordinance shall supersede any previous resolutions of the Council or Council policies which may be in conflict or inconsistent with the terms of this Ordinance.

SECTION 3. CEQA. The City Council finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, because the Ordinance only increases the fine assessed for violations of existing regulations. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people of the City of Covina hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 5. Effective Date. This Ordinance shall become effective within thirty (30) days after its adoption.

SECTION 6. Publication. The City Clerk shall certify to 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, APPROVED and ADOPTED this ___ day of ____, 20__.

City Council of Covina, California

BY: _____
KEVIN STAPLETON, Mayor

ATTEST:

SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Ordinance No. 16-2055 was introduced for first reading at a regular meeting on the 5th day of April, 2016. Thereafter, said Ordinance was duly approved and adopted at a regular meeting of said City Council on the _____ day of _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Dated:

SHARON F. CLARK, Chief Deputy City Clerk



CITY OF COVINA

AGENDA REPORT

ITEM NO. CC 5

MEETING DATE: April 19, 2016

TITLE: Authorizing the Payment of a Performance Bonus and an Education Incentive Bonus to the City Manager

PRESENTED BY: Danielle Tellez, Director of Human Resources

RECOMMENDATION: Adopt **Resolution No. 16-7475**, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AUTHORIZING THE PAYMENT OF A PERFORMANCE BONUS AND AN EDUCATION INCENTIVE BONUS TO THE CITY MANAGER.

BACKGROUND:

The City Council entered into an employment agreement (“Employment Agreement”) on January 21, 2015 with Andrea Miller to provide city manager service for the City of Covina. Subsection B of Section 5 of the Employment agreement provides that the City Council evaluate the City Manager’s performance during the month of February or March of each calendar year, and that following completion of the evaluation, the City Council may grant the City Manager a performance bonus.

In addition, Section 9 of the Employment Agreement provides that in addition to her salary, the City Manager shall be entitled to all other non-salary benefits and insurances set forth in the 2013 Executive Compensation Rules. Subsection H of Section 12 of the 2013 Executive Compensation Rules provides that executive personnel who have earned a job related advanced degree from an accredited college or university may receive an additional two percent (2%) of base salary with the approval of the City [Council] and a current satisfactory evaluation on file. All City Executive Staff that meet this criteria currently receive this Education Incentive bonus. The City Manager has met this criteria for receiving an Education Incentive bonus.

DISCUSSION:

On April 5, 2016, the City Council evaluated the City Manager’s performance for the rating period of March 2, 2015 – March 1, 2016 and desires to provide a performance bonus in the amount of \$7,500 and an Education Incentive bonus to the City Manager pursuant to Subsection B of Section 5 and Section 9 of the Employment Agreement.

FISCAL IMPACT:

Funding is available in the City Manager General Fund Acct. No. 1010-0300-50010 and 1010-0300-50038.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

None.

Respectfully submitted,

Danielle Tellez
Director of Human Resources

ATTACHMENT:

Attachment A: Resolution No. 16-7475

RESOLUTION NO. 16-7475

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AUTHORIZING THE PAYMENT OF A PERFORMANCE BONUS AND AN EDUCATION INCENTIVE BONUS TO THE CITY MANAGER

WHEREAS, the City Council entered into an employment agreement on January 21, 2015, with Andrea Miller (“City Manager”) to provide city manager services for the City of Covina (“Employment Agreement”); and

WHEREAS, on April 5, 2016, the City Council completed an evaluation of the City Manager’s performance; and

WHEREAS, Subsection B of Section 5 of the Employment Agreement provides that the City Council evaluate the City Manager’s performance during the month of February or March of each calendar year, and that following completion of the evaluation, the City Council may grant the City Manager a performance bonus.

WHEREAS, Section 9 of the Employment Agreement also provides that in addition to her salary, the City Manager shall be entitled to all other non-salary benefits and insurances set forth in the 2013 Executive Compensation Rules.

WHEREAS, Subsection H of Section 12 of the 2013 Executive Compensation Rules provides that executive personnel who have earned a job related advanced degree may receive an Education Incentive bonus of an additional two percent (2%) of base salary with the approval of the City Council and a current satisfactory evaluation on file.

WHEREAS, the City Manager has met the City’s criteria for receiving an Education Incentive bonus.

WHEREAS, the City Council wishes to provide a performance bonus and an Education Incentive bonus under Subsection B of Section 5, and Section 9 of the Employment Agreement.

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

SECTION 1. The City Council hereby approves and authorizes the Human Resources Director to execute the following compensation bonuses to the City Manager:

(a) A performance bonus of \$7,500.00 , pursuant to Subsection B of Section 5 of the Employment Agreement ; and

(b) Initiation of an Education Incentive bonus pay, which constitutes two percent (2%) of the City Manager’s base salary, pursuant to Section 9 of the Employment Agreement and Subsection H of Section 12 of the City’s 2013 Executive Compensation Rules. In the event the City Manager’s base salary under Section 9 of the Employment Agreement is revised in the future, the City Manager’s Education Incentive bonus shall automatically change to two percent (2%) of the City Manager’s new base salary.

APPROVED and **PASSED** this 19th day of April, 2016.

City of Covina, California

BY: _____
KEVIN STAPLETON, Mayor

ATTEST:

SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution No. 16-7475 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 19th day of April, 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

SHARON F. CLARK, Chief Deputy City Clerk



CITY OF COVINA

AGENDA REPORT

ITEM NO. CC 6

MEETING DATE: April 19, 2016

TITLE: **Ordinance No. 16-2056** Adding Chapter 10.68 to Title 10 (Vehicles and Traffic) of the Covina Municipal Code Relating to Speed Limits—Second Reading and Adoption

PRESENTED BY: Siobhan Foster, Director of Public Works

RECOMMENDATION: Conduct second reading and adopt **Ordinance No. 16-2056** adding Chapter 10.68 to Title 10 (Vehicles and Traffic) of the Covina Municipal Code Relating to Speed Limits.

BACKGROUND:

On April 5, 2016, by a 5-0 vote with no abstentions, the City Council introduced Ordinance No. 16-2056 adding Chapter 10.68 to Title 10 (Vehicles and Traffic) of the Covina Municipal Code Relating to Speed Limits.

DISCUSSION:

The Citywide Engineering and Traffic Survey (E&TS) is the basis for the establishment, revision, and enforcement of speed limits for streets within the City of Covina in accordance with California Vehicle Code (CVC) Sections 627 and 40802 and the California Manual on Uniform Traffic Control Devices 2014 (CA MUTCD), Section 2B.13.

CVC sections 22357, 22358, and 22358.5 allow local governments to establish prima facie speed limits on local streets and roads and require the preparation of an E&TS. The E&TS is required by the State of California to establish intermediate speed limits on local streets and enforce those limits using radar or other speed measuring devices. While these surveys must be updated every five, seven, or ten years to ensure the speeds reflect current conditions as dictated by the CVC, the practice of the Covina Department of Public Works is to survey all street segments every five years to ensure that City's traffic speed regulations reflect current conditions. Surveys may be extended up to seven years provided police officers issuing traffic citations have completed a 24-hour radar operator course and up to ten years when a registered engineer certifies that no changes in roadway or traffic conditions have occurred. Without a valid E&TS, certain roadway segments with prima facie speed limits could be considered unlawful "speed traps" pursuant to CVC section 40802. CVC Section 40802 provides that "[n]o peace officer or other person shall use a speed trap in arresting, or participating or assisting in the arrest of, any person for any alleged violation of this code nor shall any speed trap be used in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under this code."

The CVC also requires that the surveys be conducted based on the methodology required by the CA MUTCD including the consideration of prevailing speeds as determined by traffic

engineering measurements, collision records, and highway, traffic, and roadside conditions not readily apparent to the driver.

On April 5, 2016, the City Council adopted Resolution No. 16-7470 approving the Engineering and Traffic Survey, March 2016, for the City of Covina (E&TS), conducted by Willdan Engineering, and the prima facie speed limits recommended to be established on the highway segments included in the E&TS.

For these reasons, which are explained in detail in the attached April 5, 2016 Agenda Report, the Departments of Police and Public Works recommend that the City Council conduct the second reading of and adopt Ordinance No. 16-2056.

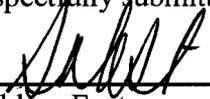
FISCAL IMPACT:

The fiscal impact associated with the adoption of Ordinance No. 16-2056, which would add Chapter 10.68 to Title 10 (Vehicles and Traffic) of the CMC Relating to Speed Limits, is nominal. The City will incur costs to change out the necessary speed limit signs and/or pavement markings. These costs will be absorbed within the Department of Public Works fiscal year 2015-2016 budget. Conversely, should the recommended speed limits not be approved, the City will no longer be able to enforce the posted speed limits by electronic means and may experience a decline in traffic citation revenues within the General Fund.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt per Section 15061 (b) (3). The project is covered by the General Rule that CEQA applies to projects that have the potential for causing a significant effect on the environment. Adoption of Ordinance No. 16-2056 will not result in any significant effect on the environment.

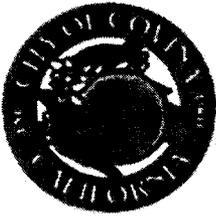
Respectfully submitted,



Siobhan Foster
Director of Public Works

ATTACHMENT:

Attachment A: April 5, 2016 Agenda Report, Item NB 2 (without attachments)
Attachment B: Ordinance No. 16-2056



CITY OF COVINA

AGENDA REPORT

MEETING DATE: April 5, 2016

TITLE: Approval of Engineering and Traffic Survey, March 2016, for the City of Covina and Introduction of **Ordinance No. 16-2056** Adding Chapter 10.68 to Title 10 (Vehicles and Traffic) of the Covina Municipal Code Relating to Speed Limits

PRESENTED BY: Siobhan Foster, Director of Public Works

RECOMMENDATION:

- 1) Adopt **Resolution No. 16-7470** approving the Engineering and Traffic Survey, March 2016, for the City of Covina (E&TS) and the prima facie speed limits recommended to be established on the highway segments included in the E&TS;
- 2) Waive full reading, read by title only, and introduce for first reading **Ordinance No. 16-2056** adding Chapter 10.68 to Title 10 (Vehicles and Traffic) of the Covina Municipal Code relating to speed limits;
- 3) Authorize the Department of Public Works to schedule the second reading of **Ordinance No. 16-2056** at the next City Council meeting on April 19, 2016;
- 4) Authorize the City Manager to execute the attached Amendment to the Agreement with Willdan Engineering for the completion of two additional radar speed surveys requested by the City Traffic Engineer in an amount not to exceed \$270; and
- 5) Adopt **Resolution No. 16-7471** appropriating \$270 in available Proposition C Fund balance to the fiscal year 2015-16 budget and allocating the funds to the Citywide Engineering and Traffic Survey – Project T-1501 (account no. 2405-2100-51005-T1501).

BACKGROUND:

The Citywide Engineering and Traffic Survey (E&TS) is the basis for the establishment, revision, and enforcement of speed limits for streets within the City of Covina in accordance with California Vehicle Code (CVC) Sections 627 and 40802 and the California Manual on Uniform Traffic Control Devices 2014 (CA MUTCD), Section 2B.13.

CVC sections 22357, 22358 and 22358.5 allow local governments to establish prima facie speed limits on local streets and roads and require the preparation of an E&TS. The E&TS is required by the State of California to establish intermediate speed limits on local streets and enforce those limits using radar or other speed measuring devices. While these surveys must be updated every five, seven, or ten years to ensure the speeds reflect current conditions as dictated by the CVC, the practice of the Covina Department of Public Works is to survey all street segments every five

years to ensure that City's traffic speed regulations reflect current conditions. Surveys may be extended up to seven years provided police officers issuing traffic citations have completed a 24-hour radar operator course and up to ten years when a registered engineer certifies that no changes in roadway or traffic conditions have occurred. Without a valid E&TS, certain roadway segments with prima facie speed limits could be considered unlawful "speed traps" pursuant to CVC section 40802. CVC Section 40802 provides that "[n]o peace officer or other person shall use a speed trap in arresting, or participating or assisting in the arrest of, any person for any alleged violation of this code nor shall any speed trap be used in securing evidence as to the speed of any vehicle for the purpose of an arrest or prosecution under this code."

The CVC also requires that the surveys be conducted based on the methodology required by the CA MUTCD including the consideration of prevailing speeds as determined by traffic engineering measurements, collision records, and highway, traffic, and roadside conditions not readily apparent to the driver.

On April 5, 2011, the City Council approved the recommended speed limits from the 2011 E&TS conducted by ADVANTEC Consulting Engineers, Inc. on 77 street segments in the City of Covina.

On December 2, 2015, the City Council authorized the City Manager to execute a Professional Services Agreement with Willdan Engineering ("Agreement") for the preparation of the five-year update to the Citywide E&TS in an amount not-to-exceed \$20,790.

DISCUSSION:

A. Engineering and Traffic Survey

This report provides background and presents the results of the analysis performed in preparing the E&TS for 77 street segments within the City of Covina. The surveys were performed in compliance with the current laws and practices of the State of California, which require that an E&TS be completed to establish radar enforceable speed limits under certain conditions.

The CA MUTCD specifies the methodology to be used for completing E&TS. This methodology includes an evaluation of prevailing speeds as determined by traffic engineering measurements (current vehicle speeds), accident history, and highway, traffic, and roadside conditions not readily apparent to motorists.

Speed Sampling

Radar speed measurements were conducted at 77 locations during January 2016 and March 2016. All surveys were conducted in good weather conditions, during off-peak hours on weekdays. The radar unit was operated from an unmarked vehicle to minimize any influence on driver behavior. Typically, a minimum sample size of 100 vehicles or the total samples during a maximum period of 2 hours were obtained for each segment. Traffic speeds in both directions were recorded for individual segments.

The prevailing speeds are determined by the speed zone survey for segments representing a statistically significant sample of current traffic. This data is then evaluated to identify the distribution of speeds. A key element in the evaluation is the identification of the 85th percentile speed. The 85th percentile speed is the speed at or below which 85 percent of the traffic travels. This threshold represents what is historically found to be a safe and reasonable speed for most drivers based on common roadway conditions. State law requires that a speed limit is established at the

nearest 5-mile per hour (mph) increment to the 85th percentile speed, except as shown in the two options below:

1. The posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85th percentile speed, in compliance with CVC Section 627 and 22358.5; and
2. For cases in which the nearest 5 mph increment of the 85th percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if no further reduction is used. Refer to CVC Section 21400(b).

In some cases, the E&TS may indicate the need for a further reduction of the 5 mph based on accident history and roadway conditions occurring on a particular street segment. If the speed limit to be posted has had the 5 mph reduction applied, the E&TS must document in writing the conditions and justification for the lower speed limit. The reasons for the lower speed limit shall be in compliance with CVC Section 627 and 22358.5.

The specific location of the radar speed survey for each street segment was selected after considering the following:

1. Minimum stop sign and traffic signal influence;
2. Minimum visibility restrictions;
3. Non-congested traffic flow away from intersections and driveways; and
4. Minimum influence from curves or other roadway conditions that would affect the normal operation of a vehicle.

Accident History

For this study, collision data was used from the latest 3 years of reported accidents from January 1, 2012 to December 31, 2014, as obtained from the City's California Statewide Integrated Traffic Records System Reports (SWITRS) electronic collision database. The collision rates for the 77 segments are expressed in accidents per million vehicle miles (A/MVM). The segment collision rate was then compared to the average statewide collision rate. The average statewide collision rates were obtained from 2012 Collision Data on California State Highways published by Caltrans.

Reported collisions are reviewed for each street segment to determine if there is a higher than average rate of collisions. A segment that has an above-average collision rate typically suggests conditions that are not readily apparent to motorists. A summary of the collision rates for the 77 surveyed street segments is provided in Appendix B of the E&TS.

Conditions Not Readily Apparent To Motorists

Each street segment is field inspected to identify highway, traffic, and roadside conditions not readily apparent to motorists. A determination is made as to whether any conditions are significant and warrants the recommendation of the speed limit 5 mph or more below the basic speed limit. The CA MUTCD recommends exercising great care when establishing speed limits 5 mph or more below the basic speed limit.

A field review was conducted for each of the selected street segments in Covina with consideration for the following factors:

1. Street width and alignment (design speed);
2. Pedestrian activity and traffic flow characteristics;
3. Number of lanes and other channelization and striping patterns;
4. Frequency of intersections, driveways, and on-street parking;
5. Location of stop signs and other regulatory traffic control devices;
6. Visibility obstructions;
7. Land use and proximity to schools;
8. Pedestrian and bicycle usage;
9. Uniformity with existing speed zones and those in adjacent jurisdictions; and
10. Any other unusual condition not readily apparent to the driver.

Criteria

Survey data was compiled and analyzed to determine the recommended speed limit in accordance with several criteria contained in the CA MUTCD. Some of the criteria used are:

1. The critical speed or 85th percentile speed is the speed at or below which 85 percent of the traffic is moving. This speed is the baseline value in determining what the majority of drivers believe is safe and reasonable. Speed limits set higher than the critical speed are not considered reasonable and safe. Speed limits set lower than the critical speed make a large number of reasonable drivers "unlawful" and do not facilitate the orderly flow of traffic. The "basic speed limit" is the nearest 5 mph increment to the 85th percentile speed;
2. The 10 mile per hour (mph) pace speed is the 10 mph increment that contains the highest percentage of vehicles. It is a measure of the dispersion of speeds across the range of the samples surveyed. An accepted practice is to keep the speed limit within the 10 mph pace while considering the critical speed and other factors that might require a speed lower than the critical speed; and
3. The collision rate for each street segment is compared to average collision rates that can be reasonably expected to occur on streets and highways in other jurisdictions, in proportion to the volume of traffic per lane mile. These average collision rates have been developed by the State of California and are considered reasonable for use in the City of Covina.

Results and Recommendations

Table 2 of the E&TS contains a complete summary of all recommendations, while the forms contained in Appendix A of the E&TS illustrate results of a thorough evaluation of the available data and recommend a speed limit for each street segment surveyed. In each case, the recommended speed limit was consistent with the prevailing behavior as demonstrated by the radar speed measurements. Typically, a speed limit in the upper range of the 10-mile pace was selected unless a collision rate significantly higher than expected was discovered or roadway conditions not readily apparent to the driver were identified. Any segments with recommended speed limits 5 mph or more below the basic speed limit are fully explained in the E&TS.

The street segments with recommended changes in posted speed limits are as follows:

No.	Name of Street	From	To	Speed Limit			Comments
				Posted	Critical	New	
3	Azusa Avenue	City Limits	San Bernardino	35	43	40	CA MUTCD Option 2
15	Barranca Avenue	Puente	San Bernardino	35	42	40**	Closest to 85 th speed
16	Barranca Avenue	San Bernardino	Covina	35	43	40**	CA MUTCD Option 2
19	Cienega Avenue	Arroway	Ivescrest	35	43	40**	CA MUTCD Option 2

No.	Name of Street	From	To	Speed Limit			Comments
				Posted	Critical	New	
28	Covina Boulevard	Grand	Rimhurst	35	43	40**	CA MUTCD Option 2
30	Covina Hills Road	Grand	Rancho La Carlota	35	35	30	*
33	Cypress Street	Citrus	Barranca	35	42	40	Closest to 85th speed
36	Cypress Street	Glendora	Bonnie Cove	35	42	40**	Closest to 85th speed
42	Grand Avenue	Walnut Creek	Puente	45	39	40	Closest to 85th speed
56	Puente Street	Grand	Glendora	40	40	35**	*
61	Reeder	Badillo	Cypress	30	40	35	*
63	Rowland	Citrus	Barranca	35	41	40	Closest to 85th speed

*See "Segments with Special Conditions" section for comments

**25 mph when children are present

B. Resolution No. 16-7470 and Ordinance No. 16-2056

The Public Works Department and the Police Department have reviewed the proposed changes to the City's posted speed limits and determined the changes to be reasonable, safe, and appropriate for the orderly movement of traffic on City streets. Staff recommends that the City Council approve the Engineering and Traffic Survey Report for Speed Limits, March 2016 through the adoption of Resolution No. 16-7470. Staff further recommends that the City Council approve the recommended changes to the City's posted speed limits and introduce for first reading Ordinance No. 16-2056.

C. First Amendment to Agreement and Resolution No. 16-7471

Upon the initial review of the data by the City Traffic Engineer and the Police Department, the City requested that Willdan resurvey two street segments taking additional radar speed measurements on Badillo Street from Fourth Avenue to Second Avenue and Covina Hills Road from Grand Avenue to Rancho La Carlota. These segments were resurveyed in March 2016, reviewed by the City Traffic Engineer and Police Department, and the results are reflected in the E&TS.

Staff recommends that the City Council authorize the City Manager to execute the attached draft First Amendment to Agreement Between the City of Covina and Willdan Engineering, a California Corporation ("First Amendment"). The First Amendment revises the scope of work to include the resurvey of the two street segments and increases the total compensation to be paid by the City to Willdan Engineering by \$270. Staff further recommends that the City Council adopt Resolution No. 16-7471 appropriating \$270 in available Proposition C Fund balance to the fiscal year 2015-2016 budget and allocating the funds to the Citywide Engineering and Traffic Survey – Project T-1501 (account no. 2405-2100-51005-T1501).

