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**CITY COUNCIL/SUCCESSOR AGENCY TO THE COVINA  
REDEVELOPMENT AGENCY/COVINA PUBLIC FINANCING  
AUTHORITY/COVINA HOUSING AUTHORITY  
JOINT MEETING—OPEN SESSION  
Tuesday, October 6, 2015  
7:30 p.m.**

**RECONVENE AND CALL TO ORDER**

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PRESENTATIONS**

Legislative Session Update by Tony Rice of Rice, Englander and Associates

*Report:* [Legislative Session Update](#)

Community Service Day Recognition

(A five-minute recess will follow immediately after presentation for photographs in the courtyard)

**PUBLIC COMMENTS**

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

## COUNCIL/AGENCY/AUTHORITY COMMENTS

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

## CITY MANAGER COMMENTS

## CONSENT CALENDAR

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

**CC 1. City Council to approve minutes from the September 1, 2015 Regular meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Public Finance Authority/Housing Authority..**

*Report:* [Minutes of September 1, 2015](#)

**CC 2. City Council to approve the payment of demands in the amount of \$2,866,737.45.**

*Report:* [Payment of Demands](#)

**CC 3. Successor Agency to the Redevelopment Agency to receive payment of demands in the amount of \$59,971.63.**

*Report:* [Receipt of Demands](#)

**CC 4. City Council to approve the payment of demands in the amount of \$3,054,263.66. (Carried over from City Council meeting of September 15, 2015.)**

*Report:* [Payment of Demands](#)

**CC 5. City Council to: adopt Resolution No. 15-7395 accepting grant funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2015; adopt Resolution No. 15-7396 authorizing an increase to the Police Department 2015-2016 budget in the amount of \$10,619; and authorize the Chief of Police to execute the grant document on behalf of the City of Covina.**

*Report:* [Resolution Nos. 15-7395 & 15-7396](#)

**CC 6. City Council and Housing Authority to receive and file Covina Housing Authority Annual Report FY 2014-2015.**

*Report:* [Covina Housing Authority Annual Report FY 2014-15](#)

**CC 7. City Council to approve the Professional Services Agreement with Broadspec, Inc. and authorize the City Manager to execute the Agreement on behalf of the City.**

*Report:* [Broadspec, Inc. Agreement](#)

**CC 8. City Council to adopt Resolution No. 15-7397, appropriating \$29,305 in available Measure R Fund Balance and increasing the Fiscal Year 2014-15 Capital Projects Fund Budget in the amount of \$29,305 and approve Change Orders for Project T 0814B, Pedestrian and Metrolink Station Improvements.**

*Report:* [Resolution No. 15-7397](#)

**CC 9. City Council to adopt Ordinance No. 15- 2041 adding section 14.04.210 to Chapter 14.04 (Building Code) of the City of Covina Municipal Code to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems – Second Reading and Adoption.**

*Report:* [Ordinance No. 15-2041](#)

**CC 10. City Council to adopt Ordinance No. 15-2043 to Amend Title 2 (Administration and Personnel) of Covina Municipal Code by Adding Chapter 2.54 (Public Projects) to Provide Bidding Procedures for Public Projects Under the Uniform Public Construction Cost Accounting Act – Second Reading and Adoption**

*Report:* [Ordinance No. 15-2043](#)

**CC 11. Roycove Reservoir and Pump Station Emergency Repair Project – Adoption of Resolution No. 15-7400 Declaring That the Public Interest and Necessity Demand the Immediate Expenditure of Public Money to Safeguard Life, Health or Property In Accordance with Chapter 2.5 (Emergency Contracting Procedures) of the Public Contracts Code.**

*Report:* [Resolution No. 15-7400](#)

## **PUBLIC HEARING**

**PH 1. A public hearing to consider voiding Conditional Use Permit No. 11-006 (authorizing a restaurant with outside sidewalk dining with alcohol and entertainment located upon real property at 211 North Citrus Avenue, Covina) for non-compliance with the conditions of approval; violations of the Covina Municipal Code; numerous calls for service from the Covina Police Department between October 2013 and April 2015; sales of a controlled substance; and non-compliance with the corresponding Dance and Entertainment Permit and other applicable laws and regulations.**

### **Staff Recommendation:**

- 1) City Council to open the public hearing and receive public testimony;**
- 2) Close the public hearing; and**

**3) Adopt Resolution No. 15-7398 voiding (“revoking”) Conditional Use Permit No. 11-006.**

*Report:* [Resolution No. 15-7398](#)

**CONTINUED BUSINESS**

**No matters scheduled.**

**NEW BUSINESS**

**NB 1. Urgency Ordinance No. 15-2044 extending the moratorium on issuing any new dance and entertainment permits.**

**Staff Recommendation:**

**Consider and approve Urgency Ordinance No. 15-2044, which would extend the moratorium for issuing any new or renewing dance and entertainment permits by ten (10) months and fifteen days.**

*Report:* [Ordinance No. 15-2044](#)

**NB 2. Amending the Classification Plan to Adjust the Salary Range for Finance Director**

**Staff Recommendation:**

**That the City Council adopt Resolution No. 15-7399, amending the Executive Compensation Rules (2013 version) and establish a new monthly salary range for the Finance Director Classification at Range 8063 (\$11,033.63 - \$15,000.00).**

*Report:* [Resolution No. 15-7399](#)

**ADJOURNMENT**

The Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority will adjourn to its next regular meeting of the Council/Agency/Authority scheduled for Tuesday, October 20, 2015 at 6:30 p.m. for closed session and 7:30 p.m. for open session inside the Council Chamber, 125 East College Street, Covina, California, 91723

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, October 6, 2015 meeting was posted on **October 1, 2015** on the City's website and near the front entrances of: 1) Covina City Hall, 125 East College Street, Covina; 2) the Covina Public Library, 234 N. Second Avenue, Covina; and 3) the Joslyn Center, 815 N. Barranca 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.



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

**MEETING DATE**    October 6, 2015

**STAFF SOURCE**    Angel Carrillo, Assistant to the City Manager

**ITEM TITLE**        Presentation by Tony Rice of Rice, Englander and Associates.

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**STAFF RECOMMENDATION**

This is a receive and file report.

**FISCAL IMPACT**

There is no fiscal impact.

**BACKGROUND**

In 2011, the City contracted with Tony Rice of Rice, Englander and Associates to serve as an advocate on the City's behalf to the California State Legislature. The City's position on legislative matters needed to be communicated and advocated for at the State Capitol and hiring a Sacramento-based firm allowed for more direct and efficient communication. Mr. Rice and his firm are uniquely qualified to perform this service for the City based on Mr. Rice's experience and relationships. The contract was subsequently renewed in 2013.

**DISCUSSION**

The California State Legislature recently concluded its legislative session. The Legislature has had a history of voting for legislation that has either changed substantially from its original form or has been rushed through without much public input or review in the final days of session. Mr. Rice is here this evening to provide an update on this past legislative session as well as give an overview of the current political climate at the State Capitol.

Respectfully submitted,

Angel Carrillo, Assistant to the City Manager

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**DRAFT**

**MINUTES OF SEPTEMBER 1, 2015**  
**REGULAR MEETING OF THE COVINA CITY COUNCIL/SUCCESSOR AGENCY**  
**TO THE COVINA REDEVELOPMENT AGENCY /COVINA PUBLIC FINANCING**  
**AUTHORITY/COVINA HOUSING AUTHORITY HELD IN THE COUNCIL**  
**CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET, COVINA, CALIFORNIA**

**CALL TO ORDER**

Mayor King called the Council/Agency/Authority meeting to order at 6:33 p.m. All City Council Members were present with the exception of Mayor Pro Tem Stapleton who had an excused absence. The closed session items were announced. There were no public comments.

**ROLL CALL**

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

**Council Members Absent:** STAPLETON

**Elected Members Present:** COBBETT, WALCZAK

**Staff Members Present:** City Manager Miller, City Attorney Lee, Police Chief Raney, Police Captain Povero, L.A. County Acting Assistant Fire Chief Enriquez, Public Works Director Foster, Human Resources Director Tellez, Parks & Recreation Director Hall-McGrade, City Planner Carter, Assistant to the City Manager Carrillo, Interim Chief Deputy City Clerk Leach, Electronic GIS Technician Knox

**CLOSED SESSION** – The City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Covina Housing Authority adjourned to closed session for the following:

- A. G.C. §54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
 Property: 1162 N. Citrus Avenue  
 Property Negotiator: Charles McKeag, MLC Holdings, Inc.  
 Agency Negotiator: Andrea Miller, City Manager  
 Under negotiation: Negotiations to include both price and terms of payment

**RECONVENE AND CALL TO ORDER**

The City Council/Successor Agency to the Covina Redevelopment Agency/Public Financing Authority/Housing Authority meeting was called to order at 7:30 p.m. Mayor King announced that all Council Members were present.

City Attorney Lee announced that the City Council/Agency/Authority met in closed session with all members present with the exception of Mayor Pro Tem Stapleton. She added there were no reportable actions related to closed session and that direction was given to staff.

## **PLEDGE OF ALLEGIANCE**

Council Member Allen led the pledge of allegiance.

## **INVOCATION**

Covina Police Chaplain Venegas gave the invocation.

## **PRESENTATIONS**

### **Recognition: Charter Oak Girls Softball Team**

Mayor King introduced members of the Charter Oak 10U Girls Fastpitch Softball All-Star Team, their manager and assistant coaches. He commended the team for finishing their season as the 2015 ASA Western National Champions. In addition, he provided their manager with certificates of recognition for all the players.

## **PUBLIC COMMENTS**

Leonard Rose provided information to Council regarding the 700 club, movie War Room and various religious issues.

Michael Veloz, representing East Valley Community Health Center, provided information to Council regarding an upcoming Family Health Festival to be held on Saturday, September 19, 2015, 9 a.m. to 3 p.m. He stated that free health screenings would be provided to Covina residents and residents of the surrounding communities.

Dora Gomez on behalf of project 2911 thanked Council and staff for making Back to School Blast a success.

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

Mayor King commended the individuals involved in project 2911 and thanked them for all their hard work.

Council Member Allen thanked Ms. Gomez and Amy for doing such a great job with the Back to School Blast event.

Mayor King reported that on Saturday, September 12, and Sunday, September 13, the Covina Concert band will host a Swing Band Festival at Covina Park. He also mentioned the 32<sup>nd</sup> police and fire awards will be held on September 16 at 11:30 am at Hamilton's Steak House. Lastly, he reported that Covina Day at the Fair is scheduled for Friday, September 25, 2015.

## **CITY MANAGER COMMENTS**

None.

## CONSENT CALENDAR

- CC 1.** City Council approved the minutes from the August 12, 2015, Special meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Public Financing Authority.
- CC 2.** City Council approved the minutes from the August 18, 2015, Special meeting of the City Council/Successor Agency to the Covina Redevelopment Agency/Public Financing Authority.
- CC 3.** City Council approved the payment of demands in the amount of \$2,091,155.88.
- CC 4.** Successor Agency to the Redevelopment Agency received payment of demands in the amount of \$7,538.59.
- CC 5.** City Council adopted **Resolution No. 15-7388** urging the State to provide new sustainable funding for State and Local Transportation Infrastructure and authorized the City Manager to join the “Fix Our Roads” Coalition on behalf of the City of Covina as requested by the League of California Cities.
- CC 6.** City Council authorized execution of Professional Services Agreement with RKA Consulting Group for City Engineering Services and adopted **Resolution No. 15-7386** appropriating \$22,621 in available Proposition C Fund balance to the Fiscal Year 2015-16 budget and allocating the funds to the intersection of Workman Street and Hollenbeck Avenue – Project T-1407 for Contract Administration and Inspection Services.
- CC 7.** City Council approved First Amendment to the Maintenance Services Agreement with Christian Brothers Mechanical Services for City-owned and operated HVAC systems to remove the Police Department HVAC system from the contract’s scope of services, and authorized City Manager to execute two-year contract extension.

On a motion made by Council Member Delach, seconded by Council Member Marquez the City Council approved Consent Calendar items CC 1 through CC 7.

***Motion approved the Consent Calendar items CC 1 through CC 7 as follows:***

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

## PUBLIC HEARING

- PH 1.** City Council to conduct a public hearing to consider **Ordinance No. 15-2042**, Application Zoning Code Amendment (ZCA) 15-001, a request to amend Section 17.04.414.5 of Chapter 17.04 to Title 17 (Zoning Ordinance) of the Covina Municipal Code to amend the definition of a medical marijuana dispensary.

City Manager Miller reported on the proposed ordinance indicating that Community Development Director Lee would be providing a staff report on this item.

Community Development Director Lee provided a detailed staff report on this item with questions and discussion following.

Mayor King opened the public hearing.

Mayor King called for public comment. There was no public comment; therefore, Mayor King closed the public hearing.

On a motion made by Council Member Allen, seconded by Council Member Delach City Council introduced by first reading and waived further reading of **Ordinance No. 15-2042** amending the definition of a medical marijuana dispensary.

***Motion waived first reading and introduced Ordinance No. 15-2042 as listed under Public Hearing item PH 1, as follows:***

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

### **CONTINUED BUSINESS**

None.

### **NEW BUSINESS**

**NB 1.** City Council to introduce and hold first reading of **Ordinance No. 15-2039** to repeal Section 13.06.060.B.5 of Chapter 13.06 (Water Conservation) of Title 13 (Water and Sewers) of the Covina Municipal Code regarding the prohibition on filling of residential swimming pools or outdoor spas.

City Manager Miller reported on the proposed ordinance indicating that Public Works Director Foster would be providing the staff report on this item.

Public Works Director Foster provided Council with a comprehensive PowerPoint presentation explaining the request to repeal Section 13.06.080.B.5 of Chapter 13.06 of Title 13 regarding prohibition on filling of residential swimming pools or outdoor spas.

George Urch, Jim Collins, representing the Association of Pool and Spa professionals, indicated staff had done an excellent job on this ordinance and supported approval.

Following questions and discussion a motion was made by Council Member Allen, seconded by Council Member Delach, that the City Council introduce, by first reading, and waive further reading of **Ordinance No. 15-2039**, to repeal Section 13.06.060.B.5 of Chapter 13.06 (Water Conservation) of Title 13 (Water and Sewers) of the Covina Municipal Code regarding the prohibition on filling of residential swimming pools or outdoor spas.

*Motion waived first reading and introduced Ordinance No. 15-2039 as listed under New Business item NB1, as follows:*

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

**NB 2.** City Council to introduce, waive further reading and consider adopting **Interim Urgency Ordinance No. 15-2040**, establishing a 45-day moratorium on issuing any new dance and entertainment permits for 45 days.

City Manager Miller reported that due to the absence of Mayor Pro Tem Stapleton, this item will require all members present to vote in favor of the ordinance in order for it to pass. She added that Community Development Director Lee will be providing the staff report on this item.

Community Development Director Lee provided a detailed staff report on this item and Police Captain Provero responded to questions.

Following questions and discussion a motion made by Council Member Allen, seconded by Council Member Delach, that the City Council introduce, waive further reading, and adopt **Urgency Ordinance No. 15-2040**, establishing a 45-day moratorium on issuing any new dance and entertainment permits for 45 days.

*Motion introduced, waived further reading and adopted Ordinance No. 15-2040 as listed under New Business item NB2, as follows:*

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

**NB 3.** City Council to adopt **Resolution No. 15-7389**, establishing the City's Mission Statement, Vision Statement, City Slogan, Core Values, and Core Strategies for FY 2015-16.

City Manager Miller reported that on August 12 and August 18 the City Council and members of the City's Executive team participated in strategic planning meetings with City Consultant Bill Kelly of Kelly Management Associates Group. She added that the meetings were intended to ensure there is alignment in the City Council's vision and expectations of the community and City organization, and to build upon the City's strengths and position the City to take advantage of opportunities and make Covina a great place to live, work and invest. The first session focused on Strengths, Weaknesses, Opportunities, and Risk assessment. She stated that demographic data was presented as well as community image and future development. The second session focused on discussion about core values or mission objectives and defined Council's collective views and gave city staff some bench marks to accomplish those objectives. She said that this evening Mr. Kelly would provide Council with an overview of the sessions and answer questions Council may have.

Mr. Kelly provided an overview of the sessions by providing a detailed PowerPoint presentation. His presentation included the a) Mission Statement: Covina is dedicated to being

a vibrant hometown for the future, embracing our tradition as an exceptional place to live, work, plan and invest; b) Vision Statement: The City of Covina is a vibrant, safe, responsive community where residents enjoy an exceptional quality of life and businesses thrive and c) City Slogan: Covina – A hometown for the future. In addition, Mr. Kelly discussed Core Values and Core Strategies and the importance of monitoring values and strategies on a regular basis.

Council Member Delach indicated she likes the core strategies and suggested bringing back the Richard Miller beautification award which would fit into the category of “Enhance the quality of life.” She supported bringing back items to discuss on a monthly basis which are identified as core strategies. She expressed her excitement about working with the new group of staff members. In addition, she would like to take another bite at the apple on the a) Mission statement, b) Vision statement, and c) City slogan.

Council Member Marquez agreed with Council Member Delach indicating he is really excited about the new energy being created and said he is looking forward to working with Council and staff.

A motion was made by Council Member Delach, seconded by Council Member Allen to approve Resolution No. 15-7389, establishing the City’s Mission Statement, Vision Statement, City Slogan, Core Values, and Core Strategies for FY 2015-16 with the revision to revisit the Mission Statement, Vision Statement and City Slogan at a future meeting.

Mayor King indicated that Mayor Pro Tem Stapleton sent a note to City Manager Miller regarding this agenda item which she will share with Council.

City Manager Miller reported that Mayor Pro Tem Stapleton said that he feels this is a good start; however, it is not where he wants to be in regards to three items which he would like to revisit: the City Slogan; Mission Statement, and Vision Statement and asked for the opportunity to do so when everyone is together. He added that he had less concern with the other items and that it was a good start - but not quite there.

Council Member Allen said that he felt the biggest outcome for him was the team building that the sessions promoted.

***Motion carried to approve Resolution No. 15-7389, New Business item NB 3, establishing the City’s Mission Statement, Vision Statement, City Slogan, Core Values, and Core Strategies for FY 2015-16 with revision to revisit the Mission Statement, Vision Statement, and City Slogan at a future meeting, as follows:***

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

Mayor King mentioned that law enforcement is experiencing very difficult times and mentioned that there have been 12 tragic events this month involving police officers. He requested closing the meeting tonight in memory of the officers, including Scott Hanson and Jordan Corder, who gave the ultimate sacrifice protecting the citizens of their communities.

**ADJOURNMENT**

At 8:53 p.m., the meetings of the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Finance Authority/Covina Housing Authority were adjourned in memory of law enforcement members who have lost their lives in the line of duty. The next regular meeting of the Council/Agency/Authority scheduled for **Tuesday, September 15, 2015**, at 6:30 p.m. for closed session and 7:30 p.m. for open session inside the Council Chamber, 125 East College Street, Covina, California, 91723.

Respectfully Submitted:

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Evelyn C. Leach, MMC  
Interim Chief Deputy City Clerk

Approved this 6th day of October 2015:

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John C. King, Mayor/Chairperson

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

**MEETING DATE**    October 6, 2015

**ITEM NO. CC 2**

**STAFF SOURCE**    John Michicoff, Interim Finance Director

**ITEM TITLE**        Payment of Demands

**STAFF RECOMMENDATION**

Approve Payment of Demands in the amount of **\$2,866,737.45**

**FISCAL IMPACT**

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

**BACKGROUND**

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

<u>DATE OF DEMANDS</u>		<u>DEMAND NUMBERS</u>	<u>AMOUNT</u>
<b>ACCOUNTS PAYABLE WARRANTS</b>			
Aug. 28 - Sept. 17, 2015	Wires/EFTs	5006-5015	\$46,835.78
	Checks	76164-76500	\$2,247,260.30
<b><u>PAYROLL</u></b>			
Sept. 10, 2015	Gross Payroll & Taxes		\$548,417.09
<b><u>VOIDS</u></b>			
			0
<b><u>WORKERS COMPENSATION</u></b>			
Sept. 3, 2015			\$24,224.28
<b>GRAND TOTAL:</b>			<b>\$2,866,737.45</b>

**EXHIBITS**

A. Accounts Payable Register

Respectfully submitted,

John Michicoff, Interim Finance Director  
Finance

CITY OF COVINA  
Check Register  
AUG 28 - SEPT 17, 2015

Check #	Check Date	Vendor	Name	Amount
5006	08/31/2015	4160	ICMA	165.00
5007	08/31/2015	1405	ICMA RETIREMENT	4,265.87
5008	08/31/2015	4003	MidAmerica	4,518.15
5009	08/31/2015	2033	NATIONWIDE RETI	21,948.20
5010	08/31/2015	4223	ZUMWALT, KRISTI	750.00
5011	09/10/2015	4160	ICMA	165.00
5012	09/10/2015	1405	ICMA RETIREMENT	4,265.87
5013	09/10/2015	4003	MidAmerica	3,142.31
5014	09/10/2015	2033	NATIONWIDE RETI	6,865.38
5015	09/10/2015	4223	ZUMWALT, KRISTI	750.00
			<b>subtotal EFT/wires</b>	<b>\$46,835.78</b>
76164	08/31/2015	68	AFLAC	4,136.51
76165	08/31/2015	69	AFSCME	820.00
76166	08/31/2015	487	CalPERS	58,234.65
76167	08/31/2015	3846	CLEA	490.00
76168	08/31/2015	3846	CLEA	110.25
76169	08/31/2015	775	COVINA POLICE A	2,850.00
76170	08/31/2015	789	COVINA-FSA, CIT	1,144.20
76171	08/31/2015	878	DELTA DENTAL OF	7,870.29
76172	08/31/2015	1106	FRANCHISE TAX B	250.00
76173	08/31/2015	1247	GREAT WEST LIFE	5,218.72
76174	08/31/2015	3795	LEGAL SHIELD	308.34
76175	08/31/2015	2234	PERS	155,807.26
76176	08/31/2015	2235	PERS LONG TERM	210.00
76177	08/31/2015	4230	SOCIAL SECURITY	328.08
76178	08/31/2015	2946	UNITED WAY OF G	17.50
76179	08/31/2015	3014	VISION SERVICE	782.03
76180	08/31/2015	4255	VOYA FINANCIAL	4,649.58
76181	08/31/2015	3764	WAGeworks	28.00
76182	08/31/2015	3045	WASHINGTON NATI	147.01
76183	09/03/2015	23	ABORTA BUG INC	75.00
76184	09/03/2015	74	AGI ACADEMY	94.00
76185	09/03/2015	84	AIRGAS-WEST	518.47
76186	09/03/2015	91	ALAS, NINA	147.00
76187	09/03/2015	113	ALL CITY MANAGE	423.63
76188	09/03/2015	3789	AMAZON LLC	58.68
76189	09/03/2015	145	AMC THEATRE	880.00
76190	09/03/2015	4117	ARTISTIC RECONS	80.94
76191	09/03/2015	219	AT&T	35.32
76192	09/03/2015	254	AZUSA LIGHT & W	1,630.18
76193	09/03/2015	260	B & K ELECTRIC	365.87
76194	09/03/2015	290	BARNES & NOBLE	825.00
76195	09/03/2015	3929	BOOT BARN INC	1,217.98

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76196	09/03/2015	4304	BP ENTERTAINMEN	236.26
76197	09/03/2015	4307	BROADSPEC INC	37,865.00
76198	09/03/2015	423	BRUNSWICK COVIN	56.88
76199	09/03/2015	589	CELAYA, VERA FL	49.23
76200	09/03/2015	617	CHARTER OAK GYM	1,149.00
76201	09/03/2015	4303	CHRISTOF MUNOZ	543.90
76202	09/03/2015	649	CINTAS CORP #69	168.29
76203	09/03/2015	3235	COOK, SHAWNA	427.32
76204	09/03/2015	771	COVINA IRRIGATI	259,335.62
76205	09/03/2015	799	CRAIG'S CPR&FIR	168.00
76206	09/03/2015	3982	CUGNU, CAROL A	283.68
76207	09/03/2015	4072	DE LEON, JUAN C	616.91
76208	09/03/2015	4292	DUDEK	842.50
76209	09/03/2015	970	EDISON CO	45,330.79
76210	09/03/2015	1055	FEDEX	4.69
76211	09/03/2015	4126	FUENTES, BRITTA	215.59
76212	09/03/2015	1156	GAS COMPANY, TH	20.44
76213	09/03/2015	1180	GIAMMARCO, ANTH	120.12
76214	09/03/2015	1197	GLOBAL WATER MA	55,410.44
76215	09/03/2015	1204	GOLDEN STATE WA	232.92
76216	09/03/2015	1235	GRAINGER	1,052.01
76217	09/03/2015	1312	HAWK INDUSTRY P	325.00
76218	09/03/2015	3988	HYDRO CONNECTIO	252.54
76219	09/03/2015	1463	J.G. TUCKER AND	706.38
76220	09/03/2015	3749	JCL BARRICADE C	239.54
76221	09/03/2015	3654	JEREMIAH DONOVA	255.50
76222	09/03/2015	3731	JUNIOR LIBRARY	163.80
76223	09/03/2015	1531	JW LOCK CO INC	55.59
76224	09/03/2015	1545	KELLEY BLUE BOO	98.00
76225	09/03/2015	1561	KEYSTONE UNIFOR	250.00
76226	09/03/2015	1603	LA CNTY	584.00
76227	09/03/2015	1638	LAM, LY CHOU	287.28
76228	09/03/2015	1663	LAW ENFORCEMENT	160.00
76229	09/03/2015	4342	LAWRENCE R MOSS	8,400.00
76230	09/03/2015	3190	LAYNE, JONATHAN	199.07
76231	09/03/2015	3209	LAYNE, SHARON	126.00
76232	09/03/2015	1694	LEWIS ENGRAVING	179.85
76233	09/03/2015	1707	LIEBERT CASSIDY	105.00
76234	09/03/2015	4344	LILLEY PLANNING	2,130.00
76235	09/03/2015	1748	LOS ANGELES TIM	532.00
76236	09/03/2015	4212	MALETZ, CHRISTI	39.20
76237	09/03/2015	3932	MAR, ARLENE D.	254.29
76238	09/03/2015	4089	MEASOM, DEVIN T	45.50
76239	09/03/2015	1933	MISSION LINEN S	43.49