FISCAL IMPACT:

The fiscal impact associated with the adoption of Resolution No.16-7471 approving the 2016 E&TS is nominal. The City will incur costs to change out the necessary speed limit signs and/or pavement markings. These costs will be absorbed within the Department of Public Works fiscal year 2015-2016 budget. Conversely, should the recommended speed limits not be approved, the City will no longer be able to enforce the posted speed limits by electronic means and may experience a decline in traffic citation revenues within the General Fund. The cost to have Willdan resurvey two street segments is \$270.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt per Section 15061 (b) (3). The project is covered by the General Rule that CEQA applies to projects that have the potential for causing a significant effect on the environment. The Citywide E&TS will not result in any significant effect on the environment.

Respectfully submitted,



Siobhan Foster
Director of Public Works

ATTACHMENTS:

Attachment A: Resolution No. 16-7470

Attachment B: Ordinance No. 16-2056

Attachment C: Resolution No. 16-7471

Attachment D: Professional Services Agreement with Willdan Engineering for Citywide E&TS,
Approved by City Council on December 1, 2015

Attachment E: First Amendment to Agreement with Willdan Engineering

Attachment F: Engineering and Traffic Survey, March 2016, for the City of Covina (on file in
the City of Covina City Clerk's Office)

ORDINANCE NO. 16-2056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA ADDING CHAPTER 10.68 TO TITLE 10 (VEHICLES AND TRAFFIC) OF THE COVINA MUNICIPAL CODE RELATING TO SPEED LIMITS

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

WHEREAS, Section 40802 (a)(2) of the California Vehicle Code states that speed limits for streets, other than a local street, must be justified by an Engineering and Traffic Survey conducted less than five, seven, or ten years with conditions, prior to enforcement of that speed limit, if it is to be enforced by the use of radar; and

WHEREAS, the most recent Engineering and Traffic Survey for certain street segments was last completed in 2011; and

WHEREAS, the City Council wishes to ensure that traffic speeds throughout the community are kept at a safe level given the conditions that exist on certain streets; and

WHEREAS, the City Council wishes to use electronic speed measurement equipment for speed enforcement on these certain streets; and

WHEREAS, the Ordinance establishing speed limits must be adopted to reflect speed limits that are to be established following the completion of the Engineering and Traffic Survey; and

WHEREAS, the California Manual of Traffic Control Devices describes the policy to be used in the State of California for setting speed limits, which requires that the posted speed be established at the nearest 5 mph increment of the 85th-percentile speed of free-flowing traffic; and

WHEREAS, the City Council recognizes that the California Manual of Traffic Control Devices also allows the posted speed limit to be reduced by 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with California Vehicle Code Sections 627 and 22358.5, if the Engineering and Traffic Survey documents the special conditions and justification for the lower speed limit and is approved by a registered Civil or Traffic Engineer; and

WHEREAS, the enforcement of speed limits by the use of radar is necessary in order to protect the safety of the residents of the City of Covina.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. CEQA Finding. The City Council finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance and the establishment of the regulations hereby will have a significant effect on the environment. The Ordinance is therefore

exempt from review under the California Environmental Quality Act, pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 2. The City Council hereby adds Title 10.68 (Speed Limits) to Title 10 (Vehicles and Traffic) of the Covina Municipal Code to read as follows:

“The California Vehicle Code provides that cities may by ordinance establish prima facie speed limits. It is determined, upon the basis of an engineering and traffic survey, that the following prima facie speed limits would facilitate the orderly movement of traffic and would be reasonable and safe. It is declared, that signs be erected, as appropriate, to provide notice of the following prima facie speed limits:

	Name of Street	From	To	Prima Facie Speed Limit (MPH)	
1	Arrow Highway	Arrow Grand Circle	Grand Avenue	45	
2	Arrow Highway	Grand Avenue	1000' Easterly	45	
3	Azusa Avenue	South City Limits	San Bernardino Road	40	
4	Azusa Avenue	San Bernardino Road	Cypress Street	40	**
5	Azusa Avenue	Cypress Street	Arrow Highway	40	
6	Badillo Street	Lark Ellen Avenue	Hollenbeck Avenue	40	
7	Badillo Street	Hollenbeck Avenue	Fourth Avenue	40	
8	Badillo Street	Fourth Avenue	Second Avenue	30	
9	Badillo Street	Second Avenue	Barranca Avenue	40	
10	Badillo Street	Barranca Avenue	Grand Avenue	40	
11	Badillo Street	Grand Avenue	Glendora Avenue	45	**
12	Badillo Street	Glendora Avenue	Reeder Avenue	45	
13	Badillo Street	Reeder Avenue	East City Limits	45	
14	Barranca Avenue	South City Limits	Puente Street	40	**
15	Barranca Avenue	Puente Street	San Bernardino Road	40	**
16	Barranca Avenue	San Bernardino Road	Covina Boulevard	40	**
17	Barranca Avenue	Covina Boulevard	North City Limits	40	
18	Cienega Avenue	Barranca Avenue	Grand Avenue	40	
19	Cienega Avenue	Arroway Avenue	Ivescrest Avenue	40	**
20	Citrus Avenue	Workman Avenue	Rowland Avenue	40	
21	Citrus Avenue	Rowland Avenue	Puente Street	40	
22	Citrus Avenue	Puente Street	Badillo Street	35	
23	Citrus Avenue	Badillo Street	San Bernardino Road	25	
24	Citrus Avenue	San Bernardino Road	Covina Boulevard	35	
25	Citrus Avenue	Covina Boulevard	Arrow Highway	40	
26	Covina Boulevard	Fircroft Avenue	Citrus Avenue	40	
27	Covina Boulevard	Citrus Avenue	Grand Avenue	40	**
28	Covina Boulevard	Grand Avenue	Rimhurst Avenue	40	**

29	Covina Boulevard	Bonnie Cove Avenue	Sunflower Avenue	40	**
30	Covina Hills Road	Grand Avenue	Rancho La Carlota Road	30	
31	Cypress Street	Leaf Avenue	Hollenbeck Avenue	40	**
32	Cypress Street	Hollenbeck Avenue	Citrus Avenue	40	**
33	Cypress Street	Citrus Avenue	Barranca Avenue	40	
34	Cypress Street	Barranca Avenue	Grand Avenue	40	
35	Cypress Street	Grand Avenue	Glendora Avenue	40	
36	Cypress Street	Glendora Avenue	Bonnie Cove Avenue	40	**
37	Cypress Street	Bonnie Cove Avenue	Sunflower Avenue	40	
38	Glendora Avenue	Puente Street	Ruddock Street	35	**
39	Glendora Avenue	Ruddock Street	Cypress Street	35	
40	Glendora Avenue	Cypress Street	Covina Boulevard	35	
41	Glendora Avenue	Covina Boulevard	Cienega Avenue	35	**
42	Grand Avenue	Walnut Creek Road	Puente Street	40	
43	Grand Avenue	Puente Street	San Bernardino Road	40	**
44	Grand Avenue	San Bernardino Road	Covina Boulevard	40	
45	Grand Avenue	Covina Boulevard	Arrow Highway	40	
46	Hollenbeck Avenue	South City Limits	Rowland Avenue	35	
47	Hollenbeck Avenue	Rowland Avenue	Badillo Street	35	**
48	Hollenbeck Avenue	Badillo Street	Edna Place	35	
49	Hollenbeck Avenue	Covina Boulevard	Arrow Highway	40	
50	Holt Avenue	I-10 Freeway	Via Verde Street	45	
51	Lark Ellen Avenue	Grovecenter Street	Edna Place	40	**
52	Puente Street	Armel Drive	Hollenbeck Avenue	35	**
53	Puente Street	Hollenbeck Avenue	Citrus Avenue	35	
54	Puente Street	Citrus Avenue	Barranca Avenue	30	
55	Puente Street	Barranca Avenue	Grand Avenue	40	**
56	Puente Street	Grand Avenue	Glendora Avenue	35	**
57	Puente Street	Glendora Avenue	Shouse Avenue	25	
58	Puente Street	Reeder Avenue	Rancho Corto Drive	45	
59	Reeder Avenue	Old Badillo Street	Puente Street	35	
60	Reeder Avenue	Old Badillo Street	Badillo Street	30	**
61	Reeder Avenue	Badillo Street	Cypress Street	35	
62	Rowland Avenue	Armel Drive	Citrus Avenue	40	
63	Rowland Avenue	Citrus Avenue	Barranca Avenue	40	
64	Rowland Avenue	Barranca Avenue	Forestdale Avenue	40	
65	San Bernardino Road	Vincent Avenue	Lark Ellen Avenue	40	
66	San Bernardino Road	Lark Ellen Avenue	Azusa Avenue	35	
67	San Bernardino Road	Azusa Avenue	Hollenbeck Avenue	35	**
68	San Bernardino Road	Hollenbeck Avenue	Citrus Avenue	30	
69	San Bernardino Road	Citrus Avenue	Barranca Avenue	35	
70	San Bernardino Road	Barranca Avenue	Grand Avenue	35	
71	Second Avenue	Rowland Avenue	Badillo Street	35	

72	Second Avenue	Badillo Street	Front Street	30	
73	Sunflower Avenue	Cypress Street	Cienega Avenue	35	**
74	Vincent Avenue	Badillo Street	Edna Place	35	
75	Workman Avenue	West City Limits	East City Limit w/o Citrus	35	**
76	Workman Avenue	Citrus Avenue	Barranca Avenue	35	
77	Workman Avenue	Barranca Avenue	Easterly End of Road	30	

** 25 mph when children are present

SECTION 3. The “Engineering and Traffic Survey, March 2016, for the City of Covina,” containing the findings and determinations of the Registered Engineer, incorporated herein and on file in the Office of the City Clerk, shall be the official Engineering and Traffic Survey of the City, a certified copy of which shall be disseminated to the County of Los Angeles Municipal and Superior Courts.

SECTION 4. Any provisions of the Covina Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people of the City of Covina hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 6. The City Clerk shall certify to 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, APPROVED AND ADOPTED this 19th day of April, 2016.

City of Covina, California

BY: _____
KEVIN STAPLETON, Mayor

ATTEST:

SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Ordinance No. 16-2056 was introduced for first reading at a regular meeting on the ____ day of _____, 20___. Thereafter, said Ordinance was duly approved and adopted at a regular meeting of said City Council on the ____ day of _____, 20___, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

SHARON F. CLARK, Chief Deputy City Clerk

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CITY OF COVINA

AGENDA REPORT

ITEM NO. CC 7

MEETING DATE: April 19, 2016

TITLE: Proposed Third Amendment to Professional Services Agreement with Absolute Security International, Inc. for Security Services at the Covina Metrolink Station and Parking Complex

PRESENTED BY: Siobhan Foster, Director of Public Works

RECOMMENDATION:

- 1) Authorize City Manager to execute the Third Amendment to Professional Services Agreement with Absolute Security International, Inc. for Security Services at the Covina Metrolink Station and Parking Complex to increase compensation in an amount not-to-exceed \$24,580;
- 2) Approve a 1,352 hour increase in security hours at the Covina Metrolink Station and Parking Complex and 89 day increase of park restroom locking services between May 4, 2016 and July 31, 2016; and
- 3) Adopt **Resolution No. 16-7476** to amend the fiscal year 2015-16 Proposition A Fund budget to reflect an appropriation of \$14,356 from available Proposition A Fund balance to Proposition A Fund expenditure account for Security Services at Covina Metrolink Station and Parking Complex.

BACKGROUND:

On May 3, 2011, the City Council authorized the City Manager to enter into the Professional Services Agreement with Absolute Security International, Inc. for Security Services at the Metrolink Complex and Parking Complex effective for a three-year period between May 3, 2011 and May 3, 2014, in an amount not-to-exceed \$405,000. Although the term of the initial agreement allowed for an extension of up to two additional years upon expiration on May 3, 2014, the Department of Public Works did not seek a contract extension or an increase in the contract compensation amount for the subsequent security services rendered during the period of May 4, 2014 to August 18, 2015.

On August 18, 2015, the City Council authorized the City Manager to execute the Letter Agreement (“First Amendment”) to Professional Service Agreement with Absolute Security International, Inc. effective between August 18, 2015 and May 3, 2016 at a rate of \$15.81 per hour. The Department of Public Works, however, did not request the necessary adjustment to the contract compensation amount at that time.

On October 20, 2015, the City Council authorized the City Manager to execute the Second Amendment to Professional Services Agreement with Absolute Security International, Inc., and

adopted Resolution No. 15-7404 increasing the May 3, 2011 contract compensation amount by \$315,606 from \$405,000 to \$720,606 and extending the scope of services. The increased compensation amount accounted for the historic expenditures accrued by security services rendered during the period of May 4, 2014 to August 18, 2015, the necessary adjustment to the contract compensation amount that was not requested at time of the August 18, 2015 First Amendment, and the additional projected expenses for park restroom locking services.

DISCUSSION:

Since the current Professional Services Agreement with Absolute Security International, Inc. will expire on May 3, 2016 and the term of the May 3, 2011 Agreement for the two additional years of contract extensions will lapse, the Department of Public Works is preparing to solicit bids for security services at the Covina Metrolink Station and Parking Complex and other security services for the upcoming fiscal year. While the Department of Public Works is currently identifying the necessary scope of services for the new agreement, it is also the recommendation of the Department of Public Works to extend the current Agreement with Absolute International Security, Inc. until July 31, 2016 through execution of the Third Amendment of Professional Services Agreement. This extension will ensure the City retains uninterrupted security and park restroom locking services throughout the bidding process.

Upon authorization of the Third Amendment, Absolute Security International, Inc. will provide security and park restroom locking services at the current service level throughout the extended period of May 4, 2016 to July 31, 2016. The current service levels are reflected in Table 1 and Table 2 below:

Table 1. Current Security Guard Service Level Per Week

Metrolink Station and Parking Complex Security Service Level Per Week				
Day of the Week	Number of Shifts		Total Hours	Total Cost (\$15.81/Hour)
	8-Hour	4-Hour		
Monday – Friday	10	4	96	\$1,517.76
Saturday	1	0	8	\$126.48
Sunday	0	0	0	\$0
Total	11	4	104	\$1,644.24

Table 2. Current Park Restroom Locking Service Level Per Week

Park Restroom Locking Service Level Per Week		
Day of the Week	6 Restrooms/Day	Total Cost (\$6/Restroom/Day)
	Number of Days	
Monday – Friday	5	\$180
Saturday	1	\$36
Sunday	1	\$36
Total	7	\$252

Based on the current service level and the extended period of approximately 13 weeks, there will be an estimated increase of 1,352 security hours at a cost of \$21,376 and an estimated increase of 89 days of park restroom locking services at a cost of \$3,204 for a combined compensation amount increase of \$24,580. Since the proposed extension period will continue into fiscal year 2016-17, the cost is divided by fiscal year in Table 3:

Table 3. Contract Extension Cost Per Fiscal Year

Contract Extension Cost Per Fiscal Year					
Fiscal Year	Security Guard Service		Restroom Locking Service		Total Cost Per Fiscal Year
	Hours	Total Cost	Days	Total Cost	
2015-16	908	\$14,356	58	\$2,088	\$16,444
2016-17	444	\$7,020	31	\$1,116	\$8,136
Total	1,352	\$21,376	89	\$3,204	\$24,580

While the Department of Public Works prepares to advertise security services for bid, staff is continuing to identify opportunities to accommodate the restroom closure procedures internally to reduce costs and is exploring other security options to bring added benefit to the community.

FISCAL IMPACT:

The fiscal impact associated with the Third Amendment to Agreement with Absolute Security International, Inc. for Security Services at the Covina Metrolink Station and Parking Complex is a total increase of \$24,580 divided into two components due to the proposed extension period commencing in fiscal year 2015-16 and expiring in fiscal year 2016-17.

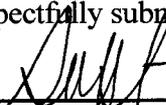
The proposed extension period between May 4, 2016 and June 30, 2016 is an increase of \$14,356 to the fiscal year 2015-16 Department of Public Works budget (account no. 2400-TO11-52310). Since security services support the operation of the City’s Metrolink facilities, the increase in security hours are eligible to be funded by Proposition A funds from the Los Angeles County Metropolitan Transportation Authority (Metro) and sufficient funding has been identified in the available Proposition A Fund balance (account no. 2400-00000-33000) in the amount of \$14,356. Park restroom locking services are ineligible for Proposition A funds as the restrooms to be locked are located within City parks and do not directly support public transit use. Funding for park restroom locking services will require funding from the General Fund in an amount of \$2,088, however, no budget increase is required as sufficient funding has been identified through various budget savings in various accounts within the Department of Public Works budget, as indicated in the 2015-16 Mid-Year Budget Review presented to the City Council on April 5, 2016.

The proposed extension period between July 1, 2016 and July 31, 2016 will be funded by the same funding sources as proposed for the extension period between May 4, 2016 and June 30, 2016. An allocation of \$7,020 from the Proposition A Fund for security services and an allocation of \$1,116 from the General Fund for park restroom locking services will be included in the Department of Public Works 2016-17 budget.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt per Section 15061 (b) (3). The project is covered by the General Rule that CEQA applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Respectfully submitted,



Siobhan Foster
Director of Public Works

ATTACHMENTS:

Attachment A: Professional Services Agreement with Absolute International Security, Inc., Approved by City Council on May 3, 2011

Attachment B: Letter Agreement (“First Amendment”) to Professional Services Agreement with Absolute International Security, Inc., Approved by City Council on August 18, 2015

Attachment C: Second Amendment to Professional Services Agreement with Absolute International Security, Inc., Approved by City Council on October 20, 2015

Attachment D: Resolution No. 15-7404, Approved by City Council on October 20, 2015

Attachment E: 2015-16 Mid-Year Budget Review, Presented to City Council on April 5, 2016

Attachment F: Third Amendment to Professional Services Agreement with Absolute International Security, Inc.

Attachment G: Resolution No. 16-7476

CITY OF COVINA
PROFESSIONAL SERVICES AGREEMENT
WITH ABSOLUTE SECURITY INTERNATIONAL, INCORPORATED FOR
SECURITY SERVICES AT THE COVINA METROLINK STATION AND PARKING
COMPLEX

THIS AGREEMENT is entered into this 3rd day of May, 2011, by and between the CITY OF COVINA, a California municipal corporation (hereinafter referred to as "CITY") and Absolute Security International, Incorporated, a California Corporation (hereinafter referred to as "CONSULTANT").

The parties do agree as follows:

SECTION 1. RECITALS.

This Agreement is made and entered into with respect to the following facts:

- (a) CITY has considered the proposal (the "Proposal" attached hereto and incorporated herein by reference as Attachment A.), from CONSULTANT for professional services including but not limited to, providing the services as described below in Section 6 of this Agreement.
- (b) CITY desires to have a highly qualified company to perform such services.
- (c) CONSULTANT represents and warrants that it is qualified to perform such services and has agreed to do so pursuant to this Agreement; and
- (d) CITY desires to contract with CONSULTANT on the basis of the following terms and conditions.

SECTION 2. EMPLOYMENT.

CITY hereby employs CONSULTANT and CONSULTANT hereby accepts such employment, to perform those services under this Agreement.

SECTION 3. INDEPENDENT CONTRACTOR.

The parties hereby acknowledge that CONSULTANT is an independent contractor and shall not be considered to be an employee of CITY.

SECTION 4. PRINCIPAL REPRESENTATIVE

The Director of Public Works of CITY shall be the principal representative of CITY for purposes of this Agreement. Ms. Lucy J. Lin, President, shall be the principal representative of CONSULTANT for purposes of this Agreement.

SECTION 5. CONSULTANT NOT AGENT OF CITY.

A. CONSULTANT shall have no authority, expressed or implied, to act on behalf of CITY in any capacity whatsoever as an agent.

B. CONSULTANT shall have no authority, express or implied, pursuant to this Agreement to bind CITY to any obligation whatsoever.

SECTION 6. SCOPE OF SERVICES.

CONSULTANT will diligently perform the tasks, in a good and workmanlike manner, which are more specifically identified in the Scope of Services, attached hereto and incorporated herein by reference as Attachment B, unless otherwise instructed by City.

SECTION 7. STANDARD OF PERFORMANCE.

CONSULTANT shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which CONSULTANT is engaged in the geographical area in which CONSULTANT practices his or her profession.

SECTION 8. TIME.

A. CONSULTANT shall devote such time to the performance of services pursuant to the Agreement as may be reasonably necessary for satisfactory performance of CONSULTANT's obligations pursuant to this Agreement.

B. Neither party shall be considered in default of this Agreement to the extent performance is prevented or delayed by any cause, present or future, which is beyond the reasonable control of the party.

SECTION 9. QUALIFICATIONS.

A. CONSULTANT represents and warrants to CITY that it has all necessary professional licenses and/or certificates to legally perform the services under this Agreement.

B. CONSULTANT represents and warrants to CITY that CONSULTANT shall, at his sole cost and expense, keep in effect or obtain at all times during the term of this Agreement all necessary licenses and certificates required of CONSULTANT to perform the services.

SECTION 10. TERM.

The term of this Agreement shall be the period commencing from the effective date of this Agreement, as first shown above, and CONTRACTOR shall operate and maintain the service for a three-year period ending on May 3, 2014. If and only if mutually agreeable by both parties, the contract may be extended for up to two additional years, pending City Council approval.

SECTION 11. COMPENSATION.

A. CONSULTANT will perform those tasks and deliver the services described in this Agreement, in accordance with the terms and provisions of this Agreement for a total contract price not to exceed Four Hundred and Five Thousand Dollars (\$405,000.00).

B. CONSULTANT shall be paid the compensation at the payment intervals set forth in the Payment Schedule (Section 12).

C. Authorized work shall be in strict compliance with the provisions of this Agreement. CONSULTANT shall provide all labor, materials and equipment, as necessary to perform the services under this Agreement without any additional charge or compensation. *CONSULTANT shall not charge for travel time or break time.*

D. To provide for employee retention, an adjustment to the hourly billing rate may be negotiated on the yearly anniversary of the contract, if and only if mutually agreeable by both parties. An incentive in the hourly pay of employees of \$0.50 to \$0.75 per hour may be calculated into the hourly billing rate for employees dedicated to the Covina Metrolink Complex, provided that this retention incentive is provided to directly increase the hourly pay of a designated employee that has successfully completed one full year of continuous service at the City of Covina Metrolink Complex with a yearly performance evaluation rated as "above average" or better in mutual agreement between the CONSULTANT and the CITY. The CONSULTANT shall not pass through any other additional costs to the CITY besides the hourly pay rate adjustment that is provided to the employee and a calculation equivalent to 5.5 percent (0.055) of the increase in hourly pay to cover the cost of the additional employee taxes and benefits, as proposed in Attachment A. If an employee that has received an adjustment to their rate of pay is terminated or transferred from the contract, the hourly billing rate of the contract will be adjusted on the next billing statement to reflect the base rate of pay and benefits for all employees (\$9.45 an hour) for the new employee.

SECTION 12. PAYMENT SCHEDULE.

A. CONTRACTOR shall invoice CITY monthly, submitting all required management reports with its invoice. Provided the Services have been rendered satisfactorily to

CITY and in accordance with this Agreement, CITY shall tender payment to CONSULTANT not later than ten (10) days following each of the times set forth above.

B. CITY shall make no payment for any extra, further, or additional services not expressly set forth in this Agreement unless such extra service and the price thereof is agreed to in writing and executed by the City Manager prior to the time that such extra service is rendered.

SECTION 13. COMPENSATION WITHHELD.

A. When the CITY shall have reasonable grounds for believing that CONSULTANT will be unable to perform this Agreement fully and satisfactorily within the time fixed for performance; or a meritorious claim exists or will exist against CONSULTANT or CITY arising out of the negligence of CONSULTANT or CONSULTANT's breach of any provision of this Agreement, then the CITY may withhold payment of any amount otherwise due and payable to CONSULTANT under this Agreement.

B. Any amount so withheld may be retained by CITY for that period as it may deem advisable to protect CITY against any loss and may, after written notice to CONSULTANT, be applied in satisfaction of any claim described here.

C. This provision is intended solely for the benefit of CITY and no person shall have any right against the CITY or claim against CITY by reason of the CITY's failure or refusal to withhold monies.

D. No interest shall be payable by CITY on any amounts withheld under this provision.

E. This provision is not intended to limit or in any way prejudice any other right of CITY.

SECTION 14. RIGHT TO AUDIT AND INSPECT.

CITY shall have the right to audit and inspect all books and records kept by CONSULTANT in connection with the operation and services performed under this Agreement.

SECTION 15. RIGHT OF TERMINATION.

A. This Agreement may be terminated by either party with or without cause, upon thirty (30) days written notice to the other party.

B. All work shall cease at the conclusion of the notice period and CONSULTANT shall be paid for all services satisfactorily provided prior to termination in accordance with the rates as provided in this Agreement.

SECTION 16. INDEMNITY.

CONSULTANT hereby agrees to and does indemnify, defend and hold harmless CITY, and any and all of their respective officers, employees and representatives from any and all

claims, liability and expenses, including attorney fees and costs, that arise out of or are related to CONSULTANT's negligent performance of this Agreement.

To the fullest extent permitted by law, CONSULTANT shall hold harmless, defend at its own expense, and indemnify CITY, its officers, employees, agents, and volunteers, against any and all liability related to the use of Segway scooters or any other scooter transportation devices as part of this Agreement resulting in, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions to act of CONSULTANT or its officers, agents, or employees in rendering services under this Agreement; excluding, however, such liability, claims, losses, damages, or expenses arising from CITY's sole negligence or willful acts.

In the event that CONSULTANT or any employee, agent, or subcontractor of CONSULTANT providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of CITY, CONSULTANT shall indemnify, defend, and hold harmless CITY for the payment of any employee and/or employer contributions for PERS benefits on behalf of CONSULTANT or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of CITY.

SECTION 17. CONSULTANT'S LIABILITY FOR PUBLIC LIABILITY AND PROPERTY DAMAGE.

CONSULTANT shall assume all responsibility for damages to property or injuries to persons, including accidental death, which may be caused by CONSULTANT's negligent performance of this Agreement, whether such performance be by themselves, or their agents, or whether such damage shall accrue or be discovered before or after termination of this Agreement.

SECTION 18. LIABILITIES.

A. CONSULTANT shall not assert any claim arising out of any act or omission by any officer, agent, or employee of CITY in the execution or performance of this Agreement against that officer, agent or employee.

B. Nothing in this Agreement shall be construed to give any person other than CITY and CONSULTANT any legal or equitable rights, remedy or claim under this Agreement.

SECTION 19. CONFLICT OF INTEREST.

A. CONSULTANT covenants that neither it nor any officer of the corporation, or partnership, as the case may be, has any interest, nor shall they acquire any interest, directly or indirectly, which would conflict in any manner with the performance of CONSULTANT's services under this Agreement.

B. CONSULTANT further agrees that in the performance of this Agreement, no person having an interest of the above nature shall be employed by him or her.

C. No person who contracts with CITY, either for the rendition of personal services shall make any contribution to a CITY official or candidate for CITY office.

SECTION 20. NOTICES.

A. Notices pursuant to this Agreement shall be given by personal service or by deposit of the same in the custody of the United States Postal Service, postage prepaid, addressed as follows:

TO CITY: City of Covina
125 E. College Street
Covina, CA 91723
Attn: Director of Public Works

TO CONSULTANT: Absolute Security International, Inc.
728 N. Barranca Avenue
Covina, CA, 91723
Attn: Ms. Lucy J. Lin, President

B. Notices shall be deemed to be given as of the date of personal service, or two (2) days following the deposit of the same by first class mail in the course of transmission of the United States Postal Service.

SECTION 21. BINDING EFFECT.

This Agreement shall be binding upon the parties hereto and their successors in interest.

SECTION 22. ASSIGNMENT.

A. CONSULTANT shall not assign, transfer, convey, pledge or otherwise dispose of its rights or obligations hereunder, except the payment of funds from CITY, without prior written consent of CITY.

B. The consent of CITY to an assignment shall not be unreasonably withheld, but prior to approving any assignment involving the performance of any obligations pursuant to this Agreement, CITY shall be satisfied by competent evidence that the assignee is financially able and technically qualified to perform those services proposed to be assigned.

C. In the event of such assignment, CITY may condition the same so as to ensure compliance with the provisions of this Agreement.

D. CITY'S consent to one assignment shall not be deemed to constitute consent to future assignments. CONSULTANT acknowledges that CITY'S written consent must be first obtained prior to each assignment, transfer, conveyance, pledge or other disposition.

SECTION 23. COMPLIANCE WITH LAWS.

CONSULTANT shall comply with all applicable laws in performing its obligations under this Agreement.

SECTION 24. INSURANCE.

A. CONSULTANT shall obtain and maintain at its expense, during the term of this Agreement, all necessary insurance for its employees engaged in the performance of this Agreement, including, but not limited to worker's compensation insurance.

B. CONSULTANT shall obtain and maintain at its expense, during the term of this Agreement, comprehensive general liability insurance with coverage of not less than Two Million Dollars (\$2,000,000.00) combined single limit per occurrence (and not "claims made") for bodily injury, personal injury and property damage and Two Million Dollars (\$2,000,000.00) general aggregate. CONSULTANT shall cause CITY, its officers, employees, and agents, to be named as an additional insured on said policy and shall obtain a waiver of the insurer's right of subrogation against CITY.

C. For all vehicles operated by CONSULTANT to provide services under this Agreement, Business Auto Coverage under standard ISO form including symbol 1 (All Auto) auto coverage with limits of no less than \$1,000,000.00 and scheduled under any umbrella policy.

D. CONSULTANT shall obtain and maintain professional liability (errors and omissions) insurance in an amount of not less than \$1,000,000.00.

E. CONSULTANT shall obtain and maintain workers compensation and employers liability insurance in an amount of not less than \$1,000,000.00.

F. CONSULTANT shall provide CITY with written proof of the existence of such insurance and the commitment of the insurance carrier (either by policy endorsement or similar agreement) to notify CITY in writing 30 days before any reduction in coverage or the cancellation of such insurance. All insurance coverage required herein shall apply on a primary non-contributing basis in relation to any insurance or self-insurance available or applicable to CITY.

SECTION 25. DISCRIMINATION.

A. CONSULTANT agrees that no person shall be excluded from employment in the performance of this Agreement on grounds of race, creed, color, sex, age, handicap or marital status, place of national origin or any other basis prohibited by local, State or Federal law.

B. CONSULTANT agrees to comply with all local, State and Federal laws relating to equal employment opportunity rights.

SECTION 26. ENTIRETY OF AGREEMENT.

This Agreement contains the entire Agreement of CITY and CONSULTANT with respect to the subject matter hereof, and no other agreement, statement, or promise made by any party, or to any employee, officer, or agent of any party, which is not contained in this Agreement shall be binding or valid.

SECTION 27. ATTORNEYS FEES.

In the event that any action or proceeding is instituted for the breach of this Agreement, the prevailing party shall be entitled to reasonable attorneys fees.

SECTION 28. CONSISTENCY WITH CURRENT LAW.

A. It is the intent and understanding of the parties to this Agreement that every provision of law required to be inserted in this Agreement is inserted here.

B. If through mistakes or otherwise, any of those provisions are not inserted in correct form, then this Agreement shall upon application of either party, be amended by insertion so as to comply strictly with the law and without prejudice to the rights of either party.

C. If this Agreement contains any unlawful provisions, not an essential part of the Agreement and which appear not to have been a controlling or material inducement to the making of this Agreement, those provisions shall be deemed of no effect, and shall upon application of either party be stricken from the Agreement without affecting the binding force of the Agreement as it shall remain after omitting those provisions.

SECTION 29. VENUE.

In the event that suit shall be brought by either party to this contract, the parties agree that venue shall be exclusively vested in the State courts of the County of Los Angeles or where appropriate, in the United States District Court, Central District of California, Los Angeles, California.

SECTION 30. INTERNAL INCONSISTENCIES.

If this Agreement contains any errors, inconsistencies, ambiguities, or discrepancies, including typographical errors, CONSULTANT shall request a clarification of those items by writing to the City Manager whose decision shall be binding upon the parties.

SECTION 31. CAPTIONS AND HEADNOTES.

The captions and headnotes or sections of this Agreement, and marginal notes are intended for convenience and reference purposes only and in no way define, limit or describe the scope or intent of this Agreement.

IN WITNESS WHEREOF, this Agreement for Professional services has been duly authorized and executed by the parties hereto on the day and year first herein above written.

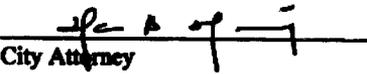
"CITY"
City of Covina

By: 
Daryl Parrish
City Manager

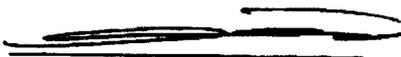
ATTEST:


Cali M. Galic
City Clerk

APPROVED AS TO FORM:


City Attorney

"CONSULTANT"
Absolute Security International, Inc.
a California Corporation

By: 
Lucy J. Lin
President

ATTACHMENT A



State Lic. PPO 14509
CVL

PROPOSAL

Absolute Security International, Inc. will provide:

- * One (1) uniformed, unarmed security officers for each of the three (3) 8-hour shifts for 5 weekdays per week
- * Additional One (1) uniformed unarmed security officer during the morning and evening peak hours during the 5 weekdays
- * One (1) uniformed, unarmed security officers for each of the two (2) 8-hour shifts for Saturday & Sunday.
- * AIS Field Supervisors will visit on a daily basis in our marked patrol vehicle, a minimum of three daily random site visits per shift.

DATE	SCHEDULES	REG. HOURS	REG. RATE	O.T. HOURS	Discounted O.T. RATE	TOTAL	
Monday	Officer No. 1	4:30 am - 4:30 am	24	\$13.45	0	\$18.00	\$322.80
	Officer No. 2	6:00 am - 10:00 am & 5:00 pm - 9:00 pm	8	\$13.45	0	\$18.00	107.60
Tuesday	Officer No. 1	4:30 am - 4:30 am	24	\$13.45	0	\$18.00	322.80
	Officer No. 2	6:00 am - 10:00 am & 5:00 pm - 9:00 pm	8	\$13.45	0	\$18.00	107.60
Wednesday	Officer No. 1	4:30 am - 4:30 am	24	\$13.45	0	\$18.00	322.80
	Officer No. 2	6:00 am - 10:00 am & 5:00 pm - 9:00 pm	8	\$13.45	0	\$18.00	107.60
Thursday	Officer No. 1	4:30 am - 4:30 am	24	\$13.45	0	\$18.00	322.80
	Officer No. 2	6:00 am - 10:00 am & 5:00 pm - 9:00 pm	8	\$13.45	0	\$18.00	107.60
Friday	Officer No. 1	4:30 am - 4:30 am	24	\$13.45	0	\$18.00	322.80
	Officer No. 2	6:00 am - 10:00 am & 5:00 pm - 9:00 pm	8	\$13.45	0	\$18.00	107.60
Saturday	Officer No. 1	9:00 am - 5:00 pm & 7:00 pm - 3:00 am	16	\$13.45	0	\$18.00	215.20
Sunday	Officer No. 1	9:00 am - 5:00 pm & 7:00 pm - 3:00 am	16	\$13.45	0	\$18.00	215.20
WEEKLY TOTAL		192		0		\$2,801.20	
MONTHLY TOTAL		632		0.00		\$11,358.40	
ANNUAL TOTAL		9,984		0		\$174,584.00	

Hourly MB rate	253.45
Hourly pay rate	9.45
Gross margin	-4.88
Payroll taxes	4.95
Workers comp	0.30
General liability	0.50
Health insurances & medications	0.10
Supplies & equipment	0.14
Other related mba. costs	0.30
Total for MB & profit	10.37

Security officer No. 1 will provide physical presence at the Metrolink Station platform to assist the public with boarding/departing trains & buses, to provide info & answer any questions, crowd control & prevent injuries. The security officer will conduct patrols to ensure the facility, including the parking lot to make it secure from vandalism, unauthorized persons and usage, prevent any potential accidents and report unsafe conditions. He/she will also use CCTV in the guard shack to monitor all areas of service location.

Security officer No. 2 will provide security presence for 4 hrs in the morning & 4 hrs in the evening during peak times, across the street at the Metrolink West Parking Complex. He/she will perform security patrol of the 4-stories structure to ensure facility is free from theft, vandalism, graffiti, unauthorized usage, & report any potentially unsafe conditions.

AIS recommends adding two(2) three-wheel electric scooters on site to patrol the Covina Metrolink Parking Structure. This additional method of transportation will enhance patrol efficiency by covering more grounds. It will also assist in providing more efficient usage of break periods. We believe it is an environmentally friendly & cost-effective way to increase productivity.

AIS understands that the City of Covina stipulates a provision for yearly increase for Security Officers, as retention incentives. At the City's request, this hourly pay increase for Security Officers will range from \$0.50 - \$0.75 per hour.



State Lic. # PPO 16302

PROPOSED OFFICER RETENTION INCENTIVES

Proposed as an example of contract costs if employees are successfully retained.

	<i>PROPOSED INCREASES</i>	
	<i>\$0.50</i>	<i>\$0.75</i>
Hourly bill rate	\$14.20	\$14.50
Hourly pay rate	9.95	10.20
Gross margin	4.25	4.30
Payroll taxes	1.09	1.12
Workers comp	0.42	0.43
General liability	0.61	0.61
Electric meter & maintenance	0.11	0.11
Supplies & equipment	0.14	0.14
Other related misc. costs	0.20	0.20
	2.96	2.60
Total for OH & profit	\$1.60	\$1.70
2012 -13 EST. WEEKLY TOTAL	\$2,726.00	\$2,784.00
2012 -13 EST. MONTHLY TOTAL	\$11,814.00	\$12,064.00
2012 -13 EST. ANNUAL TOTAL	\$141,772.00	\$144,768.00

**ATTACHMENT B
TO AGREEMENT FOR PROFESSIONAL SERVICES**

(Scope of Services)

PROJECT DESCRIPTION

As the Covina Metrolink Station is unstaffed, security personnel provide an essential first line of customer service and will be expected to serve as transportation ambassadors representing the City of Covina and the Metrolink system. As such, security personnel will be trained to answer basic transportation questions and are expected to be on foot patrol at the train platform for the arrival and departure of each train during their shift. When trains are not arriving or departing from the station, guards are expected to patrol the parking structure and the surface parking lot. There is a guard shack at the station with CCTV monitors, but the guard shack is not to be the primary post location for security personnel. Security personnel are expected to spend at least 75% of their time either on parking lot patrol or being a visible customer service presence among the passengers at the train platform. Each shift or post must be staffed throughout the duration of a shift, requiring relief for meals and breaks. Additionally, Contractor must provide an appropriate level of trained field supervision for security officers working these fixed locations. The Contractor shall participate in an ongoing liaison and coordination of activities with the City of Covina Public Works Department, Metrolink field staff, Covina Police Department, and the Los Angeles County Sheriff Department as needed. The Contractor must also provide for ongoing and regular briefings and inspections of contract personnel.

Post Orders

The security contractor shall provide "post orders" to guide the performance of its security personnel on City facilities. These post orders shall be prepared in consultation with the City's Project Manager and shall be subject to regular inspection.

Post orders define the basic work to be performed by contract security personnel at a specific site or sector. Post orders are prepared by the Contractor's Project Manager in consultation with the City's Project Manager. Post orders shall include but are not limited to:

1. Facility information (e.g. operating hours, passenger information, chain of command)
2. Facility rules and regulations
3. Operation of equipment
4. Vehicular traffic control
5. Access control procedures
6. Emergency and critical incident response procedures
7. Security/fire control alarm systems
8. Rail safety concerns
9. Response to injury and illness
10. Train schedules, connecting transit

Although post orders are important guidelines, direction from police, fire, and emergency authorities as well as the City's general orders take precedence.

Post orders shall be written and contain complete duty instructions for staffing each individual post, including provisions for handling critical incidents (emergency procedures). All contract personnel shall have access to these post orders at all times while on duty. All contract security personnel are responsible for knowing the location of these written post orders and shall be familiar with their contents. Security supervisors shall have a comprehensive set of all post orders in their possession or immediately accessible at all times while on duty.

Personnel

The Contractor shall provide a Project Manager, an appropriate number of Security Supervisors and Security Officers. The Managers and Supervisors are not expected to be dedicated to this project alone. Specific tasks for each of these personnel are listed below. These tasks are expected to be performed but are not all inclusive.

Project Manager

1. Act on behalf of the contractor on all matters related to the contract.
2. Report to and coordinate with City Project Manager on a regular basis.
3. Maintain an adequate quality control and complaint resolution system.
4. Respond to contract discrepancy reports on an as needed basis.
5. Establish operational procedures in consultation with City Project Manager.
6. Develop post orders as needed in conjunction with City policy.
7. Meet with City designated Project Manager on a regular basis.
8. Ensure compliance with contractual staffing, training and equipment requirements.
9. Be knowledgeable and adhere to Contractor's standards regarding safety and ensure compliance of subordinates through regular inspections.

Security Supervisors

1. Respond to on-site incidents involving subordinates or respond to requests from the City Project Manager within two (2) hours time period following an occurrence / request.
2. Conduct on-site supervision, inspection and guidance to on-duty security officers.
3. Assure proper assignment and relief coverage (Note: the Covina Station does not have on-site toilet facilities). Notify City Project Manager of uncovered posts immediately.
4. Reviews, corrects, and approves subordinates' logs and reports.
5. Maintains knowledge of City operational areas, facilities and property as well as adjoining areas.
6. Ensures subordinates' compliance to all terms of contract, post orders and Authority policy, rules and regulations.
7. Provides written results of investigations at the request of the City's Project Manager.