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76240	09/03/2015	1997	MSNOC INC	2,105.80
76241	09/03/2015	3236	MUNOZ, VINCENT	493.50
76242	09/03/2015	3810	MYERS & SONS HI	89.38
76243	09/03/2015	3718	NADENE VALDEZ	323.75
76244	09/03/2015	4201	OFFICE TEAM	889.60
76245	09/03/2015	99999	ANN TAN-KIM	28.00
76246	09/03/2015	99999	DANIELLE TELLEZ	270.00
76247	09/03/2015	99999	EDITH NARANJO	1,256.84
76248	09/03/2015	99999	MARIA DANIELA SINDT	60.00
76249	09/03/2015	99999	MARIO LUNA-CHAVEZ	40.00
76250	09/03/2015	99999	MARY ELLEN BORDERS	55.00
76251	09/03/2015	99999	MERCURY INSURANCE GROUP	2,310.64
76252	09/03/2015	99999	ROBERT YBARRA, SR.	1,174.04
76253	09/03/2015	99999	RODOLFO LEYVA	20.00
76254	09/03/2015	99999	RODRIGUEZ, JASON	60.00
76255	09/03/2015	99999	YOLANDA YANEZ	137.09
76256	09/03/2015	2189	PARADA, MIGUEL	425.34
76257	09/03/2015	2238	PEST OPTIONS IN	265.00
76258	09/03/2015	3656	PLAY-WELL TEKNO	1,260.00
76259	09/03/2015	4213	PRISK, JOSHUA	134.40
76260	09/03/2015	4101	RANCHO JANITORI	356.72
76261	09/03/2015	2415	REPUBLIC MASTER	274.29
76262	09/03/2015	2444	RIO HONDO COLLE	36.80
76263	09/03/2015	3655	ROBERT WONG	182.70
76264	09/03/2015	4339	ROSANNA MONTES-	75.00
76265	09/03/2015	3653	SARAH HSU	14.00
76266	09/03/2015	2607	SERESINGHE, AJI	1,357.00
76267	09/03/2015	2676	SMART AND FINAL	538.70
76268	09/03/2015	2711	SOUTHEAST CONST	143.28
76269	09/03/2015	2744	STATE DISBURSEM	366.00
76270	09/03/2015	2775	SUPERB GRAPHICS	146.42
76271	09/03/2015	2787	SUTMAN, WILLIAM	67.20
76272	09/03/2015	2818	TAVANNA	84.70
76273	09/03/2015	3881	TAVELLA, ADELAI	39.38
76274	09/03/2015	2846	THOMAS, TERRI	573.31
76275	09/03/2015	2901	TRIFYTT SPORTS	3,168.28
76276	09/03/2015	3896	TRIMBLE, JILL A	210.00
76277	09/03/2015	2929	ULINE	215.08
76278	09/03/2015	2935	UNDERGROUND SER	96.00
76279	09/03/2015	2954	URBAN GRAFFITI	6,000.00
76280	09/03/2015	2964	UTILITY BOARD S	375.00
76281	09/03/2015	2966	V & V MANUFACTU	442.49
76282	09/03/2015	2969	VALLEY TROPHY	661.63
76283	09/03/2015	2999	VERIZON CALIFOR	306.00

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76284	09/03/2015	3023	VULCAN MATERIAL	1,484.04
76285	09/03/2015	3187	WAGONER, PAMELA	397.97
76286	09/03/2015	3037	WALMART	548.60
76287	09/03/2015	3037	WALMART	880.00
76288	09/03/2015	3070	WEST COAST ARBO	11,466.00
76289	09/03/2015	3080	WESTERN EMULSIO	327.41
76290	09/10/2015	68	AFLAC	4,035.78
76291	09/10/2015	69	AFSCME	860.00
76292	09/10/2015	487	CaIPERS	57,709.22
76293	09/10/2015	3846	CLEA	490.00
76294	09/10/2015	3846	CLEA	110.25
76295	09/10/2015	775	COVINA POLICE A	2,650.00
76296	09/10/2015	789	COVINA-FSA, CIT	1,094.20
76297	09/10/2015	878	DELTA DENTAL OF	7,382.21
76298	09/10/2015	1106	FRANCHISE TAX B	250.00
76299	09/10/2015	1247	GREAT WEST LIFE	5,168.72
76300	09/10/2015	3795	LEGAL SHIELD	295.51
76301	09/10/2015	2234	PERS	145,139.98
76302	09/10/2015	2235	PERS LONG TERM	166.99
76303	09/10/2015	4230	SOCIAL SECURITY	200.97
76304	09/10/2015	2946	UNITED WAY OF G	17.50
76305	09/10/2015	3014	VISION SERVICE	714.95
76306	09/10/2015	4255	VOYA FINANCIAL	4,499.35
76307	09/10/2015	3764	WAGeworks	26.00
76308	09/10/2015	3045	WASHINGTON NATI	146.99
76309	09/14/2015	3	12 MILES OUT.CO	1,200.00
76310	09/14/2015	26	ABSOLUTE SECURI	18,703.52
76311	09/14/2015	4209	ADLERHORST INTE	1,782.00
76312	09/14/2015	3789	AMAZON LLC	46.05
76313	09/14/2015	145	AMC THEATRE	740.00
76314	09/14/2015	160	AMERICAN WEST C	50.00
76315	09/14/2015	219	AT&T	35.32
76316	09/14/2015	219	AT&T	35.32
76317	09/14/2015	219	AT&T	35.32
76318	09/14/2015	269	BAKER AND TAYLO	944.47
76319	09/14/2015	339	BERT'S MEGA MAL	1,356.36
76320	09/14/2015	3929	BOOT BARN INC	250.00
76321	09/14/2015	411	BRODART CO	31.14
76322	09/14/2015	455	CA LIBRARY ASSO	220.00
76323	09/14/2015	475	CALIBER POOL AN	4,233.43
76324	09/14/2015	536	CARQUEST AUTO P	17.24
76325	09/14/2015	568	CAT SPECIALTIES	1,335.35
76326	09/14/2015	649	CINTAS CORP #69	448.91
76327	09/14/2015	654	CITRUS CAR WASH	440.30

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76328	09/14/2015	682	CLINICAL LAB OF	420.00
76329	09/14/2015	710	COMMUNICATIONS	314.82
76330	09/14/2015	736	COON, MARK	400.00
76331	09/14/2015	771	COVINA IRRIGATI	231,476.85
76332	09/14/2015	783	COVINA WATER	715.08
76333	09/14/2015	970	EDISON CO	52,472.18
76334	09/14/2015	1098	FOSTER, DAVE	294.02
76335	09/14/2015	1235	GRAINGER	360.38
76336	09/14/2015	1241	GRAND PRINTING	215.80
76337	09/14/2015	1312	HAWK INDUSTRY P	50.00
76338	09/14/2015	1361	HOLLIDAY ROCK C	870.09
76339	09/14/2015	3988	HYDRO CONNECTIO	108.22
76340	09/14/2015	1430	INLAND WATER WO	2,614.91
76341	09/14/2015	1441	INTERSTATE BATT	96.22
76342	09/14/2015	3751	KELLY ASSOCIATE	5,992.50
76343	09/14/2015	3987	KYOCERA DOCUMEN	2,080.34
76344	09/14/2015	1691	LEVEL 3 COMMUNI	1,164.29
76345	09/14/2015	4344	LILLEY PLANNING	5,580.00
76346	09/14/2015	4347	LUCE, ELIZABETH	350.00
76347	09/14/2015	1933	MISSION LINEN S	83.92
76348	09/14/2015	3810	MYERS & SONS HI	136.90
76349	09/14/2015	3998	NEWPORT BEACH M	460.00
76350	09/14/2015	2104	OFFICE DEPOT	74.11
76351	09/14/2015	2104	OFFICE DEPOT	222.34
76352	09/14/2015	2104	OFFICE DEPOT	85.75
76353	09/14/2015	99999	ARMANDO RAMIREZ	60.00
76354	09/14/2015	99999	CATHERINE JUDSON	40.00
76355	09/14/2015	99999	DANIEL CERVANTES	60.01
76356	09/14/2015	99999	ELAYNE PLETICHA	53.00
76357	09/14/2015	99999	GIOVANNI ALVAREZ	88.00
76358	09/14/2015	99999	JO ANN KNIGHT	40.00
76359	09/14/2015	99999	KALITA ULRICH	70.00
76360	09/14/2015	99999	KEVIN JIMENEZ	60.00
76361	09/14/2015	99999	MUNA HATTAR-MENDOZA	120.00
76362	09/14/2015	99999	VICKI BLONDE	45.00
76363	09/14/2015	99999	WF CONSTRUCTION	321.28
76364	09/14/2015	99999	YOLANDA JIMENEZ	30.00
76365	09/14/2015	2230	PEREZ VARGAS, M	173.97
76366	09/14/2015	2309	PROFESSIONAL AC	538.00
76367	09/14/2015	2447	RIVERSIDE CNTY	59.00
76368	09/14/2015	2585	SCMAF-SAN GABRI	902.00
76369	09/14/2015	4340	SEAPORT VILLAGE	247.50
76370	09/14/2015	2660	SIMPLEX GRINNEL	175.65
76371	09/14/2015	2676	SMART AND FINAL	779.63

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76372	09/14/2015	2714	SOUTHERN CA GAS	575.00
76373	09/14/2015	4105	SPILLMAN TECHNO	101,016.00
76374	09/14/2015	4327	STATEWIDE TRAFF	3,488.40
76375	09/14/2015	3729	SUNBELT RENTALS	567.72
76376	09/14/2015	2775	SUPERB GRAPHICS	98.10
76377	09/14/2015	2855	TIME WARNER CAB	557.51
76378	09/14/2015	2886	TRADEWAY GLASS	552.09
76379	09/14/2015	2898	TRIANGLE TRUCK	63.85
76380	09/14/2015	2963	USS MIDWAY MUSE	1,350.00
76381	09/14/2015	2999	VERIZON CALIFOR	1,358.13
76382	09/14/2015	3001	VERIZON WIRELES	1,321.45
76383	09/14/2015	3004	VICTORY EXTERMI	25.00
76384	09/14/2015	3023	VULCAN MATERIAL	459.60
76385	09/14/2015	3070	WEST COAST ARBO	1,720.10
76386	09/14/2015	3082	WESTERN WATER W	32.70
76387	09/14/2015	3132	WRIGHT DESIGNS	667.63
76388	09/14/2015	3134	XEROX CORPORATI	745.47
76389	09/17/2015	58	ADVANTAGE	9,394.62
76390	09/17/2015	84	AIRGAS-WEST	180.29
76391	09/17/2015	3977	ALLIANT CONSULT	3,016.00
76392	09/17/2015	206	ASCAP	337.08
76393	09/17/2015	219	AT&T	728.80
76394	09/17/2015	219	AT&T	1.62
76395	09/17/2015	219	AT&T	16.52
76396	09/17/2015	219	AT&T	24.75
76397	09/17/2015	219	AT&T	34.59
76398	09/17/2015	255	AZUSA PLUMBING	244.92
76399	09/17/2015	260	B & K ELECTRIC	208.76
76400	09/17/2015	269	BAKER AND TAYLO	1,806.62
76401	09/17/2015	283	BANK OF THE WES	3,452.37
76402	09/17/2015	3937	BIG GREEN BOX,	290.00
76403	09/17/2015	4279	BOSS JANITORIAL	3,786.00
76404	09/17/2015	457	CA PARKS AND RE	335.00
76405	09/17/2015	4123	CARDENAS, RUDY	175.00
76406	09/17/2015	536	CARQUEST AUTO P	57.77
76407	09/17/2015	634	CHEVRON PRODUCT	223.43
76408	09/17/2015	649	CINTAS CORP #69	589.29
76409	09/17/2015	692	CODE PUBLISHING	50.00
76410	09/17/2015	700	COLLEY FORD	220.73
76411	09/17/2015	736	COON, MARK	250.00
76412	09/17/2015	4207	CORNERSTONE COM	8,000.00
76413	09/17/2015	746	CORRPRO WATERWO	1,635.00
76414	09/17/2015	4268	COVINA LAWN MOW	60.00
76415	09/17/2015	783	COVINA WATER	2,006.05

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76416	09/17/2015	849	DAPEER ROSENBLI	12,892.29
76417	09/17/2015	896	DH MAINTENANCE	5,942.94
76418	09/17/2015	947	DUNN EDWARDS CO	240.09
76419	09/17/2015	970	EDISON CO	6,784.04
76420	09/17/2015	1235	GRAINGER	760.01
76421	09/17/2015	1241	GRAND PRINTING	191.95
76422	09/17/2015	1298	HARRAHS RINCON	400.00
76423	09/17/2015	1312	HAWK INDUSTRY P	250.00
76424	09/17/2015	1361	HOLLIDAY ROCK C	120.72
76425	09/17/2015	1364	HOME DEPOT	2,121.81
76426	09/17/2015	1410	IIMC	195.00
76427	09/17/2015	1427	INGLEWOOD, CITY	3,064.35
76428	09/17/2015	1428	INGRAM DIST GRO	76.22
76429	09/17/2015	4077	INTERWEST CONSU	12,750.00
76430	09/17/2015	1463	J.G. TUCKER AND	159.41
76431	09/17/2015	1571	KING BOLT CO	9.88
76432	09/17/2015	3721	KRIZIA N VIRBIA	130.00
76433	09/17/2015	1613	LA CNTY DISTRIC	120.49
76434	09/17/2015	1614	LA CNTY FIRE DE	728,713.00
76435	09/17/2015	3704	LAND DEVELOPMEN	945.00
76436	09/17/2015	1680	LEAGUE OF CALIF	550.00
76437	09/17/2015	1694	LEWIS ENGRAVING	265.96
76438	09/17/2015	1707	LIEBERT CASSIDY	3,322.00
76439	09/17/2015	1715	LIGHTNING OIL C	60.00
76440	09/17/2015	1858	MCMASTER CARR S	111.93
76441	09/17/2015	1860	MCNEILL SOUND &	302.79
76442	09/17/2015	1908	MICHAEL J O'DAY	200.00
76443	09/17/2015	1933	MISSION LINEN S	40.60
76444	09/17/2015	2091	O REILLY AUTO P	57.76
76445	09/17/2015	2104	OFFICE DEPOT	196.99
76446	09/17/2015	2104	OFFICE DEPOT	149.00
76447	09/17/2015	4201	OFFICE TEAM	444.80
76448	09/17/2015	99999	Altagracia Pasquel	17.00
76449	09/17/2015	99999	ANGELICA TORRES	41.81
76450	09/17/2015	99999	CAMILO BALACUIT	25.00
76451	09/17/2015	99999	DANIEL HERNANDEZ	25.00
76452	09/17/2015	99999	EDDIE HO	64.14
76453	09/17/2015	99999	GELCO CORP	105.00
76454	09/17/2015	99999	GERARDO AVALOS	4.49
76455	09/17/2015	99999	IGNACIO REZENDEZ	12.70
76456	09/17/2015	99999	JGB REALTY INVESTMENTS	27.94
76457	09/17/2015	99999	JON TOVAR	11.85
76458	09/17/2015	99999	KARINA HOPEWELL	17.00
76459	09/17/2015	99999	KATY CHEN	24.72

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76460	09/17/2015	99999	LIGHTHOUSE REAL ESTATE	98.95
76461	09/17/2015	99999	MOHAMMAD TABRIZIZABEH	61.95
76462	09/17/2015	99999	OSCAR MORALES	137.90
76463	09/17/2015	99999	RACHEL KYLE	100.00
76464	09/17/2015	99999	ROSARIO DE LA PAZ	25.00
76465	09/17/2015	99999	RYAN HINSON	71.21
76466	09/17/2015	99999	SERGIO NUNES CHANG	41.72
76467	09/17/2015	99999	SIDNEY SOE	22.65
76468	09/17/2015	99999	TIMOTHY SIMPSON	13.46
76469	09/17/2015	2134	ORKIN PEST CONT	114.13
76470	09/17/2015	3722	OSCAR LUQUE	20.00
76471	09/17/2015	2163	PACIFIC PARKING	754.55
76472	09/17/2015	4334	Party Xtreme	500.00
76473	09/17/2015	4238	PETCO ANIMAL SU	176.00
76474	09/17/2015	2277	POLLARDWATER DO	250.15
76475	09/17/2015	2289	POWER MAINT COR	1,950.00
76476	09/17/2015	4101	RANCHO JANITORI	266.01
76477	09/17/2015	2415	REPUBLIC MASTER	329.45
76478	09/17/2015	2415	REPUBLIC MASTER	85.49
76479	09/17/2015	3796	RICHARD, WATSON	1,412.00
76480	09/17/2015	3984	ROXXI STUDIOS	125.00
76481	09/17/2015	2589	SCPPOA	30.00
76482	09/17/2015	2646	SHOWCASES	366.35
76483	09/17/2015	3837	SONSRAY MACHINE	1,518.45
76484	09/17/2015	2705	SOUTH COAST AQM	326.34
76485	09/17/2015	2719	SPARKLETTS	20.39
76486	09/17/2015	2778	SUPERIOR PAVEME	4,693.50
76487	09/17/2015	2903	TRI-XECUTEX COR	160.00
76488	09/17/2015	2935	UNDERGROUND SER	88.50
76489	09/17/2015	2999	VERIZON CALIFOR	820.91
76490	09/17/2015	3001	VERIZON WIRELES	3,634.93
76491	09/17/2015	3004	VICTORY EXTERMI	75.00
76492	09/17/2015	3006	VIDEO STORE SHO	41.18
76493	09/17/2015	3023	VULCAN MATERIAL	163.98
76494	09/17/2015	3043	WARREN DISTRIBU	142.64
76495	09/17/2015	3062	WELCH COMPANY,	1,356.79
76496	09/17/2015	3070	WEST COAST ARBO	3,391.50
76497	09/17/2015	3102	WILLDAN FINANCI	62.50
76498	09/17/2015	3134	XEROX CORPORATI	55.70
76499	09/17/2015	3134	XEROX CORPORATI	370.04
76500	09/17/2015	3135	XO COMMUNICATIO	4,802.74

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<b><i>subtotal checks</i></b>	<b>2,247,260.30</b>
<b><i>subtotal payroll</i></b>	<b>548,417.09</b>
<b><i>subtotal voids</i></b>	<b>0.00</b>
<b><i>subtotal Worker's Compensation</i></b>	<b>24,224.28</b>
<b>TOTAL checks/EFTs</b>	<b>2,866,737.45</b>

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

I, John Michicoff, 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 8/28 – 9/17/15; Payroll for 9/10/15; and Workers Compensation for 9/03/15; know the contents thereof, and do certify as to the accuracy of the attached Demands and the availability of funds for their payment pursuant to the Government Code Section 37202.

  
John Michicoff,  
Interim Finance Director

Subscribed and sworn to before me

this 6<sup>th</sup> day of October, 2015

Sharon F. Clark

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

**MEETING DATE**    October 6, 2015

**ITEM NO. CC 3**

**STAFF SOURCE**    John Michicoff, Interim Finance Director

**ITEM TITLE**        Payment of Demands

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**STAFF RECOMMENDATION**

Approve Payment of Demands in the amount of **\$59,971.63**

**FISCAL IMPACT**

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

**BACKGROUND**

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

<u>DATE OF DEMANDS</u>	<u>DEMAND NUMBERS</u>	<u>AMOUNT</u>
<b>ACCOUNTS PAYABLE WARRANTS</b>		
Aug. 28 - Sept. 17, 2015	Checks 1232-1236	\$50,601.86
<b><u>PAYROLL</u></b>		
Sept. 10, 2015 Gross Payroll & Taxes		\$9,369.77
<b><u>VOIDS</u></b>		
	<b>GRAND TOTAL:</b>	<b>\$59,971.63</b>

**EXHIBITS**

A. Accounts Payable Register

Respectfully submitted,

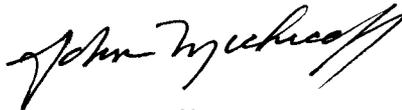
John Michicoff, Interim Finance Director  
Finance

SUCCESSOR AGENCY TO THE  
 COVINA REDEVELOPMENT AGENCY  
 Check Register  
 AUG 28 - SEPT 17, 1015

Check #	Check Date	Vendor	Name	Amount
1232	09/03/15	970	EDISON CO	354.10
1233	09/03/15	2942	UNITED SITE SER	68.17
1234	09/14/15	3796	RICHARD, WATSON	165.00
1235	09/17/15	2452	RJS FINANCIAL	49,840.00
1236	09/17/15	3135	XO COMMUNICATIO	174.59
<i>subtotal checks</i>				<b>\$50,601.86</b>
<i>subtotal Payroll</i>				<b>\$9,369.77</b>
<b>TOTAL CHECKS/EFT's/PAYROLL</b>				<b>\$59,971.63</b>

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

I, John Michicoff, 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 8/28/15 – 9/17/15 and Payroll for 9/10/15; know the contents thereof, and do certify as to the accuracy of the attached Demands and the availability of funds for their payment pursuant to the Government Code Section 37202.



John Michicoff,  
Interim Finance Director

Subscribed and sworn to before me

this 6<sup>th</sup> day of October, 2015

Sharon F. Clark

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

**MEETING DATE**    October 6, 2015

**ITEM NO. CC 4**

**STAFF SOURCE**    John Michicoff, Interim Finance Director

**ITEM TITLE**        Payment of Demands

**STAFF RECOMMENDATION**

Approve Payment of Demands in the amount of **\$3,054,263.66**

**FISCAL IMPACT**

Sufficient funding is available and the related costs are included in the Fiscal Year 14/15 and 15/16 Adopted Budgets.

**BACKGROUND**

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

<u>DATE OF DEMANDS</u>	<u>DEMAND NUMBERS</u>	<u>AMOUNT</u>
<b><u>ACCOUNTS PAYABLE WARRANTS</u></b>		
Aug. 14 - Aug. 27, 2015	Wires/EFTs    none	\$0.00
	Checks        75920-76163	\$2,440,627.73
<b><u>PAYROLL</u></b>		
Aug 26, 2015 Gross Payroll & Taxes		\$589,899.13
<b><u>VOIDS</u></b>		
Aug. 14 - Aug. 27, 2015	5/5/15    74121	(\$800.00)
	6/3/15    74701	(\$5,521.85)
<b><u>WORKERS COMPENSATION</u></b>		
Aug. 20, 2015		\$7,312.21
Aug. 27, 2015		\$22,746.44
	<b>GRAND TOTAL:</b>	<b>\$3,054,263.66</b>

**EXHIBITS**

A. Accounts Payable Register

Respectfully submitted,

John Michicoff, Interim Finance Director  
Finance

CITY OF COVINA  
Check Register  
AUG 14 - AUG 27, 2015

Check #	Check Date	Vendor	Name	Amount
75920	8/20/15	477	CALIF, STATE OF	11,189.00
75921	8/20/15	4190	FACILITY SOLUTI	579,195.05
75922	8/20/15	3659	JMDIAZ	30,182.50
75923	8/20/15	1707	LIEBERT CASSIDY	7,118.30
75924	8/20/15	2954	URBAN GRAFFITI	5,460.00
75925	8/20/15	4255	VOYA FINANCIAL	5,489.82
75926	8/20/15	69	AFSCME	40.00
75927	8/20/15	160	AMERICAN WEST C	75.00
75928	8/20/15	219	AT&T	16.86
75929	8/20/15	219	AT&T	17.23
75930	8/20/15	219	AT&T	22.59
75931	8/20/15	219	AT&T	34.76
75932	8/20/15	219	AT&T	1,708.36
75933	8/20/15	3771	BLACK & WHITE E	1,606.01
75934	8/20/15	4279	BOSS JANITORIAL	3,786.00
75935	8/20/15	457	CA PARKS AND RE	170.00
75936	8/20/15	649	CINTAS CORP #69	778.28
75937	8/20/15	682	CLINICAL LAB OF	532.50
75938	8/20/15	783	COVINA WATER	2,072.10
75939	8/20/15	792	CPOA	187.50
75940	8/20/15	829	CURLEY, JOHN	8.00
75941	8/20/15	878	DELTA DENTAL OF	366.06
75942	8/20/15	885	DEPT OF MOTOR V	45.00
75943	8/20/15	885	DEPT OF MOTOR V	45.00
75944	8/20/15	885	DEPT OF MOTOR V	45.00
75945	8/20/15	885	DEPT OF MOTOR V	45.00
75946	8/20/15	885	DEPT OF MOTOR V	45.00
75947	8/20/15	885	DEPT OF MOTOR V	45.00
75948	8/20/15	885	DEPT OF MOTOR V	45.00
75949	8/20/15	947	DUNN EDWARDS CO	54.03
75950	8/20/15	962	EAST DISTRICT SUPERIOR COURT	483.00
75951	8/20/15	962	EAST DISTRICT SUPERIOR COURT	7,084.50
75952	8/20/15	970	EDISON CO	1,598.81
75953	8/20/15	1055	FEDEX	47.56
75954	8/20/15	1156	GAS COMPANY, TH	113.56
75955	8/20/15	1204	GOLDEN STATE WA	57.20
75956	8/20/15	1235	GRAINGER	108.36
75957	8/20/15	1251	GREENS LOCK AND	154.85
75958	8/20/15	1259	GROVER'S INTERI	535.00
75959	8/20/15	1361	HOLLIDAY ROCK C	1,320.82
75960	8/20/15	3988	HYDRO CONNECTIO	113.30
75961	8/20/15	1463	J.G. TUCKER AND	178.66
75962	8/20/15	1484	JEFFERSON SIGN	172.12