Security Officers (uniformed)

The primary responsibilities of Security Officers is the provision of customer service to rail patrons, visual presence of a professional uniformed security force to deter crime and threats to the Metrolink system and its patrons, passengers and property, including equipment, stations, parking lots and facilities, etc. The Security Officer must also provide for public safety by requesting that all individuals that are not patrons of the commuter rail facility vacate the premises in a prompt and orderly manner. This is especially important for area youths that attempt to use the parking facilities or the Metrolink train platform as a recreational facility, thus placing themselves at great risk of bodily injury through auto/train collisions with bicycles/skateboards or placing themselves or others at risk through tossing objects from elevation or walking/sitting on the top level walls of the parking structure while intoxicated. Specific post locations/job assignments are subject to change by the City Project Manager as needed. Uniformed Security Officers will also be required to:

1. Respond to requests from service patrons for assistance and service information.
2. Be familiar with train and bus schedules, ticket vending machine operations, Bikestation operations, parking permit requirements and sales procedures and Metrolink system rules and regulations.
3. Prepare accurate, legible, and grammatical reports detailing any unusual incidents/accidents or occurrences during each shift.
4. Assist City personnel, police and law enforcement personnel on City property as requested by providing perimeter access control, traffic direction or site liaison.

Employee Eligibility Criteria

All security personnel employed by any Contractor under a resulting contract are required to meet certain minimum qualifications or standards regarding background, training, experience, and health as established in this section unless a waiver is requested and approved prior to submission of a proposal. The final decision as to the suitability of security personnel, both Security Officers(s) and Security Supervisor(s), rests with the City Project Manager.

Security Officer

- a) Must be a graduate of a state certified security officer/guard training program and possess current, valid Consumer Affairs guard cards, and certification to carry a baton (PR-24/baton card).
- b) Must possess current First Aid and CPR (Cardiopulmonary Resuscitation) certification cards. Certification as an Emergency Medical Technician – Level I (EMT-I) from an emergency medical service certification agency in Los Angeles County may substitute for the first aid requirement, but not the CPR card.
- c) Must be a citizen of the United States of America, or an alien who has been lawfully admitted for permanent residence as evidenced by an Alien Registration Receipt Card for 1-151, or other evidence from the Immigration and Naturalization Service that the candidate is able to work legally in the United States.

- d) May not be employed under this contract if he or she currently or in the past has been involved in: (1) any felony or sex conviction; (2) military conduct resulting in dishonorable or undesirable discharge; (3) any pattern of irresponsible behavior or moral turpitude, including but not limited to reckless driving, theft, etc.
- e) Must be fully literate in the English language (i.e. be able to read, write, speak and understand clearly). All personnel shall be capable of properly writing reports and maintaining a daily activity log. Oral command of English must be sufficient to permit full and effective communication even in times of stress.
- f) Must acquire, keep active and possess at all times while on duty all technical licenses and permits required by law for employment as a security officer.
- g) Must meet the following requirements regarding professional behavior and ability:
 - i) Ability to meet and deal tactfully with police and fire department personnel, City employees and the general public; ability to understand, explain, interpret and apply rules, regulations, directives and procedures in a tactful manner;
 - ii) Possess poise, self-confidence and an ability to make sound decisions and react quickly under stressful situations;
 - iii) Ability to prepare clear and concise reports;
 - iv) Ability to learn and adapt to changing situations;
 - v) Ability to accept and respond to instruction and direction.

Security Supervisor

Security Supervisors must meet all eligibility criteria applicable to the Security Officer classification. They must also demonstrate the ability to provide direction and guidance to subordinate personnel.

Required Documentation

All personnel performing under this contract must possess and keep current as required all appropriate cards, certificates and licenses, including but not limited to the following:

- (a) California Department of Consumer Affairs Guard Card; (b) First Aid (or EMT-I) Certification and Cardiopulmonary Resuscitation (CPR) card; (c) Valid California Driver's License (if operating a motor vehicle).

Items a, b and c must be on officer's person at all times while on duty.

Physical Demands

The work requires frequent and prolonged walking, frequent climbing of stairs, standing, sitting and some running. Rarely, security personnel may be required to subdue violent or potentially violent people. Accordingly, stamina in all of its forms (physical, mental, climate-related, etc.) is a basic physical requirement of this position. Any individual who cannot meet the requirements of this position, including inability discovered through on the job performance, will not be qualified to work under this contract and will be removed immediately from service if necessary.

Training Requirements

Contractor is required to ensure that all field personnel receive training in order that the City is assured that said personnel are capable of assuming the responsibilities of their assignments. This training will include a minimum of four hours of commuter rail safety/security training and will cover topics including:

- 1) Liaison/cooperation with commuter rail police.
- 2) Bomb threats.
- 3) Crowd Control.
- 4) Traffic control.
- 5) Threats to patrons and security awareness.

In addition to these training requirements, all contract personnel may be subject to on-duty participation in Metrolink Rail Authority, Los Angeles County Sheriff's Department or Covina Police Department sponsored emergency operations drills and exercises as they occur.

Equipment for City Service

Personnel

Contractor is required to provide all personnel with the equipment necessary to perform the requirements of this contract. Minimum uniform equipment shall include: handcuffs (Smith & Wesson or Peerless); a two way radio or cellular telephone; a baton (PR-24 or straight stick, depending on employee qualifications); a Sam Brown equipment belt, or approved equal; and a visible name tag.

Uniform equipment and badges/patches shall not be similar in style or appearance to those worn by any law enforcement agency which operates in the service area where the officer or supervisor is assigned.

Additionally, all individual officers shall have the following equipment in their possession at all times when on duty for service:

- 1) Flashlight (2-cell minimum/3-cell maximum)
- 2) Safety (orange/reflective) vest
- 3) CPR pocket mask

At any and all times while in City service, all security personnel and supervisors are required to wear a complete uniform and to be fully equipped.

Vehicle

Security Supervisors are required to have a response vehicle accessible at all times. Vehicles shall be clearly marked. All vehicle costs and the vehicles themselves shall be provided by the Contractor.

Vehicle type, markings, lights, etc. are to be of a type approved by the City Project Manager. Also, all contract response vehicles shall be equipped with the following equipment:

- 1) Heavy duty/rechargeable flashlight
- 2) Traffic cones
- 3) Flares
- 4) Yellow scene management ("banner guard" type) tape
- 5) First aid kit
- 6) Blanket
- 7) Fire extinguisher
- 8) Radio (optional)

The Contractor shall provide two electric scooters that are permanently assigned to the Covina Metrolink Station and Covina Metrolink Structure for use by the security personnel for roving patrols required at the facilities. The electric scooters shall be clearly marked and shall not be street-legal. Security personnel using the electric scooters will be required to dismount and walk the scooter across streets at marked crosswalks. Electric scooter costs and the vehicles themselves shall be provided by the Contractor.

Prohibited Equipment

Security personnel shall not be permitted to carry or possess any unauthorized equipment such as firearms; knives; chemical agents; concealed weapons; personal radios, televisions or computer games; or any other item not specifically approved in the contract.

Maintenance of Uniforms and Equipment

The Contractor is responsible for assuring that all security personnel maintain a clean and neat appearance in accordance with the Contractor standards, up to and including responsibility for maintenance and replacement of uniforms as necessary. Likewise, it is expected that all equipment, particularly vehicles used by the Contractor shall be kept clean, well-maintained, and in safe operating condition at all times, free from defects or wear which may in any manner constitute a hazard to any person or persons on City property.

Weapons Safety

Contractor shall without exception observe the following safeguards regarding the use and possession of weapons and batons at any and all times while on duty at any City function or

property. This includes, but is not limited to, the distribution of the following safeguards to all security personnel in City service:

- 1) At no time shall any weapon or associated equipment (i.e. firearms, batons, gun belt, ammunition, magazines, etc.) be stored at City sites.
- 2) At no time are the belt, baton, or other similar equipment to be removed from the person of the Security Officer or left unattended at any City site.
- 3) Batons are not to be utilized as a measure of threat or intimidation, but only in the defense of life.
- 4) Firearms are not to be present at any City facility at any time.
- 5) Unauthorized weapons, holsters and ammunition are expressly prohibited.
- 6) Loss, theft or misuse of any equipment must be reported to the City Project Manager immediately.

Radio and Communication Equipment

The Contractor shall provide and maintain the following communications equipment:

- A radio system or cellular telephones for all Security Supervisors and personnel.
- Internet service with email capability and a Facsimile (FAX) machine in the office of the Project Manager.

Contractor will provide a centralized dispatch service staffed during work hours.

System Quality

Radio communications among system users is expected to be strong and clear at all times, both transmitting and receiving. Contractor shall be totally responsible for providing and maintaining required system quality throughout their portion of the City service area. The initial and continued integrity of the capability is subject to ongoing inspection by the City Project Manager. Where radio coverage is not adequate, cellular telephone use shall be substituted.

Performance Requirements and Verification

Contractor Responsibility

Contractor shall be responsible for maintaining satisfactory standards of employee competency, conduct, appearance and integrity as required and set forth in the contract with the City. Contractor shall likewise be responsible for disciplining contract personnel as necessary to ensure such performance.

Monthly Progress Reports

A monthly progress report will be provided by the Contractor detailing incident reports, actions and information requested by the City each month. The report will be categorized and reporting done by incident and by site/location.

- 7) Provide personnel with all necessary equipment, transportation, training and supervision.
- 8) Develop and follow an approved relief schedule for all posts.
- 9) Have a 24 hour staff capability.
- 10) Provide personnel with handheld two-way radios or other approved communication equipment as specified in this scope of services.
- 11) Personnel must be baton certified in the State of California for the batons that they carry.
- 12) Provide personnel who have completed the requirements mandated by the California Department of Consumer Affairs for certification and must possess First Aid/CPR certifications.
- 13) Provide patrolling field supervisors to monitor the contract.
- 14) Provide ongoing training for personnel as needed and shall participate in all City mandated or sponsored training and drills as required.
- 15) Provide personnel of the highest caliber who meet the standards demanded in this scope of services.
- 16) Be willing to provide remedial officer training or counseling as required or remove deficient personnel from City service as requested by City Project Manager.
- 17) Participate in liaison/coordination meetings with City personnel and Covina Police Department personnel as needed.
- 18) Comply at all times with the terms and conditions of the contract, including the specific insurance requirements.

City Responsibilities

The City will have the following responsibilities:

- 1) Provide guidelines for security and protective services for associated properties and facilities.
- 2) The City Project Manager, in conjunction with appropriate City personnel, will advise and coordinate with security agency management assignment and deployment of all contract security personnel.
- 3) The City shall actively work with Contractor to jointly develop all necessary emergency operations and critical incident management protocols for use by Contractor personnel and shall support the Contractor in the development of all necessary protocols and procedures for effectively providing comprehensive security/protective services.
- 4) The City or its designee will conduct regular periodic reviews to ensure Contractor's adherence to contract specifications and continued ability to responsibly perform Contract services.
- 5) The City will prepare a Contract Discrepancy Report to identify specific failures of the Contractor to meet contract requirements.



CITY OF COVINA

125 East College Street • Covina, California 91723-2199

www.covinaca.gov

August 18, 2015

Lucy J. Lin
President
Absolute Security International, Inc.
861 S. Oak Park Road
Covina, CA 91723

RE: Extension of Transit Security Contract for Metrolink Complex Security Services with Absolute Security International, Inc.

Dear Mrs. Lin:

The enclosed contract ("Contract") between Absolute Security International, Inc., and the City of Covina for Professional Services has expired. The City is interested in continuing to utilize your services upon substantially the same terms and conditions. Thus, the City is proposing that the parties agree to extend the Contract by entering this letter agreement, pursuant to the terms and conditions stated herein.

By signing below, the parties agree as follows:

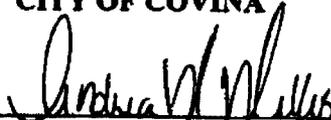
1. The Contract, titled Transit Security Services with Absolute Security International, Inc. for Covina Metrolink Complex Security Services and dated May 11, 2011 is fully incorporated herein by this reference. Except as expressly set forth herein, the terms of the Contract shall be given full force and effect as part of this agreement.
2. The term of this agreement shall be eight (8) months. This term may only be extended by the parties in writing. This term shall not automatically renew unless separately agreed in writing.
3. Either party may terminate this agreement without cause by giving the other party not less than fourteen (14) days' notice. City shall have no cost or liability to Contractor as a result of exercising its right to terminate without cause. This term shall supersede any provisions in the Contract related to termination without cause but shall not alter or replace any remedies or procedures contained in the Contract relating to terminations for cause.
4. To the extent there is a conflict between the terms set forth in this letter and the terms contained in the Contract, the terms of set forth in this letter shall control.

5. This agreement is an integrated agreement and contains the entire agreement between the parties. This agreement does not contain any modifications to the Contract except as stated in this letter. Handwritten or other modifications shall have no effect.
6. This agreement shall be effective upon the date the last party signs in the signature block below.
7. This agreement shall not take effect until the City signs in the signature block after receiving a duly signed agreement from the Contractor. City reserves the right to decline to enter the agreement.
8. The signatories signing this agreement are duly authorized to bind the parties hereto.
9. Notices sent under this agreement shall be sent to Contractor at the address contained in the Contract unless the following is completed:

Contractor: Absolute Security International, Inc.
 Attn: Lucy J. Lin
 Address: 861 S. Oak Park Road
 Covina CA 91724
 Phone: (626) 858-7188
 Facsimile: (626) 858-2882
 E-mail: llin@absolutesecurityintl.com

If you are interested in extending the Contract pursuant to these terms and conditions, please sign in the signature block below and return to the City. Upon receipt of a signed agreement, the City will inform you within a reasonable time whether the City will enter the agreement. If entered, the City will send you a fully executed copy of this agreement. If you have questions, please contact Public Works Director, Siobhan Foster at (626) 384-5217.

CITY OF COVINA

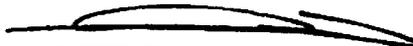


 Andrea Miller, City Manager

8/19/15

 August 18, 2015

Absolute Security International, Inc.



 Lucy J. Lin, President

08-18-2015

 August 18, 2015

**SECOND AMENDMENT TO
CITY OF COVINA AGREEMENT
PROFESSIONAL SERVICES AGREEMENT
WITH ABSOLUTE SECURITY INTERNATIONAL, INCORPORATED FOR
SECURITY SERVICES AT THE COVINA METROLINK STATION AND PARKING
COMPLEX**

This Second Amendment to the May 3, 2011 City of Covina Professional Services Agreement with Absolute Security International, Incorporated for Security Services at the Covina Metrolink Station and Parking Complex (“Agreement”) between the City of Covina, a California municipal corporation (“City”) and Absolute Security International, Inc., a California corporation (“Consultant”), is dated and effective October 20, 2015, and is between City and Consultant.

RECITALS

A. City and Consultant entered into the Agreement for Consultant’s performance of security services at the Covina Metrolink Station and Parking Complex.

B. The parties amended the Agreement by that certain Letter Agreement dated August 18, 2015 (“First Amendment”), to extend the term of the Agreement by eight (8) months to May 3, 2016.

C. The parties desire to further amend the Agreement to modify the total compensation amount.

The parties therefore agree as follows:

Section 1. Recital (a) is hereby amended in its entirety to read as follows:

“(a) CITY has considered the proposals attached hereto and incorporated herein as Attachments A, B and B-1 (collectively, the “Proposal”) from CONSULTANT for professional services, including, but not limited to, providing the services as described in Section 6 of this Agreement.”

Section 2. Section 6 (“Scope of Services”) is hereby amended in its entirety to read as follows:

“CONSULTANT will diligently perform the tasks, in a good and workmanlike manner, which are more specifically identified in the Scope of Services, attached hereto and incorporated herein by reference in Attachments B and B-1, unless otherwise instructed by City.”

Section 3. Paragraph A of Section 11 (“Compensation”) is hereby amended in its entirety to read as follows:

“A. CONSULTANT will perform those tasks and deliver the services described in this Agreement, in accordance with the terms and provisions of this Agreement for a

total contract price not to exceed Seven Hundred Twenty-Seven Thousand Three Hundred Dollars (\$720,606).”

Section 4. The third sentence in Paragraph D of Section 11 (“Compensation”) is hereby amended in its entirety to read as follows:

“The CONSULTANT shall not pass through any other additional costs to the CITY besides the hourly pay rate adjustment that is provided to the employee (1) and a calculation equivalent to 5.5 percent (0.055) of the increase in hourly pay to cover the cost of the additional employee taxes and benefits, as proposed in Attachments A and B-1.”

Section 5. Attachment “B-1” is hereby added to the Agreement to read as Attachment “B-1” of this Second Amendment.

Section 6. Except as expressly modified or supplemented by this Second Amendment, all of the provisions of the Contract, as amended by the First Amendment, shall remain unaltered and in full force and effect. In the event of a conflict between the provisions of this Second Amendment and the provisions of the Contract or the First Amendment, the provisions of the Second Amendment shall control.

[SIGNATURE PAGE FOLLOWS]

Alcohol and Drug Policy

Contractor must present City with a comprehensive Alcohol and Drug Testing Policy. Proof of a negative drug screen within the last 30 days is required for all employees.

City Verifications and Inspections

It shall be the responsibility and prerogative of the City to inspect, investigate, conduct inquiries into, supervise and otherwise direct the activities of any and all personnel providing service under this contract. Such activities will be conducted on a regular, periodic basis, either announced or unannounced by the City Project Manager or his/her designee. The Contractor shall only participate in activities approved by the City Project Manager. If Contractor is given direction to participate in activities by any other person besides the City Project Manager, this request needs to be reported to the City Project Manager immediately.

Additional Contractor Responsibilities/Information

The Contractor must also be able to meet the requirements listed below prior to commencing service:

- 1) Licensed to do business in the State of California.
- 2) Licensed to do business in the City of Covina.
- 3) In possession of a State of California and City of Covina Private Patrol Operating Permit.
- 4) Provide security personnel who can speak and write in English and who are able to complete routine logs and accurate incident reports.
- 5) Provide the City with trained, qualified security officers and supervisors who are able to project a positive professional appearance and demeanor and assist the public under demanding conditions in a high volume commuter rail system setting while remaining professional, courteous and tactful.
- 6) Provide uniformed guards possessing all required certifications One Hundred and Ninety Two (192) hours per week, seven days per week, excluding holidays when Metrolink Trains do not run (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day) according to the following schedule:

Monday-Friday @ Metrolink Station (one guard)

0430 to 1230 (8 hours)

1230 to 2030 (8 hours)

2030 to 0430 (8 hours)

Monday-Friday @ Metrolink Structure (one guard)

0600 to 1000 (4 hours)

1700 to 2100 (4 hours)

Saturdays & Sundays (one guard for both locations)

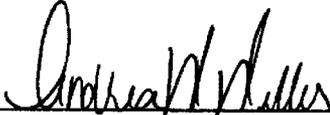
0900 to 1700 (8 hours)

1900 to 0300 (8 hours)

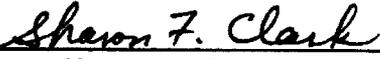
The parties are signing this Second Amendment as of the date stated in the introductory clause:

City:

City of Covina,
a California municipal corporation

By: 
Name: Andrea M. Miller
Title: City Manager

Attest:

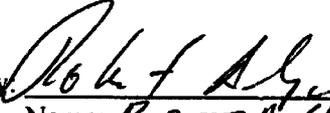
By: 
Name: Sharon F. Clark
Title: Chief Deputy City Clerk

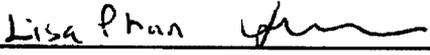
Approved as to Form:

By: 
Name: Candice K. Lee
Title: City Attorney

Consultant:

Absolute Security International, Inc.,
a California corporation

By: 
Name: ROBERT H. GLEY
Title: Chairman President
 Vice President

By: 
Name: Lisa Phan
Title: Secretary Asst. Secretary
 Chief Finance Officer Asst. Treasurer

[Two signatures required for corporations pursuant to California Corporations Code Section 313, unless corporate documents authorize only one person to sign this Agreement on behalf of the corporation.]

RESOLUTION NO. 15-7404

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, TO AMEND THE FISCAL YEAR 2015-2016 BUDGET REFLECTING AN APPROPRIATION OF \$30,324 FROM AVAILABLE PROPOSITION A FUND BALANCE FOR COVINA METROLINK COMPLEX SECURITY SERVICES AND INCREASING THE FISCAL YEAR 2015-2016 PROPOSITION A FUND BUDGET (ACCOUNT NO. 2400-TO11-52310) IN THE AMOUNT OF \$30,324 FOR EXPENDITURE ON COVINA METROLINK COMPLEX SECURITY SERVICES

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

WHEREAS, the budget for the City of Covina for fiscal year commencing July 1, 2015 and ending June 30, 2016 was approved on June 23, 2015; 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 of Covina wishes to allocate funds for the Covina Metrolink Complex Security Services.

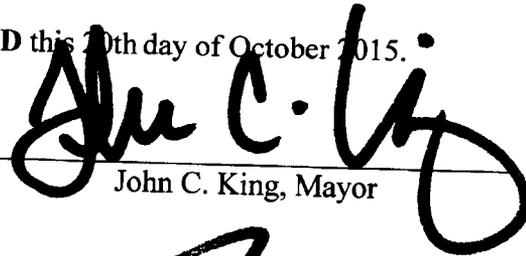
NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Covina, as follows:

SECTION 1. Amend the fiscal year 2015-2016 Budget as follows:

1. \$30,324 Proposition A Fund Balance (account no. 2400-0000-33000) to Proposition A Fund (2400-TO11-52310) for Covina Metrolink Complex Security Services.