CITY OF COVINA  
Check Register  
AUG 14 - AUG 27, 2015

75963	8/20/15	1505	JOHNNY'S POOL S	8.71
75964	8/20/15	1561	KEYSTONE UNIFOR	981.03
75965	8/20/15	1571	KING BOLT CO	82.10
75966	8/20/15	1614	LA CNTY FIRE DE	728,713.00
75967	8/20/15	1707	LIEBERT CASSIDY	665.00
75968	8/20/15	1768	MACADAM, HEIDI	39.12
75969	8/20/15	2038	NATIONAL RECREA	165.00
75970	8/20/15	2104	OFFICE DEPOT	440.36
75971	8/20/15	2104	OFFICE DEPOT	223.28
75972	8/20/15	3722	OSCAR LUQUE	37.50
75973	8/20/15	2204	PASADENA, CITY	153.00
75974	8/20/15	2285	POVERO, DAVID	8.00
75975	8/20/15	4311	PRI MANAGEMENT	375.00
75976	8/20/15	2306	PRO LITERACY AM	177.15
75977	8/20/15	2329	PUENTE READY MI	675.80
75978	8/20/15	4101	RANCHO JANITORI	184.46
75979	8/20/15	2415	REPUBLIC MASTER	334.60
75980	8/20/15	2716	SOUTHERN CALIFO	270.00
75981	8/20/15	2719	SPARKLETTS	18.32
75982	8/20/15	3729	SUNBELT RENTALS	197.29
75983	8/20/15	2900	TRIFORMIS CORPO	154.00
75984	8/20/15	4098	U.S. CONFERENCE	2,616.00
75985	8/20/15	2999	VERIZON CALIFOR	389.80
75986	8/20/15	3001	VERIZON WIRELES	2,640.97
75987	8/20/15	3004	VICTORY EXTERMI	50.00
75988	8/20/15	3014	VISION SERVICE	30.79
75989	8/20/15	4255	VOYA FINANCIAL	8.48
75990	8/20/15	4255	VOYA FINANCIAL	8.48
75991	8/20/15	4255	VOYA FINANCIAL	24.00
75992	8/20/15	3029	WALCZAK, RIC	24.00
75993	8/20/15	3058	WEBSTER, DEREK	8.00
75994	8/20/15	3077	WEST LITE SUPPL	350.27
75995	8/20/15	3078	WEST PAYMENT CE	295.35
75996	8/20/15	3134	XEROX CORPORATI	91.48
75997	8/20/15	3135	XO COMMUNICATIO	4,744.19
75998	8/24/15	4307	BROADSPEC INC	43,720.00
75999	8/24/15	4237	HILLCREST CONTR	146,121.49
76000	8/27/15	341	BEST BEST & KRI	19,942.33
76001	8/27/15	3070	WEST COAST ARBO	32,535.50
76002	8/27/15	23	ABORTA BUG INC	70.00
76003	8/27/15	45	ADAPT CONSULTIN	1,780.45
76004	8/27/15	84	AIRGAS-WEST	84.65
76005	8/27/15	125	ALLIANCE BUS LI	1,249.13
76006	8/27/15	151	AMERICAN LIBRAR	38.00

CITY OF COVINA  
Check Register  
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76007	8/27/15	158	AMERICAN TRAFFI	16,185.00
76008	8/27/15	160	AMERICAN WEST C	100.00
76009	8/27/15	220	AT&T LONG DISTA	32.79
76010	8/27/15	255	AZUSA PLUMBING	94.03
76011	8/27/15	269	BAKER AND TAYLO	2,364.57
76012	8/27/15	341	BEST BEST & KRI	10,454.39
76013	8/27/15	3929	BOOT BARN INC	2,726.91
76014	8/27/15	4279	BOSS JANITORIAL	5,599.00
76015	8/27/15	437	BURRO CANYON EN	20.00
76016	8/27/15	536	CARQUEST AUTO P	53.28
76017	8/27/15	565	CASTRO, VIVIAN	14.00
76018	8/27/15	600	CERTIFIED UNDER	43.59
76019	8/27/15	649	CINTAS CORP #69	630.86
76020	8/27/15	654	CITRUS CAR WASH	349.26
76021	8/27/15	700	COLLEY FORD	145.31
76022	8/27/15	710	COMMUNICATIONS	397.26
76023	8/27/15	730	CONTEMPORARY IN	60.00
76024	8/27/15	749	COUNSELING TEAM	1,060.00
76025	8/27/15	762	COVINA CHAMBER	30.00
76026	8/27/15	783	COVINA WATER	63.87
76027	8/27/15	3701	DEPARTMENT OF J	539.00
76028	8/27/15	894	DF POLYGRAPH	150.00
76029	8/27/15	970	EDISON CO	801.67
76030	8/27/15	3911	FACTORY MOTOR P	269.13
76031	8/27/15	3800	GARVEY EQUIPMEN	332.13
76032	8/27/15	1156	GAS COMPANY, TH	2,314.27
76033	8/27/15	1198	GLOBALSTAR LLC	53.18
76034	8/27/15	1235	GRAINGER	255.07
76035	8/27/15	3251	HANSON INVESTIG	2,538.78
76036	8/27/15	4337	HARDY & HARPER,	593,083.05
76037	8/27/15	1317	HDL SOFTWARE LL	4,735.41
76038	8/27/15	1361	HOLLIDAY ROCK C	409.03
76039	8/27/15	1364	HOME DEPOT	1,648.48
76040	8/27/15	1371	HOSE MAN INC, T	425.00
76041	8/27/15	3865	HOUSTON ENGINEE	2,000.00
76042	8/27/15	3988	HYDRO CONNECTIO	69.23
76043	8/27/15	1427	INGLEWOOD, CITY	4,419.03
76044	8/27/15	1437	INTER-CON SECUR	4,966.08
76045	8/27/15	1441	INTERSTATE BATT	771.20
76046	8/27/15	3751	KELLY ASSOCIATE	5,992.50
76047	8/27/15	1547	KELLY PAPER CO	1,641.27
76048	8/27/15	3721	KRIZIA N VIRBIA	130.00
76049	8/27/15	1609	LA CNTY COUNTY	29,671.30
76050	8/27/15	1617	LA CNTY REGISTR	75.00

CITY OF COVINA  
Check Register  
AUG 14 - AUG 27, 2015

76051	8/27/15	1619	LA CNTY SHERIFF	588.97
76052	8/27/15	1646	LANGUAGE LINE S	46.06
76053	8/27/15	1694	LEWIS ENGRAVING	65.40
76054	8/27/15	1698	LEXIPOL LLC	8,600.00
76055	8/27/15	1708	LIFE ASSIST INC	1,177.20
76056	8/27/15	1895	MERRIMAC ENERGY	28,628.52
76057	8/27/15	1908	MICHAEL J O'DAY	240.00
76058	8/27/15	1933	MISSION LINEN S	170.15
76059	8/27/15	3256	MULTI W SYSTEMS	350.00
76060	8/27/15	2027	NAPA AUTO PARTS	41.65
76061	8/27/15	2091	O REILLY AUTO P	672.88
76062	8/27/15	2104	OFFICE DEPOT	225.50
76063	8/27/15	2104	OFFICE DEPOT	67.57
76064	8/27/15	4201	OFFICE TEAM	444.80
76065	8/27/15	4181	ONE STOP BODY S	1,830.80
76066	8/27/15	99999	A PLUS PROPERTY MANAGEMENT	80.00
76067	8/27/15	99999	ALBERT HERNANDEZ	89.00
76068	8/27/15	99999	ALEX GALINDO	2.77
76069	8/27/15	99999	AMBIKA TYAGI	65.00
76070	8/27/15	99999	ANGELINA RUIZ	15.00
76071	8/27/15	99999	ASHLEY WHITE	14.26
76072	8/27/15	99999	BEN LIU	156.99
76073	8/27/15	99999	BERTHA MARTINEZ	345.00
76074	8/27/15	99999	BRITTENY SIMINGTON	117.50
76075	8/27/15	99999	CARMELA RODRIGUEZ	6.00
76076	8/27/15	99999	CATHERINE CATBAGAN	60.00
76077	8/27/15	99999	CATHERINE JUDSON	20.00
76078	8/27/15	99999	CATHERINE SOLORZANO	300.00
76079	8/27/15	99999	CHANTAL ALEGRIA	100.54
76080	8/27/15	99999	CHARLES KUBES	23.30
76081	8/27/15	99999	CHAU LAM	50.24
76082	8/27/15	99999	CHRISTINE BOU SLEIMAN	270.00
76083	8/27/15	99999	CLAUDETTE CERNAL-MAYO	89.00
76084	8/27/15	99999	CLAUDIA MORENO	220.00
76085	8/27/15	99999	CONSTANCE ANGELES	88.00
76086	8/27/15	99999	CRISTINA HERMOSILLO	320.00
76087	8/27/15	99999	CYNTHIA HOLLAND	70.00
76088	8/27/15	99999	DOLORES GARCIA	37.50
76089	8/27/15	99999	DOROTA KOZAN	120.00
76090	8/27/15	99999	ELAINE TOM	25.33
76091	8/27/15	99999	ELIZABETH LOPEZ-ANGELICA	80.00
76092	8/27/15	99999	ERIKA ZIMMERMAN	89.00
76093	8/27/15	99999	FERNANDO SALDANA	70.00
76094	8/27/15	99999	GERI NUNEZ	33.00

CITY OF COVINA  
Check Register  
AUG 14 - AUG 27, 2015

76095	8/27/15	99999	GONZALES, BARBARA	365.00
76096	8/27/15	99999	JANE NGU	88.00
76097	8/27/15	99999	JENNIFER CAMACHO	45.00
76098	8/27/15	99999	JENNIFER CAMACHO	45.00
76099	8/27/15	99999	JENNIFER CAMACHO	45.00
76100	8/27/15	99999	JENNIFER LORA	150.00
76101	8/27/15	99999	JOSE ARATA	25.00
76102	8/27/15	99999	JULIE DIEP	176.00
76103	8/27/15	99999	KAORI KATO	60.00
76104	8/27/15	99999	KHADIJA DONALDSON	36.00
76105	8/27/15	99999	KRISTEN WEGER	72.00
76106	8/27/15	99999	LIHUA ZHANG	74.94
76107	8/27/15	99999	LISA GODINA	45.00
76108	8/27/15	99999	LISA GODINA	45.00
76109	8/27/15	99999	LIZETT OLIVARES	150.00
76110	8/27/15	99999	MALIKA RUMPRADIT	120.00
76111	8/27/15	99999	MARA FUENTES	120.00
76112	8/27/15	99999	MARIA CRISTINA ESPINOZA-SPENCER	89.00
76113	8/27/15	99999	MARTHA CLARK	120.00
76114	8/27/15	99999	MICHAEL BUCK	57.00
76115	8/27/15	99999	MILKA ARELLANO	44.84
76116	8/27/15	99999	MOHAMMAD TABRIZIZABEH	72.41
76117	8/27/15	99999	MONLISSA HAYES	30.00
76118	8/27/15	99999	NICHELLE CISNEROS	35.00
76119	8/27/15	99999	NORTHVIEW HIGH SCHOOL BAND	200.00
76120	8/27/15	99999	PAOLA GONZALEZ	80.00
76121	8/27/15	99999	PRESCILLA SOTO	51.00
76122	8/27/15	99999	RANDY FRANKLIN	300.00
76123	8/27/15	99999	ROSA MAGDALENO	49.00
76124	8/27/15	99999	RUTH RILEY	130.00
76125	8/27/15	99999	SANDRA WINTERER	35.00
76126	8/27/15	99999	SHAUNTE MALDONADO	32.19
76127	8/27/15	99999	SHELLEY KUCKINSKI	70.00
76128	8/27/15	99999	TAM DINH	120.00
76129	8/27/15	99999	TARA ELVIRA	58.50
76130	8/27/15	99999	TERESA NAVARRO	120.00
76131	8/27/15	99999	VICTORIA CASADOS	35.00
76132	8/27/15	99999	WENDY SUNAHARA	60.00
76133	8/27/15	99999	YESENIA RUVALCABA-GARCIA	120.00
76134	8/27/15	99999	ZACHERY ROMAN	88.00
76135	8/27/15	4238	PETCO ANIMAL SU	391.10
76136	8/27/15	3964	RED WING SHOE S	1,250.00
76137	8/27/15	2415	REPUBLIC MASTER	824.97
76138	8/27/15	2507	S & J SALES	2,984.00

CITY OF COVINA  
Check Register  
AUG 14 - AUG 27, 2015

76139	8/27/15	2557	SANTA ANITA FAM	350.00
76140	8/27/15	2571	SBSD-EVOC TRAIN	720.00
76141	8/27/15	2596	SECRETARY OF ST	40.00
76142	8/27/15	2619	SGV EXAMINER	152.00
76143	8/27/15	2660	SIMPLEX GRINNEL	175.65
76144	8/27/15	2676	SMART AND FINAL	1,479.87
76145	8/27/15	2714	SOUTHERN CA GAS	3,824.96
76146	8/27/15	2737	STAPLES INC	770.17
76147	8/27/15	3950	STERICYCLE, INC	278.13
76148	8/27/15	2795	SWRCB	500.00
76149	8/27/15	3185	TOSHIBA FINANCI	2,028.81
76150	8/27/15	2898	TRIANGLE TRUCK	326.52
76151	8/27/15	2941	UNITED RENTALS	11,139.80
76152	8/27/15	2958	US POSTMASTER	2,804.69
76153	8/27/15	2969	VALLEY TROPHY	763.00
76154	8/27/15	4065	VERIZON BUSINES	607.65
76155	8/27/15	2999	VERIZON CALIFOR	776.04
76156	8/27/15	3043	WARREN DISTRIBU	139.28
76157	8/27/15	3064	WELLDYNERX	65.73
76158	8/27/15	3070	WEST COAST ARBO	595.00
76159	8/27/15	3075	WEST COVINA, CI	1,435.00
76160	8/27/15	3082	WESTERN WATER W	4,638.13
76161	8/27/15	3102	WILLDAN FINANCI	670.00
76162	8/27/15	4270	WOODS, ERIC A.	175.00
76163	8/27/15	3134	XEROX CORPORATI	123.72

*subtotal checks* **\$2,440,627.73**

*subtotal payroll* **\$589,899.13**

*subtotal voids* **-\$6,321.85**

*subtotal Worker's Compensation* **\$30,058.65**

**TOTAL checks/EFTs** **\$3,054,263.66**

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

I, John Michicoff, 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 8/14 – 8/27/15; Payroll for 8/26/15; and Workers Compensation for 8/20/15 and 8/27/15; know the contents thereof, and do certify as to the accuracy of the attached Demands and the availability of funds for their payment pursuant to the Government Code Section 37202.

  
John Michicoff,  
Interim Finance Director

Subscribed and sworn to before me

this 6<sup>th</sup> day of October, 2015

Sharon F. Clark



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

**MEETING DATE:** October 6, 2015

**ITEM NO.:** CC 5

**STAFF SOURCE:** Kim Raney, Chief of Police

**ITEM TITLE:** Resolution of the City Council of the City of Covina, County of Los Angeles, State of California, to accept grant funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2015.

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**STAFF RECOMMENDATION**

1. Adopt **Resolution No. 15-7395** accepting grant funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2015 for the City of Covina Police Department Youth Accountability Board Program
2. Adopt **Resolution No. 15-7396** authorizing an increase to the Police Department 2015-2016 budget in the amount of \$10,619.
3. Authorize the Chief of Police to execute the grant documents on behalf of the City of Covina.

**FISCAL IMPACT**

There is no additional appropriation needed from the general fund; however, the adoption of both these resolutions will increase the Police Department's appropriation account 2271-1120-50015-JAG15 by \$10,619 and the revenue account 2271-1120-42080-JAG15 by \$10,619, which is the amount allocated for the City of Covina Police Department.

**BACKGROUND**

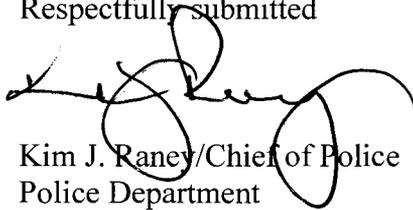
At the June 16, 2015, City Council Meeting, a Public Hearing was held to inform City Council and the public about the intended use of these grant funds. On September 1, 2015, notification was received from the Department of Justice, Office of Justice Programs' Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program, that the City of Covina Police Department application was approved. The 2015 JAG funding will be used to continue funding the part-time Community Services Officer assigned to manage the Youth Accountability Board program.

**EXHIBITS**

- A. Copy of confirmation letter dated September 1, 2015 from the Department of Justice/OJP/BJA.

- B. Resolution No. 15-7395 accepting grant funding for the Youth Accountability Board and the part-time Community Services Officer position
- C. Resolution No. 15-7396 authorizing an increase to the Police Department 2015-2016 budget
- D. Grant Award Document 2015-DJ-BX-0191

Respectfully submitted

A handwritten signature in black ink, appearing to read "Kim J. Raney", with a large, stylized flourish at the end.

Kim J. Raney/Chief of Police  
Police Department



Department of Justice  
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

September 1, 2015

Chief Kim Raney  
City of Covina  
125 East College Street  
Covina, CA 91723

Dear Chief Raney:

On behalf of Attorney General Loretta Lynch, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 15 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of \$10,619 for City of Covina.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Patrick Fines, Program Manager at (202) 353-0587; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise O'Donnell".

Denise O'Donnell  
Director

Enclosures

EXHIBIT A

**RESOLUTION NO. 15-7395**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, TO ACCEPT GRANT FUNDING FROM THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM LOCAL SOLICITATION, FY 2015**

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

WHEREAS, the City of Covina was awarded the Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of \$10,619 on September 1, 2015; and

WHEREAS, this award will help fund the Covina Police Department’s Youth Accountability Board (YAB) program; and

WHEREAS, the acceptance of this award may be made by the City Manager or his designee and shall be by approval and Resolution of the City Council;

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

SECTION 1. The award of the Justice Assistance Grant funding for Fiscal Year 2015, as described above, is hereby accepted by the City of Covina.

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

PASSED, APPROVED AND ADOPTED this 6th DAY OF October 2015.

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

ATTEST:

\_\_\_\_\_  
Chief Deputy City Clerk

APPROVED AS TO FORM;

\_\_\_\_\_  
Candice K. Lee, City Attorney

EXHIBIT B

**CERTIFICATION**

I, Sharon Clark, Chief Deputy City Clerk of the City of Covina, California, do hereby certify that Resolution No. 15-7395 was adopted by the Covina City Council at a regular meeting thereof held this 6<sup>th</sup> day of October, 2015, and was approved and passed by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Sharon Clark  
Chief Deputy City Clerk

**RESOLUTION NO. 15-7396**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, TO INCREASE THE POLICE DEPARTMENT 2015-2016 BUDGET BY \$10,619 RESULTING FROM A GRANT AWARD BY THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM LOCAL SOLICITATION, FY 2015**

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

WHEREAS, the City of Covina was awarded the Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation FY 2015 in the amount of \$10,619 on September 1, 2015; and

WHEREAS, accepting this award will increase the Police Department’s appropriation and revenue accounts by the same amount; and

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

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

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

Appropriation accounts 2271-1120-50015

Revenue account	2271-1120-42090	<b>\$10,619</b>
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SECTION 2. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 6th DAY OF October 2015.

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John King, Mayor

ATTEST:

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Chief Deputy City Clerk

EXHIBIT C

APPROVED AS TO FORM;

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Candice K. Lee, City Attorney

**CERTIFICATION**

I, Sharon Clark, Chief Deputy City Clerk of the City of Covina, California, do hereby certify that Resolution No. 15-7396 was adopted by the Covina City Council at a regular meeting thereof held this 6<sup>th</sup> day of October, 2015, and was approved and passed by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Sharon Clark  
Chief Deputy City Clerk



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

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1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Covina 125 East College Street Covina, CA 91723		4. AWARD NUMBER: 2015-DJ-BX-0191	
		5. PROJECT PERIOD: FROM 10/01/2014 TO 09/30/2016 BUDGET PERIOD: FROM 10/01/2014 TO 09/30/2016	
2a. GRANTEE (RS/VENDOR NO.) 956000717		6. AWARD DATE 09/01/2015	7. ACTION Initial
2b. GRANTEE DUNS NO. 627617152		8. SUPPLEMENT NUMBER 00	
3. PROJECT TITLE Youth Accountability Board		9. PREVIOUS AWARD AMOUNT \$ 0	
		10. AMOUNT OF THIS AWARD \$ 10,619	
		11. TOTAL AWARD \$ 10,619	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY15(BJA - JAG) 42 USC 3750, et seq.			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.738 - Edward Byrne Memorial Justice Assistance Grant Program			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Kim Raney Chief of Police	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL YEAR FUND CODE BUD. ACT. DIV. OFC. REG. SUB. POMS AMOUNT X B DJ 80 00 00 10619		21. PDJUGT0806	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice  
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PROJECT NUMBER 2015-DJ-BX-0191

AWARD DATE 09/01/2015

*SPECIAL CONDITIONS*

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by the Department of Justice (DOJ) in 2 C.F.R. Part 2800 (the "Part 200 Uniform Requirements") apply to this 2015 award from the Office of Justice Programs (OJP). For this 2015 award, the Part 200 Uniform Requirements, which were first adopted by DOJ on December 26, 2014, supersede, among other things, the provisions of 28 C.F.R. Parts 66 and 70, as well as those of 2 C.F.R. Parts 215, 220, 225, and 230.

If this 2015 award supplements funds previously awarded by OJP under the same award number, the Part 200 Uniform Requirements apply with respect to all award funds (whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this 2015 award.

Potential availability of grace period for procurement standards: Under the Part 200 Uniform Requirements, a time-limited grace period may be available under certain circumstances to allow for transition from policies and procedures that complied with previous standards for procurements under federal awards to policies and procedures that comply with the new standards (that is, to those at 2 C.F.R. 200.317 through 200.326).

For more information on the Part 200 Uniform Requirements, including information regarding the potentially-available grace period described above, see the Office of Justice Programs (OJP) website at <http://ojp.gov/funding/Part200UniformRequirements.htm>.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

2. The recipient agrees to comply with the Department of Justice Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide").
3. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302) that is approved by the Office for Civil Rights is a violation of the Standard Assurances executed by the recipient, and may result in suspension of funding until such time as the recipient is in compliance, or termination of the award.
4. The recipient understands and agrees that OJP may withhold award funds, or may impose other related requirements, if the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.
5. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
6. The recipient and any subrecipients must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has -- (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving award funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by - mail: Office of the Inspector General U.S. Department of Justice Investigations Division 950 Pennsylvania Avenue, N.W. Room 4706 Washington, DC 20530 e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov) hotline: (contact information in English and Spanish): (800) 869-4499 or hotline fax: (202) 616-9881 Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig)



Department of Justice  
Office of Justice Programs  
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**AWARD CONTINUATION  
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PROJECT NUMBER 2015-DJ-BX-0191

AWARD DATE 09/01/2015

*SPECIAL CONDITIONS*

7. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient --

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized to make subawards or contracts under this award --

a. it represents that --

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward, contract, or subcontract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

8. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

9. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



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*SPECIAL CONDITIONS*

10. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
11. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
12. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").
13. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
14. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
15. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
16. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
17. A recipient that is eligible under the Part 200 Uniform Requirements to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC).
18. The recipient must collect, maintain, and provide to OJP, data that measure the performance and effectiveness of activities under this award, in the manner, and within the timeframes, specified in the program solicitation, or as otherwise specified by OJP. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.



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*SPECIAL CONDITIONS*

19. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).
20. Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.
21. The recipient understands and agrees that it has a responsibility to monitor its subrecipients' compliance with applicable federal civil rights laws. The recipient agrees to submit written Methods of Administration (MOA) for ensuring subrecipients' compliance to the OJP's Office for Civil Rights at [CivilRightsMOA@usdoj.gov](mailto:CivilRightsMOA@usdoj.gov) within 90 days of receiving the grant award, and to make supporting documentation available for review upon request by OJP or any other authorized persons. The required elements of the MOA are set forth at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm), under the heading, "Civil Rights Compliance Specific to State Administering Agencies."
22. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
23. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
24. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.



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*SPECIAL CONDITIONS*

25. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
26. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
27. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
28. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
29. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
30. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
31. All procurement (contract) transactions under this award must be conducted in a manner that is consistent with applicable Federal and State law, and with Federal procurement standards specified in regulations governing Federal awards to non-Federal entities. Procurement (contract) transactions should be competitively awarded unless circumstances preclude competition. Noncompetitive (e.g., sole source) procurements by the award recipient in excess of the Simplified Acquisition Threshold (currently \$150,000) set out in the Federal Acquisition Regulation must receive prior approval from the awarding agency, and must otherwise comply with rules governing such procurements found in the current edition of the OJP Financial Guide.



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*SPECIAL CONDITIONS*

32. Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.
33. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
34. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
35. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
36. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for body armor. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
37. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
38. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
39. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the grant funds in the trust fund (including any interest earned) during the period of the grant and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to the Office of Justice Programs at the time of closeout.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET**  
**Grant**

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PROJECT NUMBER 2015-DJ-BX-0191

AWARD DATE 09/01/2015

*SPECIAL CONDITIONS*

40. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

41. BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to your My BJA account at <https://www.bja.gov/Login.aspx> to access the Success Story Submission form. If you do not yet have a My BJA account, please register at <https://www.bja.gov/profile.aspx>. Once you register, one of the available areas on your My BJA page will be "My Success Stories". Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the new BJA Success Story web page at <https://www.bja.gov/SuccessStoryList.aspx>.
42. Recipient understands and agrees that award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure list may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>.
43. Recipient understands and agrees that award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions may be accessed here: <https://www.bja.gov/funding/JAGControlledPurchaseList.pdf>



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**AWARD CONTINUATION  
SHEET  
Grant**

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*SPECIAL CONDITIONS*

44. Recipient understands and agrees that the purchase or acquisition of any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, with award funds by an agency will trigger a requirement that the agency collect and retain (for at least 3 years) certain information about the use of 1) any federally-acquired Controlled Equipment in the agency's inventory, and 2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and make that information available to BJA upon request. Details about what information must be collected and retained may be accessed here: [https://www.whitehouse.gov/sites/default/files/docs/le\\_equipment\\_wg\\_final\\_report\\_final.pdf](https://www.whitehouse.gov/sites/default/files/docs/le_equipment_wg_final_report_final.pdf)
45. Recipient understands and agrees that, notwithstanding 2 CFR § 200.313, no equipment listed on the Controlled Expenditure List that is purchased under this award may be transferred or sold to a third party, except as described below:
- a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it was requesting approval to use award fund for the initial purchase of items on the Controlled Expenditure List.
  - b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.
  - c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.
- Recipient further understands and agrees to notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased under this award, and to abide by any applicable laws and regulations in such disposal.
46. Recipient understands and agrees that failure to comply with conditions related to Prohibited or Controlled Expenditures may result in a prohibition from further Controlled Expenditure approval under this or other federal awards.
47. Recipient understands that the initial period of availability of funds for this award is two years. Recipient further understands that any requests for additional time for performance of this award, up to two additional years, will be granted automatically, pursuant to 42 U.S.C. § 3751(f) and in accordance with current fiscal year solicitation. Requests for additional time beyond a four year grant period will be subject to the discretion of the Director of the Bureau of Justice Assistance.

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

**MEETING DATE**    October 6, 2015

**ITEM NO. CC 6**

**STAFF SOURCE**    Brian K. Lee, Director of Community Development  
                          Nuala Gasser, Sr. Housing & CDBG Economic Development Manager *mg*

**ITEM TITLE**        Covina Housing Authority Annual Report FY 2014-2015

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**STAFF RECOMMENDATION**

Receive and file the Covina Housing Authority Annual Report for Fiscal Year 2014-2015.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

In Fiscal Year 2010-2011, the Covina Housing Authority was activated by the Covina City Council. Health and Safety Code Sections 34328 and 34328.1 require all housing authorities to file an annual report by October 1<sup>st</sup> with the City Clerk and the State of California Department of Housing and Community Development. The report, which was filed with both offices, is attached as Exhibit A.

The purpose of the report is to show the activities for the previous fiscal year. The attached report recounts the process whereby the Housing Authority assumed the housing functions and duties of the Covina Redevelopment Agency when that agency was dissolved pursuant to AB 1X 26, as well as providing other required information.

**EXHIBITS**

A. Covina Housing Authority Annual Report

Respectfully submitted,

Brian K. Lee  
Director of Community Development

# COVINA HOUSING AUTHORITY

## ANNUAL REPORT FY 14-15

Health and Safety Code Sections 34328 and 34328.1 require all housing authorities to file an annual report by October 1<sup>st</sup> with the City Clerk and the Department of Housing and Community Development. The requirements of the report follow.

### **A. Background**

In FY 2010-2011, the Housing Authority was activated by the Covina City Council. City resolution No. 11-6926, adopted January 25, 2011, declared that there is a need for a housing authority, declared that all members of the City Council shall be the Commissioners of the Housing Authority and designated the mayor as the interim chairman of the housing authority.

On January 30, 2012, by Resolution 12-7045, the Covina City Council elected not to retain the housing assets and functions previously performed by the Covina Redevelopment Agency, which was dissolved pursuant to Part 1.85 of Division 24 of the California Health and Safety Code. All rights, powers, duties and obligations, including any encumbered amounts on deposit in the Agency's Low and Moderate Income Housing Fund, were transferred to the Covina Housing Authority.

On April 3, 2012, by Resolution 12-004, the Successor Agency to the Covina Redevelopment Agency recommended approval of the transfer of housing assets and properties of the former Agency to the Housing Authority by the Oversight Board.

On April 5, 2012, by Resolution 12-01, the Oversight Board directed the Successor Agency to transfer housing responsibilities and all rights, powers, duties and obligations associated with the housing activities of the Covina Redevelopment Agency along with the transfer of encumbered low and moderate income housing funds designated for housing projects to the Covina Housing Authority pursuant to Health and Safety Code Sections 34176, 34177 and 34181. The Oversight Board approval was sent to the state Department of Finance for final approval. The transfer of the housing functions and duties were not questioned by the State Department of Finance, and so were approved.

Pursuant to Health and Safety Code section 34176 (a)(2) the Authority submitted a Housing Assets Transfer Form to the Department of Finance in July 2012. By letter dated August 30, 2012, the State Department of Finance approved the Housing Asset Transfer Form. The form was later amended, and the Amended Housing Asset Transfer Form was approved by the State Department of Finance by letter dated February 21, 2013.

The housing assets and functions assumed by the Housing Authority are as listed in Exhibit A to the Annual Report. In addition, the following rental properties will be monitored annually

Village Green Apartments , 152 E Covina Blvd, Covina CA 91722  
 Smith Family Trust Apartments, 227 N Citrus Ave, Covina CA 91723  
 Cienega Gardens Apartments, 1211 N. Lyman, Covina CA 91724  
 Las Palmas Apartments, 777 W. Covina Blvd, Covina CA 91722  
 YWCA Wings domestic violence home, confidential location  
 Center Street Apartments, 236 W. Center Street, Covina, CA 91723  
 Covina Gardens, 200 W. Rowland Street, Covina, CA 91723

Owner-occupied affordable housing units will continue to be monitored on an annual basis.

**Authority-Owned Assets**

In FY 10-11, the Housing Authority became the owner of record of the following two properties. Ownership was affirmed when the Amended Housing Asset Transfer Form was approved by the State Department of Finance by letter dated February 21, 2013.

<u>APN</u>	<u>Description</u>	
8434-002-904	Residential Property, Covina	Property 1
8445-001-918	147-151 E. College Street, Covina	Property 2

Property 1 is an occupied residential property, occupied as transitional housing for homeless women with children; Property 2, a commercial site with no occupants, was sold. Escrow closed March 3, 2014, and funds realized through the sale have been deposited to the Low and Moderate Income Housing Asset Fund in the amount of \$706,097.50.

**B. Activities for the Preceding Year**

In Fiscal Year 2014-2015, the Covina Housing Authority did not issue any bonds, or execute any loans or financing agreements for multi-family rental development.

**(1) Percentage Requirements\***

Not less than 20% of all units shall be available for occupancy on a priority basis to persons of low-income

Categories:

Rental Housing	100%
Homeownership Developments	N/A
Rehabilitation financing	N/A

Of the one housing unit owned by the Housing Authority, 100% is occupied by households whose gross income does not exceed the applicable limits as of January 1, 2015.

\*The only units owned, assisted or monitored by the Housing Authority are in connection with the transfer to the Housing Authority of the rights, poers, duties and obligations associated with housing activities of the former Covina Redevelopment Agency.

- |            |   |            |
|------------|---|------------|
| <b>(2)</b> | <b>Units financed with Bonds</b>              | <b>N/A</b> |
| <b>(3)</b> | <b>Multifamily Units</b>                      | <b>N/A</b> |
| <b>(4)</b> | <b>Recipients of Federal Rent Subsidies</b>   | <b>N/A</b> |
| <b>(5)</b> | <b>Increase in Income of Current Occupant</b> | <b>N/A</b> |

**C. Recommended Legislation**

The Authority does not intend to propose any legislation at this time.

- |           |                                    |            |
|-----------|------------------------------------|------------|
| <b>D.</b> | <b>Domestic Violence Reporting</b> | <b>N/A</b> |
|-----------|------------------------------------|------------|

**EXHIBIT A  
TO THE ANNUAL REPORT**

**DEPARTMENT OF FINANCE**  
**AMENDED HOUSING ASSETS LIST November 28, 2012**  
**ASSEMBLY BILL X1 26 AND ASSEMBLY BILL 1484**  
 (Health and Safety Code Section 34176)

Note: Approved per DOF letter dated February 21, 2013 attached.

Former Redevelopment Agency: Covina Redevelopment Agency

Successor Agency to the Former Redevelopment Agency: City of Covina

Entity Assuming the Housing Functions of the former Redevelopment Agency: Covina Housing Authority

Entity Assuming the Housing Functions Contact Name: Dilu de Alwis Title Director of Finance Phone 626-384-5516 E-Mail Address ddealwis@covinaca.gov

Entity Assuming the Housing Functions Contact Name: Nuala Gasser Title Sr. Housing and CDBG Econ Phone 626-384-5442 E-Mail Address ngasser@covinaca.gov

All assets transferred to the entity assuming the housing functions between February 1, 2012 and the date the exhibits were created are included in this housing assets list. The following Exhibits noted with an X in the box are included as part of this inventory of housing assets:

Exhibit A - Real Property	X
Exhibit B- Personal Property	X
Exhibit C - Low-Mod Encumbrances	X
Exhibit D - Loans/Grants Receivables	X
Exhibit E - Rents/Operations	
Exhibit F- Rents	
Exhibit G - Deferrals	X

Prepared By: Nuala Gasser

Date Prepared: November 28, 2012 (amended)



Exhibit B - Personal Property

City of Covina  
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

All furniture, appliances and fixtures at the Covina Transitional House for homeless women and children, including but not limited to:									
1	Appliances		\$1,129	1-Feb-12	\$0	\$0	\$1,129		2009
2	Appliances	washer and dryer							
		2 refrigerators and stove	\$2,446	1-Feb-12	\$0	\$0	\$2,446		Aug-06
	Appliances	dining table w 6 chairs TV stand; coffee table; 2 bookcases; bunk bed and 2 mattresses; chest of drawers	\$2,393	1-Feb-12	\$0	\$0	\$2,393		8/4/2006
3	Appliances								
4	Appliances	computer and printer	\$1,368	1-Feb-12	\$0	\$0	\$1,368		6/9/2009
	Fixtures	air conditioning system		1-Feb-12					purchased w/house
5	Furniture								2006
		1 bunk bed set and chest of drawers	unknown	1-Feb-12	\$0	\$0	donated		
6	Furniture								
		1 single bed	\$371	1-Feb-12	\$0	\$0	\$371		12/1/2009
7	Furniture								
		2 single beds and night stand	unknown	1-Feb-12	\$0	\$0	donated		2006
8	Furniture								
		1 queen bed	unknown	1-Feb-12	\$0	\$0	donated		2006
9	Furniture								
		3 dressers	\$1,342	1-Feb-12	\$0	\$0	\$1,342		2009 & 2011
10	Furniture								
		couch	\$220	1-Feb-12	\$0	\$0	\$220		Jun-12
11	Furniture								
		2 closet track systems	\$500	1-Feb-12	\$0	\$0	\$500		2009;2010
12	Furniture								
		end tables, TV	unknown	1-Feb-12	\$0	\$0	donated		2006
13	Furniture								
		computer desk	\$217	1-Feb-12	\$0	\$0	\$217		2008
14	Furniture								
		2 entry tables	unknown	1-Feb-12	\$0	\$0	donated		2006
15	Household goods								
		dishes, cutlery	unknown	1-Feb-12	\$0	\$0	donated		2006
16	Household goods								
		pots and pans, pictures	unknown	1-Feb-12	\$0	\$0	donated		2006
17	Household goods								
		small kitchen appliances including coffee maker, griddle, toaster, baking equipment	unknown	1-Feb-12	\$0	\$0	donated		2006
		appliances including coffee maker, griddle, toaster, baking equipment	\$1,000	1-Feb-12	\$0	\$0	\$1,000		2006-2012
18	Household goods								
		windown blinds	\$3,442	1-Feb-12	\$0	\$0	\$3,442		2010
19	Household goods								
		kitchen cabinets and counters	\$ 6,371.00	1-Feb-12	\$0	\$0	\$ 6,371.00		2006
20	Household goods								
			\$				\$		

21	Household goods	sheets, blankets, bedspreads, pillows, towels	\$1,000	1-Feb-12	\$0	\$0	\$0	\$1,000	2009;2010;2011;2012
22	Household goods	light fixtures, fans, vacuum	\$1,000	1-Feb-12	\$0	\$0	\$0	\$1,000	2006-2012
23	Household goods	Bar B Q and outdoor furniture; hoses;ladder	\$275	1-Feb-12	\$0	\$0	\$0	\$275	2008
24	Total personal property at transitional house								
									\$23,074

**All documents related to housing affordability covenants, including but not limited to the following:**

25	loan document funding agreement- Wings/YWCA	2011-0712728 Notice of affordability restrictions	\$0	1-Feb-12	\$0	\$0	\$0	\$0	5/20/2011
26	loan document funding agreement- Wings/YWCA	2011-145552 Notice of affordability restrictions	\$0	1-Feb-12	\$0	\$0	\$0	\$0	10/27/2011
27	loan document funding agreement- Wings/YWCA	First Amendment to Regulatory Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	6/8/2011
28	loan document funding agreement- Wings/YWCA	Regulatory Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	4/25/11
29	loan document funding agreement- Wings/YWCA	Affordable Housing Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	3/8/11
30	loan document funding agreement- Wings/YWCA	First Amendment to Affordable Housing Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	3/8/2011
31	Document-Pomona Valley Habitat for Humanity	2011-1181519 Deed of Trust	\$0	1-Feb-12	\$0	\$0	\$0	\$0	8/31/2011
32	Document-Habitat	2010-1597630 Notice of Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	11/5/2010
33	Document-Habitat	DDA Habitat	\$0	1-Feb-12	\$0	\$0	\$0	\$0	7/20/2010
34	Document-Habitat	Promissory Note- Habitat	\$0	1-Feb-12	\$0	\$0	\$0	\$0	8/19/2011
35	Document-Habitat	Assignment and Assumption and Substitution of Trustee and Deed of Reconveyance	\$0	1-Feb-12	\$0	\$0	\$0	\$0	7/12/2012
36	Document-Habitat	2011-1181518 Grant Deed to Habitat	\$0	1-Feb-12	\$0	\$0	\$0	\$0	8/31/2011
37	Document-Habitat	Declaration of CC&Rs Ontiveros	\$0	1-Feb-12	\$0	\$0	\$0	\$0	7/12/2012

38	Document-Habitat	Request for Notice	\$0	1-Feb-12	\$0	\$0	\$0	\$0	7/12/2012
39	Document-Habitat	Notice of Affordability Restrictions	\$0	1-Feb-12	\$0	\$0	\$0	\$0	7/12/2012
40	Document-Habitat	Deed of Trust, Ontiveros	\$0	1-Feb-12	\$0	\$0	\$0	\$0	7/12/2012
41	Document-City Walk	DDA Olson -Covina 5	\$0	1-Feb-12	\$0	\$0	\$0	\$0	5/18/2010
42	Document-City Walk	2011-0378059 Grant Deed-Olson	\$0	1-Feb-12	\$0	\$0	\$0	\$0	3/11/2011
43	Document-City Walk	2011-0378061 Notice of Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	3/11/2011
44	Document-City Walk	Notice of Affordability Restrictions	\$0	1-Feb-12	\$0	\$0	\$0	\$0	3/11/2011
45	Document-Vintage Walk Olson	Participation Agreement-Olson	\$0	1-Feb-12	\$0	\$0	\$0	\$0	12/6/2005
46	Document-Vintage Walk 2 City Ventures	First Amendment to Participation Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	3/9/2011
47	Document-Cienega Gardens Apts	02-2394719 Declaration of CC&Rs Cienega Preservation partnership L.P.	\$0	1-Feb-12	\$0	\$0	\$0	\$0	10/10/2002
48	Document-200 W Rowland	Participation Agreement-Covina	\$0	1-Feb-12	\$0	\$0	\$0	\$0	12/23/2009
49	Document-200 W Rowland	Residual Receipts Note Secured by Deed of Trust	\$0	1-Feb-12	\$0	\$0	\$0	\$0	6/17/10
50	Document-200 W Rowland	2009-1968783- Declaration of CC&Rs for Affordable Rental	\$0	1-Feb-12	\$0	\$0	\$0	\$0	12/28/2009
51	Document-200 W Rowland	2010-0838089 Second Deed of Trust and Security Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	6/18/2010
52	Document-200 W Rowland	2010-0838093 Notice of Affordability Restrictions on Rental	\$0	1-Feb-12	\$0	\$0	\$0	\$0	6/18/2010
53	Document-Village Green	05-2148883 Declaration of CC&Rs Republic Properties	\$0	1-Feb-12	\$0	\$0	\$0	\$0	9/7/2005
54	Document-Village Green	REIG-LA-AU #1224 Lease-Agency and Republic	\$0	1-Feb-12	\$0	\$0	\$0	\$0	5/21/1986
55	Document-Village Green	Purchase and Disposition Agreement Agency and Republic	\$0	1-Feb-12	\$0	\$0	\$0	\$0	1/24/2005

56	Document-Smith Family Trust	95-282447 Declaration of CC&Rs—Smith Family Trust and Agency	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	2/21/1995
57	Document-Smith Family Trust	Participation Agreement, Smith Family Trust and Agency	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/20/1994
58	Document-Las Palmas previously Orange Grove Apts	95-1747812 Declaration of CC&Rs LA Recovery 94 Equity Fund and Agency	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/30/1995
59	Document-Las Palmas previously Orange Grove Apts	Rehabilitation Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/15/1995
60	Document-Shadowhills Apts	85-738176 Regulatory Agreement and Declaration of Restrictive Covenants	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	6/26/1985
61	Document-Shadowhills Apts/Vista Pointe Apts	94-1988738 Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	11/2/1994
62	Document-Shadowhills Apts/Vista Pointe Apts	98-2234471 First Amendment to Amended and Restated Regulatory Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	12/9/2008
63	Document-Shadowhills Apts/Vista Pointe Apts	Amendments 2 and 3 to Amended and Restated Regulatory Agreement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	July 1, 2007 and July 31, 2007
64	Document-Shadowhills Apts/Vista Pointe Apts Bond Issue	All documents related to the Multifamily Housing Revenue Refunding Bonds, Series A of 1994 (Shadowhills Apartments Project)	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	12/1/1998
65	Document-Center Street	2008-0071770 Deed of Trust with Assignment of Rents-Center Street LLC	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	1/4/2008
66	Document-Center Street	2008-0071769 Declaration of CC&Rs Center Street LLC	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	1/4/2008

67	Document-Darpi	2012-0495235-Deed of Trust	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	4/2/2012
	Document-Darpi	2012-0495234 Declaration of conditions, Covenants and Restrictions and	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	4/2/2012
68	Document-Darpi	Moderate Income Borrower disclosure Statement Regarding Declaration	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	3/27/2012
69	Document-Darpi	Contingent Promissory Note	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	3/27/2012
70	Document-Darpi	2012-0520116 Request for Notice	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	4/6/2012
71	Document-Darpi	Waiver of Right to Cancel	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	3/27/2012
72	Document-Scott	20072248610 Deed of Trust and Addendum to Deed of Trust Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/1/2007
73	Document-Scott	2007-2248607 Loan Agreement Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/1/2007
74	Document-Scott	2007-2406946 Request for copy of notice of default	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/24/2007
75	Document-Scott	2007-2248606 Declaration of CC&Rs Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/1/2007
76	Document-Scott	Promissory Note Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007
77	Document-Scott	Contingent Promissory Note Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007
78	Document-Scott	Modification of Note secured by Deed of Trust	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	7/24/2012
79	Document-Scott	Subordination Agreement and Substitution of Beneficiary	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	7/24/2012
80	Document-Scott	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007
81	Document-Scott	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007
82	Document-Scott	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007

83	Document-Scott	2012-0888319 Assignment and Assumption Deed of Trust - Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	6/14/2012
84	Document-Scott	2012-0888320 Assignment and Assumption Loan Agreement - Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	6/14/2012
85	Document-Scott	2012-0888321 Assignment and Assumption Declaration - Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	6/14/2012
86	Document-Scott	Assignment and Assumption Agency Agency Note - Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	6/14/2012
87	Document-Scott	Assignment and Assumption Contingent Promissory Note- Scott	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	6/14/2012
88	Document-Samuel	2007-1838954 Deed of Trust and Addendum to Deed of Trust Samuel	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	8/3/2007
89	Document-Samuel	2007-1838949 Loan Agreement Samuel	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	8/3/2007
90	Document-Samuel	2007-2406945 Request for copy of notice of default Samule	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/24/2007
91	Document-Samuel	2007-1838950 Declaration of CC&Rs Samuel	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	8/3/2007
92	Document-Samuel	Promissory Note Samuel	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	7/25/2007
93	Document-Samuel	Contingent Promissory Note Samuel	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	7/25/2007
94	Document-Samuel	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	7/25/2007
95	Document-Samuel	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	7/25/2007
96	Document-Shimoji	2007-2761281 Deed of Trust and Addendum to Deed of Trust Shimoji	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	12/17/2007

97	Document-Shimoji	2007-2761280 Loan Agreement Shimoji	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	12/17/2007
98	Document-Shimoji	06-2424531 Declaration of CC&Rs	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	11/1/2006
99	Document-Shimoji	Promissory Note Shimoji	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/26/2006
100	Document-Shimoji	Contingent Promissory Note Samuel	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/26/2006
101	Document-Shimoji	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/26/2006
102	Document-Shimoji	Moderate Income Borrower DPAP Disclosure Statement re Declaration	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/26/2006
103	Document-Shimoji	2008-0832959 Deed of Trust with Assignment of Rents- Shimoji	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	6/4/2009
104	Document-Amaya	2007-2416071 Deed of Trust and Addendum to Deed of Trust Amaya	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/25/2007
105	Document-Amaya	2007-2416088 Loan Agreement Amaya	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/25/2007
106	Document-Amaya	2007-2425652 Request for copy of notice of default-Amaya	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/26/2007
107	Document-Amaya	2007-2416067 Declaration of CC&Rs Amaya	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/25/2007
108	Document-Amaya	Promissory Note Amaya	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/16/2007
109	Document-Amaya	Contingent Promissory Note Amaya	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/16/2007
110	Document-Amaya	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/16/2007
111	Document-Amaya	Moderate Income Borrower DPAP Disclosure Statement re Declaration	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/16/2007

112	Document-Escalera	2007-2239473 Deed of Trust and Addendum to Deed of Trust Escalera	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/28/2007
	Document-Escalera	2007-2239474 Loan Agreement Escalera	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/28/2007
113	Document-Escalera	2008-0317878 Request for copy of notice of default-Escalera	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	2/25/2008
114	Document-Escalera	2007-2239475 Declaration of CC&Rs Escalera	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/28/2007
115	Document-Escalera	Promissory Note Escalera	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007
116	Document-Escalera	Contingent Promissory Note Escalera	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007
117	Document-Escalera	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007
118	Document-Escalera	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	9/17/2007
119	Document-Fields	2007-2389898 Deed of Trust and Addendum to Deed of Trus Fields	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/22/2007
120	Document-Fields	2011-0051301 Deed of Trust and Addendum to Deed of Trus Fields	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	1/11/2011
121	Document-Fields	2007-2389897 Loan Agreement Fields	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/22/2007
122	Document-Fields	2007-2398329 Request for copy of notice of default-Fields	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/23/2007
123	Document-Fields	2007-2389894 Declaration of CC&Rs Fields	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/22/2007
124	Document-Fields	Promissory Note Fields	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/10/2007
125	Document-Fields		\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	

Document-Fields	Contingent Promissory Note Fields	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/15/2007
126									
Document-Fields	Moderate Income Borrower DPAP Disclosure Statement	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/10/2007
127									
Document-Fields	Moderate Income Borrower DPAP Disclosure Statement re Declaration	\$0	1-Feb-12	\$0	\$0	\$0	\$0	\$0	10/15/2007
128									
<b>Additional Assets</b>									
	2004 Taxable Tax Allocation Bonds, Series A and B	All documents related to the 2004 Taxable Tax Allocation Bonds, Series A and B	1-Feb-12	\$0	\$0	\$0	\$0	\$0	2004
129									
	All documents related to housing actions and decisions by the Covina Redevelopment Agency, the Successor Agency to the Covina Redevelopment Agency, the Oversight Board and/or the Covina Housing Authority related to housing	All staff reports, memos, work product, working documents, and resolutions to August 1, 2012	1-Feb-12	\$0	\$0	\$0	\$0	\$0	various
130									
	All documents submitted in application to qualify for housing grants, loans and/or subsidies to the Covina Redevelopment Agency, the Successor Agency to the Covina Redevelopment Agency, the Oversight Board and/or the Covina Housing Authority related to housing	Miscellaneous personal, financial, business and credit documents	1-Feb-12	\$0	\$0	\$0	\$0	\$0	various
131									

132	All office supplies, equipment and fixtures	All office supplies, fixtures and equipment including but not limited to: files, envelopes, letterhead, calculators, staplers, rotodexes, phones, computers, printers, file cabinets, paper stackers, paper binders, 3-hole punchers, desks, chairs, tables, workstations and wastebaskets.	\$5,000	1-Feb-12	\$5,000	\$0	\$0	various
133	All appraisal documents and financial determinations made by consultants for housing purposes	All housing related appraisals and financial determinations made by vendors and consultants on behalf of the Covina Redevelopment Agency, the Successor Agency to the Covina Redevelopment Agency and the Covina Housing Authority	Unknown	1-Feb-12	Unknown	\$0	\$0	various

a/ Asset types any personal property provided in residences, including furniture and appliances, all housing-related files and loan documents, office supplies, software licenses, and mapping programs, that were acquired for low and moderate income housing purposes, either by purchase or through a loan, in whole or in part, with any source of funds.