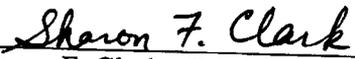
SECTION 2. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 10th day of October 2015.



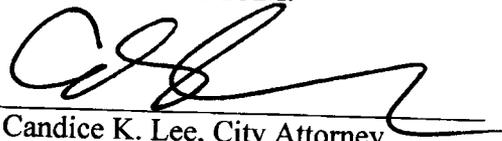
John C. King, Mayor

ATTEST:



Sharon F. Clark, Chief Deputy City Clerk

APPROVED AS TO FORM:

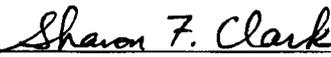


Candice K. Lee, City Attorney

CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, California, do hereby certify that the forgoing Resolution No. 15-7404 was adopted by the Covina City Council at a regular meeting thereof held on the 20th day of October, 2015, by the following vote:

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



Sharon F. Clark
Chief Deputy City Clerk



CITY OF COVINA

AGENDA REPORT

MEETING DATE: April 5, 2016

TITLE: 2015-16 Adopted Budget Mid-Year Review.

PRESENTED BY: Dennis Swink, Interim Finance Director

RECOMMENDATION: Approve the Revenue and Expenditure adjustments listed on Attachment C of this Report.

BACKGROUND:

The City Council adopted the FY 2015-16 budget on June 23, 2015. The total budget was \$68,818,207 with a General Fund budget of \$33,198,207. During the first eight months of this fiscal year, the Council has approved various staff recommendations for budget modifications to both revenues and expenditures. This report reviews the current status of General Fund and other budget issues. The report also summarizes additional revisions to the FY 2015-16 budget.

DISCUSSION:

Last Fiscal Year Estimate. Although the Comprehensive Annual Financial Report from last fiscal year won't be completed until mid-April, there is enough information to make a pretty reasonable estimate of how the General Fund fared last year. An unaudited statement of Revenues, Expenditures and Changes in Fund Balances for the General Fund is presented as Attachment A. This was prepared based on all the adjustments we know of at this time. It is likely these numbers will change somewhat when the final audit adjustments are posted but the final numbers should be pretty close to this. The schedule shows last year's General Fund revenues were \$35,481,151 and expenditures were \$32,740,267. There were other financing sources of 28,425 for a projected increase in fund balance of \$2,769,309. There are several reasons for the projected increase. Higher revenues, including one-time increases in miscellaneous and donations and a one-time adjustment to sales tax due to a reallocation of taxes from another entity. Lower expenditures, due to reductions in general government, community development and capital outlay. There are also some significant costs related to labor force reductions that were expected to hit last fiscal year but due to the final timing of those actions, were not incurred until this fiscal year.

Current Budget, year to date. The 2015-16 Adopted General Fund budget included overall revenues of \$33.3 million, expenditures of \$33.2 million and a projected surplus of \$95,700. Total revenue and expenditure adjustments as of March 9, 2016 included \$1,582,000 of increased revenues and \$2,346,000 in higher expenditures resulting in a deficit of about

\$668,000. The expenditure adjustments included the one-time purchase of the Banna Park property which used \$1,641,864 from the General fund. These changes are summarized on Attachment B.

Mid-Year Adjustments. Staff conducted a review of general fund revenues and expenditures for the first half of the fiscal year and are recommending a number of budget adjustments for City Council consideration. These include an additional \$500,000 in one time sales tax revenue. There are also \$1.3 million in General Fund appropriations for a net increase of just under \$803,000 in spending. The revenue increase is due to the one-time bump in sales tax payments caused by the unwinding of the State's triple flip mechanism that is being eliminated because of the early repayment of bonds approved under Proposition 57 in 2004.

Expenditure increases were the result of several factors. Costs associated with the elimination of 22 positions include one-time leave and severance payouts of \$434,000, unbudgeted personnel costs of \$44,500 due to delayed layoffs of some positions and unemployment claims of \$97,000 this fiscal year. Because the layoff process took longer than originally anticipated, these costs were not incurred last year as originally anticipated. There is also a \$353,907 adjustment to the annual Fire contract with Los Angeles County. A number of legal and consulting increases totaling \$325,703 were the result of various work related to personnel issues, conditional use permit actions and document preservation activities. New programs including establishment of a 5 year tree trimming cycle, staffing the new central reception desk, locking park restrooms at night, training for the Munis Finance system, additional legal notices & training amount to \$48,665. There are also a number of non-general fund appropriations recommended on the schedule including \$77,000 in IT purchases, \$41,622 in Measure R Transportation funds for various street projects, \$887 in Volunteen Web Berger Grant Fund and \$553 in the Grandmothers Club Fund.

FISCAL IMPACT:

If these changes are approved as recommended, the General Fund Balance will be reduced by \$802,775 and the 2015-16 Budget will more closely match with anticipated revenues and expenditures for this fiscal year. An additional \$77,000 will be appropriated from the IT Fund, \$41,622 from Measure R, \$887 from Volunteen Web Berger Grant and \$553 from the Grandmothers club Fund. The proposed adjustments are detailed on Attachment C.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

None.

Respectfully submitted,



Dennis Swink
Interim Finance Director

ATTACHMENTS:

Attachment A – Unaudited Statement of Revenues, Expenditures and Changes in Fund Balances

Attachment B – 2015-16 General Fund Balance detail Adopted & March 9, 2016

Attachment C – 2015-16 Mid-Year Adjustments

Attachment D – 2015-16 General Fund Balance detail Adopted, March 9 & Mid-Year

CITY OF COVINA, CALIFORNIA
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the fiscal year ended June 30, 2015
UNAUDITED

	General Fund
Revenues:	
Property taxes	\$ 12,812,809
Sales taxes, intergovernmental	6,569,382
Transient occupancy taxes	348,146
Property transfer taxes	159,795
Business license taxes	625,219
Utility user taxes	5,038,078
Franchise taxes	1,549,731
Licenses and permits	965,527
Intergovernmental	839,182
Charges for services	2,427,359
Fines and forfeits	559,409
Special assessments	
Investment earnings	128,262
Miscellaneous and donations	3,758,250
Total revenues	<u>35,481,151</u>
Expenditures:	
Current:	
General government	233,912
Public safety	25,030,125
Public works	2,073,284
Culture and recreation	4,570,191
Community development	832,755
Transit	-
Redevelopment and housing	-
Capital outlay	
Debt service:	
Principal	
Interest and fiscal charges	
Total expenditures	<u>32,740,267</u>
Excess (deficiency) of revenues over expenditures	<u>2,740,884</u>
Other financing sources (uses):	
Gain on sale of property	
Transfers out	(350,346)
Transfers in	378,761
Total other financing sources (uses)	<u>28,425</u>
Net change in fund balances	<u>2,769,309</u>
Fund balances at beginning of fiscal year	9,167,076
Prior period adjustments	(385,231)
Fund balances at beginning of fiscal year restated	<u>8,781,845</u>
Fund balances at end of fiscal year	<u>\$ 11,551,154</u>

See accompanying notes to the financial statements

Attachment B

Adopted

	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance	Change
1010 General Fund	5,204,199.00	33,293,855.00	33,198,207.00	5,299,847.00	95,648.00
1060 Special General Fund (20A Swap)	0.00	0.00	0.00	0.00	0.00
1095 Emergency Reserve	6,345,730.00	0.00	0.00	6,345,730.00	0.00
Donations	1,225.00	0.00	0.00	1,225.00	0.00
Total General Fund	11,551,154.00	33,293,855.00	33,198,207.00	11,646,802.00	95,648.00

As of March 9, 2016

	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance	Change
1010 General Fund	5,204,199.00	33,376,050.00	34,419,503.07	4,160,745.93	-1,043,453.07
1060 Special General Fund (20A Swap)	0.00	1,500,000.00	1,125,000.00	375,000.00	375,000.00
1095 Emergency Reserve	6,345,730.00	0.00	0.00	6,345,730.00	0.00
Donations	1,225.00	0.00	0.00	1,225.00	0.00
Total General Fund	11,551,154.00	34,876,050.00	35,544,503.07	10,882,700.93	-668,453.07

Total changes as of 3/9/16

1,582,195.00

-2,346,296.07

Change Detail

Rule 20A swap with La Verne	1,500,000.00
Other Revenues	82,195.00
Banna Park Purchase	(1,641,864.00)
Funds for senior center	(500,000.00)
itec Kmart	(75,000.00)
Other Expenditures	(129,432.07)
	<u>1,582,195.00</u>
	<u>(2,346,296.07)</u>

Mid-Year Adjustments

Fund	Department	Amount	Desc
GF	Sales Tax	(500,000)	Increase sales tax revenue due to one time windfall from triple flip unwind
GF	Various	434,000	Vacation \$307,305; Sick \$104,256; Severance \$23,102
GF	Fire	353,907	annual contract adjustments
GF	Human Resources	150,000	Legal
GF	CDPlanning	98,000	Consulting fees related to CUP issues
GF	Human Resources	97,000	Unemployment Compensation causing the significant increase
GF	CDCommunity Development	60,000	Over budget in legal due to CUP revocation
GF	Finance Duplicating Services	44,500	No budget for empl wages/bene but laid off not eff until Aug
GF	Public Works	20,000	5 year Tree Trimming cycle started since taking this over from Parks & Rec
GF	City Clerk	16,703	Consulting fees - document preservation work by former clerk
GF	City Clerk	1,686	Election training for Admin Technician
GF	City Manager	12,455	Central Reception Area ongoing personnel
GF	Public Works	8,000	\$10,000 Locking park restrooms to end of fiscal year 8 months Absorb \$2,000 per Foster
GF	Finance	5,000	Munis Training
GF	ACity Clerk	1,500	1010 0700 53540 legal notices & publications
	General Fund Total	<u>1,302,751</u>	
IT	Information Technology	30,000	Baracudda back-up appliance
IT	HR	20,000	Neogov online application program
IT	Police	12,000	Online parking Machine 17k total
IT	Police	10,000	Livescan Hardware upgrade and back payments
IT	IT Fund	5,000	Online Access to Overnight parking machine 17k total
		<u>77,000</u>	
2967	Parks & Recreation	887	2967 3100 54350special supplies
	Volunteen Web Berger Grant	<u>887</u>	
2969	Parks & Recreation	503	2969 3500 54410 food supplies & meals
2969	Parks & Recreation	50	2969 3500 51600recreation program fees
	Grandmothers Club	<u>553</u>	
2410	Public Works	18,858.50	Glendora/Cienega
2410	Public Works	5,849.25	Hollenbeck/Cypress
2410	Public Works	16,914.00	Workman/Hollenbeck
	Measure R	<u>41,622</u>	

Adopted

	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance	Change
1010 General Fund	5,204,199.00	33,293,855.00	33,198,207.00	5,299,847.00	95,648.00
1060 Special General Fund (20A Swap)	0.00	0.00	0.00	0.00	0.00
1095 Emergency Reserve	6,345,730.00	0.00	0.00	6,345,730.00	0.00
Donations	1,225.00	0.00	0.00	1,225.00	0.00
Total General Fund	11,551,154.00	33,293,855.00	33,198,207.00	11,646,802.00	95,648.00

As of March 9, 2016

	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance	Change
1010 General Fund	5,204,199.00	33,376,050.00	34,419,503.07	4,160,745.93	-1,043,453.07
1060 Special General Fund (20A Swap)	0.00	1,500,000.00	1,125,000.00	375,000.00	375,000.00
1095 Emergency Reserve	6,345,730.00	0.00	0.00	6,345,730.00	0.00
Donations	1,225.00	0.00	0.00	1,225.00	0.00
Total General Fund	11,551,154.00	34,876,050.00	35,544,503.07	10,882,700.93	-668,453.07

Total changes as of 3/9/16

1,582,195.00

-2,346,296.07

Change Detail	Revenues	Expenditures
Rule 20A swap with La Verne	1,500,000.00	
Other Revenues	82,195.00	
Banna Park Purchase		(1,641,864.00)
Funds for senior center		(500,000.00)
Itec Kmart		(75,000.00)
Other Expenditures		(129,432.07)
	1,582,195.00	(2,346,296.07)

Mid Year Adjustments

	Beginning Fund Balance	Revenues	Expenditures	Ending Fund Balance	Change
1010 General Fund	5,204,199.00	33,876,050.00	35,722,254.07	3,357,994.93	-1,846,204.07
1060 Special General Fund (20A Swap)	0.00	1,500,000.00	1,125,000.00	375,000.00	375,000.00
1095 Emergency Reserve	6,345,730.00	0.00	0.00	6,345,730.00	0.00
Donations	1,225.00	0.00	0.00	1,225.00	0.00
Total General Fund	11,551,154.00	35,376,050.00	36,847,254.07	10,079,949.93	-1,471,204.07
Additional Changes		500,000.00	1,302,751.00		-802,751.00

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**THIRD AMENDMENT TO AGREEMENT BETWEEN THE CITY OF COVINA AND
ABSOLUTE SECURITY INTERNATIONAL, INC., A CALIFORNIA CORPORATION
SECURITY SERVICES AT COVINA METROLINK STATION AND PARKING
COMPLEX**

THIS THIRD AMENDMENT is made and entered into as of April 19, 2016 by and between the City of Covina, a California municipal corporation (hereinafter referred to as “City”), and Absolute Security International, Inc, a California corporation (hereinafter referred to as “Consultant”). The City and Consultant are referred to collectively as “the Parties”. In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Third Amendment is made with the respect to the following facts and purposes:

a. On May 3, 2011, the Parties entered into that certain Professional Services Agreement entitled “City of Covina Professional Services Agreement With Absolute Security International, Incorporated for Security Services at the Covina Metrolink Station and Parking Complex” for security services for a three year period between May 3, 2011 and May 3, 2014 in an amount not to exceed \$405,000 (“Agreement”).

b. On August 18, 2015, the Parties entered into a First Amendment to the Agreement to extend the term of the Agreement by eight months to May 3, 2016.

c. On October 20, 2015, the Parties entered into a Second Amendment to the Agreement to add scope of work to include park restroom locking services and to increase the payment in the amount of \$315,606 from \$405,000 to \$720,606 and extending the scope of services to include park restroom locking services.

d. The Parties now desire to extend the term of the Agreement to July 31, 2016, increase the compensation amount by \$24,580 for a new total agreement amount not to exceed \$745,186, and to amend the Agreement as set forth in this Amendment.

2. Section 10 of the Agreement entitled “**TERM**” is hereby amended to read as follows:

“The term of this Agreement shall be from the Effective Date through July 31, 2016, unless sooner terminated as provided in Section 15 of this Agreement.”

3. Paragraph A of Section 11 of the Agreement entitled “**COMPENSATION**” is hereby amended to read as follows:

A. As full compensation for Consultant’s services provided under this Agreement, City shall pay Consultant the total flat sum of Seven Hundred Forty-Five Thousand One Hundred Eighty-Six Dollars (\$745,186) (the “maximum compensation”).

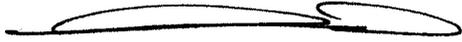
4. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

The Parties, through their duly authorized representatives, are signing this Third Amendment on the date stated in the introductory clause.

City: _____
City of Covina,
a California municipal corporation

By: _____
Name: _____
Title: _____

Consultant: _____
Absolute Security International, Inc.,
a California corporation

By: 
Name: Lucy Lin
Title: President/QM

ATTEST:

By: _____
Name: Sharon F. Clark
Title: Chief Deputy City Clerk

By: _____
Name: _____
Title: _____

(Two signatures of corporate officers required for corporations under Corporations Code Section 313, unless corporate documents authorize only one person to sign this Agreement on behalf of the corporation.)

APPROVED AS TO FORM:

By: _____
Name: Candice K. Lee
Title: City Attorney

RESOLUTION NO. 16-7476

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, TO AMEND THE FISCAL YEAR 2015-2016 PROPOSITION A FUND BUDGET TO REFLECT AN APPROPRIATION OF \$14,356 FROM AVAILABLE PROPOSITION A FUND BALANCE TO PROPOSITION A FUND EXPENDITURE ACCOUNT FOR SECURITY SERVICES AT COVINA METROLINK STATION AND PARKING COMPLEX (ACCOUNT NO. 2400-TO11-52310)

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

WHEREAS, the budget of the City of Covina for fiscal year commencing July 1, 2015 and ending June 30, 2016 was approved on June 23, 2015; 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 and amendments (increases/decreases) to the adopted budget shall be by approval and Resolution of the City Council; and

WHEREAS, on October 20, 2015, the City Council adopted Resolution No. 15-7404 amending the fiscal year 2015-2016 Proposition A Fund budget to reflect an appropriation of \$30,324 from available Proposition A Fund balance to the Proposition A Fund expenditure account for Security Services at Covina Metrolink Station and Parking Complex (2400-TO11-52310); and

WHEREAS, the City of Covina wishes to allocate funds for the contract extension period between May 4, 2016 to June 30, 2016 for Security Services at Covina Metrolink Station and Parking Complex.

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

SECTION 1. Amend the fiscal year 2015-2016 Proposition A Fund budget as follows: Appropriate \$14,356 from available Proposition A Fund balance (account no. 2400-0000-33000) to Proposition A Fund expenditure account for Security Services at Covina Metrolink Station and Parking Complex (account no. 2400-TO11-52310).

SECTION 2. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

APPROVED and PASSED this ___ day of _____, 20__.

City of Covina, California

BY: _____
KEVIN STAPLETON, Mayor

ATTEST:

SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

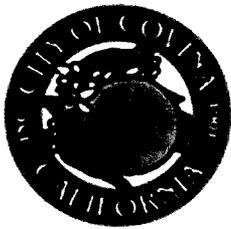
CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution No. 16-7476 was duly adopted by the City Council of the City of Covina at a regular meeting held on the ___ day of _____, 20__, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

SHARON F. CLARK, Chief Deputy City Clerk



CITY OF COVINA

AGENDA REPORT

ITEM NO. CC 8

MEETING DATE: April 19, 2016

TITLE: Authorization to Execute Temporary Assignment or Lease of Water Rights from City of Covina to Covina Irrigating Company for Fiscal Year 2016-17; Solicit Covina Irrigating Company Stock Leases for Fiscal Year 2016-17 from Shareholders; and Execute Offer Letter to Lease Covina Irrigating Company Stock from Shareholders and Lease and Order for Water Delivery Under Lease Agreement Forms with Interested Shareholders

PRESENTED BY: Siobhan Foster, Director of Public Works

RECOMMENDATION:

- 1) Authorize the City Manager to execute the attached Temporary Assignment or Lease of Water Rights Form to assign 359.69 acre feet of Water Production Rights from the City of Covina to the Covina Irrigating Company for fiscal year 2016-17 to enable City to purchase equivalent amount of treated water from Covina Irrigating Company in fiscal year 2016-17; and
- 2) Authorize the City Manager to solicit Covina Irrigating Company stock leases for fiscal year 2016-17 from the shareholders who leased stock to the City in the current fiscal year, in an amount not-to-exceed \$78,490, and execute Offer Letter to Lease Covina Irrigating Company Stock from shareholders and Lease and Order for Delivery Under Lease Agreement forms with interested shareholders.

BACKGROUND:

The City of Covina has 473.89 acre feet (AF) of prescriptive pumping rights in the Main San Gabriel Basin annually. Since 1999 when the City of Covina had to cease pumping operations at the Grand Avenue Well due to nitrate contamination, the City has been able to assign these pumping rights to Covina Irrigating Company (CIC) to produce water for the City or lease the rights to other producers in the basin on an annual basis. The actual production quantity associated with the prescriptive pumping rights varies based on the safe groundwater yield in the basin (amount of water that can be withdrawn without producing an undesired effect). In the current fiscal year, the actual production quantity is 359.69 AF. The Main San Gabriel Basin Watermaster Board of Directors will set the 2016-17 safe groundwater yield at its May 4, 2016 meeting. The safe groundwater yield is expected to remain unchanged in 2016-17.

As the City of Covina does not pump its own water, the City relies on water from CIC and the Metropolitan Water District of Southern California (MWD) through the Three Valleys Municipal Water District (TVMWD). CIC's water comes predominantly from the Main San

Gabriel Valley Groundwater Basin and the San Gabriel River at a fiscal year 2015-16 cost of \$495/AF. Comparatively, MWD’s water comes from the Colorado River and Sacramento and San Joaquin Rivers in Northern California, at a calendar year 2016 cost of \$942/AF, discounted by TVMWD to \$918/AF.

CIC’s proposed 2016-17 rate will remain at the current rate of \$495/AF. MWD’s proposed calendar year 2017 rate has not yet been finalized, however, four percent overall rate increases for the next two years and four and a half percent rate increases into the future are anticipated. This will allow MWD to invest in local supplies, conservation, and upgrades to imported water systems in Northern California and the Colorado River. Assuming a four percent increase to the 2016 rate of \$942/AF, the 2017 MWD rate will be \$979/AF. The TVMWD 2017 rate is estimated to be \$987/AF, which includes an \$8/AF capital improvement surcharge.