Exhibit C - Low-Mod Encumbrances

City of Covina  
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

		20-Jul-10	Pomona Valley Habitat for Humanity Center Street LLC	Forgivable contingent promissory note: \$202,000		1 unit	CRL	Habitat for Humanity	\$202,772.69-land; \$50,000 building and related costs	n/a	Habitat funded	2012
1	436 E. Cypress St Covina. Single family house built by Habitat on lot obtained with 236 W Center St Covina two apartment units built by others	1-May-07		0		2 units	CRL	Jaygo International LLC	\$236,986	none	By others. Unknown	Mar-09
2	Village Green Apartments 152 E Covina Blvd Covina	Orig-May 21, 1986, amended 9/7/2005	Republic Properties-Covina 1	0		140 units	CRL	Republic Properties-Covina 1	\$1,180,116	none	By others. Unknown	1986
3	Smith Family Trust Apts 227 N. Citrus Ave Covina	2/22/1995	Smith Family Trust	0		12 units	CRL	Mercy Moreno	\$434,000	n/a	By others. Unknown	1995
4	200 W. Rowland Street Covina	6/17/2010	Covina Gardens KBS LP	4,742,000	*-interest	89 units	CRL	Covina Gardens KBS LP	Acquisition of covenants: \$2,242,000; Rehabilitation \$2,500,000	n/a	n/a	Completion expected Aug 2012
5	Cienega Gardens Apts, 1211 N. Lyman, Covina	10/10/2002	Cienega Preservation Partnership L.P.	0		180 units	CRL	Cienega Preservation Partnership L.P.	\$1,400,000	n/a	By others. Unknown	2002
6	Las Palmas Apts, 777 W. Covina Blvd., Covina	10/30/1995	LA Recovery 94 Equity Fund LP	0		10 units	CRL	DCP Las Palmas Apartments LLC	\$150,000	n/a	By others. Unknown	1995
7	Vista Pointe Apts, 1400 N. Grand Avenue Covina	Original: June 1, 1985 Amended 11/2/1994	Lincoln Shadowhills LLC	0		40 units	Multifamily Housing Revenue Bonds 1985A	Vista Pointe Apts LLC	\$14,585,000	n/a	By others. Unknown	1985
8	YWCA Wings domestic violence home, confidential location	8-Mar-11	YWCA of San Gabriel Valley	0		1 unit	CRL	YWCA of San Gabriel Valley	\$330,000	n/a	By others. Unknown	2012
9	221 W Zinfandel Avenue Covina	8/3/2007	Olson Development	0		1 unit	CRL	Samuel	\$0	\$0	By others. Unknown	Jul-07
10	523 N. Cabernet Drive Covina	11/1/2006	Olson Development	0		1 unit	CRL	Shimoji	\$0	\$0	By others. Unknown	Sep-06



Exhibit D - Loans/Grants Receivables

City of Covina  
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

1	loan	\$4,742,000		Note date 6/17/2010	Covina Gardens KBS LP	1. Secure affordable covenants 2. Rehabilitation	yes	Residual loan due June 17, 2065	2%	\$4,742,000
2	forgivable loan	\$30,000		7/25/2007	Samuel	Down payment assistance- Purchase affordable home	yes	Forgiven in 20 yrs	1.50%	\$30,000
3	forgivable loan	\$200,000		7/25/2007	Samuel	Secure value above sales price	yes	Forgiven in 45 years	5.50%	\$200,000
4	forgivable loan	\$30,000		10/26/2006	Shimoji	Down payment assistance- Purchase affordable home	yes	Forgiven in 20 yrs	1.50%	\$30,000
5	forgivable loan	\$200,000		10/26/2006	Shimoji	Secure value above sales price	yes	Forgiven in 45 years	6.50%	\$200,000
6	forgivable loan	\$30,000		9/17/2007	Scott	Down payment assistance- Purchase affordable home	yes	Forgiven in 20 yrs	1.50%	\$30,000
7	forgivable loan	\$35,000		revised 7/24/2012	Scott	Secure value above sales price	yes	Forgiven in 45 years	6.25%	\$35,000
8	forgivable loan	\$30,000		10/10/2007	Fields	Down payment assistance- Purchase affordable home	yes	Forgiven in 20 yrs	1.50%	\$30,000
9	forgivable loan	\$190,000		10/15/2007	Fields	Secure value above sales price	yes	Forgiven in 45 years	6.63%	\$190,000
10	forgivable loan	\$30,000		9/17/2007	Escalera	Down payment assistance- Purchase affordable home	yes	Forgiven in 20 yrs	1.50%	\$30,000
11	forgivable loan	\$200,000		9/17/2007	Escalera	Secure value above sales price	yes	Forgiven in 45 years	5.75%	\$200,000
12	forgivable loan	\$30,000		10/16/2007	Amaya	Down payment assistance- Purchase affordable home	yes	Forgiven in 20 yrs	1.50%	\$30,000
13	forgivable loan	\$175,000		10/16/2007	Amaya	Secure value above sales price	yes	Forgiven in 45 years	6.83%	\$175,000

14	loan		371	plus interest	May-83	Andrews					yes	upon sale of property	3%	371
15	loan		1,400	plus interest	Nov-91	Campbell					yes	upon sale of property	3%	1,400
16	loan		9,527	plus interest	Jun-00	Davidson					yes	upon sale of property	3%	9,527
17	loan		1,000	plus interest	Sep-91	Farley					yes	upon sale of property	3%	1,000
18	loan		1,790	plus interest	Aug-92	Guzman					yes	upon sale of property	3%	1,790
19	loan		5,785	plus interest	May-02	Harzheim					yes	upon sale of property	3%	5,785
20	loan		6,756	plus interest	Jul-83	Hathaway					yes	upon sale of property	3%	6,756
21	loan		1,710	plus interest	Nov-95	Hunter					yes	upon sale of property	3%	1,710
22	loan		3,173	plus interest	Feb-94	Jensen					yes	upon sale of property	3%	3,173
23	loan		3,235	plus interest	Jan-06	Michitarian					yes	upon sale of property	3%	3,235
24	loan		1,263	plus interest	Jan-00	Phillipson					yes	upon sale of property	3%	1,263
25	loan		2,402	plus interest	Jan-99	Robles					yes	upon sale of property	3%	2,402
26	loan		994	plus interest	Mar-92	Salinas					yes	upon sale of property	3%	994
27	loan		650	plus interest	Feb-92	Stephenson					yes	upon sale of property	3%	650
28	loan		6,000	plus interest	Jun-03	Thomas					yes	upon sale of property	3%	6,000
29	loan		2,200	plus interest	Feb-99	Treat					yes	upon sale of property	3%	2,200
30	loan		3,000	plus interest	Jan-98	Wolford					yes	upon sale of property	3%	3,000
31	loan		3,170	plus interest	May-96	Yslava					yes	upon sale of property	3%	3,170
32														
33				Housing Assistance total										54,425
34														
35				Residual loan total										\$4,742,000
36														plus interest
37				Down Payment Assistance Program and Contingent Notes total:										\$1,180,000
38														plus interest
39														





Exhibit G - Deferrals

City of Covina

Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

1	Set-aside, per Health & Safety Code § 33334.6(e)	1986-1989	\$1,142,215	0	\$327,458	Annually through 2019
2	SERAF 2010, per Health & Safety Code § 33690 (CX1)	2010	\$2,540,091	0	\$2,540,091	2014
3	SERAF 2011, per Health & Safety Code § 33690.5 (c)(1)	2011	\$522,454	0	\$522,454	2015
4						
5	Total		\$4,204,760		\$3,390,003	
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**DEPARTMENT OF  
FINANCE**

**EDMUND G. BROWN JR. • GOVERNOR**

**915 L STREET ■ SACRAMENTO CA ■ 95814-2706 ■ WWW.DOF.CA.GOV**

February 21, 2013

Ms. Lisa Brancheau, Assistant to the City Manager  
City of Covina  
125 East College Street  
Covina, CA 91723

Dear Ms. Brancheau:

**Subject: Approval of Oversight Board Action**

The City of Covina Successor Agency (Agency) notified the California Department of Finance (Finance) of its April 5, 2012 and December 5, 2012 oversight board (OB) resolutions no. 12-02 and no. 12-17 on December 10, 2012. Pursuant to Health and Safety Code (HSC) section 34179 (h), Finance has completed its review of the OB action.

Based on our review and application of the law, OB resolution no. 12-02 directing the Agency to transfer ownership of the housing assets and properties of the former redevelopment agency to the Covina Housing Authority and OB resolution no. 12-17 ratifying the amended Housing Asset Transfer form are approved. This is our determination with respect to the OB actions taken.

Please direct inquiries to Kylie Le, Supervisor, or Michael Barr, Lead Analyst at (916) 445-1546.

Sincerely,

**STEVE SZALAY**  
Local Government Consultant

cc: Mr. Dilu de Alwis, Finance Director, City of Covina  
Ms. Kristina Burns, Manager, Los Angeles County Department of Auditor-Controller  
California State Controller's Office

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**AGREEMENT FOR CONSULTANT SERVICES  
BETWEEN  
BROADSPEC, INC.  
AND  
THE CITY OF COVINA, CALIFORNIA**

This Agreement for Consultant Services (“Agreement”) is entered into as of this 6th day of October, 2015, between Broadspec, Inc. (“Consultant”) and the City of Covina, a municipal corporation (“City”). City and Consultant are sometimes hereinafter individually referred to as “Party” and hereinafter collectively referred to as the “Parties.”

**RECITALS**

A. City has sought, the performance of the services defined and described particularly in Section 2 of this Agreement.

B. Consultant was selected by the City to perform those services defined and described particularly in Section 2 of this Agreement.

C. Pursuant to the City of Covina’s Municipal Code, the City has authority to enter into this Consultant Services Agreement and the City Manager has authority to execute this Agreement.

D. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Section 2 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

**OPERATIVE PROVISIONS**

In consideration of the mutual promises and covenants made by the Parties and contained here and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

**SECTION 1. TERM OF AGREEMENT.**

The term of this Agreement shall be the period commencing from the effective date of this Agreement, as first shown above, and shall terminate on June 30, 2017, with the option of three (3) one year extensions, unless earlier termination as provided herein. Consultant shall complete the services within the term of this Agreement, and shall meet any other established schedules and deadlines. The parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the services.

**SECTION 2. SCOPE OF SERVICES.**

Consultant agrees to perform the services set forth in Exhibit “A” “Scope of Services” and made a part of this Agreement.

**SECTION 3. ADDITIONAL SERVICES.**

Consultant shall be compensated for any services rendered in connection with its performance of this Agreement, which are in addition to or outside of those set forth in this Agreement or listed in Exhibit “A” “Scope of Services,” upon authorization in advance and in writing by the City Manager of City. Consultant shall be compensated for any such additional services in the amounts and in the manner agreed to by the City Manager. Any amount exceeding a total of \$50,000 shall go to the City Council for approval, first.

**SECTION 4. COMPENSATION AND METHOD OF PAYMENT.**

Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the amounts specified in Exhibit “A” “Compensation” and made a part of this Agreement. The total compensation, including reimbursement for actual expenses, shall be Thirty Thousand Dollars (\$30,000) per month and shall not exceed Thirty Thousand Dollars (\$30,000) per month, unless additional compensation is approved in writing by the City Manager. Off-site plan check services shall be compensated at seventy-five percent (75%) of the collected plan check fee.

(a) Consultant shall furnish to City an **original** invoice for all work performed and expenses incurred. The invoice shall detail charges by the following categories: 1. Daily labor per hourly basis and, if applicable, 2. travel, materials, equipment, supplies, and sub-consultant contracts. Sub-consultant charges shall be detailed by the following categories: labor, travel, materials, equipment and supplies. City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in subsection (c). In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission.

(b) Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant’s invoice or be subject to a late charge of 3% of the amount owed.

(c) Payment to Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

**SECTION 5. INSPECTION AND FINAL ACCEPTANCE.**

City may inspect and accept or reject any of Consultant’s work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant’s

work within sixty (60) days after submitted to City. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects, fraud and such gross mistakes as amount to fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, sections 16 and 17, pertaining to indemnification and insurance, respectively.

## **SECTION 6. OWNERSHIP OF DOCUMENTS.**

All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. Upon completion, expiration or termination of this Agreement, Consultant shall turn over to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

If and to the extent that City utilizes for any purpose not related to this Agreement any maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files or other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement, Consultant's guarantees and warrants related to Standard of Performance and found in Section 9 of this Agreement shall not extend to such use of the maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files or other documents.

## **SECTION 7. CONSULTANT'S BOOKS AND RECORDS.**

(a) Consultant shall maintain any and all documents and records demonstrating or relating to Consultant's performance of services pursuant to this Agreement. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, or other documents or records evidencing or relating to work, services, expenditures and disbursements charged to City pursuant to this Agreement. Any and all such documents or records shall be maintained in accordance with generally accepted accounting principles and shall be sufficiently complete and detailed so as to permit an accurate evaluation of the services provided by Consultant pursuant to this Agreement. Any and all such documents or records shall be maintained for three years from the date of execution of this Agreement and to the extent required by laws relating to audits of public agencies and their expenditures.

(b) Any and all records or documents required to be maintained pursuant to this section shall be made available for inspection, audit and copying, at any time during regular business hours, upon request by City or its designated representative. Copies of such documents or records shall be provided directly to the City for inspection, audit and copying when it is practical to do so; otherwise, unless an alternative is mutually agreed upon, such documents and records shall be made available at Consultant's address indicated for receipt of notices in this Agreement.

(c) Where City has reason to believe that any of the documents or records required to be maintained pursuant to this section may be lost or discarded due to dissolution or termination of Consultant's business, City may, by written request, require that custody of such documents or records be given to the City and that such documents and records be maintained by the requesting party. Access to such documents and records shall be granted to City, as well as to its successors-in-interest and authorized representatives.

## **SECTION 8. STATUS OF CONSULTANT.**

(a) Consultant is and shall at all times remain an independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

(b) The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees, or agents are in any manner officials, officers, employees or agents of City.

(c) Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

## **SECTION 9. STANDARD OF PERFORMANCE.**

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

If and to the extent that City utilizes for any purpose not related to this Agreement any maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files or other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement, Consultant's guarantees and warranties related to Standard of Performance shall not extend to such use of the maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files or other documents.

**SECTION 10. COMPLIANCE WITH APPLICABLE LAWS; PERMITS AND LICENSES.**

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

**SECTION 11. PREVAILING WAGE LAWS**

It is the understanding of City and Consultant that California prevailing wage laws do not apply to this Agreement because the Agreement does not involve any of the following services subject to prevailing wage rates pursuant to the California Labor Code or regulations promulgated thereunder: Construction, alteration, demolition, installation, or repair work performed on public buildings, facilities, streets or sewers done under contract and paid for in whole or in part out of public funds. In this context, "construction" includes work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work.

**SECTION 12. NONDISCRIMINATION.**

Consultant shall not discriminate, in any way, against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, medical condition or marital status in connection with or related to the performance of this Agreement.

**SECTION 13. UNAUTHORIZED ALIENS.**

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of work and/or services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

**SECTION 14. CONFLICTS OF INTEREST.**

(a) Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the City Manager. Consultant agrees to at

all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

(b) City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is unaware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

(c) City understands and acknowledges that Consultant will, perform non-related services for other governmental agencies and private parties following the completion of the scope of work under this Agreement. Any such future service shall not be considered a conflict of interest for purposes of this section.

#### **SECTION 15. CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION.**

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

(b) Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

(c) If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's conduct.

(d) Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

#### **SECTION 16. INDEMNIFICATION.**

(a) Indemnification for Professional Liability. Where the law establishes a professional standard of care for Consultant's Services, to the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless City and any and all of its officials, employees and agents ("Indemnified Parties") from and against any and all losses, liabilities, damages, costs and expenses, including attorney's fees and costs to the extent same are caused in whole or in part by any negligent or wrongful act, error or omission of Consultant, its officers, agents, employees or sub-consultants (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of professional services under this Agreement.

(b) Indemnification for Other than Professional Liability. Other than in the performance of professional services and to the full extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless City, and any and all of its employees, officials and agents from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorneys fees and costs, court costs, interest, defense costs, and expert witness fees), where the same arise out of, are a consequence of, or are in any way attributable to, in whole or in part, the performance of this Agreement by Consultant or by any individual or entity for which Consultant is legally liable, including but not limited to officers, agents, employees or sub-contractors of Consultant.

(c) General Indemnification Provisions. Consultant agrees to obtain executed indemnity Agreements with provisions identical to those set forth here in this section from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required here, Consultant agrees to be fully responsible according to the terms of this section. Failure of City to monitor compliance with these requirements imposes no additional obligations on City and will in no way act as a waiver of any rights hereunder. This obligation to indemnify and defend City as set forth here is binding on the successors, assigns or heirs of Consultant and shall survive the termination of this Agreement or this section.

(d) The provisions of this section do not apply to claims occurring as a result of City's sole negligence or willful acts or omissions.

## **SECTION 17. INSURANCE.**

Consultant agrees to obtain and maintain in full force and effect during the term of this Agreement the insurance policies set forth in Exhibit "B" "Insurance" and made a part of this Agreement. All insurance policies shall be subject to approval by City as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City Manager. Consultant agrees to provide City with copies of required policies upon request.

## **SECTION 18. ASSIGNMENT.**

The expertise and experience of Consultant are material considerations for this Agreement. City has an interest in the qualifications of and capability of the persons and entities who will fulfill the duties and obligations imposed upon Consultant under this Agreement. In recognition of that interest, Consultant shall not assign or transfer this Agreement or any portion of this Agreement or the performance of any of Consultant's duties or obligations under this Agreement without the prior written consent of the City Council. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this Agreement entitling City to any and all remedies at law or in equity, including summary termination of this Agreement. City acknowledges, however, that Consultant, in the performance of its duties pursuant to this Agreement, may utilize subcontractors.

#### **SECTION 19. CONTINUITY OF PERSONNEL.**

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff and subcontractors, if any, assigned to perform the services required under this Agreement, prior to and during any such performance.

#### **SECTION 20. TERMINATION OF AGREEMENT.**

(a) City may terminate this Agreement, with or without cause, at any time by giving thirty (30) days written notice of termination to Consultant. In the event such notice is given, Consultant shall cease immediately all work in progress.

(b) Consultant may terminate this Agreement for cause at any time upon thirty (30) days written notice of termination to City.

(c) If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

(d) Upon termination of this Agreement by either Consultant or City, all property belonging exclusively to City which is in Consultant's possession shall be returned to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in Section 4 of this Agreement. This final invoice shall be reviewed and paid in the same manner as set forth in Section 4 of this Agreement.

#### **SECTION 21. DEFAULT.**

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the City may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the

default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Consultant is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Consultant does not cure the default, the City may take necessary steps to terminate this Agreement under Section 20. Any failure on the part of the City to give notice of the Consultant's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

**SECTION 22. EXCUSABLE DELAYS.**

Consultant shall not be liable for damages, including liquidated damages, if any, caused by delay in performance or failure to perform due to causes beyond the control of Consultant. Such causes include, but are not limited to, acts of God, acts of the public enemy, acts of federal, state or local governments, acts of City, court orders, fires, floods, epidemics, strikes, embargoes, and unusually severe weather. The term and price of this Agreement shall be equitably adjusted for any delays due to such causes.

**SECTION 23. COOPERATION BY CITY.**

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit "A" "Scope of Services," shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

**SECTION 24. NOTICES.**

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by telecopier or certified mail, postage prepaid and return receipt requested, addressed as follows:

To Consultant:           Broadspec, Inc.  
                                  1749 Sal Glen  
                                  Escondido, CA 92029  
                                  Attn: Stephen L. Patterson

To City:                    City of Covina  
                                  Attn: Brian K. Lee; or his designee  
                                  125 E. College Street  
                                  Covina CA 91723

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three (3) days after deposit of the same in the custody of the United States Postal Service.

**SECTION 25. AUTHORITY TO EXECUTE.**

The person or persons executing this Agreement on behalf of Consultant represents and warrants that he/she/they has/have the authority to so execute this Agreement and to bind Consultant to the performance of its obligations hereunder.

**SECTION 26. BINDING EFFECT.**

This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

**SECTION 27. MODIFICATION OF AGREEMENT.**

No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Consultant and by the City Manager. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

**SECTION 28. WAIVER.**

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

**SECTION 29. LAW TO GOVERN; VENUE.**

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Los Angeles, California. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Los Angeles.

**SECTION 30. ATTORNEYS FEES, COSTS AND EXPENSES.**

In the event litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney's fees, costs and expenses, in addition to any other relief to which it may be entitled.

**SECTION 31. ENTIRE AGREEMENT.**

This Agreement, including the attached Exhibits "A" through "C", is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other Agreements or understandings, whether oral or written, or entered into

between Consultant and City prior to the execution of this Agreement. No statements, representations or other Agreements, whether oral or written, made by any party, which are not embodied herein shall be valid and binding. No amendment to this Agreement shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

**SECTION 32. SEVERABILITY.**

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date and year first-above written.

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

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Manager

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Attorney

**CONSULTANT**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Stephen L. Patterson, President

**EXHIBIT "A"**  
**SCOPE OF SERVICES**  
**and**  
**FEE COMPENSATION**

June 23, 2015

City of Covina  
125 E. College Street  
Covina, CA 91723  
Attention: Brian K. Lee, Community Development Director

**Subject: Proposed Scope of Service and Fee Schedule**

Mr. Brian K. Lee,

Thank you for requesting a Cost Proposal for Building Department Services for the City of Covina. Please see below for further details:

**Professional On-Site Staffing Levels - Scope of Service Breakdown**

- One Building Official - Up to 10 hours per week.
- Two Building Inspectors/Plan Checkers – Up to 80 hours per week.
- One Senior Building Technician – Up to 36 hours per week, due to school commitments

Proposed monthly fee retainer amount will be \$30,000 per month.

**Offsite Plan Review Services**

All additional Offsite Plan Review Services performed by BroadSpec, Inc. for the City of Covina will be charged in addition to the Proposed monthly retainer amount shown above. The mutually agreed additional Plan Check Fee will be 75% of the Plan Check Fee. Example, \$3,500.00 Building Plan Check Fee x 75% = \$2,625.00. All shipping costs relative to plan check review are BroadSpec, Inc.'s responsibility.

Contract time frame to be up to 3 months, with time frame extensions as mutually agreed by the City of Covina and BroadSpec, Inc.

All invoices shall be paid within 15 days of date invoice received, but in no case longer than 30 days of actual date of invoice.

Thank you for allowing BroadSpec, Inc. to provide the City of Covina with this Scope of Services and Fee Schedule. Be assured this proposal includes highly qualified and professional staff that shares our vision of providing outstanding customer service and technical resources to the City of Covina, its citizens, and customers. If these terms are acceptable to the City, the effective start date for these services will be July \_\_\_\_\_, 2015, with all required approvals. If these terms and conditions are acceptable to the City of Covina, please sign and return via email as soon as possible.

Respectfully submitted,

Received by,



\_\_\_\_\_  
Stephen L. Patterson  
President  
BroadSpec, Inc.

\_\_\_\_\_  
Andrea Miller  
City Manager  
City of Covina

\_\_\_\_\_  
Date Received

**EXHIBIT "B"**  
**INSURANCE**

A. Minimum Scope and Limits of Insurance. Consultant shall procure and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

1) Commercial General Liability Insurance with a minimum limit of Two Million Dollars (\$2,000,000) per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of Two Million Dollars (\$2,000,000) per project or location. If Consultant is a limited liability company, the commercial general liability coverage shall be amended so that Consultant and its managers, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.

2) Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of Two Million Dollars (\$2,000,000) per accident for bodily injury and property damage. If Consultant does not use any owned, non-owned or hired vehicles in the performance of services under this Agreement, Consultant shall obtain a non-owned auto endorsement to the Commercial General Liability policy required under Subparagraph A. 1) of this Exhibit B.

3) Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of One Million Dollars (\$1,000,000) per accident for bodily injury or disease. If Consultant has no employees while performing services under this Agreement, workers' compensation policy is not required, but Consultant shall execute a declaration that it has not employees.

4) Professional Liability Insurance with minimum limits of Two Million Dollars (\$2,000,000) per claim and in aggregate.

B. Acceptability of Insurers. The insurance policies required under this Section shall be issued by an insurer admitted to write insurance in the State of California with a rating of A-:VII or better in the latest edition of the A.M. Best Insurance Rating Guide. Self insurance shall not be considered to comply with the insurance requirements under this Exhibit B.

C. Additional Insured. The commercial general and automobile liability policies shall contain an endorsement naming the City, its officers, employees, agents and volunteers as additional insureds.

D. Primary and Non-Contributing. The insurance policies required under this Exhibit B shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to City. Any insurance or self-insurance maintained by City, its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

E. Consultant's Waiver of Subrogation. The insurance policies required under this Exhibit B shall not prohibit Consultant and Consultant's employees, agents or subcontractors from

waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against City.

F. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be approved by City. At City's option, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City, or Consultant shall procure a bond guaranteeing payment of losses and expenses.

G. Cancellations or Modifications to Coverage. Consultant shall not cancel, reduce or otherwise modify the insurance policies required by this Exhibit B during the term of this Agreement. The commercial general and automobile liability policies required under this Agreement shall be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail thirty (30) days' prior written notice to City. If any insurance policy required under this Exhibit B is canceled or reduced in coverage or limits, Consultant shall, within two (2) business days of notice from the insurer, phone, fax or notify City via certified mail, return receipt requested, of the cancellation of or changes to the policy.

H. City Remedy for Noncompliance. If Consultant does not maintain the policies of insurance required under this Exhibit B in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements under this Exhibit B, City may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, City may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant shall promptly reimburse City for any premium paid by City or City may withhold amounts sufficient to pay the premiums from payments due to Consultant.

I. Evidence of Insurance. Prior to the performance of services under this Agreement, Consultant shall furnish City's Risk Manager with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Exhibit B. The endorsements are subject to City's approval. Consultant may provide complete, certified copies of all required insurance policies to City. Consultant shall maintain current endorsements on file with City's Risk Manager. Consultant shall provide proof to City's Risk Manager that insurance policies expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall furnish such proof at least two (2) weeks prior to the expiration of the coverages.

J. Indemnity Requirements not Limiting. Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify City under Section 16 of this Agreement.

K. Subcontractor Insurance Requirements. Consultant shall require each of its subcontractors that perform services under this Agreement to maintain insurance coverage that meets all of the requirements of this Exhibit B.



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

**MEETING DATE**    **October 6, 2015** **ITEM NO. CC 8**

**STAFF SOURCE**    **Siobhan Foster, Public Works Director**  
**Kristen Weger, Management Analyst**

**ITEM TITLE**        **Adopt Resolution No. 15-7397 Appropriating \$29,306 in Available Measure R Fund Balance and Increasing the Fiscal Year 2014-15 Capital Projects Fund Budget in the Amount of \$29,306 and Approve Change Orders for Project T-0814B, Pedestrian and Metrolink Station Improvements**

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**STAFF RECOMMENDATION**

- 1) Approve Change Order Nos. 34, 35, and 36 for Project T-0814B, Metrolink Station Improvements, increasing the construction contract by a total of \$29,306;
- 2) Adopt **Resolution No. 15-7397** appropriating \$29,306 in available Measure R Fund balance (account no. 2410-0000-33000) and increasing the fiscal year 2014-15 Capital Projects Fund budget (account no. 4300-4350-55200-T-0814B) in the amount of \$29,306; and
- 3) Authorize the City Manager or her designee to execute the approved change orders.

**FISCAL IMPACT**

Approval of Change Order Nos. 34, 35, and 36 will increase the construction contract for the Metrolink Station Improvements by a total of \$29,306. The cumulative effect of these change orders and those previously approved by the City Council on May 5, 2015, June 2, 2015, July 7, 2015 and September 15, 2015, is to increase the contract total by \$93,087 to \$1,516,078 from the original contract total of \$1,422,991.

The approved fiscal year 2014-15 Capital Projects Fund budget (account no. 4300-4350-55200-T-0814B) included \$1,300,900 in funding for this project. On July 7, 2015 and September 15, 2015, the City Council approved additional appropriations of \$130,744 and \$55,129, respectively, in available Measure R Fund Balance (account no. 2410-0000-33000) to the fiscal year 2014-15 Capital Projects Fund budget (account no. 4300-4350-55200-T-0814B) increasing the total to \$1,486,773. To cover the additional cost of \$29,306 for Change Order Nos. 34, 35 and 36, an appropriation of \$29,306 in available Measure R Fund balance (account no. 2410-0000-33000) and an increase in the fiscal year 2014-15 Capital Projects Fund budget (account no. 4300-4350-55200-T-0814B) in the amount of \$29,306 is necessary at this time.

**BACKGROUND**

On October 7, 2014, the City Council awarded a \$1,422,991 construction contract to Hillcrest Contracting for Project T-0814B, Metrolink Station Improvements. At the time of contract award, the Department of Public Works did not request approval of a project contingency,

necessitating City Council consideration of the appropriation outlined above and project change order requests at this time. As of September 22, 2015, the Design Engineer has reviewed the following change orders for completeness and accuracy as to the materials and labor included:

- Change Order No. 34: Install concrete ADA access ramp for the restroom/changing facility associated with the Bike Facility at the Covina Metrolink Station. This is necessary to make the restroom/changing facility ADA accessible to patrons. The change in contract cost due to Change Order No. 34 is an increase of \$18,250.
- Change Order No. 35: Additional crushed miscellaneous base (CMB) was required during mix, grade and compaction of the station parking lot. This is necessary because the parking lot grades needed to be increased to allow for water runoff due to inadequate design. The change in contract cost due to Change Order No. 35 is an increase of \$3,084.
- Change Order No. 36: This item consisted of brick restoration at the Metrolink Station driveway entrance. Bricks that were installed when the initial Metrolink station construction was completed were missing and cracked due to use. The contractor repaired and replaced missing bricks in the parking lot station entrance. The change in contract cost due to Change Order No. 36 is an increase of \$7,972.

As design inaccuracies/deficiencies may have contributed to some of the aforementioned Change Orders, the Department of Public Works is consulting with the City Attorney as to appropriate next steps, if any.

The Metrolink Parking Lot re-opened on Monday September 28, 2015, signaling substantial completion of the project. The City's contractor is currently working on punch list items. The Department of Public Works will be returning to the City Council with any remaining Change Orders and for project acceptance in November 2015.

#### **EXHIBITS**

- A. Resolution No. 15-7397
- B. Change Order Nos. 34, 35 and 36

Respectfully submitted



Siobhan Foster/Director of Public Works  
Public Works Department

**RESOLUTION NO. 15-7397**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, TO AMEND THE FISCAL YEAR 2014-15 CAPITAL PROJECTS FUND BUDGET TO REFLECT AN APPROPRIATION OF \$29,306 FROM AVAILABLE MEASURE R FUND BALANCE FOR PROJECT NO. T-0814B, AND INCREASING THE FISCAL YEAR 2014-2015 CAPITAL PROJECTS FUND BUDGET (ACCOUNT NO. 4300-4350-55200-T-0814B) IN THE AMOUNT OF \$29,306 FOR EXPENDITURE FOR PROJECT T-0814B, PEDESTRIAN AND METROLINK STATION IMPROVEMENTS**

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

**WHEREAS**, the budget for the City of Covina for fiscal year commencing July 1, 2014 and ending June 30, 2015 was approved on June 17, 2014; and

**WHEREAS**, on July 7, 2015 the budget for the City of Covina for fiscal year commencing July 1, 2014 and ending June 30, 2015 was amended to increase account no. 4300-4350-5520-T-0814B to \$1,431,644; and

**WHEREAS**, on September 15, 2015 the budget for the City of Covina for fiscal year commencing July 1, 2014 and ending June 30, 2015 was amended to increase account no. 4300-4350-5520-T-0814B to \$1,486,772; 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 additional funds for the Pedestrian and Metrolink Station Improvements.

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

SECTION 1. Amend the fiscal year 2014-2015 Capital Projects Fund budget as follows:

1. Appropriate \$29,306 in available Measure R Fund balance (account no. 2410-0000-33000) to Capital Projects Fund (2410-4350-55200-T-0814B) for Pedestrian and Metrolink Station Improvements.

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

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of October 2015.

---

John King, Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

---

City Attorney



# CITY OF COVINA

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

PUBLIC WORKS DEPARTMENT

Engineering

(626) 384-5490 FAX (626) 384-5479

## CHANGE ORDER

Change Order No. 34

DATE: September 4, 2015  
PROJECT NO. T-0814B Federal Project No. HPLUL-5118(016)  
CONTRACT: Pedestrian and Metrolink Improvements Project  
CONTRACTOR: Hillcrest Contracting, Incorporated.

ADA Access Ramp to Restroom/Locker Unit.

1. Grade, pour and backfill ADA access ramp; adjust planting and irrigation.

Total increase = \$ 18,249.49

2. Time Extension: None.

3. Change in contract cost: increase of \$ 18,249.49

Submitted by Karin Sch Date 9-22-15

Title: Engineer, JMDiaz, Inc.

Accepted by: [Signature] Date 9/24/15

Title: Contractor, Hillcrest Contracting, Inc.

Approved by: \_\_\_\_\_ Date \_\_\_\_\_

Title: City Manager

# HILLCREST CONTRACTING, INC.

License No. 471664

September 4, 2015

City of Covina  
125 East College St.  
Covina, CA 91723  
PH: 626-384-5483

ATTN: Kamran Sabar

REF: Pedestrian & Metrolink Station Improvements  
Project No. T-0814B

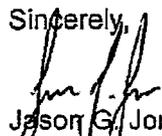
RE: COR#034 - ADA Access Ramp to Restroom/Locker Unit

Dear Kamran,  
We are requesting a change order for the additional work as follows:

Item	DATE PERFORMED	DESCRIPTION	QTY	U/M	UNIT PRICE	AMOUNT
1	N/A	Grade, Pour and Backfill ADA Access Ramp	1	LS	\$ 16,413.88	\$ 16,413.88
2	N/A	Adjust Planting and Irrigation	1	LS	\$ 1,835.61	\$ 1,835.61
<b>TOTAL THIS REQUEST:</b>						<b>\$ 18,249.49</b>

If you have any questions, please contact me at (951) 273 9600 Ext. 120

Sincerely,



Jason G. Jones  
Hillcrest Contracting, Inc.  
JOB: 2618

**Details Report For : PEDESTRIAN - METROLINK STATION IMP. P**

Hillcrest Contracting

JERRY BLAIR

9/4/2015

Ph.	Item	Description	Quantity	U/M	Unit Cost	Total Cost	Margin%	Unit Pricet	Total Price
X	3	ADA ACCESS TO RESTROOM/LOCKER UNIT	1.00	LS	\$14,151.25	\$14,151.25	15.99	16,413.88	\$16,413.88

Activity	ACCESS RAMP GRADING	Crew	GRADING SKIPLOADER CR	Activity Qty	1.00 LS
	<b>Rate:</b>		<b>Days:</b>	<b>TotalCost:</b>	5,280.43
Day:	0.70 LS	Labor	1.50	<b>UnitCost:</b>	5,280.430
Hour:	0.10 LS	Equipment	1.50		
		<b>Actual:</b>	1.50		

Labor		Quantity	Hours	Days	Unit Cost	
GENFO	GENERAL FOREMAN G	1.00	9.00 HR	1.50	\$79.76	\$1,076.76
LGC	GUINEA CHASER LABO	1.00	8.00 HR	1.50	\$59.51	\$714.06
The total contains overtime cost of :					\$49.61	
					<b>Total</b>	<b>\$1,840.43</b>

Equipment		Quantity	Hours	Days	Unit Cost	
TRPU	PICKUP TRUCK	1.00	8.00 HR	1.50	\$20.00	\$240.00
BCAT	BOBCAT/BUCKET	1.00	8.00 HR	1.50	\$105.00	\$1,260.00
TRBOB	BOBTAIL DUMP TRUCK	1.00	8.00 HR	1.50	\$65.00	\$780.00
WACKE	WACKER	1.00	8.00 HR	1.50	\$15.00	\$180.00
					<b>Total</b>	<b>\$2,460.00</b>

Material		Quantity	Unit Cost	
MISC G	HUBS, PAINT, STRING	1.00	\$20.00	\$20.00
AB	AGGREGATE BASE	20.00	\$18.00	\$360.00
			<b>Total</b>	<b>\$380.00</b>

Other		Quantity	Unit Cost	
EQM 1	EQUIPMENT MOVE RA	2.00	\$300.00	\$600.00
			<b>Total</b>	<b>\$600.00</b>

**Act Note:**

**Details Report For : PEDESTRIAN - METROLINK STATION IMP. P**

Hillcrest Contracting

JERRY BLAIR

9/4/2015

Pl.	Item	Description	Quantity	U/M	Unit Cost	Total Cost	Margin%	Unit Price	Total Price
X	3	ADA ACCESS TO RESTROOM/LOCKER UNIT	1.00	LS	\$14,151.25	\$14,151.25	15.99	16,413.88	\$16,413.88

Activity	BACKFILL ACCESS RAMP AREA	Crew	GRADING SKIPLOADER CR	Activity Qty	1.00	LS	
	<i>Rate:</i>			<i>Days:</i>		<i>TotalCost:</i>	2,966.96
Day:	1.00 LS	Labor		1.00		<i>UnitCost:</i>	2,966.960
Hour:	0.13 LS	Equipment		1.00			
		Actual:		1.00			

Labor		Quantity	Hours	Days	Unit Cost	
GENFO	GENERAL FOREMAN G	1.00	9.00	HR	1.00	\$79.76 \$717.84
LGC	GUINEA CHASER LABO	1.00	8.00	HR	1.00	\$59.51 \$476.04
The total contains overtime cost of :					\$33.08	Total \$1,226.96

Equipment		Quantity	Hours	Days	Unit Cost	
TRPU	PICKUP TRUCK	1.00	8.00	HR	1.00	\$20.00 \$160.00
SKIP	SKIPLOADER	1.00	8.00	HR	1.00	\$145.00 \$1,160.00
WACKE	WACKER	1.00	8.00	HR	1.00	\$15.00 \$120.00
						Total \$1,440.00

Other		Quantity	Unit Cost	
EQM 1	EQUIPMENT MOVE RA	1.00	\$300.00	\$300.00
			Total	\$300.00

*Act Note:*

**Details Report For : PEDESTRIAN - METROLINK STATION IMP. P**

Hillcrest Contracting

JERRY BLAIR

9/4/2015

Ph.	Item	Description	Quantity	U/M	Unit Cost	Total Cost	Margin%	Unit Pricet	Total Price
X	3	ADA ACCESS TO RESTROOM/LOCKER UNIT	1.00	LS	\$14,151.25	\$14,151.25	15.99	16,413.88	\$16,413.88

<b>Activity</b>	POUR ACCESS RAMP	<b>Crew</b>	SEVEN (7) MEN CONCRET	<b>Activity Qty</b>	1.00 LS
	<b>Rate:</b>			<b>Days:</b>	
<b>Day:</b>	1.00 LS	<b>Labor</b>		1.00	<b>TotalCost:</b> 5,903.86
<b>Hour:</b>	0.10 LS	<b>Equipment</b>		1.00	<b>UnitCost:</b> 5,903.860
		<b>Actual:</b>		1.00	

<b>Labor</b>		Quantity	Hours	Days	Unit Cost	
4MPCC	FOREMAN CONCRETE	1.00	8.00 HR	1.00	\$80.80	\$646.37
MAS	CEMENT MASON	3.00	8.00 HR	1.00	\$86.21	\$1,588.92
TEAMS	TEAMSTER III	1.50	8.00 HR	1.00	\$65.05	\$780.61
LABPC	LABOR CONCRETE W	2.00	8.00 HR	1.00	\$59.09	\$945.46
<b>Total</b>						<b>\$3,961.36</b>
<b>Equipment</b>		Quantity	Hours	Days	Unit Cost	
TRPU	PICKUP TRUCK	1.00	8.00 HR	1.00	\$20.00	\$160.00
TRFOR	FORM TRUCK	1.00	8.00 HR	1.00	\$50.00	\$400.00
<b>Total</b>						<b>\$560.00</b>
<b>Material</b>		Quantity	Unit Cost			
CON5.5	CONCRETE 5.5 SACK	15.00	\$83.00			\$1,245.00
CONLO	CONCRETE LOAD ENVI	2.00	\$50.00			\$100.00
MISC02	MISC CONCRETE SUP	15.00	\$2.50			\$37.50
<b>Total</b>						<b>\$1,382.50</b>

**Act Note:**

**Item Note:**

	Cost	%MU	Price
<b>Labor</b>	\$191,356	20.00	\$229,628
<b>Equip</b>	\$131,660	15.00	\$151,409
<b>Equip.Rent</b>	\$0	15.00	\$0
<b>Material</b>	\$155,280	3.00	\$159,938
<b>Transportation</b>	\$31,360	15.00	\$36,064
<b>Sub/Service</b>	\$797,563	3.00	\$821,490
<b>Other</b>	\$55,645	15.00	\$63,992
<b>Bond</b>	\$9,580	15.00	\$11,017
<b>Total Bid</b>	<b>\$1,372,444</b>	<b>8.03</b>	<b>\$1,482,657</b>
<b>Total Margin</b>	<b>\$110,213</b>		



**<> REQUEST FOR CHANGE ORDER <>**

**R.C.O: 013**

September 3, 2015

**HILLCREST CONSTRUCTION**  
 ATTN.: JASON G. JONES  
 1467 CIRCLE CITY DR.  
 CORONA, CA  
 T - (951) 273-9600  
 F - (951) 273-9608

**JOB NAME:** PEDESTRIAN AND METROLINK STATION IMPROVEMENTS  
**LOCATION:** COVINA, CA

**REQUEST FOR CHANGE ORDER: ADJUST PLANTING AND IRRIGATION AT HANDICAP WALK BETWEEN GUARD SHACK AND RESTROOM BUILDING**

<u>ITEM DESCRIPTION</u>	<u>UNIT</u>	<u>QTY</u>	<u>U/M PRICE</u>	<u>EXTENSION</u>
1 LABOR	HR	28	\$60.65	\$1,698.20
2 ROOT BARRIER	LF	10	\$2.50	\$25.00
3 MISC. IRRIGATION FITTINGS	EA	1	\$25.00	\$25.00
<b>TOTAL</b>				<b>\$1,748.20</b>

*5% Hillcrest Markup \$87.41*  
\$1,835.61

## <> REQUEST FOR CHANGE ORDER <>

### GENERAL CONDITIONS:

1. Proposal based on plans and specifications by:  
Architect: LAWRENCE R. MOSS AND ASSOCIATES  
Plan Sheets: 15 OF 32 THRU 28 OF 32  
Plans Dated: 08/05/14  
Specifications: PER CONSTRUCTION PROVISIONS  
Addendums: 1
2. Bid is based on a five-day work week (Mon. through Fri.), 8 hour day maximum. All requested overtime work to be billed as extra. And w/ prior consent and authorization from the owner/client.
3. Contractor shall hold subcontractor harmless for damaged utility lines which are not buried to the depth specified by the utility companies. In addition, there will be an extra charge for all drain lines or pipes required to be placed deeper than shown on the plans.
4. Any rock, concrete or other hard surfaces that cannot be excavated or trenched through using normal methods (i.e backhoe with excavation bucket, trencher with digging cups) will be deemed as an addition to contract and will be performed on time and material after written approval by owner or owner's representative.
5. All costs for obtaining, transporting and utilization of water for construction, hydroseeding or irrigation are *(Not inc.)*
6. Grade to be received by Blue Diamond Landscape, Inc. at -.10' of finish grade, and in a weed-free condition unless noted otherwise. *(No rough grading & import / export of soil included)*
7. Blue Diamond Landscape will not be responsible for damage due to poor soil conditions, rodents, vandalism, theft and/or 'Acts of God'
8. Water/electric meters, hot taps, water costs, permits, power to controllers, and utility costs *(By others)*
9. Bid is based on two mobilizations. Any additional mobilizations will be at a cost of \$1,250.00 each.
10. Any specimen trees, park furniture, etc. will require a 50% deposit to initiate order. Payment from the owner/client to Blue Diamond Landscape, Inc. prior to placing order. Balance to paid at time of delivery.
11. Sleeving to be installed prior to asphalt or concrete. *(No saw cutting, patching and boring included)*
12. Due to current market trends, pricing for palm trees are good for (30) days and may be subject to availability.
13. This bid proposal will be considered a part of the contract if Blue Diamond Landscape, Inc. is awarded the contract. It can either be an exhibit to the contract, or its pertinent points may be added to the contract.
14. Our proposal excludes any and all bonds.
15. Hand/manual watering of plant material due to no water or electrical power to controller will be an add. cost.
16. Payment schedule: Progressive monthly payments for all work completed and accepted. Five (5%) percent retention of progress amount may be held for thirty (30) days from the date of last invoice. All invoice paid after (45) days will be subject to 3% interest thereafter.
17. Should this proposal be used to list us for this project all terms, conditions, exclusions and qualifications of this proposal are being accepted.

### EXCLUSIONS: (Unless specifically itemized above)

1. Water/electric meters, services and hot taps, power to irrigation controllers, permits, water costs and lighting
2. Concrete, masonry, rough grading, import/export of soil, demolition, clearing, grubbing, SWPP, erosion control.
3. Drainage, downspout connections, coring, boring or saw-cutting, pest control, restoration and or retrofitting,
4. Waterproofing, pottery, site furniture, fencing, overtime and traffic control

### KEY NOTES:

1. This proposal is based on State Prev. Wages.
2. If you require a waiver of subrogation add a additional \$340.00 to the base bid.
- 3.
- 4.

Thank you for your consideration. Should you have any questions, please contact us at (951) 278-3801.

Respectfully Submitted,

Estimating Department  
(License: #799647)



# CITY OF COVINA

125 East College Street • Covina, California 91723-2199

www.covinaca.gov

PUBLIC WORKS DEPARTMENT

Engineering

(626) 384-5490 FAX (626) 384-5479

## CHANGE ORDER

Change Order No. 35

DATE: September 8, 2015  
PROJECT NO. T-0814B Federal Project No. HPLUL-5118(016)  
CONTRACT: Pedestrian and Metrolink Improvements Project  
CONTRACTOR: Hillcrest Contracting, Incorporated.

Additional CMB delivered during mix, grade and compaction.

1. Additional CMB needed during mix, grade and compaction operation.

Total increase = \$ 3,084.07

2. Time Extension: None.

3. Change in contract cost: Increase of \$ 3,084.07

Submitted by Karen Selzer Date 9-22-15  
 Title: Engineer, JMDiaz, Inc.

Accepted by: [Signature] Date 9/24/15  
 Title: Contractor, Hillcrest Contracting, Inc.

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
 Title: City Manager

## HILLCREST CONTRACTING, INC.

License No. 471664

September 8, 2015

City of Covina  
125 East College St.  
Covina, CA 91723  
PH: 626-384-5483

ATTN: Kamran Sabar

REF: Pedestrian & Metrolink Station Improvements  
Project No. T-0814B

RE: COR#035 - Additional CMB If Needed Delivered During Mix, Grade and Compaction

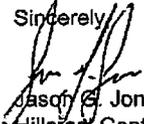
Dear Kamran,

We are requesting a change order for the additional work as follows:

Item	DATE PERFORMED	DESCRIPTION	QTY	U/M	UNIT PRICE	AMOUNT
1	08/12/15	Additional CMB If Needed Delivered During Mix, grade and Compaction Operation - If Placed After Operation Additional T&M Rates Will Apply	107	TN	\$ 12.19	\$ 1,304.33
2	08/13/15	Additional CMB If Needed Delivered During Mix, grade and Compaction Operation - If Placed After Operation Additional T&M Rates Will Apply	146	TN	\$ 12.19	\$ 1,779.74
<b>TOTAL THIS REQUEST:</b>						<b>\$ 3,084.07</b>

If you have any questions, please contact me at (951) 273 9600 Ext. 120

Sincerely,

  
Joseph E. Jones  
Hillcrest Contracting, Inc.  
JOB: 2618

# Daily Time Sheet Thursday

Date: 8/13/2015 Job No: 2618 PEDESTRIAN - METROLINK STATION  
 Map Page: Cross Streets:  
 Cust. Rep: Foreman: 8580 Tremble, William Proj. Mgr: JERRY BLAIR

STREETS WORKED ON THIS DAY: METROLINK PARKING LOT *JBell*  
 STATION/LOTS/LOCATION OF WORK:

Job Codes:	Item Descr.	Bid Quantity	Daily Qty.	Materials Used	U / M
A1	03A Cold Milling				0.0
A2	C/O PARKING BASE & GRADE SOUTH SIDE				0.0
A3	TRAFFIC CONTROL FOR SUB A,C,E				0.0
A4					0.0
A5					0.0
A6					0.0
A7					0.0

C-Contract Work, X-Extra Work, T-&M Work

03A C/O 09A Total

Comment: Material today is from: Phone No. ( ) - Person **LUNCH 12:00 to 12:30** OUT

IN	Code	Description	Rate	Hours	Notes	Total
	A 12B	LABOR APP 2 SPD		8		8 3:00
	1836	Diaz, Juan Gomez	✓			
	A 35W01	Foreman	✓	2	4 2	8 4
	8580	Tremble, William	✓			
	A TR	LAB 1 SPD B	✓	8		8 4
	0180	Adams, John	✓			
	A 4B1	LABOR OPERATOR	✓	6	2	8 4
	8350	White, Kenneth	✓			
0:00	A 318	OPERATOR APP SP 1	✓	5		5 2:30
	1322	Calderon, Jose A. Rivas	✓			
6:30	A 361	OPERATOR SP 1	✓	10		10 3:00
	5486	Marinez, Heriberto	✓			
	<del>ATLAS APPROX BOARD</del>				104	104
	E 3CAT	Roller	✓	8		8
	R485	\$750 BDCAT	✓			
	E TL	Roller	✓	4		4
	R235	Pup Roller	✓			
	E 6:00D	1st way Grade Roll	✓	104		104
	8033	TRINITY EQUIPMENT RENTAL	✓			

Hilcrest Contracting, Corona, Ca. Date: 8/13/201 Job No: 2618  
 Phone No. (909) 273-9600  
 FAX: (909) 273-9608



# Daily Time Sheet

WED

Date: 8/12/15 Job No: 2618 PEDESTRIAN - METROLINK STATION

Map Page: Gross Streets:

Cust. Rep: Foreman: 8580 Tremble, William Proj. Mgr: JERRY BLAIR

STREETS WORKED ON THIS DAY: METROLINK PARKING LOT

STATION/LOTS/LOCATION OF WORK:

Job Codes:	Item/Act. No	Item Descr.	Bld Quantity	Daily Qty.	Materials Used	U/M
A1	03A	Cold PLANTING NORTH SIDE OF PARK LOT				0.0
A2	010	Grading work PLACE GRINDING & BASE				0.0
A3	09A	TRAFFIC CONTROL FOR SUB				0.0
A4						0.0
A5						0.0
A6						0.0
A7						0.0

C-Contract Work, X-Extra Work, T-TAM Work ==>

03A	010	09A						Total
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Comment: Material busy is from: Phone No. ( ) - Person

Lunch 12:00 to 12:30 OUT

Code	Item	Person	Start	End	Rate	Total
6:30	SENDR 8580	Tremble, William	5	3		8 4:00
7:00	IR 0180	Adams, John	8			7 3:30
6:30	AB 0350	White, Kenneth	8	1/2		8 1/2 4:00
	OPERATOR APP #1	LIND'S	4	1/2		4 1/2
		Cold PLANTING	7	1/2		7 1/2
		CENTURY SWEEPING				
		Roller TRINITY EQUIP	1	04	+ MOVE	1 04
E SCAT	Bobcat					
F RL	R238	Pup Roller		4		
E TLGRD	0633	TRINITY EQUIPMENT RENTAL		1	04	1 04

Hilicrest Contracting, Corona, Ca. Date: 8/12/15 Job No: 2618  
 Phone No. (909) 273-0000  
 FAX: (909) 273-0008

Cold PLANTING NORTH SIDE OF PARKING LOT 30,000 SF, GRADING SOUTH SIDE GRINDING & BASE PLACE BASE SOUTH SIDE.

SUB AFE FENCE & M.S.I.L WORKING Today

ABD-R745

E	SKP	Skid loader		5	3						5
	R459	Skid loader									
E	SKP	Skid loader			10						10
	7557	R.C. Grading									
S	TRMT2	Water Truck			8						
	R394	Water Truck - Bars									
E	TRP	Pickup Truck		5	3						
	R598	PICKUP TRUCK-BILL									
M	4458	Aggr. Base									
		LB CRUSHING									
											106.55 TON
											106.55 TON
I	107661	Ready To-Place	(S): 543-8161	8	8						16
	7731	RAMOS TRUCKING									

I have inspected all oil levels, water, and lubed all fittings  
 I have noted or tagged all equipment including rental equipment  
 I have measured and noted all quantities I have done today.


I have called off equipment not needed.  
 I have noted in writing any repairs to the shop on equipment.  
 I have measured the hours from the equipment meter on this sheet.  
 I have called off traffic control.


**Comments:**

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Hillcrest Contracting, Corona, Ca.  
 Phone No. (909) 273-8400  
 FAX: (909) 273-8808

Date: {            }

Job No: 2618

**HILLCREST CONTRACTING, INC.**

License No. 471664

June 18, 2015

City of Covina  
125 East College St.  
Covina, CA 91723  
PH: 626-384-5483

ATTN: Kamran Sabar

REF: Pedestrian & Metrolink Station Improvements  
Project No. T-0814B

RE: COR#026 - Pulverize, Mix, Grade and Compact South Side of Parking Lot

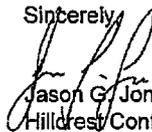
Dear Kamran,  
We are requesting a change order for the additional work as follows:

Item	DATE PERFORMED	DESCRIPTION	QTY	U/M	UNIT PRICE	AMOUNT
1	N/A	Pulverize, Mix, Grade and Compact South Side of Parking Lot	1	LS	\$ 25,182.50	\$ 25,182.50
2	N/A	Credit for AC Cold Milling - Item 3	(32,368)	SF	\$ 0.33	\$(10,681.44)
<b>TOTAL THIS REQUEST:</b>						<b>\$ 14,501.06</b>

ALT	N/A	Additional CMB If Needed Delivered During Mix, grade and Compaction Operation - If Placed After Operation Additional T&M Rates Will Apply	1	TN	\$ 12.19	\$ 12.19
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If you have any questions, please contact me at (951) 273 9600 Ext. 120

Sincerely,

  
Jason G. Jones  
Hillcrest Contracting, Inc.  
JOB: 2618

## Kristen Weger

---

**From:** Kamran Saber <KSaber@jmdiaz.com>  
**Sent:** Tuesday, September 08, 2015 4:43 PM  
**To:** jason@hillcrestcontracting.com; Kamran Saber  
**Cc:** Kristen Weger; Ron Hadloc; Siobhan Foster; Bill Tremble  
**Subject:** RE: COR #035 -Additional CMB Needed During Mix, Grade & Compact (per COR #026)

Accepted as submitted.

Thank you

Kamran Saber, PE, QSD | Director, Transportation Services



18645 E. Gale Ave. | Suite 212  
Industry, CA 91748-1363  
T (626) 820-1137  
C (714) 293-1014  
[www.jmdiaz.com](http://www.jmdiaz.com)

---

**From:** [jason@hillcrestcontracting.com](mailto:jason@hillcrestcontracting.com) [<mailto:jason@hillcrestcontracting.com>]  
**Sent:** Tuesday, September 08, 2015 4:10 PM  
**To:** Kamran Saber Covina ([KSaber@covinaca.gov](mailto:KSaber@covinaca.gov)) ([KSaber@covinaca.gov](mailto:KSaber@covinaca.gov)); Kamran Saber  
**Cc:** 'kweger@covinaca.gov'; 'rhadloc@covinaca.gov'; Siobhan Foster ([SFoster@covinaca.gov](mailto:SFoster@covinaca.gov)); Bill Tremble  
**Subject:** COR #035 -Additional CMB Needed During Mix, Grade & Compact (per COR #026)  
**Importance:** High

Kamran,  
COR #035 -Additional CMB Needed During Mix, Grade & Compact (per COR #026) is attached for your review and approval. This is for the additional CMB material needed to make grade during the pulverization and grading of the parking lot.