The quantity of water available to the City from CIC annually depends on several variables. The 4,218 shares of CIC stock owned by the City entitles the City to a specific amount of the water produced annually. Based on the safe groundwater yield in the Main San Gabriel Basin, one share of stock equates to 0.75 AF of water or 3,163.50 AF of production in the current fiscal year. In 2016-17, one share of stock will equate to 1 AF of water. David De Jesus, President, Covina Irrigating Company, will explain this concept in detail at today’s City Council Study Session. This adjustment will make 4,218 AF available to the City in 2016-17, an increase of 1,054.5 AF from the current year’s allotment of 3,163.5 AF.

Additionally, the City may annually lease additional shares of CIC stock from individual shareholders and through a lease pool managed by CIC. The lease rate of these shares is set by CIC by-laws and is \$220.08/share in the current fiscal year. The proposed lease rate for fiscal year 2016-17 is \$235/share. When the CIC lease rate plus its cost of water treatment is less than the cost of regularly priced CIC and imported water, as it is in the current fiscal year and is expected to be in 2016-17, it is the City’s financial interest to lease shares of CIC stock to supplement the City’s water entitlement at a less costly rate.

In the current fiscal year through March 2016, the City has purchased 3,160.65 AF of water from CIC and 276.3 AF from TVMWD. Based on a straight-line projection on actual purchases through March 2016, Covina’s fiscal year 2016-17 water purchases will total 4,525.04 AF. Table 1 below summarizes water purchases over the past five fiscal years.

Table 1 – Water Purchases: 2011-12 through 2016-17 (Projected)

Fiscal Year	CIC (AF)	TVMWD (AF)	Total (AF)
2015-16 (Projected)	4,213	311	4,524
2014-15	4,429	967	5,396
2013-14	4,631	1,427	6,058
2012-13	5,842	326	6,168
2011-12	5,677	1	5,678
Average/FY	4,958	606	5,564

DISCUSSION:

In preparation for fiscal year 2016-17, the Department of Public Works is seeking to assemble a cost-effective water supply by emphasizing the use of CIC water and minimizing the use of imported water. The proposed 2016-17 water supply is outlined in Table 2 below:

Table 2 – Proposed 2016-17 Water Supply

Item	Shares	Quantity (AF)
City ownership	4,218	4,218.00
Assignment of City 2016-17 Water Production Rights to CIC		359.69
CIC Lease Pool Allocation (estimated)		420.00
	Subtotal	4,997.69
Lease of CIC Stock from Individual Shareholders (estimated)	334	334.00
	Total	5,331.69

It is difficult to project the City’s 2016-17 water needs since there is no comparable year to use as the basis for projections. The City’s water purchases in the current fiscal year are low due to the fact that the City declared a Level 2 Water Supply Shortage on July 21, 2015 and implemented Level 2 Water Shortage Measures effective July 31, 2015, in accordance with Covina Municipal Code Chapter 13.06 (Water Conservation). This action was necessary to assist the City in complying with its 28% state-mandated water reduction target for the period between June 2015 and February 2016. As a result, landscape irrigation is limited to Wednesday and Saturday from April through October, and Wednesdays only during the winter months of November through March.

As drought conditions have worsened in California, Governor Brown has issued a number of executive orders calling for extraordinary water conservation measures. On April 1, 2015, Governor Brown issued Executive Order B-29-15 requiring statewide mandatory water restrictions for the first time in history. The Executive Order called for specific measures to be developed and enforced by the Department of Water Resources, the California Energy Commission, and the State Water Resources Control Board (State Water Board), including directing the State Water Board to implement mandatory water reductions in cities and towns throughout California to reduce water usage by 25%.

On May 5, 2015, the State Water Board adopted an emergency regulation to achieve the specific provisions of the April 1, 2015 Executive Order, including the mandatory 25% statewide reduction in potable urban water use between June 2015 and February 2016. Covina’s mandatory water reduction target was 28%.

On February 2, 2016, the State Water Board adopted an extended and revised emergency regulation to ensure that urban water conservation continues in 2016. The regulation extends restrictions on urban water use through October 2016 while offering “modest adjustments” to reflect climate, growth, and significant investments in new, locally developed drought-resilient potable water supplies. Covina’s state-mandated water conservation standard has decreased by 2%, from 28% to 26%, during the water conservation period that was extended by the State Water Board on February 2, 2016.

Given the extension of mandatory water restrictions through October 2016, the Department of Public Works anticipates that the City’s water purchases will remain low and comparable to the current fiscal year, through the first four months of fiscal year 2016-17. If statewide water restrictions are not renewed beyond October 2016 or are lessened, the City may experience a modest increase in water demand and need to purchase additional water during the remaining eight months of fiscal year 2016-17.

The proposed 2016-17 water supply of 5,332 AF represents an increase in water purchases over the 4,524 AF projected for this fiscal year and less than the 5,396 AF purchased in fiscal year

2014-15. Level 1 Water Supply Shortage restrictions were implemented by the City on May 23, 2013 and were in place throughout fiscal year 2014-15, including the limit on landscape irrigation to three days per week between April and October and one day per week between November and March. The Department of Public Works believes the proposed 2016-17 water supply of 5,332 AF would allow for a prudent increase water supply that may result should the state end or lessen water restrictions during the fiscal year.

To assemble the most cost-effective water supply, as outlined in Table 2 above, the Department of Public Works recommends the City Council authorize the following actions:

- Assign City's fiscal year 2016-17 water production rights of 359.69 AF to CIC; and
- Solicit and execute leases for CIC stock in fiscal year 2016-17 at a cost of \$235/share from those shareholders who leased stock to the City in the current fiscal year.. Using this approach, the Department of Public Works estimates that it will lease approximately 334 shares.

If the City Council authorizes the assignment of its fiscal year 2016-17 water production rights to CIC, the attached Temporary Assignment or Lease of Water Rights form must be executed by the City Manager, notarized, and forwarded to CIC for signature. Following execution, CIC will schedule an agenda item to approve the assignment at a subsequent Main San Gabriel Basin Watermaster Board of Directors meeting.

Should the City Council authorize the Department of Public Works to solicit leases for fiscal year 2016-17 from those shareholders who leased stock to the City in the current fiscal year, the City Manager would execute the requisite Offer Letter to Lease Covina Irrigating Stock and Lease and Order for Delivery of Water Under Lease Agreement forms with interested shareholders. A W-9 and consent form would be included and the packets mailed to shareholders. The City also needs consent from each shareholder to post their name, number of shares, and the value of the lease on a July 2016 City Council meeting agenda. All forms must be returned to the City fully executed by June 30, 2016. In July 2016, the Department of Public Works would present the leases with shareholder names/amounts for payment approval by the City Council.

Alternatives

The solicitation and lease of additional shares of CIC stock from individual shareholders is at the City's discretion. The City may elect not to pursue the lease of additional shares or seek to obtain more than the estimated 334 shares proposed to be leased in 2016-17. The pursuit of the 334 shares represents the department's prudent recommendation, given historical water purchases and anticipated state water restrictions in 2016-17.

If the City Council elects not to pursue the lease of additional shares of CIC stock from individual shareholders in 2016-17, the City may have to augment its water supply with the purchase of more costly imported water. Alternatively, should the City Council elect to pursue the lease of more than 334 shares in 2016-17, the City may end up leasing more water than it needs. Approximately 1,993 total shares may be available for lease in 2016-17.

FISCAL IMPACT:

The assignment 359.69 AF of water production rights to CIC in fiscal year 2016-17 will allow the City to purchase treated water from CIC at a cost of \$100 to \$150/AF, depending on the source of the water, for a total cost of \$35,969 to \$53,953. This represents a Water Fund savings (cost avoidance) of \$124,093 to \$142,077 as compared to purchasing an equivalent quantity of regular priced water

from CIC at \$495/AF. Further, the savings/cost avoidance would be \$301,061 to \$319,045, as compared to purchasing water from MWD through TVMWD at the estimated 2017 cost of \$987/AF.

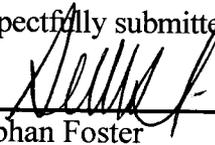
The lease of an estimated 334 shares of CIC stock in fiscal year 2016-17 from shareholders who leased stock to the City in the current fiscal year, at \$235/share, has a Water Fund impact of \$78,490. The leases also represent a Water Fund savings (cost avoidance) in as much as the leases will allow the City to purchase approximately 334 AF water from CIC at a cost of \$495/AF instead of purchasing water from MWD through TVMWD at the estimated 2017 cost of \$987/AF, a savings of \$492/AF. The estimated cost avoidance for the additional 334 AF is \$164,328 resulting in a net savings to the Water Fund of \$85,838.

Sufficient funding for these purchases will be included in the 2016-17 Department of Public Works budget. There is no General Fund impact associated with any of these transactions.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

Not applicable.

Respectfully submitted,



Siobhan Foster

Director of Public Works

ATTACHMENTS:

Attachment A: Covina Irrigating Company, Budget and Rates 2016-17

Attachment B: Temporary Assignment or Lease of Water Rights Form

Attachment C: Offer Letter to Lease Covina Irrigating Company Stock

Attachment D: Lease of Covina Irrigating Company Stock

Attachment E: Order for Delivery of Water under Lease Agreement

COVINA IRRIGATING COMPANY

Budget and Rates 2016/2017

- a. Rate \$495- No rate increase / Lease Pool Rate \$235
-This rate includes 1,016 acre feet of available lease water of which a portion would be allocated to the city. (see estimated amount below)
- b. 1 share – 1 acre foot
Covina rights at .75 = 3,163.50
Covina rights at 1.0 = 4,218
Difference = 1,054.50
- c. Any water required by the city “in exceedance of its entitlement” will be sold “at cost” so long as a water right is transferred back into the Company. The “at cost” rate will vary by \$50 depending on the source.
- The city’s well rights can be transferred in and treated at the “at cost” rate.
 - Based on a safe yield of 150,000 the city has 359.69 acre feet.
Potential Savings Based on Source
 - \$150 = \$124,093
 - \$100 = \$142,077
-

City Data

City 5 year CIC average: 5,100

City ownership	4,218
City well rights	359
Estimated allocation of leased water	<u>420</u>
Total:	4,997

TEMPORARY ASSIGNMENT OR LEASE OF WATER RIGHTS

For a valuable consideration receipt of which is hereby acknowledged, City of Covina,
(Assignor) does hereby assign and transfer to Covina Irrigating Company, (“Assignee”) commencing
2016
on July 1, _____ and terminating on June 30, 2017 the following right(s):

359.69 **Acre Feet Of Production Right**

adjudicated to Assignor or his predecessor in the Judgment in the case of “Upper San Gabriel Valley Municipal Water District, v. City Of Alhambra, et al, Los Angeles Superior Court No. 924128.

Said assignment is made upon condition that:

- (1) Assignee shall exercise said right on behalf of Assignor for the period described hereinabove and for the first water produced by Assignee from the Relevant Watershed of the Main San Gabriel Basin after the date hereof shall be first produced hereunder;
- (2) Assignee shall put all waters utilized pursuant to said transfer to reasonable beneficial use; and
- (3) Assignee shall pay all Watermaster assessments on account of the water production hereby assigned or leased.

DATED: _____

ASSIGNEE

Covina Irrigating Company
146 E. College St.
Covina, CA 91723

ASSIGNOR

City of Covina
125 E. College St.
Covina, CA 91723

Signature

Signature

Name of Designee (of Assignee) to receive service of
Processes and Notices:

David De Jesus, President/CEO
146 E. College St.
Covina, CA 91723

Name of Designee (of Assignor) to receive service of
Processes and Notices:

Andrea Miller, City Manager
125 E. College St.
Covina, CA 91723

Telephone No.: **(626) 332-1502**

Telephone No.: **(626) 384-5410**

To be executed by both Assignee and Assignor and, if separately requested by Watermaster, be accompanied by a map of the service area where the water was used by Seller and a map of the service area where the water is intended to be used by the Buyer.

(I have the appropriate individual(s) or corporate attached acknowledgements completed by both Buyer and Seller as part of the transfer.)

A TRUST COPY HEREOF MUST BE FILED WITH WATERMASTER WITHIN 15 DAYS OF EXECUTIONS.

(To be accompanied by completed “Stipulation Re Intervention After Judgement” if Buyer is not a party to the Judgement.)



125 East College Street • Covina, CA 91723-2199

April 19, 2016

Re: Temporary Lease of Covina Irrigating Company Stock in Fiscal Year 2016-17

Dear Covina Irrigating Company Stockholder:

On behalf of the City of Covina, I am contacting you regarding the temporary lease of your shares of Covina Irrigating Company stock during fiscal year 2016-17, which begins on July 1, 2016 and ends on June 30, 2017. The City of Covina is interested in leasing your shares during this time period, as lease of your shares will assist the City of Covina assemble a reliable, cost effective water supply for its customers in 2016-17.

The City of Covina is offering to lease your stock at a rate of \$235.00 per share. The City's lease terms will provide a one-time lump sum payment to you on July 30, 2016.

If you are interested in leasing your shares to the City during fiscal year 2016-17, please sign and date the enclosed "Lease," "Order for Delivery of Water Under Lease Agreement," "Consent," and W-9 forms and return the originals prior to June 30, 2016. Please retain the BLUE copy for your records. A return envelope is enclosed for your convenience.

Thank you in advance for your consideration. Please feel free to contact Joslyn Blakely, Environmental Services Analyst, if you have any questions or the information contained in the lease documents is incorrect. Ms. Blakely may be reached by telephone at (626) 384-5480 or by electronic mail at jblakely@covinaca.gov.

Sincerely,

CITY OF COVINA

Andrea M. Miller
City Manager

LEASE

THIS LEASE, entered into on April 19, 2016 by and between _____ ("Lessor"), and the City of Covina ("Lessee").

IN CONSIDERATION of the terms and conditions hereinafter set forth Lessor hereby leases to the Lessee and Lessee hereby rents from Lessor, () share(s) of Covina Irrigating Company stock registered in the Lessor's name of _____ for the fiscal year July 1, 2016 through June 30, 2017.

Lessor agrees to execute such documents of assignment to Lessee in a form and manner which, from time to time, is required by Covina Irrigating Company.

1. The term of this Lease shall be for a period of one year, commencing July 1, 2016 and ending June 30, 2017.

2. Lessee shall pay Lessor rent: An annual sum of \$_____ determined by multiplying the number of registered shares by \$235.00 per share.

3. Lessor is responsible and liable for payment for any assessments levied on the Covina Irrigating Company shares by the Covina Irrigating Company or any other person or entity.

4. Lessee agrees not to assign, mortgage or hypothecate this Lease or any interest herein without first obtaining the written consent of Lessor.

5. Lessee agrees, at its expense, to submit all the required reports requested by Covina Irrigating Company.

6. Lessee agrees to pay Lessor all costs and expenses, including attorney's fees in a reasonable sum, in any action brought by Lessor to recover any rent due and unpaid hereunder, or for the breach of any of the covenants and agreements contained in this Lease, whether said action progresses to judgment or not.

7. All communications, notices and demands of any kind shall be made in writing and served or sent by registered mail, postage prepaid, to the following address:

To Lessee: City of Covina
125 E. College St.
Covina, CA 91723

To Lessor:

8. It is understood and agreed that the Lessee may cure any default relating to payment of rent, within thirty (30) days after receipt of notice from Lessor. Lessor shall not commence any litigation proceedings against Lessee for the collection of rent within said thirty (30) day period.

9. This Lease shall inure to the benefit of and be binding upon the parties' heirs, successors and assigns.

10. This agreement only pertains to the use of entitled water and does not deprive Lessor of any of their stock voting rights or convey any voting rights to Lessee.

11. The Lessor's tax identification number(s) (**Social Security number or Employer Identification number**) for tax reporting by the lessee is (are) as follows:

<u>Name</u>	<u>Social Security Number or EIN</u>
LESSOR	LESSEE: City of Covina
By: _____	By: _____ Andrea Miller City Manager
Date: _____	Date: <u>April 19, 2016</u>

ORDER FOR DELIVERY OF WATER UNDER LEASE AGREEMENT

TO: COVINA IRRIGATING COMPANY

COVINA IRRIGATING COMPANY is hereby instructed to deliver a volume of water represented by ___ share(s) of stock registered in the name of _____ for the year ending June 30, 2017.

Under this agreement the LESSEE agrees to guarantee payment to COVINA IRRIGATING COMPANY for all cost of water delivered (except assessments) according to the By-Laws of COVINA IRRIGATING COMPANY.

The LESSOR under this agreement guarantees payment to COVINA IRRIGATING COMPANY in the event of default by the LESSEE for all water costs and agrees that these charges shall become a lien upon the registered owner of the stock the same as though the water had been delivered to the LESSOR. With this agreement the LESSOR and the LESSEE also acknowledge that neither COVINA IRRIGATING COMPANY, nor its Board of Directors, Employees, or Affiliates have any involvement whatsoever in the lease of stock by stockholders, and assumes no liability in connection therewith except to deliver water in accordance with the Company By-Laws.

LESSOR:

LESSEE: City of Covina

By: _____

By: _____

Andrea Miller
City Manager

Date: _____

Date: April 19, 2016

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CITY OF COVINA

AGENDA REPORT

ITEM NO. CC 9

MEETING DATE: April 19, 2016

TITLE: Long-term Water Conservation and Management Strategies – Preservation of Local Control

PRESENTED BY: Siobhan Foster, Director of Public Works

RECOMMENDATION:

- 1) Adopt **Resolution No. 16-7477** affirmatively supporting a long-term policy that recognizes water supply resilience, emphasizes efficiency, and preserves local decision-making authority over water management;
- 2) Authorize the Mayor to send the attached letter on behalf of the City of Covina to pertinent state legislators advocating that when the State Water Resources Control Board considers a potential long-term strategy for water conservation, it should be the state's policy to emphasize local investments in drought-resiliency and ongoing water-use efficiency and leave discretion with local water agencies to choose appropriate management strategies; and
- 3) Authorize the City Manager or her designee to quickly respond (within 48 hours, weekends included) on behalf of the City of Covina to additional Association of California Water Agencies alerts, especially in the event that a budget trailer bill addressing this topic emerges in the coming weeks or later this summer.

BACKGROUND:

On January 19, 2016, the City Council adopted the 2016 Legislative Platform. The foundation of the Legislative Platform is local control. The City opposes any actions that interfere with the City's authority to make decisions related to local matters and opposes any preemption of local control.

On Feb. 2, 2016, the State Water Resources Control Board adopted an emergency conservation regulation that will extend mandatory urban conservation through October 2016. The action extends the mandatory conservation requirements that have been in place since the State Water Board's original emergency regulation took effect on June 1, 2015, as a result of Governor Jerry Brown's April 1, 2015 Executive Order B-29-15 on the drought.

The recently extended regulation provides for some limited adjustments (e.g., for climate and population growth) to conservation standards assigned to individual urban water suppliers but continues to rely almost exclusively on mandatory urban water conservation determined by the State Water Board. Covina's state-mandated water conservation standard decreased by 2%,

from 28% to 26%, due to the climate adjustment. Since Covina is located in a warmer region of the State, CIMIS evapotranspiration (ETo) Zone 9, the City received a 2% climate adjustment.

Since the 1990s, local water agencies have proactively invested close to \$20 billion in drought-resilient strategies and tools that have added nearly 5 million acre-feet of “new” local and regional water supply across the state. These farsighted investments were supported by the public and have largely shielded California’s overall economy from the worst impacts of the drought. Yet, the State Water Board’s emergency approach largely overlooks the value of both water supply and water efficiency tools made possible by more than 25 years of local investments. The concern is that this approach could extend to longer term, permanent regulations.

DISCUSSION:

In recent weeks, the State Water Resources Control Board staff has indicated interest in pursuing permanent conservation regulations in the near future that could affect the ability of local agencies to determine appropriate water management strategies at the local level. The Association of California Water Agencies (ACWA) and other statewide organizations strongly believe that any long-term policy for California should recognize investments in drought-resilience, emphasize ongoing water-use efficiency, and leave management discretion to local water agencies.

In anticipation of ongoing advocacy with the Brown Administration and possible state legislation on this issue, ACWA has prepared a number of resources and suggested steps to advance the water community’s vision for a highly efficient and resilient water future for California and counter any proposals that would limit local decision making. ACWA strongly encourages member agencies to adopt a sample resolution developed for this purpose and contact legislators as soon as possible to elevate this important public policy issue and ensure the voice of local water agencies is heard.