Thank you,

Jason G. Jones  
Hillcrest Contracting, Inc.  
Office: 951-273-9600 x-120  
Mobile: 951-283-5601



**HILLCREST**  
CONTRACTING, INC.



# CITY OF COVINA

125 East College Street • Covina, California 91723-2199

www.covinaca.gov

PUBLIC WORKS DEPARTMENT

Engineering

(626) 384-5490 FAX (626) 384-5479

## CHANGE ORDER

Change Order No. 36

DATE: September 21, 2015  
PROJECT NO. T-0814B Federal Project No. HPLUL-5118(016)  
CONTRACT: Pedestrian and Metrolink Improvements Project  
CONTRACTOR: Hillcrest Contracting, Incorporated.

Brick Restoration at Metrolink Station Driveway.

1. Brick Restoration at Metrolink Station Driveway.
2. Time Extension: None.
3. Change in contract cost: Increase of \$ 7,971.58

Total increase = \$ 7,971.58

Submitted by Kaam Sabar Date 9-22-15

Title: Engineer, JMDiaz, Inc.

Accepted by: [Signature] Date 9/24/15

Title: Contractor, Hillcrest Contracting, Inc.

Approved by: \_\_\_\_\_ Date \_\_\_\_\_

Title: City Manager

# HILLCREST CONTRACTING, INC.

License No. 471664

September 21, 2015

City of Covina  
125 East College St.  
Covina, CA 91723  
PH: 626-384-5483

ATTN: Kamran Sabar

REF: Pedestrian & Metrolink Station Improvements  
Project No. T-0814B

RE: COR#036 - Brick Restoration at Metrolink Station Driveway per City Direction - T&M

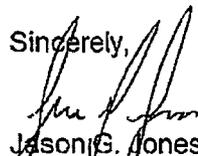
Dear Kamran,

We are requesting a change order for the additional work as follows:

Item	DATE PERFORMED	DESCRIPTION	QTY	U/M	UNIT PRICE	AMOUNT
1	8/28/15 - 8/31/15	Brick Restoration at Metrolink Station Driveway per City Direction - T&M	1	LS	\$ 7,971.58	\$ 7,971.58
<b>TOTAL THIS REQUEST:</b>						<b>\$ 7,971.58</b>

If you have any questions, please contact me at (951) 273 9600 Ext. 120

Sincerely,

  
Jason G. Jones  
Hillcrest Contracting, Inc.  
JOB: 2618



MARK WHITAKER  
MASONRY

55350

P.O. BOX 1898 • CORONA, CA 91718-1898

AUTHORIZATION FOR EXTRA WORK OR CHANGE IN PLANS

CUSTOMER'S NO. \_\_\_\_\_ JOB NO. 2612 ITEM NO. \_\_\_\_\_ DATE 8-25-15

BILL TO: CORONA METROLINK IMPROVEMENTS

LOCATION OF WORK: CORONA METROLINK

DESCRIPTION OF WORK: TOP BEAM REPAIRMENT

ESTIMATOR: \_\_\_\_\_

TYPE OF LABOR, EQUIPMENT OR MATERIALS USED	FOR OFFICE USE ONLY	
	HOURS/ QUANTITY	RATE
<u>BRAD DUBSKA</u>	<u>8</u>	<u>x 49.50 = 396.00</u>
<u>DAN CARLSON</u>	<u>8</u>	<u>x 49.50 = 396.00</u>
<u>STEVE RODRIGUEZ</u>	<u>4</u>	<u>x 42.67 = 170.68</u>
<u>MARK WHITAKER</u>	<u>2</u>	<u>x 49.50 = 99.00</u>
<u>MATERIALS</u>		<u>x =</u>
<u>CUT OFF SAW</u>	<u>8</u>	<u>x 15.00 = 120.00</u>
<u>CREW TRUCK</u>	<u>8</u>	<u>x 50.00 = 400.00</u>
		<u>x =</u>
		<u>x =</u>
<u>Total Payroll burden</u>	<u>1061.68</u>	<u>x 33% = 350.35</u>
		<u>x = 1932.03</u>
		<u>x 15% = 289.80</u>
		<u>x =</u>
	<b>SUBTOTAL:</b>	
	<b>TOTAL: 2221.83</b>	

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Hillcrest Representative

Customer's Representative

WHEN WORK IS DONE ON EQUIPMENT RENTAL BASIS LIST ALL EQUIPMENT USED AND NUMBER OF HOURS USED

WHITE - Office Copy CANARY - Customer Copy PINK - Field Copy



**MARK WHITAKER  
MASONRY**

55351

P.O. BOX 1898 • CORONA, CA 91718-1898

**AUTHORIZATION FOR EXTRA WORK OR CHANGE IN PLANS**

CUSTOMER'S NO. \_\_\_\_\_ JOB NO. 2618 ITEM NO. \_\_\_\_\_ DATE 8-29 8-29/13

BILL TO: CORONA METROLINK IMPROVEMENTS

LOCATION OF WORK: CORONA METRO LINK

DESCRIPTION OF WORK: TM BRICK REPLACEMENT

ESTIMATOR: \_\_\_\_\_

TYPE OF LABOR, EQUIPMENT OR MATERIALS USED	FOR OFFICE USE ONLY	
	HOURS/ QUANTITY	RATE
BRAD DUBUKE	8	x 4950 = 39600
DAN CARLSON	8	x 4950 = 39600
STEVE RODRIGUEZ	8	x 4267 = 34136
MARK WHITAKER	8	x 4950 = 39600
Total Payroll burden	1529 <sup>36</sup>	x 33% = 504 <sup>68</sup>
MATERIALS		x =
CUT OFF SAW	8	x 15.00 = 120 <sup>00</sup>
TRIPLE CREW	8	x 50 <sup>00</sup> = 400 <sup>00</sup>
		x =
BRICK 220 PACIFIC WAY	275 <sup>00</sup>	x =
SAND CEMENT		x =
6 BAGS COMMON LICOPE	185	x = 3014.04
4 BAGS GROUT	8	x 15% = 452 <sup>10</sup>
SUBTOTAL:		
TOTAL:		3466 <sup>14</sup>

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Hillcrest Representative

Customer's Representative

WHEN WORK IS DONE ON EQUIPMENT RENTAL BASIS LIST ALL EQUIPMENT USED AND NUMBER OF HOURS USED

WHITE - Office Copy CANARY - Customer Copy PINK - Field Copy



**MARK WHITAKER**  
**MASONRY**

55352

P.O. BOX 1898 • CORONA, CA 91718-1898

**AUTHORIZATION FOR EXTRA WORK OR CHANGE IN PLANS**

CUSTOMER'S NO. \_\_\_\_\_ JOB NO. 2638 ITEM NO. \_\_\_\_\_ DATE 8-31-75

BILL TO: CORONA METROLINK IMPROVEMENTS

LOCATION OF WORK: CORONA METROLINK

DESCRIPTION OF WORK: TAM BRICK REPAIRMENT

ESTIMATOR: \_\_\_\_\_

TYPE OF LABOR, EQUIPMENT OR MATERIALS USED	FOR OFFICE USE ONLY	
	HOURS/ QUANTITY	RATE
<u>DEAN CARLSON</u>	<u>6</u>	<u>x 49.50 = 297.00</u>
<u>BRAD DUBUKE</u>	<u>6</u>	<u>x 49.50 = 297.00</u>
<u>STEVE RODRIGUEZ</u>	<u>6</u>	<u>x 42.67 = 256.02</u>
<u>MARK WHITAKER</u>	<u>4</u>	<u>x 49.50 = 198.00</u>
	<u>x</u>	<u>=</u>
<u>CREW TRUCK</u>	<u>6</u>	<u>x 50.00 = 300.00</u>
<u>CUT OFF SAW</u>	<u>6</u>	<u>x 15.00 = 90.00</u>
	<u>x</u>	<u>=</u>
<u>Total Payroll burden</u>	<u>1048<sup>02</sup></u>	<u>x 33% = 345.84</u>
	<u>x</u>	<u>= 1783.86</u>
	<u>x</u>	<u>=</u>
	<u>x</u>	<u>15% = 267.57</u>
	<u>x</u>	<u>=</u>
	<b>SUBTOTAL:</b>	
	<b>TOTAL: 2051.43</b>	

SBG Printing- AEW FORM Rev 7/2015

\_\_\_\_\_  
Hillcrest Representative Customer's Representative

WHEN WORK IS DONE ON EQUIPMENT RENTAL BASIS LIST ALL EQUIPMENT USED AND NUMBER OF HOURS USED

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

**MEETING DATE** October 6, 2015

**ITEM NO. CC 9**

**STAFF SOURCE** Brian K. Lee, AICP, Director of Community Development

**ITEM TITLE** City Council to consider second reading and adoption of an Ordinance to add Section 14.04.210 to Chapter 14.04 (Building Code) of the City of Covina Municipal Code to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems.

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**STAFF RECOMMENDATION**

Conduct second reading of and adopt **Ordinance No. 15-2041**, adding Section 14.04.210 to Chapter 14.04 (Building Code) of the City of Covina Municipal Code to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems.

**FISCAL IMPACT**

There is no fiscal impact to the City's General Fund from the proposed adoption of Ordinance No. 15-2041. The cost to administer this process is captured through Building Permit Fees.

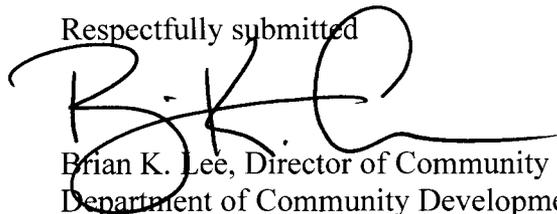
**BACKGROUND**

On September 15, 2015, the City Council conducted a public hearing and made certain findings of fact, and then by a 5-0 vote, the City Council introduced Ordinance No. 15-2041 for first reading. Ordinance No. 15-2041 would add Section 14.04.210 to Chapter 14.04 (Building Code) of the Covina Municipal Code to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems.

**EXHIBITS**

1. September 15, 2015 Agenda Item Commentary, Item PH 1 (without attachments)
2. Ordinance No. 15-2041

Respectfully submitted



Brian K. Lee, Director of Community Development  
Department of Community Development



<input checked="" type="checkbox"/>	Approved by vote	<u>5-0</u>
<input type="checkbox"/>	Not approved/Denied by vote	_____
<input type="checkbox"/>	Continued to	_____
<input type="checkbox"/>	Adopted Resolution No.	_____
<input checked="" type="checkbox"/>	Introduced/Adopted Ordinance No.	<u>15-2041</u>

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

**MEETING DATE**    September 15, 2015

**ITEM NO. PH 1**

**STAFF SOURCE**    Brian K. Lee, AICP, Community Development Director

**ITEM TITLE**        Application to add Section 14.04.210 to Chapter 14.04 (Building Code) of the City of Covina Municipal Code to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems.

**STAFF RECOMMENDATION**

- 1.)    Open the public hearing and receive public testimony;
- 2.)    Close the public hearing; and

Introduce and waive further reading of **Ordinance No. 15-2041** (included herein as Exhibit 1), adding Section 14.04.210 to Chapter 14.04 (Building Code) of the City of Covina Municipal Code (“CMC”) to provide an expedited, streamlined permitting process for small residential rooftop solar energy systems.

**FISCAL IMPACT**

The recommended actions will result in no financial impact to the City’s General Fund. The cost to administer this process is captured through Building Department Permit Fees.

**BACKGROUND**

As amended by AB 2188 (included herein as Exhibit 2), Section 65850.5 of the California Government Code requires that, on or before September 30, 2015, every city must adopt an ordinance that creates a permitting process for small residential rooftop solar energy systems. In addition, California Government Code Section 65850.5 states that the permitting process must substantially conform to the recommendations, including a checklist and standard plan, contained in the current version of the California Solar Permitting Guidebook adopted by the Governor’s Office of Planning and Research. Said Guidebook affirms that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems.

**ENVIRONMENTAL DETERMINATION**

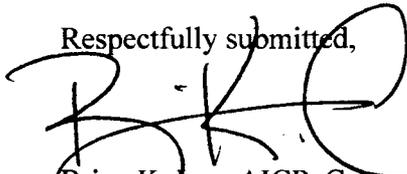
This Ordinance is not a project within the meaning of Section 15378 of the State California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. Therefore, this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.35 because it provides for the installation of solar energy systems on the roofs of

existing buildings. Additionally, this Ordinance is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)) because this Ordinance involves updates and revisions to existing administrative building permit regulations consistent with California law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment. Additionally, the adoption of this ordinance is categorically exempt from further environmental review as a regulatory action taken to protect natural resources and the environment in support of state and local climate action goals pursuant to CEQA Guidelines, 14 California Code of Regulations, Sections 15307 and 15308.

**EXHIBITS**

1. Ordinance No. 15-2041.
2. AB 2188

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. K. Lee', with a long horizontal flourish extending to the right.

Brian K. Lee, AICP, Community Development Director  
Community Development Department

ORDINANCE NO. 15-2041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA ADDING SECTION 14.04.210 TO CHAPTER 14.04 (BUILDING CODE) OF TITLE 14 (BUILDINGS AND CONSTRUCTION) OF THE COVINA MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS AND DETERMINING THAT THE ACTIVITY IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”).

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

**Section 1. Findings and Intent.**

A. The City Council of the City of Covina seeks to implement Assembly Bill 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems.

B. The City Council seeks to further the conservation goals of the City and support the climate action policies set by the State.

C. It is in the interest of the health, welfare and safety of the people of Covina to provide an expedited permitting process for the deployment of solar technology.

**Section 2. CEQA.** The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.35 because it provides for the installation of solar energy systems on the roofs of existing buildings. Additionally, this Ordinance is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)) because this Ordinance involves updates and revisions to existing administrative building permit regulations consistent with California law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment. Additionally, the adoption of this ordinance is categorically exempt from further environmental review as a regulatory action taken to protect natural resources and the environment in support of state and local climate action goals pursuant to CEQA Guidelines, 14 California Code of Regulations, Sections 15307 and 15308.

**Section 3. Code Amendment.** Section 14.04.210 is added to Chapter 14.04 (Building Code) of Title 14 (Buildings and Construction) of the Covina Municipal Code to read as follows:

**“14.04.210 Expedited Review of Small Residential Rooftop Solar Energy System Permits.**

**A. Definitions.**

1. “Electronic submittal” shall have the same meaning as provided in the Solar Rights Act, Government Code Section 65850.5(j)(2), as the same may be amended from time to time.

2. “Small residential rooftop solar energy system” shall have the same meaning as provided in the Solar Rights Act, Government Code § 65850.5(j)(3), as the same may be amended from time to time.

**B. Small Residential Rooftop Solar Energy System Standard Plan and Permit Application Checklist.**

1. The City shall adopt standard plan(s) and checklist(s) of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review. The small residential rooftop solar system standard plan(s) and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklists and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor’s Office of Planning and Research.

2. All documents required for the submission of a small residential rooftop solar energy system permit application, the standard plan(s), and checklist(s) shall be made available on the publicly accessible City Website.

3. Electronic permit applications shall be submitted through the method of electronic submittal specified by the Building Official and shall be available to all small residential rooftop solar energy system permit applicants. An applicant’s electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

**C. Permit Application Review**

1. An application that satisfies the information requirements in the checklist(s) and standard plan(s) shall be deemed complete.

2. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

3. The Building Official shall issue a building permit for any complete application that meets the requirements of the approved checklist(s) and standard plan(s) as follows: within three business days for any application, or as soon thereafter as may be practicable. Review of the application shall be limited to the Building Official’s review of whether the application meets local, state, and federal health and safety requirements.

4. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

**D. Inspection Requirements**

1. Inspection requests may be submitted by electronic submittal, as required by the Building Official.

2. Only one inspection shall be required and performed by the Building Official for small residential rooftop solar energy systems eligible for expedited review.

3. The inspection shall be done in a timely manner. The Building Official shall use its best efforts to schedule an inspection within two [2] business days of a request and provide a two- [2] hour inspection window.

4. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Section.

**E. Fees.** Fees for permits and inspections associated with this Chapter may be established by resolution of the City Council.”

**Section 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 5. Certification and Publication.** The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this ordinance shall become effective thirty (30) days after its passage.

**PASSED AND APPROVED** on this 15th day of September 2015.

---

John C. King, Mayor

**ATTEST:**

\_\_\_\_\_  
Evelyn Leach, Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Candice Lee, City Attorney

I, Evelyn Leach, Interim Chief Deputy City Clerk of the City of Covina, California, do hereby certify that Ordinance No.15-2041 was introduced at a Regular meeting held on the 15<sup>th</sup> of September 2015 and adopted by the City Council at a REGULAR meeting of said City Council on the 6<sup>th</sup> day of October 2015, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Covina, California, this 15<sup>th</sup> day of September 2015.

\_\_\_\_\_  
Evelyn Leach  
Interim Deputy City Clerk

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all bids must be submitted in sealed envelopes, and the City Council must award the contract to the lowest responsible bidder. As the City Council can see, for smaller projects, this process is both cumbersome and costly.

The UPCCAA offers alternative procedures that are less formal for public projects of \$175,000 or less. Under these procedures, public projects of \$45,000 or less may be performed without any bidding either by City staff by force account or by award of negotiated contract or purchase order. For public projects greater than \$45,000 but less than or equal to \$175,000, the City may let the contract by informal procedures, provided the City adopts an informal bidding ordinance that contains the minimum provisions noted above. Finally, for public projects in excess of \$175,000, the formal bidding procedures set forth in the UPCCAA apply.

Section 22030 provides that any public agency that wishes to avail itself of the alternative procedures for bidding and contracting for public projects must elect, by resolution, to become subject to the uniform construction cost accounting procedures set forth in the Public Contract Code and must notify the State Controller of its election. Section 22034 further requires each public agency that elects to become subject to the UPCCAA to enact an informal bidding ordinance that complies with the requirements set forth in that Section 22034.

The City should also be aware that a portion of the UPCCAA imposes sanctions on public agencies that fail to comply with the UPCCAA's bidding procedures. If the State Accounting Commission finds that the City has failed to comply with these procedures on three separate occasions within a ten-year period, the City will be prohibited from using the UPCCAA's thresholds for a five-year period. (Public Contract Code § 22044.5.)

For these reasons, which are explained in detail in the attached September 15, 2015 Agenda Item Commentary, the Department of Public Works recommends that the City Council conduct the second reading of and adopt **Ordinance No. 15-2043**.

#### **EXHIBITS**

- A. September 15, 2015 Agenda Item Commentary, Item No. NB1 (without attachments)
- B. Ordinance No. 15-2043

Respectfully submitted



Siobhan Foster/Director of Public Works  
Public Works Department



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

**MEETING DATE** September 15, 2015

**ITEM NO.** NB 1

**STAFF SOURCE** Siobhan Foster, Director of Public Works

**ITEM TITLE** Uniform Public Construction Cost Accounting Act – Adoption of Resolution No. 15-7391 Electing to Become Subject to the Uniform Public Construction Cost Accounting Act and Introduction of Ordinance No. 15-2043 Amending Title 2 (Administration and Personnel) of Covina Municipal Code by Adding Chapter 2.54 (Public Projects) to Provide Bidding Procedures for Public Projects Under the Uniform Public Construction Cost Accounting Act

**STAFF RECOMMENDATION**

- 1) Adoption of **Resolution No. 15-7391** electing to become subject to the Uniform Public Construction Cost Accounting Act (“UPCCAA”);
- 2) Waive full reading, read by title only, and introduce for first reading **Ordinance No. 15-2043**; and
- 3) Authorize the Department of Public Works to schedule the second reading of the ordinance at the next City Council meeting on October 6, 2015.

**FISCAL IMPACT**

There is no direct fiscal impact from the proposed adoption of Resolution No. 15-7391 and first reading of Ordinance No. 15-2043, which would subject the City of Covina to the UPCCAA and amend Title 2 (Administration and Personnel) of the Covina Municipal Code by adding Chapter 2.54 (Public Projects) to provide bidding procedures for public projects under the UPCCAA. Use of the UPCCAA is expected to make the bidding of public projects valued at low amounts more efficient and less costly, thereby freeing up staff and contract city engineering services to focus on project delivery.

**BACKGROUND**

California law requires general law cities to competitively bid public works contracts for all public projects over \$5,000. (Cal. Public Contract Code § 20162.) The general bidding procedures for local agencies are found in the California Public Contract Code, commencing with Section 20160. The Public Contract Code defines a public project to include: a project for the erection, improvement, painting, or repair of public buildings and works; work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow; street or sewer work except maintenance or repair; and furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers. (Public Contract Code § 20161.)

The general bidding procedures require the City to let any public project in excess of \$5,000 to the lowest responsible bidder after complying with the formal noticing procedures prescribed by statute. These procedures are both time-consuming and costly.

In 1983, the California Legislature adopted Assembly Bill 1666, which added Chapter 2, commencing with Section 22000, to Part 3 of Division 2 of the Public Contract Code. These provisions, more commonly known as the Uniform Public Construction Cost Accounting Act (UPCCAA), provide for a uniform cost accounting standard for construction work performed or contracted by local agencies and further provide for an alternative method for bidding public projects. (Public Contract Code § 22001.) The UPCCAA introduces certain less formal procedures for contracts of \$175,000 or less. These less formal procedures provide local agencies with more flexibility in letting small public projects.

The UPCCAA defines “public project” to include: construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility; painting or repainting of any publicly owned, leased, or operated facility; or in the case of a publicly owned utility system, only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher. (Public Contract Code § 22002(c).) Under the UPCCAA, “public project” does not include: routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purpose; minor repainting; resurfacing of streets and highways at less than one inch; landscape maintenance; or work performed to keep, operated, and maintain publicly owned water, power, or waste disposal systems. (Public Contract Code § 22002(d).)

In lieu of the \$5,000 threshold for the general bidding requirements, if a city elects to become subject to the alternative procedures set forth in the UPCCAA, the following dollar thresholds and procedures apply to public projects:

- 1) Public projects of \$45,000 or less may be performed by employees of the City by force account or may be awarded by negotiated contract or purchase order. This process does not require public bidding.
- 2) Public projects of \$175,000 or less may be let to contract by informal procedures provided the City adopts an informal bidding ordinance that contains, at a minimum, the provisions prescribed by Section 22034 of the UPCCAA. These procedures require the informal bidding ordinance to contain the following provisions: (i) a provision that requires the City to maintain a list of qualified contactors, identified according to categories of work; (ii) a provision that requires the City to mail notices inviting informal bids not less than 10 calendar days before bids are due to all qualified contractors in the category of work being bid and to all appropriate construction trade journals except under limited circumstances (the notice must describe the project in general terms, indicate where more detailed information about the project may be obtained, and state the time and place for the submission of bids); (iii) provisions indicating who is authorized to award informal contracts—a city council may delegate the authority to award informal contracts to the public works director, city manager,

purchasing agent, or other appropriate person; and (iv) provisions addressing circumstances where all bids received are in excess of \$175,000. (Note, the UPCCAA authorizes a city council, by adoption of a resolution by a four-fifths vote, to award an informal contract to the lowest responsible bidder up to a maximum of \$187,500 if the city determines the selected bid is reasonable.)

- 3) Public project in excess of \$175,000 must be let by the formal bidding procedures set forth in the UPCCAA, which require, among other things, notices inviting formal bids be (a) published in a newspaper of general circulation at least 14 days prior to the date for opening bids; and (b) sent electronically and mailed to all appropriate construction trade journals at least 15 days prior to bid opening.

(Public Contract Code §§ 22032, 22037.) These less formal procedures drastically reduce the cost and time associated with letting small public projects.

#### Current Issue

Public works projects in the City are currently let under the general bidding requirements of the Public Contract Code. Under the existing procedures, the City must solicit formal bids for any public project in excess of \$5,000. Section 20164 requires the City to publish a notice inviting bids at least 10 days prior to the date set for opening bids. The notice must be published at least twice, not less than five days apart, in a newspaper of general circulation in the City. In addition, all bids must be submitted in sealed envelopes, and the City Council must award the contract to the lowest responsible bidder. As the City Council can see, for smaller projects, this process is both cumbersome and costly.

The UPCCAA offers alternative procedures that are less formal for public projects of \$175,000 or less. Under these procedures, public projects of \$45,000 or less may be performed without any bidding either by City staff by force account or by award of negotiated contract or purchase order. For public projects greater than \$45,000 but less than or equal to \$175,000, the City may let the contract by informal procedures, provided the City adopts an informal bidding ordinance that contains the minimum provisions noted above. Finally, for public projects in excess of \$175,000, the formal bidding procedures set forth in the UPCCAA apply.

Section 22030 provides that any public agency that wishes to avail itself of the alternative procedures for bidding and contracting for public projects must elect, by resolution, to become subject to the uniform construction cost accounting procedures set forth in the Public Contract Code and must notify the State Controller of its election. Section 22034 further requires each public agency that elects to become subject to the UPCCAA to enact an informal bidding ordinance that complies with the requirements set forth in that Section 22034.

The City should also be aware that a portion of the UPCCAA imposes sanctions on public agencies that fail to comply with the UPCCAA's bidding procedures. If the State Accounting Commission finds that the City has failed to comply with these procedures on three separate occasions within a ten-year period, the City will be prohibited from using the UPCCAA's thresholds for a five-year period. (Public Contract Code § 22044.5.)

Attached for the City Council's review is a Resolution electing the City of Covina to become subject to the uniform construction cost accounting procedures set forth in the Public Contract Code and a draft Ordinance establishing informal bidding procedures as required by the UPCCAA.

Ordinance No. 15-2043 would add Chapter 2.54 (Public Projects) to Title 2 (Administration and Personnel) of the Covina Municipal Code. Section 2.54.040 (Bid Requirements, Purchasing Procedures, and Contracting Procedures) establishes bidding procedures for public projects in conformance with the requirements of the UPCCAA. The proposed regulations divide public projects into three distinct categories – Level 1 Projects; Level 2 Projects; and Level 3 Projects – based on the thresholds in the UPCCAA discussed above.

As drafted, Ordinance No. 15-2043 provides that Level 1 projects – defined as those public projects of \$45,000 or less – may be performed by City employees by force account or may be awarded by negotiated contract or by purchase order.

For Level 2 Projects (public projects greater than \$45,000 but less than or equal to \$175,000), the Ordinance requires competitive written bidding and establishes procedures for conducting said bidding. The Ordinance further requires the City to maintain a list of qualified contractors identified by category of work, as required by the UPCCAA. Finally, the Ordinance prescribes noticing requirements and procedures for dealing with excess bids in accordance with the dictates of the UPCCAA.

Level 3 Projects are all public projects in excess of \$175,000. These projects require formal competitive bidding, and the contract must be awarded by the City Council to the lowest responsible bidder, similar to the formal bidding procedures currently employed by the City for all public works contracts.