Though nothing official has been announced, State Water Board staff has indicated the long-term regulatory approach could be discussed at the May 3 meeting of the State Water Board.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of Resolution No. 16-7477 and contacting legislators regarding the long-term water conservation and management strategy.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and is exempt per Section 15061 (b) (3). The project is covered by the General Rule that CEQA applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Respectfully submitted,


Siobhan Foster

Director of Public Works

ATTACHMENTS:

Attachment A: Resolution No. 16-7477

Attachment B: Sample Letter to Legislators

RESOLUTION NO. 16-7477

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA,
CALIFORNIA, REGARDING LONG-TERM WATER CONSERVATION
AND MANAGEMENT POLICY IN CALIFORNIA**

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

WHEREAS, local California water agencies have invested nearly \$20 billion in the past 20 years to build and prudently manage diverse water supply portfolios to meet their customers’ needs and provide reliable supplies during times of drought; and

WHEREAS, these local investments in everything from water recycling to local and regional water storage to desalination of brackish groundwater and ocean water were made with the public’s support and are widely credited with keeping California’s economy largely intact throughout the current multiyear drought; and

WHEREAS, the emergency drought regulation adopted in May 2015 and extended in February 2016 by the State Water Resources Control Board largely overlooked these investments and required local urban water suppliers to impose mandatory reductions in water use on their customers, even where hydrology and available local supply options did not warrant such stringent reductions; and

WHEREAS, Californians responded heroically to the drought emergency and largely met the statewide goal of reducing urban water use by 25% through February 2016; and

WHEREAS, as the state’s focus transitions from the emergency regulation to a potential long-term policy approach to conservation, local water agencies believe it should be the state’s policy to emphasize investments in drought-resiliency and ongoing water-use efficiency and to leave discretion with local water agencies to choose appropriate management strategies; and

WHEREAS, California water agencies affirmatively support a long-term policy that demands high levels of water use efficiency, promotes innovation in developing water shortage contingency plans, requires high levels of accountability at local water agencies, and preserves local control over water management decisions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA,
CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council supports a long-term policy that will result in a highly efficient and resilient water future and will allow local water agencies to continue planning for and investing in the water supply reliability actions needed to meet California’s 21st century water needs.

SECTION 2. The City Council believes long-term water management policy is most appropriately developed and administered by the California Department of Water Resources,

which already has the lead role in managing the state's Urban Water Management Plan/Water Shortage Contingency Plan process.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

APPROVED and **PASSED** this 19th day of April, 2016.

City of Covina, California

BY: _____
KEVIN STAPLETON, Mayor

ATTEST:

SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution No. 16-7477 was duly adopted by the City Council of the City of Covina at a regular meeting held on the ___ day of _____, 20__, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

SHARON F. CLARK, Chief Deputy City Clerk



April 20, 2016

The Honorable [Senator/Assembly Member First and Last Name]
State Capitol, Room _____
Sacramento, California 95814

Re: Long-Term Water Conservation and Management Strategies

Dear [Senator/ Assembly Member Last Name]

As the state's focus begins to transition from the State Water Resources Control Board's 2015 emergency regulation to a potential long-term strategy for water conservation, the City of Covina strongly believes it should be the state's policy to emphasize local investments in drought-resiliency and ongoing water-use efficiency and leave discretion with local water agencies to choose appropriate management strategies.

Since the 1990s, local water agencies have invested nearly \$20 billion in drought-resilient strategies and projects that have given today's local water managers a wide array of water supply tools to minimize disruptive shortages. These investments are widely credited with keeping California's economy intact throughout the current multi-year drought.

While well-intended, the State Water Board's 2015 emergency regulation largely overlooked these investments and required local urban water suppliers to impose mandatory reductions in water use on their customers, even where local water supply conditions did not warrant such stringent restrictions. This one-size-fits-all approach should not be the basis for the state's long-term strategy moving forward.

Rather than focusing on mandatory, across-the-board conservation that does not recognize local conditions, California's long-term strategy should demand high levels of water use efficiency established at the local level, require high levels of accountability at local water agencies, and preserve local control over water management strategies. The long-term strategy is most appropriately administered by the California Department of Water Resources, which already has the lead role under state law in California's Urban Water Management Plan /Water Shortage Contingency Plan process.

As the Legislature begins to discuss this important public policy issue, the City of Covina respectfully requests that you advocate for a more sustainable approach to water conservation that complements the critical plans for and local investments in water supply reliability actions

needed to meet California's 21st century water needs. If you require additional information or have any questions, please do not hesitate to contact me.

Sincerely,

CITY OF COVINA

Kevin Stapleton
Mayor

CC: Covina City Council
Andrea M. Miller, City Manager
Siobhan Foster, Director of Public Works

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CITY OF COVINA

AGENDA REPORT

ITEM NO. NB 1

MEETING DATE: April 19, 2016

TITLE: City Council Advisory Bodies

PRESENTED BY: Andrea M. Miller, City Manager

RECOMMENDATION: Adopt **Resolution No. 16-7480** establishing policies related to the City's advisory commissions, boards, and committees.

BACKGROUND:

At the January 19, 2016, Study Session, the City Council reviewed and discussed opportunities to improve the existing advisory body system and increase participation and member satisfaction by formalizing the role, establishing clear expectations, ensuring members have the tools and resources to effectively carry out their responsibilities, receiving and providing feedback, and recognizing the valuable service being provided to the community. Following the discussion, the City Council directed staff to prepare a resolution establishing a formal policy creating commissions and boards; implementing eligibility and membership requirements; establishing recruitment, appointment and selection processes; setting meeting and attendance standards; and establishing areas of responsibility for consideration at an upcoming meeting.

DISCUSSION:

Resolution No. 16-7480 would establish a formal policy related to the City's advisory bodies and reflects the discussion of the City Council at the January 19, 2016, Study Session meeting.

Specifically, Resolution No. 16-7480 would retain the Finance Advisory Commission, Library Board of Trustees, Parking Place Commission, Planning Commission, Traffic Advisory Commission. The Cultural Arts Advisory Commission, which was suspended, would be restructured and renamed the Parks and Recreation Commission to provide greater opportunities for community input on park facilities and programming, recreation programs, and human and social services matters. The group's role would also include addressing issues related to preservation of the City's history.

In addition to the six commissions and boards addressed in Resolution No. 16-7480, the City currently has a Personnel Advisory Board that was established pursuant to the Covina Municipal Code and the role of the Board is also addressed in the City's Personnel Rules. Any regular employee in the competitive service has the right to appeal to the Personnel Advisory Board any decision or action that results in discipline up to and including termination. The function of the Personnel Board is administrative in nature and any findings, recommendations, or decision(s)

made by the Personnel Advisory Board are advisory to the City Manager. Pursuant to the Personnel Rules, the City Manager may affirm, revoke or modify the action taken as, in his/her judgment, seems warranted. The action taken by the City Manager is final. The advantages and disadvantages to having a Personnel Advisory Board are being explored, and recommendations related to this Board will be made at a subsequent meeting.

Based on the changes in State law, the Board of Appeals would be eliminated. The Board of Appeals was created in 1939 to adjudicate disputes related to building code requirements and/or interpretations. In 1939, the Building Official position did not exist in California. Currently, the State of California adopts a new set of California Building Codes which include plumbing, electrical, fire, etc. on a three-year cycle. Upon the approval by the State of new building codes, each jurisdiction in California is required to adopt the new code as their jurisdictional building code. State law provides guidance as to the modifications each jurisdiction may make to the State approved building codes. In addition, each jurisdiction in California is required to have a Building Official who is responsible for enforcing and interpreting the building code. The State of California becomes the de facto Building Official in jurisdictions that do not have a Building Official.

The Youth Accountability Board serves a valuable role in the City's efforts to reduce juvenile crime and delinquency and works directly with local youth and their parents, school officials, and representatives of the justice system to create opportunities to change behaviors. This program is sanctioned by the local courts. Because of the confidential nature of the information provided to the Board members, meetings and discussions are not held in a public setting. Since the Youth Accountability Board was established a number of years ago, there have been significant changes in youth diversion programs. The Board will continue its work, and the City staff will meet with local court officials to review the program and make recommendations to the City Council at a later date if needed.

FISCAL IMPACT:

The ongoing fiscal impact of the changes proposed includes the costs related to the creation, routine review and update, and printing of the Commissioner Handbook; the purchase of recognition plaques; and ongoing training. The estimated annual cost is \$3,500.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

Not applicable.

Respectfully submitted,



Andrea M. Miller
City Manager

ATTACHMENT:

Attachment A: Resolution No. 16-7480

RESOLUTION NO. 16-7480

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, ESTABLISHING POLICIES RELATED TO THE CITY'S ADVISORY COMMISSIONS, BOARDS, AND COMMITTEES

WHEREAS, the City of Covina has a strong tradition of community participation, one of which is through service on a commission, committee or board;

WHEREAS, public involvement is crucial to the City's decision-making process, and appointed advisory bodies are an important and valued part of City government;

WHEREAS, there are particular areas of decision-making which benefit from the advice and counsel of qualified residents;

WHEREAS, commissions, boards, and committees advise the City Council, make recommendations related to specific policy-related issues, and provide a forum and opportunity for broad community participation in the identification and prioritization of those issues;

WHEREAS, by advising the City Council and staff, bringing new ideas to the table, and representing all of the diverse elements of our community, members of advisory bodies assist the City Council in making the best, most informed decisions possible, for the benefit of the entire Covina community;

WHEREAS, the City Council requested that staff review the existing advisory body system, including whether the structure meets the current needs, the general and specific areas of responsibility, eligibility requirements, appointment and removal process, and member training, development, and evaluation; and make recommendations that ensure the continued public involvement in the decision-making process by enhancing the experience and creating meaningful opportunities; and

WHEREAS, at the January 19, 2016, Study Session meeting, the City Council reviewed various recommendations and provided direction to staff to create a structure that provides meaningful and rewarding opportunities to serve the community including formalizing the role, establishing clear expectations, ensuring members have the tools and resources to effectively carry out their responsibilities, receiving and providing feedback, and recognizing the valuable service being provided to the community.

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

SECTION 1. POLICY PURPOSE.

Public involvement is crucial to the City's decision-making process, and appointed advisory bodies are an important and valued part of City government. There are particular areas of decision-making which benefit from the advice and counsel of qualified residents. By advising

the City Council and staff, bringing new ideas to the table, and representing all of the diverse elements of our community, advisory bodies assist the City Council in making the best, most informed decisions possible, for the benefit of the entire Covina community. The Covina Municipal Code provides for the establishment of advisory bodies including commissions, committees, and boards to advise the City Council and provide ongoing citizen input into policies and issues affecting the Covina community.

The purpose of this Resolution is to outline those Council policies pertaining to the City's Commissions, Boards and Committees and set forth a structure that encourages meaningful involvement by the community in decision-making. Boards and commissions are created by the City Council for the following general purposes:

- Gather facts and focus attention on specific matters within their area of responsibility, advise the City Council on policy issues, and recommend actions and alternatives for City Council consideration.
- Provide a forum and opportunity for broad community participation in the identification and prioritization of issues.
- Facilitate reconciliation of contradictory viewpoints among interested parties.
- Assist in balancing community desires with municipal responsibility and resources.
- Recommend to the City Council specific policy-related issues for possible Council study and action.

Additionally, each commission and board has specific assignments or areas of responsibility as established by this Resolution.

Committees may be created by resolution of the City Council, as needed, to study specific issues or matters that are limited in scope. The length of the assignment would be shorter in duration than the standing, or ongoing, commissions and boards. Ad hoc committees may be established to facilitate the study of Council directed or staff requested initiatives. These committees would be project specific and would function only for the duration of the project.

Boards and commissions are not responsible for administrative/operational matters of the City nor the implementation of Council policy, except as requested by the city manager or his/her designated staff.

SECTION 2. COMMISSIONS AND BOARDS ESTABLISHED.

The City Council hereby establishes six Council-appointed commissions.

(A) Finance Advisory Commission – Advises the City Council on finance-related policies and issues, including the annual operating and capital improvement program, and reviews, evaluates, and monitors Community Development Block Grant (CDBG) programs.

(B) Library Board of Trustees – Solicits the views of the community and advises the Director about the policies and operations that promote the efficiency of the Library. The Board may make and enforce all rules, regulations and bylaws necessary for the administration,

government, and protection of the Library under its management, and all property belonging thereto.

(C) Parking Place Commission – Serves as an advisor and makes recommendations to the City Council in matters pertaining to acquiring, maintaining, operating and administering the off-street parking facilities for downtown Covina. The boundaries of Vehicle Parking District No. 1 are the purview of the Commission.

(D) Parks and Recreation Commission – Advises the City Council on matters pertaining to the community service needs of the citizens of Covina relating to cultural and historical activities/programs and special events, facilities and park maintenance, public recreational services, senior services, and youth services. The Commission will be expected to be visionaries, be open minded to meet the ever-changing interests of the diverse, multicultural community, be actively open to receive input from individuals and community organizations, and participate in the development of facilities, programs and services that accommodate the needs of the community.

(E) Planning Commission – Conducts hearings related to variances, conditional use permits, and zoning regulations; reviews the General Plan; and conducts other studies as required or authorized.

(F) Traffic Advisory Commission – Serves as an advisor and makes recommendations to the City Council in matters pertaining to the operation and management of the City’s transportation system and provides a public forum for citizen input on the City’s transportation system. Board may discuss, analyze, evaluate and make recommendations to the City Council on short and long-range measures to enhance the City’s transportation system.

SECTION 3. ELIGIBILITY AND MEMBERSHIP.

(A) Compensation – Commission or board members serve without compensation, unless provided for by resolution of the City Council.

(B) City Employment Prohibited – Commission or board members shall not hold any paid office or employment in the City Government.

(C) Spouses, Household Members, and Relatives – Individuals shall not be eligible to serve on a commission or board, if the individual has a spouse, household member living under the same roof, or has a parent, step-parent, grandparent, child, sister, brother, niece, nephew, uncle, or aunt of the individual or of the individual's spouse that is currently serving as a member of the City Council, or employed as the city manager, assistant city manager, assistant to the city manager, city attorney, department director, assistant director, or the equivalent thereof, for the City of Covina.

(D) Concurrent Service – Members of commissions or boards listed herein may serve on more than one commission or board at the same time, except in the case where a conflict arises.

(E) Specific Membership Requirements

1. Finance Advisory Commission – This five-member commission acts in an advisory capacity to the City Council in matters pertaining to the City’s finances, reviews and makes recommendations on finance-related policies and issues, including the annual operating and capital improvement program, and reviews, evaluates, and monitors Community Development Block Grant (CDBG) programs. Membership in this Commission is open to local business people and property owners in the City.

2. Library Board of Trustees – Formed pursuant to Chapter 2.44 of the Covina City Code Section. This five-member board acts in an advisory capacity to the City Council on library related issues. Each member shall be a resident of the City and have been a resident for at least one year prior to appointment.

3. Parking Place Commission – This five-member commission acts in an advisory capacity to the City Council in matters pertaining to the public parking areas. Generally, members shall be a resident of the City, and priority for membership will be given to residents.

4. Parks and Recreation Commission – This five-member commission acts in an advisory capacity to the City Council in matters and services pertaining to parks, open space, playgrounds, entertainment, other cultural and recreational activities. Generally, members shall be a resident of the City, and priority for membership will be given to residents.

5. Planning Commission – Formed pursuant to Chapter 2.28 of the Covina City Code, this five-member commission acts in an advisory capacity to the City Council and has some decision-making authority on land use and development of the City. Generally, members shall be a resident of the City, and priority for membership will be given to residents.

6. Traffic Advisory Commission – This five-member commission acts in an advisory capacity to the City Council concerning policies affecting the City’s transportation system. Generally, members shall be a resident of the City, and priority for membership will be given to residents.

SECTION 4. RECRUITMENT, APPOINTMENT AND SELECTION.

(A) Appointment

1. Appointment to a commission or board is an honor and a responsibility. It signifies the City Council’s confidence in the member’s wisdom and judgment and places upon the member the duty to prepare for and attend meetings and consistently work toward and vote in a manner that promotes the public interest. Members are not selected to represent a business, area of the community, school, or organization. Each member, and in the commission or board, as a whole, is concerned with the general public good. Where personal interest conflicts with the general welfare of the public, the latter must prevail.

2. When a vacancy exists, the Mayor or any member of the City Council may submit the name of an applicant for nomination to the city manager for placement on the City Council agenda.

3. Prior to appointment, prospective members may be interviewed by the entire city Council at a study session meeting pursuant to the Ralph M. Brown Act which requires that all discussions and deliberations by the City Council regarding appointments or confirmation of appointments are to take place in public at regular or special meetings of the body. If following the interview, the Council wishes to proceed, the name would be included on the City Council agenda for consideration of appointment. At the City Council meeting, the City Council members may vote to approve or reject the nomination. Members are appointed by the City Council from the community at large.

4. Members shall be appointed for a term of four years with terms expiring at the end of March.

(B) Oath of Office

Each commission and board member, before entering upon the discharge of the duties of his/her office, shall receive the City's Code of Conduct, Resolution No. 09-6748, and take, subscribe to, and file with the city clerk the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of (here inserting the name of office) according to the best of my ability."

Each commission and board member shall have the opportunity to receive a ceremonial Oath of Office at a regularly scheduled City Council meeting.

(C) Vacancies and Recruitment

Through the Office of the City Manager and City Clerk, efforts will be made to fill board or commission vacancies as soon as practical. Upon notification of a vacancy, whether planned or unplanned, staff shall inform Council of the status of recruitment efforts to fill the vacancy.

(D) Training, Conferences and Disclosure Obligations

1. Training shall be provided to all commission and board members by the City, including an orientation session for new members. Training shall be delivered as deemed necessary by the Council and/or city manager and may include topics germane to a specific board or commission and/or training generic to all boards and commissions (e.g. ethics training or "how to run a meeting" for board and commission chairs).

2. Conferences are conducted periodically by outside groups to assist members of commissions and boards in meeting their respective responsibilities more effectively. The City's

interests are often served by participation in the educational and training programs offered at the conferences. Each member of City commissions and boards may attend related training and/or conferences, provided that the conference subject matter pertains directly to the function of the board and commission and that funds for this purpose have been budgeted. Members are also responsible for attending training required pursuant to State law.

3. Designated boards and commissions are subject to conflict of interest provisions of the Political Reform Act and must file Statements of Economic Interests. Statements must be filed within 30 days of taking office and thereafter annually, as well as upon leaving office.

SECTION 5. OFFICERS.

(A) Selection of Chair and Vice Chair

Each commission and board shall, at the first regular meeting in June of each year, or during the next regularly scheduled meeting if a June meeting is not otherwise necessary, elect one of its members as presiding officer, to serve commencing after the end of the meeting. The selection of chair and vice chair shall be the last item on the agenda at the scheduled meeting.

(B) Chair and Vice-Chair – Roles and Responsibilities

1. Chair – Presides at meetings of the commission or board, and follows Brown Act requirements for conducting meetings and coordinates the scheduling of special meetings or cancellation of a meeting with the staff liaison.
2. Vice-Chair – Serves as the presiding officer in the absence of the chair.

SECTION 6. MEETINGS, ATTENDANCE AND QUORUMS.

(A) Meetings

1. Each commission and board shall be scheduled to meet regularly on a day and time determined by the commission or board and approved by the City Council.

2. As a matter of policy, it serves the public interest to have the greatest possible public access to commission meetings. Meeting locations shall be selected according to the following guidelines:

- Meeting rooms should be of a size adequate to allow for public participation.
- Commissions should meet in a location permitting recurring usage of that location to the greatest extent possible.
- Boards and commissions should preferably meet in the Council Chamber or another facility with adequate parking, interior space, lighting and accessibility to promote involvement.

3. All commission and board meetings, including special meetings, shall be open to the public and held in a manner provided for in the Ralph M. Brown Act, California Government Code section 54590, as it may from time to time be amended.

4. All commission and board meetings shall operate under Parliamentary Procedure. Should this policy and Parliamentary Procedure conflict, this policy shall take precedence.

5. A majority of the members of the commission or board shall constitute a quorum for the transaction of business.

(B) Attendance

1. Regular attendance at the commission or board meeting is critical. A quorum, or majority, of the members is required to conduct business, and unexcused or repeated absence from meetings adversely affects the work of the group and inconveniences the other members. The commissions and boards need the benefit of every member's expertise and judgment in formulating recommendations to the Council.

2. Each member of a City commission and board is expected to attend all regularly scheduled meetings, and as many special meetings as possible. When a commission or board member knows in advance that he/she will be absent from a meeting, the member shall give advance notice to the chair and/or staff liaison.

3. The board/commission chair shall, in consultation with the staff liaison, propose that each absence be "excused" or "unexcused". Each board or commission shall then determine by general consent (or, failing to achieve general consent, by majority vote) their members' absences from regularly scheduled meetings as excused or unexcused and shall include that record in official meeting minutes. Absences from special meetings shall be recorded but shall not be classified as "excused" or "unexcused".

a. Excused Absences – excused absences include work-related conflicts, illness or other medical reasons, and personal conflicts including scheduled vacations when notice is provided in advance. Generally, failure to inform the chair or staff liaison prior to the meeting shall result in an unexcused absence unless extenuating circumstances prevent advance notice.

4. Unexcused absences from three consecutive regularly scheduled meetings, or from more than 25% of all regularly scheduled meetings over any twelve consecutive month period, shall result in that member's seat being declared vacant. Any declaration of vacancy based on unexcused absence from more than 25% of all regularly scheduled meetings over any consecutive 12-month period shall be appealable to the City Council.

5. Commission and board members are responsible for monitoring their own attendance records. The staff liaison shall record the attendance of commissioners in a uniform manner in the meeting minutes and prepare for the City Council semi-annual reports of all the City's boards and commissions showing the attendance of each member at both regular and

special meetings during the past 12 months. The percent of regularly scheduled meetings attended shall only be shown for board and commission members having been in office at least six months.

6. Council shall take into consideration board and commission member attendance records, including tardiness, when evaluating the overall performance of board and commission members.

(C) Quorum

Boards and commissions have a quorum present when a majority of their total membership is present. "Total membership" means the number of members indicated in Section 3 of this Resolution.

(D) Majority and Abstentions

Commissions and/or Board motions shall be approved by a majority of legal votes cast. Members who fail to vote are presumed to have waived the exercise of their right and to have consented to allow the will of the organization to be expressed by those voting. The tabulation of a vote is based on the number of members present and voting. Abstentions are not counted, since a member who abstains voluntarily relinquishes his or her vote, and is not counted in the results.

SECTION 7. GENERAL AND SPECIFIC DUTIES.

Aside from obligations related to attendance and training noted elsewhere in this policy, the general and specific duties for all commission and board members are:

(A) General Duties

1. Gather facts and focus attention on specific matters within their area of responsibility.
2. Advise the City Council on policy issues, make recommendations, and propose alternatives for City Council consideration.
3. Provide a forum and opportunity for broad community participation in the public process.
4. Facilitate reconciliation of contradictory viewpoints among interested parties.
5. Assist in balancing community desires with municipal responsibility and available resources.
6. Recommend to the City Council specific policy-related issues for possible Council study and action.

(B) Specific Duties

1. Finance Advisory Commission

- a. Reviews and analyzes financial and investment information including the annual operating and capital improvement program.
- b. Advises the City Council on finance-related policies and issues.
- c. Reviews, evaluates, and monitors Community Development Block Grant (CDBG) programs, and makes recommendations to the City Council on the allocation of funding.

2. Library Board of Trustees

- a. Review and make recommendations on the Library Sub-Element of the General Plan.
- b. Assess community conditions which affect Library goals and policies and encourage efficiency in operations.
- c. Review and make recommendations regarding grant applications and funding allocations.

3. Parking Place Commission

- a. Advises and makes recommendations to the City Council in matters pertaining to acquiring, maintaining, operating and administering the off-street parking facilities for downtown Covina.

4. Parks and Recreation Commission

- a. Advise the City Council on matters pertaining to recreation services, cultural activities and special events, senior services, youth services, human relations, and historical preservation.
- b. Foster, enhance, and recognize volunteer opportunities for people of all ages within the community.
- c. Provide input to the Planning Commission and City Council on matters pertaining to the design and features of parks, community centers, and senior centers that affect the provision of recreation and related services.
- d. Review, analyze and recommend programs and activities directed toward enhancing the recreation, social, and senior service opportunities available to all persons in our community.

e. Review, analyze and recommend programs and activities that enhance communication and relationships between residents, private and public agencies, local institutions, and businesses in our community.

5. Planning Commission

a. Prepare, adopt and recommend to the City Council a comprehensive, long-term plan for the physical development of the City, which shall be known as the city of Covina General Plan.

b. Prepare, adopt and recommend to the City Council plans based on the General Plan and drafts of such regulations, programs and legislation as may, in its judgment, be required for the systematic execution of the General Plan.

c. Act on the advisory agency of the City Council in connection with the administration of the State Map Act.

d. Hear and decide applications for variances, unclassified use permits, tentative tract and parcel maps, as well as precise plans of design in accordance with adopted rules and procedures.

e. Investigate, hear and recommend to the City Council plans for the improvement and beautification of the City, including such matters relating to changes of zoning regulation and district.

f. Perform all other duties as may be imposed by law or the City Council.

6. Traffic Advisory Commission

a. Study data and statistics, make reports, hold hearings, and make recommendations to the City Council on matters relating to traffic safety in the City.

b. Review and make recommendations on Federal, State and regional policy proposals related to bicycles, pedestrians, traffic safety, and mobility.

c. Review and make recommendations on the applicable sections of the General Plan.

(C) Additional Duties

Additional duties may be conferred upon specific boards and/or commissions by the City Council. These shall be memorialized via the City Charter or by revision to this policy.

SECTION 8. ADMINISTRATION.

(A) Staff Liaison – The City Manager shall appoint a staff liaison to support each board and commission. The staff liaison to each commission and board shall serve as the secretary for the

commission and is responsible for maintaining the record of resolutions, findings, determinations, and minutes as required.

(B) Communications – In addition to their role as advisors to the Council, boards and commissions function as a communication link between the community and the City, explaining City programs and recommendations, advocating established City policy and services, as well as providing a channel for citizen expression.

(C) Annual Reports – In order for the City Council to oversee the progress, accomplishments and challenges, each commission and board shall submit annually to the City Council a report that includes, at a minimum, the commission’s meeting dates, attendance sheets, a summary of the commissions accomplishments in the past 12 months and goals for the next 12 months,. Annually, the Council will conduct a joint meeting to discuss the annual report and the commission’s progress and challenges in meeting its goals and objectives.

(D) Joint Meetings – Council shall consider joint study sessions with boards and commissions as warranted.

(E) Recognition – An annual event to recognize the service of all board and commission members, as well as citizens serving on special Council ad-hoc committees, shall be coordinated through the Office of the City Manager. Outgoing board and commission members who have served their full term shall receive a certificate of appreciation and a small memento of appreciation.

(G) Resignation/Completion of Term – When a board or commission member resigns from his or her seat, the member shall notify the City Council in writing (email, fax or letter), with copies to the staff liaison, city clerk and city manager, indicating the effective date and the reason(s) for resignation.

(H) Removal

A person appointed by the City Council to any commission or board shall continue to serve as a member thereof except when:

1. The person’s term of office expires and a different person has been appointed.
2. The person voluntarily resigns.
3. The person has exceeded the maximum number of unexcused absences and the position has been vacated.
4. The person has been removed from office by the City Council.

A majority vote of the City Council may remove any member of a Commission for any reason including, but not limited to, conduct unbecoming a public official, violating the City’s conflict of interest ordinance or failing to comply with statutory requirements such as the filing requirements under the Political Reform Act. Conduct unbecoming a public official includes the kind of conduct that any reasonable commissioner would know is incompatible or inimical to

public service, would indicate a lack of fitness to perform the functions of a Commissioner or would discredit or cause embarrassment to the City.

Any member of the City Council may initiate a person's removal from a Commission by requesting at a regular City Council meeting that consideration of the person's removal be placed on the Council's agenda at a regular or special meeting for discussion and potential action. The City Clerk shall notify the person affected of the time and place of the meeting. When the item is on the City Council agenda, the City Council may, by majority vote, remove the person from a Commission.

SECTION 9. BYLAWS.

Commissions and boards may craft additional bylaw provisions specific to the group, including establishing regular meeting dates, times and locations, as long as the bylaws do not conflict with Sections 1 through 8 above. Any bylaw provisions and revisions thereto must be approved by the City Council.

SECTION 10. The City Clerk shall certify to the adoption of this Resolution.

APPROVED and **PASSED** this 19th day of April, 2016.

City of Covina, California

BY: _____
KEVIN STAPLETON, Mayor

ATTEST:

SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution No. 16-7480 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 19th day of April, 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

SHARON F. CLARK, Chief Deputy City Clerk

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CITY OF COVINA

AGENDA REPORT

ITEM NO. NB 2

-
- MEETING DATE:** April 19, 2016
- TITLE:** Exception to the 180-Day Wait Period to Hire an Interim Public Safety Communications Supervisor.
- PRESENTED BY:** Danielle Tellez, Director of Human Resources
- RECOMMENDATION:** That the City Council approve the following actions:
1. Adopt **Resolution No. 16-7478** authorizing an exception to the 180-day wait period for employment of a retiree;
 2. Adopt **Resolution No. 16-7479** appointing Sheryl Ward as Interim Public Safety Communications Supervisor; and
 3. Approve a limited-term appointment agreement with Sheryl Ward.
-

BACKGROUND:

Sheryl Ward has been an exemplary employee of the City of Covina for over 30 years in the Police Department. While Ms. Ward had indicated to the department a desire to retire over the past year, she delayed her final retirement date in order to assist with the implementation and administrative functions involved with several of the department's critical communications programs. In early March, 2016 Ms. Ward selected a retirement date and announced that she would retire from her position with the City with an effective date of April 14, 2016. Therefore, the position will be vacant effective April 15, 2016.

A recruitment for the position of Public Safety Communications Supervisor has been initiated and we will begin the recruitment process to find a qualified replacement. We anticipate that the recruitment process will take approximately two (2) months to complete. Pending selection of a candidate, a thorough background check will need to be performed and the selected candidate will need to provide appropriate notice to his or her current employer. Considering time constraints with the background process and notice requirements, staff anticipates that it will be mid to late July before the selected candidate will be available to commence employment with the City of Covina.

Ms. Ward has headed the administrative functions on a number of critical communications programs including Spillman Computer Aided Dispatch and Records Management System (CAD RMS), which she has been working on for over two years, the Police Department phone systems, the File on Q system used for evidence tracking, which she has been coordinating on interfacing with the Spillman system, the Brasos electronic citation system as well as handling many procedural issues on behalf of the City with the California Department of Justice. As part of Ms. Ward's interim assignment, she will prepare procedures manuals on the various programs mentioned as well as ensure cross-training of subordinate staff and a team of current employees on these critical communications programs.

In light of the need to ensure continuity of critical safety communications services within the Police Department, as well the need to provide training to the selected candidate as well as current staff that will need to be trained on these various communications systems, staff recommends that the City enter into a limited-term appointment agreement with Sheryl Ward to be appointed to the interim position of Public Safety Communications Supervisor immediately following her retirement.

DISCUSSION:

Because the City of Covina is a contracting agency with the California Public Employees Retirement System (CalPERS), there are specific rules and procedures that the City must adhere to when hiring a retired CalPERS member. On January 1, 2013 the Public Employees' Pension Reform Act of 2013 (PEPRA) went into effect. In part, this legislation governs the process in which CalPERS contracting agencies must follow to hire retired members. This legislation provides for a 180-day waiting period that the retired member in certain classes of employment must wait prior to being employed by a CalPERS agency post-retirement in a retired annuitant status, unless the governing board of the agency passes a resolution approving an exception to this rule. There are other requirements mandated by CalPERS; however, the City has met those requirements.

Under section 7522.56 and 21221(h) CalPERS retirees can be hired into retired annuitant positions to perform work of limited duration for up to a maximum of 960 hours per fiscal year, they may be paid up the maximum hourly rate paid to employees doing similar work without any other compensation or benefits, and must have the skill set needed to perform the retired annuitant work. The City Council's approval of Resolution No. 16-7478 will satisfy the CalPERS requirement of the agency's board approving an exception to the 180-Day wait period.

Additionally, Resolution No. 16-7479 will confirm the City Council's approval of appointing Sheryl Ward to the Interim position of Public Safety Communications Supervisor for a limited duration, with a not to exceed date of August 31, 2016 and the limited-term appointment agreement outlines the specific rules set forth by PEPRA.

FISCAL IMPACT:

Funding for this Interim appointment is available in the Police Department General Fund Acct. No. 1010-1000-50015.

CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):

None.

Respectfully submitted,

Danielle Tellez
Director of Human Resources

ATTACHMENTS:

Attachment A: Resolution No. 16-7478

Attachment B: Resolution No. 16-7479

Attachment C: Limited-Term Appointment Agreement

RESOLUTION NO. 16-7478

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA,
CALIFORNIA, AUTHORIZING AN EXCEPTION TO THE 180-DAY
WAIT PERIOD FOR EMPLOYMENT OF A CalPERS RETIREE**

WHEREAS, in compliance with Government Code section 7522.56 the City of Covina must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement dates; and

WHEREAS, Sheryl Ward will retire from the City of Covina in the position of Public Safety Communications Supervisor effective April 14, 2016; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is October 11, 2016 without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council of the City of Covina and Sheryl Ward certify that Sheryl Ward has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council hereby appoints Sheryl Ward as an interim appointment retired annuitant to the vacant position of the Public Safety Communications Supervisor for the City of Covina under Government Code section 21221(h), effective April 25, 2016; and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the current status of this recruitment is active; and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end on July 31, 2016; and

WHEREAS, the entire employment agreement, contract or appointment document between Sheryl Ward and the City of Covina has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum monthly base salary for this position is \$6,392.53 and the hourly equivalent is \$36.88; and

WHEREAS, the hourly rate paid to Sheryl Ward will be \$36.88; and

WHEREAS, Sheryl Ward has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate;

NOW THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED by the City Council of the City of Covina, California hereby certifies the nature of the appointment of Sheryl Ward as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of the Public Safety Communications Supervisor for the City of Covina by April 25, 2016 because a recruitment has commenced to permanently fill the vacant position and is currently underway. The nature of the position of Public Safety Communications Supervisor ensures that critical services are provided to the Police Department, City of Covina Staff, and the Public at large. Sheryl Ward possesses skills needed to perform the work for a limited duration as well as to assist with the recruitment, hiring, and training of a permanent replacement.

APPROVED and PASSED this 19th day of April, 2016.

City of Covina, California

BY: _____
KEVIN STAPLETON, Mayor

ATTEST:

SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution No. 16-7478 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 19th day of April, 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

SHARON F. CLARK, Chief Deputy City Clerk

RESOLUTION NO. 16-7479

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, APPOINTING SHERYL WARD AS INTERIM PUBLIC SAFETY COMMUNICATIONS SUPERVISOR AND APPROVING A LIMITED-TERM APPOINTMENT AGREEMENT

WHEREAS, Government Code Section 21221(h) permits the City Council to appoint a California Public Employees' Retirement System ("CalPERS") retiree to a vacant position requiring specialized skills during recruitment for a permanent appointment, and provides that such appointment will not subject the retired person to reinstatement from retirement or loss of benefits so long as it is a single appointment that does not exceed 960 hours in a fiscal year; and

WHEREAS, the position of Public Safety Communications Supervisor will become vacant on April 15, 2016 due to the retirement of Sheryl Ward on April 14, 2016; and

WHEREAS, to ensure the efficient continued operations of the City's Police department public safety communications functions, the City Council desires to retain the services of Sheryl Ward, who will be a retired member of CalPERS, to serve as Interim Public Safety Communications Supervisor, effective April 25, 2016 and

WHEREAS, Sheryl Ward has over 30 years of experience with the City of Covina in the Police Department and has an extensive history in heading the critical functions of the communications for the department; and

WHEREAS, pending the recruitment, selection and employment of a qualified replacement, the City desires to appoint Sheryl Ward as Interim Public Safety Communications Supervisor, pursuant to the authority provided under Government Code Section 21221(h), to provide the critical skills necessary to ensure continued service to the Police Department, City Staff and the public at large; and

WHEREAS, it is understood by Sheryl Ward and the City that the combined total hours to be served by Sheryl Ward in any fiscal year for all CalPERS employers shall not exceed the 960 hour limitation set forth in California Government Code Section 21221(h); and

WHEREAS, the City Council has reviewed a proposed limited-term appointment agreement, attached as Attachment C, by and between Sheryl Ward and the City of Covina.

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

SECTION 1. As required by Government Code Section 21221(h), the City Council makes the following findings:

- (a) All facts set forth in the Recitals to this Resolution are true and correct; and
- (b) Sheryl Ward has the specialized skills needed to perform the work required of the Interim Public Safety Communications Supervisor until a permanent replacement is appointed and thereafter begins his or her service; and

(c) It is in the best interests of the City of Covina to enter into a limited-term appointment agreement with and to appoint Sheryl Ward as Interim Public Safety Communications Supervisor for the City of Covina pursuant to the authority provided under Government Code Section 21221(h).

SECTION 2. Sheryl Ward is appointed as Interim Public Safety Communications Supervisor and of the City of Covina in accordance with Government Code Section 21221(h) and with the provisions of the limited-term appointment agreement on file with the City Clerk.

SECTION 3. The employment agreement with Sheryl Ward, a copy of which is on file with the City Clerk, is approved by the City Council of the City of Covina, effective April 25, 2016.

SECTION 4. The Mayor is authorized to execute said agreement on behalf of the City of Covina, with such technical amendments as may be deemed appropriate by the Mayor and City Attorney.

APPROVED and PASSED this 19th day of April, 2016.

City of Covina, California

BY: _____
KEVIN STAPLETON, Mayor

ATTEST:

SHARON F. CLARK, Chief Deputy City Clerk

APPROVED AS TO FORM:

CANDICE K. LEE, City Attorney

CERTIFICATION

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution No. 16-7479 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 19th day of April, 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

Dated:

SHARON F. CLARK, Chief Deputy City Clerk

**CITY OF COVINA
LIMITED-TERM APPOINTMENT AGREEMENT
(CALPERS RETIREES)**

Dear Sheryl Ward:

If accepted by you and approved by the City Council, this agreement represents the terms of your appointment as Interim Public Safety Communications Supervisor with the City of Covina ("City"). In light of your status as a CalPERS retiree, this is a limited-term appointment subject to the requirements set forth in this letter.

This agreement is made in light of your departure from the Public Safety Communications Supervisor position and the need to have you assist the City during the recruitment, hiring and training of a permanent replacement, as well as to maintain the current service level to the City of Covina staff. We have determined that your employment during this time is necessary in order to prevent the stoppage of public business.

The terms of this agreement include:

- The term of your appointment will be from April 25, 2016 until such time as a permanent replacement for the position of Public Safety Communications Supervisor has been selected, no later than July 31, 2016 or if earlier, the City Council terminates this agreement.
- Your rate of pay in the position will be an hourly salary of \$36.88.
- You will not receive any further payments or benefits other than the hourly rate unless required by state or federal law.
- Your hours **cannot exceed 960 hours** in a fiscal year (inclusive of all hours worked for any CalPERS employer).

The City and you make this agreement with the mutual understanding that the appointment complies with the requirements applicable to the employment of CalPERS retirees, as codified in Government Code Sections 7522.56 and 21221(h). Specifically, an appointment under Sections 7522.56 and 21221(h) is permissible if all of the following requirements are met:

- (1) The appointment is made by the City Council;
- (2) The appointment is to a vacant position during recruitment for a permanent appointment;
- (3) The appointment is either during an emergency to prevent stoppage of public business or because the retiree has specialized skills needed in performing the work;
- (4) The retiree is appointed to the vacant position no more than once;
- (5) The compensation received by the retiree is not more than the maximum monthly base salary paid to other employees performing comparable duties as listed on the City's publicly available pay schedule, reflected as an hourly rate by dividing the monthly base pay by 173.333;
- (6) The compensation paid to the retiree is limited to the hourly rate and no other benefits may be provided;

- (7) The total hours worked by the retiree in a fiscal year, for all CalPERS employers, cannot exceed 960 hours;
- (8) The retiree cannot have received unemployment insurance payments in the prior 12-month period arising from work performed as a retiree for any public employer; and
- (9) For any retirees with a retirement effective date on or after January 1, 2013, the appointment must occur at least 180 days following the date of retirement unless the employer certifies that the appointment is necessary to fill a critically needed position before 180 days have expired and the governing body approves the appointment in a public meeting.

With respect to the requirement at (1), your appointment to the position of Interim Public Safety Communications Supervisor will not be effective unless and until it is approved by resolution of the City Council.

In addition, the City, in good faith, has determined that your appointment meets (2) – (7) of the foregoing requirements as follows:

- (2) If approved, your appointment will be to the vacant Interim Public Safety Communications Supervisor position during the City's recruitment for a permanent appointment;
- (3) This appointment is made because we have determined that your employment during this time is necessary in order to prevent the stoppage of public business.
- (4) If approved, the appointment will be a one-time appointment and will not be renewed.
- (5) The compensation you will receive is no more than the maximum monthly base salary paid to other employees performing comparable duties as listed on the City's publicly available pay schedule divided by 173.333 to determine an hourly rate.
- (6) Your compensation consists of the hourly rate only; no further benefits will be provided.
- (7) Your hours will not exceed 960 hours in a fiscal year.

By executing this agreement, you are also, in good faith, determining that your appointment meets each of the foregoing requirements, including the unemployment insurance requirement noted at (8) above. That is, while the City is not in a position to do so, by signing the acknowledgment at the conclusion of this agreement you are certifying that you have not received unemployment insurance payments within the past 12 months arising from work performed as a retiree for any public employer.

Notwithstanding (6) above, the City has no way of monitoring the hours that you work for another CalPERS employer. As such, it is your responsibility to ensure that the total hours worked for the City and any other CalPERS employer do not exceed 960 hours during the fiscal year.

There is no right to public employment expressed by this agreement. All limited-term appointments are subject to the business necessity of the City and are at-will; therefore, the appointment may end with or without cause or advance notice.

If you have additional questions or comments feel free to contact me directly.

Sincerely,

Kevin Stapleton, Mayor
City of Covina

Acknowledgment:

I, Sheryl Ward, agree to this Limited-Term Appointment Agreement (CalPERS Retiree), and hereby warrant that I understand and agree with all of the terms and conditions of employment as set forth in this letter. Further, I hereby certify to the City of Covina that I have not received unemployment insurance payments within the past 12 months arising from work performed as a retiree for any public employer.

Sheryl Ward

Date: _____