Section 2.54.050 (Delegation of Authority to Award Informal Contracts) of the Covina Municipal Code establishes the authority to award informal contracts and specifies that the City Manager is authorized to enter into contracts for public projects pursuant to this chapter where the amount of such contract does not exceed \$25,000 or such an amount as the City Council may designate by resolution, provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged. Where the amount of any such contract exceeds \$25,000, or such other amount as the City Council may designate by resolution, the contract shall be approved by the City Council.

The new regulatory scheme will give the City more flexibility in dealing with small public works projects. The less formal procedures will enable City staff to more promptly handle small projects by eliminating the requirement to solicit formal bids and by delegating to staff the authority to award the contract. For larger projects, the revised procedures will allow the City to utilize informal bidding procedures to more quickly solicit competitive bids while still streamlining the process. Finally, for large public works projects, the alternative procedures being proposed mirror those currently utilized by the City.

If the City Council concurs with staff's recommendations, the City Council should adopt Resolution No. 15-7391 and read Ordinance No. 15-2043 by title only, waive further reading, and introduce the Ordinance.

**ALTERNATIVES**

The City Council could give staff additional direction about these issues, which could be incorporated into a revised ordinance, or the City Council could decline to adopt the Resolution and the Ordinance.

**EXHIBITS**

- A. Resolution No. 15-7391
- B. Ordinance No. 15-2043

Respectfully submitted



Siobhan Foster/Director of Public Works  
Public Works Department

**ORDINANCE NO. 15-2043**

**AN ORDINANCE OF THE CITY OF COVINA AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE COVINA MUNICIPAL CODE BY ADDING CHAPTER 2.54 (PUBLIC PROJECTS) TO PROVIDE FOR BIDDING PROCEDURES FOR PUBLIC PROJECTS UNDER THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

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

**Section 1.** Title 2 (Administration and Personnel) of the Covina Municipal Code is hereby amended by adding a new Chapter 2.54 (Public Projects) to read as follows:

**CHAPTER 2.54  
PUBLIC PROJECTS**

- 2.54.010. Intent.**
- 2.54.020. Definitions.**
- 2.54.030. Applicability.**
- 2.54.040. Bid requirements, purchasing procedures, and contracting procedures.**
- 2.54.050. Delegation of authority to award informal contracts.**
- 2.54.060. Bid security.**

**2.54.010. Intent.**

The intent of this chapter is to provide standardized procedures for awarding contracts for public projects in conformance with the Uniform Public Construction Cost Accounting Act.

**2.54.020. Definitions.**

Unless the context otherwise requires, the following definitions shall govern the construction of this chapter:

“Change Order” shall mean a written authorization from the City directing an addition, deletion, or revision to an awarded purchase order or contract.

“Public Project” shall be defined as that term is defined in Section 22002 of the California Public Contract Code or any successor statute thereto.

“Uniform Public Construction Cost Accounting Act” shall mean the procedures and regulations set forth in Chapter 2, commencing with Section 22000, to Part 3 of Division 2 of the California Public Contract Code or any successor act thereto.

**2.54.030. Applicability.**

All public projects shall be bid and let to contract in accordance with the procedures prescribed by the Uniform Public Construction Cost Accounting Act, or any successor act thereto, and the provisions set forth in this chapter.

**2.54.040. Bid requirements, purchasing procedures, and contracting procedures.**

This section shall govern the procedures for bidding and awarding all purchase orders and contracts to perform public projects, including any associated purchase of goods and supplies for such projects. Bidding requirements and other purchasing and contracting procedures are categorized into three different levels set forth below. Each level shall govern purchases and contracts of different values. Level 1 shall govern the least expensive purchase orders and contracts and Level 3 shall govern the most expensive purchase orders and contracts. Notwithstanding any provision of this chapter, the bidding and other procedures for awarding public project contracts shall not violate the limitations of the Uniform Public Construction Cost Accounting Act, as they may be amended from time to time by the State Controller or the State Legislature.

(a) Level 1 Projects. Public projects of forty-five thousand dollars (\$45,000) or less may be performed by City employees by force account or may be awarded by negotiated contract or by purchase order without competitive bidding.

(b) Level 2 Projects. Public projects of one hundred and seventy-five thousand dollars (\$175,000) or less may be let to contract by the informal bid procedures set forth in this subsection (b). All Level 2 Project contracts shall require informal competitive written bidding, as follows:

(1) Written Bids.

(i) Bid specifications shall be prepared and written notices soliciting written bids shall be disseminated consistent with paragraph (3) of subsection (b) of this section.

(ii) Bids shall be submitted in writing and must be received prior to the bid closing date to be considered.

(iii) The City Council shall award the contract to the lowest responsible and responsive bidder. The City Council may reject all bids, or waive any irregularities or informalities in any bid or bidding.

(2) Contractors List. The City shall develop and maintain a list of qualified contractors, identified according to categories of work, in accordance with the provisions of Section 22034 of the California Public Contract Code, or any successor statute thereto, and the minimum criteria for development and maintenance of the Contractors List as determined by the California Uniform Construction Cost Accounting Commission.

(3) Notice Inviting Informal Bids. At least ten (10) calendar days prior to the date informal bids are due, the City shall mail a notice inviting informal bids to all contractors from the applicable category of work to be bid, as shown on the Contractors List developed in accordance with paragraph (2) of subsection (b) of this section, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the California Public Contract Code, or any successor statute thereto. Said notice shall describe the project in general terms, shall clearly indicate how to obtain more detailed information about the project, and shall set forth the time and place for the submission of bids. Additional contractors or construction trade journals may be noticed at the discretion of the City department soliciting bids, provided, however:

(i) If there is no list of qualified contractors maintained by the City for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

(ii) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

(4) Excess bids. If all bids received pursuant to the procedures outlined in subsection (b) are in excess of one-hundred seventy-five thousand dollars (\$175,000), the City Council may, by passage of a resolution by a four-fifths vote, award the contract at one hundred eighty-seven thousand five hundred dollars (\$187,500) or less, to the lowest responsible bidder, without complying with the formal bidding procedures set forth in subsection (c) below, provided that the City Council determines that the cost estimate of the project was reasonable.

(c) Level 3 Projects. Public projects of more than one hundred seventy-five thousand dollars (\$175,000) shall, except as otherwise provided by law, be let to contract by the formal bidding procedures set forth in this subsection (c). Public projects which must be let pursuant to Level 3 procedures shall be approved by the City Council and shall require competitive written bidding, as described in this subsection (c).

(1) Bid Specifications. For all public projects that must be let pursuant to Level 3 procedures, bid specifications shall be prepared. In addition, the City Council adopt all plans, specifications, and working details for all public projects in accordance with the requirements of Section 22039 of the Public Contract Code or any successor statute.

(2) Notice Inviting Formal Bids. The City shall publish and mail a notice inviting sealed formal bids in accordance with the provisions of California Public Contract Code Section 22037, or any successor statute thereto.

(3) Receipt of Bids. Bids shall be sealed, and shall not be opened until the time and place designated in the bid specifications. Bids must be received prior to the bid opening to be considered.

(4) The City Council shall award the bid to the lowest responsible bidder, or reject all bids pursuant to Public Contract Code Section 22038, or its successor statute. The City Council may waive any irregularities or informalities in any bid or bidding.

**2.54.050. Delegation of authority to award informal contracts.**

The City Manager is authorized to award bids and enter into contracts for public projects pursuant to this chapter where the amount of such contract does not exceed twenty-five thousand dollars (\$25,000), or such other amount as the City Council may designate by resolution, provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged. Where the amount of any such contract exceeds twenty-five thousand dollars (\$25,000), or such other amount as the City Council may designate by resolution, the contract shall be approved by the City Council.

**2.54.060. Bid security.**

Bid security shall be required as a condition of submitting a written bid unless deemed unnecessary by the City Manager or his or her designee.

**Section 2.** The City Council declares that, should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this ordinance shall remain in full force and effect.

**Section 3.** The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the City Council of this City.

**Section 4.** This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

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



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

**MEETING DATE**    **October 6, 2015**

**ITEM NO. CC 11**

**STAFF SOURCE**    **Siobhan Foster, Director of Public Works**  
**Kristen Weger, Management Analyst**

**ITEM TITLE**            **City Council to Adopt Resolution No. 15-7400 for the Roycove Reservoir and Pump Station Emergency Repair Project, Declaring That the Public Interest and Necessity Demand the Immediate Expenditure of Public Money and Completion of Certain Work Without Competitive Bidding to Safeguard Life, Health, or Property Pursuant to Chapter 2.5 (Emergency Contracting Procedures) of the Public Contracts Code, and Authorizing the City Manager to Execute All Necessary Contracts and Documents with Qualified Contractors and Vendors to Respond to the Emergency Conditions at Roycove Reservoir and Pump Station**

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**STAFF RECOMMENDATION**

- 1) Adoption of **Resolution No. 15-7400** declaring that the public interest and necessity demand the immediate expenditure of public money and completion of certain work without competitive bidding to safeguard life, health, or property pursuant to Chapter 2.5 (Emergency Contracting Procedures) of the Public Contracts Code, and
- 2) Authorize the City Manager to execute all necessary contracts and documents with qualified contractors and vendors to respond to the emergency conditions at Roycove Reservoir and Pump Station.

**FISCAL IMPACT**

The estimated fiscal impact associated with the Roycove Reservoir and Pump Station Emergency Repair Project is approximately \$80,000. Sufficient funding for the proposed project is available in the Department of Public Works Department/Water Utility budget (account no. 6011-5060-55420). The following table represents a summary of the proposed project:

Booster Pump Control Panel/VFD System Upgrade	\$28,127
SCADA Upgrade	\$30,930
Demolition and Installation Services	\$12,570
Contingency Allowance	\$1,210
Contract Administration/Inspection	\$7,163
<b>Estimated Total</b>	<b>\$80,000</b>

The proposed emergency project has no General Fund impact.

## **BACKGROUND**

Roycove Reservoir and Pump Station constructed in 1993 is located at 3001 N. Roycove Drive and consists of one steel above-ground tank with 500,000 gallon capacity, four motors and pumps, three operated by variable frequency drives (VFDs) and one fire flow pump, and several electrical control panels. Much of the Station's equipment is original equipment. Roycove Reservoir and Pump Station provides water to Water Zone 5, which includes Terry Way, part of Via Verde Street, three homes on East Covina Hills Road, and Roycove Street. Recently two significant impediments to the operation of Roycove Reservoir and Pump Station have emerged.

### Supervisory Control and Data Acquisition (SCADA) System

The City's water distribution system is equipped with Supervisory Control and Data Acquisition (SCADA) technology. The City's SCADA system gathers and provides real time information on the status of the City's municipal water system, and allows Water Division personnel to remotely manage the reservoir pumps and water levels according to demand. The SCADA system has an alarm to alert the Water Pump Operator of municipal water system emergencies. A Water Pump Operator is available 24-hours per day to respond remotely to water system issues and draw water into the City's system from Covina Irrigating Company (CIC) and the Three Valleys Metropolitan Water District (TVMWD) as needed to manage customer demand.

Communication failures between the Roycove Reservoir and Pump Station SCADA system and the SCADA base station located at City Yard have started to occur frequently. Communication failures eliminate the Water Division's ability to monitor station performance remotely and operate critical equipment such as reservoir pumps. The communication failures necessitate Water Division personnel to immediately respond to the station to physically inspect the operation. The communication failures are caused by the obsolete programmable logic controller (PLC), which was installed in 2003 and has exceeded its useful life.

### Variable Frequency Drive (VFDs)

In addition to the recurring communication failures, the aged VFD system at the Roycove Reservoir Pump Station has exceeded its useful life and is failing. VFDs are used to control the speed of machinery. Many industrial processes, such as assembly lines, must operate at different speeds for different products. Where process conditions demand adjustment of flow from a pump, varying the speed of the drive may save energy and prolong the life of pumps compared with other techniques for flow control.

In January 2015, the aged VFD for one of the station's three booster pump motors operated by VFDs failed, decreasing the pumping capacity and energy efficiency of the station. While the pump motor is operational, the unit cannot operate since the electrical control component has failed. The motor in question is smaller (7.5 horsepower) than the other two motors on VFDs, which are 15 horsepower. Typically the 7.5 horsepower motor is sufficient to maintain the station's pumping operations. By having to use a motor twice the size needed, energy costs

increase, energy efficiency decreases, and the larger, more costly pumps experience greater wear-and-tear.

Recently the significance of the VFD and electrical system's inability to perform adequately became apparent when Water Division personnel performed two fire flow tests in Zone 5 and a contractor hit a water line resulting in a field condition that simulated a third fire flow test. In each instance, the VFD and electrical systems became overloaded, tripped the main breaker, and shut down the entire Roycove Reservoir and Pumping Station. The VFD and electrical system is no longer able to handle the electrical load required for all four booster pumps to operate simultaneously, as required in a fire emergency. Should the entire VFD and electrical system controlling the station's four pumps fail, water pressure in Zone 5 would be reduced from 45 pounds per square inch (psi) to 12 psi. If there was a major fire in Zone 5, the Roycove Reservoir and Pump Station would not be able to provide adequate water supply for fire protection. While contingency plans are in place to provide Zone 5 with water from other booster stations, ongoing reliance on other stations is not optimal, especially in longer-term, emergency conditions.

The aforementioned unreliability of the SCADA communication system compounds the severity of the VFD and electrical system malfunctions at the station, inasmuch as Water Division personnel may not be able to remotely and immediately respond to booster pump failures. As a result, the Department of Public Works, in consultation with the City Manager, City Engineer, and City Attorney, recommends the immediate upgrade of the booster pump control panel and VFD and SCADA systems at the Roycove Reservoir and Pump Station, including the associated demolition and installation services. The estimated cost of the proposed emergency project is approximately \$80,000 as outlined in the Fiscal Impact section.

Pursuant to the Public Contracts Code, contracts may be awarded without competitive bidding if the City Council makes a finding by a 4/5 vote that an emergency exists that requires the immediate expenditure of public money to safeguard life, health, or property.

The Public Contracts Code Section 1102 defines the term "emergency," as "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services." The Department of Public Works, with the concurrence of the City Manager, City Engineer, and City Attorney, has determined that the station's recent failure of two fire flow tests and the potential for inadequate water flow to Zone 5 during a fire emergency constitutes an "emergency" as defined by the Public Contracts Code.

The Public Contracts Code Section 20168 provides that "[i]n case of an emergency, the legislative body may pass a resolution by a four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050)."

The Public Contracts Code Section 22050 provides the following:

“(a) (1) In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

(2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b) (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other nonelected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

(2) If the public agency has no county administrative officer, city manager, chief engineer, or other nonelected agency officer, the governing body, by a four-fifths vote, may delegate to an elected officer the authority to order any action specified in paragraph (1) of subdivision (a).

(3) If a person with authority delegated pursuant to paragraph (1) or (2) orders any action specified in paragraph (1) of subdivision (a), that person shall report to the governing body, at its next meeting required pursuant to this section, the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

(c) (1) If the governing body orders any action specified in subdivision (a), the governing body shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action. If the governing body meets weekly, it may review the emergency action in accordance with this paragraph every 14 days.

(2) If a person with authority delegated pursuant to subdivision (b) orders any action specified in paragraph (1) of subdivision (a), the governing body shall initially review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with authority delegated pursuant to subdivision (b) has terminated that action prior to the governing body reviewing the emergency action and making a determination pursuant to this subdivision. If the governing body meets weekly, it may, after the initial review, review the emergency action in accordance with this paragraph every 14 days.

(3) When the governing body reviews the emergency action pursuant to paragraph (1) or (2), it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts....”

The City Council’s adoption of **Resolution No. 15-7400** for the Roycove Reservoir and Pump Station Emergency Repair Project would make the findings needed pursuant to the Public Contracts Code Sections 20168 and 22050 to allow the City Manager to immediately retain the services necessary to rehabilitate the station. The Department of Public Works is prepared to immediately retain without competitive bidding Brithnee Electric to design and build the booster pump control panel (VFD system), A & B Electric to perform demolition and booster pump control panel installation, and Control Automation Design, Inc. to complete the configuration and installation of the SCADA system controls. The firms have completed work for the City of Covina previously and are familiar with the City’s water distribution system.

Pursuant to Public Contracts Code Section 22050, the City Manager, through the Department of Public Works, will provide project updates at every regularly scheduled City Council meeting until the project is completed, including the provision of a detailed project schedule at the October 20, 2015 City Council meeting and an explanation of the contingency plans that are in place to keep Zone 5 pressurized and to provide necessary water supply for fire protection services throughout the project.

**EXHIBITS**

- A. Resolution No. 15-7400
- B. Covina Water Distribution System Zone Map

Respectfully submitted



Siobhan Foster/Director of Public Works  
Public Works Department

**RESOLUTION NO. 15-7400**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DECLARING AN EMERGENCY CONDITION AND DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRES CERTAIN WORK TO BE PERFORMED WITHOUT COMPETITIVE BIDDING PURSUANT TO PUBLIC CONTRACT CODE SECTIONS 20168 and 22050**

The City Council of the City of Covina hereby finds, determines, and orders as follows:

**Section 1.** The City of Covina has identified that one of the City's water pumping stations, Roycove Reservoir and Pump Station, is in need of immediate attention. The station recently failed two fire flow tests and did not perform adequately when unexpected field conditions simulated a third fire flow test due to aged Variable Frequency Drive (VFD) system that controls the Station's booster pumps. Frequent communication failures between the Roycove Reservoir and Pump Station Supervisory Control and Data Acquisition (SCADA) system and the SCADA base station located at City Yard are also occurring. These conditions are indicative of the Station's inability to provide adequate water supply to Water Zone 5 for fire protection purposes, in the event of a major fire in Water Zone 5. Upgrade of the booster pump control panel and VFD and SCADA systems at the Roycove Reservoir and Pump Station, including the associated demolition and installation services, must be performed immediately to safeguard and mitigate the loss or impairment of life, health, property, or essential public services.

**Section 2.** Due to the urgency of the matter, it is necessary for the City to enter into an agreement with Brithnee Electric to design and build the booster pump control panel (VFD system), A & B Electric to perform demolition and booster pump control panel installation, and Control Automation Design, Inc. to complete the configuration and installation of the SCADA system controls. Staff has researched and received multiple informal quotes from contractors to perform these services.

**Section 3.** Pursuant to Public Contract Code Sections 1102, 20168, and 22050, the City Council hereby finds that an emergency situation exists and declares that the public interest and necessity demand the immediate expenditure of public money for such repair work to safeguard life, health, and property without complying with the competitive bidding requirements of the Public Contract Code. The emergency will not permit a delay resulting from a competitive solicitation for bids, and the action is necessary to respond to the emergency.

**Section 4.** The City Council hereby acknowledges that it must approve this resolution by a four-fifths vote of the entire City Council. Furthermore, the City Council recognizes that it may delegate the authority to order the actions necessary to carry out the required improvements to any non-elected officer of the City. Furthermore, the City Council

recognizes that this item must be reviewed at every regularly scheduled meeting hereafter, until the project is completed, to ensure that the need to continue the action continues to exist. If the emergency conditions allow, the action shall be terminated so that the remainder of the project may be completed by giving notice for bids to let contracts.

**Section 5.** The City Council hereby waives competitive bidding under Public Contract Code 22050 and authorizes the City Manager to execute all necessary contracts and documents with a qualified contractor(s) or vendor(s) for the emergency upgrade of the booster pump control panel and VFD and SCADA systems at the Roycove Reservoir and Pump Station, including the associated demolition and installation services.

**Section 6.** The City Manager shall agendize and report on the status of the emergency circumstances at each and every regularly scheduled meeting of this Council until either the project is completed or the Council finds the emergency conditions have ceased.

**Section 7.** The City Clerk shall certify the passage and adoption of this Resolution.

**PASSED, APPROVED, and ADOPTED** this 6th day of October 2015, by the following vote to wit:

AYES: ( )  
NOES: ( )  
ABSENT: ( )  
ABSTAIN: ( )

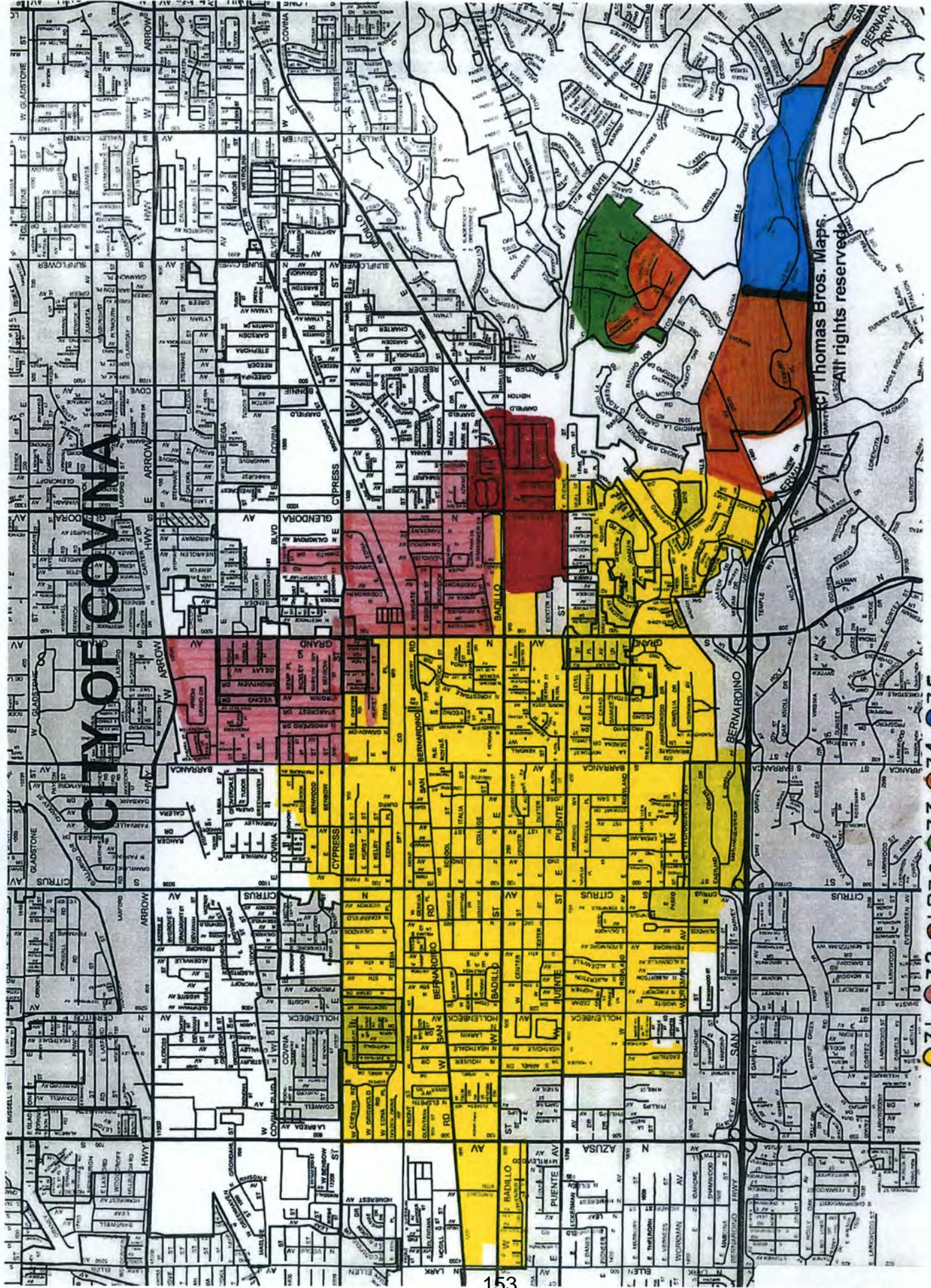
\_\_\_\_\_  
John C. King, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Clark, Chief Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Candice Lee, City Attorney



**CITY OF COVINA**

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- Z1
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**CITY OF COVINA**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** October 6, 2015

**ITEM NO. PH 1**

**STAFF SOURCE:** Brian K. Lee, AICP, Community Development Director  
Nancy Fong, Community Development Consultant  
Stephen L. Patterson, Covina Building Official  
Chief Kim Raney, Covina Police Department  
Captain Derek Webster, Covina Police Department  
Captain John Curley, Covina Police Department

**ITEM TITLE:** A public hearing to consider voiding Conditional Use Permit No. 11-006 (authorizing a restaurant with outside sidewalk dining with alcohol and entertainment located upon real property at 211 North Citrus Avenue, Covina) for non-compliance with the conditions of approval; violations of the Covina Municipal Code; numerous calls for service from the Covina Police Department between October 2013 and April 2015; sales of a controlled substance; and non-compliance with the corresponding Dance and Entertainment Permit and other applicable laws and regulations.

**PUBLIC NOTICE:** On September 8, 2015, notice of the public hearing was provided to the Applicant; on September 10, 2015, a Public Hearing Notice was published in the San Gabriel Valley Examiner; and on September 24, 2015, notice of the public hearing was mailed to all property owners within 300 feet of the subject site; on September 24, 2015, a Public Hearing Notice was posted at Covina City Hall (located at 125 East College Street, Covina, California) and the Covina Public Library (located at 234 North Second Avenue, Covina, California).

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**STAFF RECOMMENDATION**

After hearing public testimony, adopt Resolution No. 15-7398 voiding (“revoking”) Conditional Use Permit No. 11-006 due to non-compliance with the conditions set forth therein and in order to safeguard and protect the health, safety, and welfare of the public.

**FISCAL IMPACT**

None anticipated.

## ANALYSIS

### **BACKGROUND**

The property located at 211 North Citrus Avenue, Covina, is owned by “Citrus International, LLC” – which is managed by its current members, Jian Lin, Wen “Vivian” Xie, and Cam Real Estate Holding Company.

On December 6, 2011, the Covina City Council approved Conditional Use Permit (CUP) Application No. 11-006 authorizing the applicant (“JP United, LLC”) to operate a restaurant with outside sidewalk dining with alcohol and entertainment located upon real property at 211 North Citrus Avenue, Covina.

On December 15, 2011, JP United, LLC dba R.E.D. was issued Covina Business License #036374 to operate a restaurant called RED at 211 North Citrus Avenue, Covina. Jian Lin – who serves as a managing member of the property owner (“Citrus International, LLC”), serves as a managing member of JP United, LLC. Paradize, LLC (managed by Everett Ramos and Laura Perez) is the other registered manager of JP United, LLC.

On December 20, 2011, JP United, LLC (through Everett Ramos) signed the acceptance of terms, covenants, and conditions of CUP 11-006 [which was subsequently recorded with the Los Angeles County Recorder’s Office on January 6, 2012].

### **CONDITIONS OF APPROVAL [CUP 11-006]**

In pertinent part, the approved conditions of approval of CUP 11-006 to which the applicant approved, consented to, and agreed to abide by, are:

- 2.1 Failure to comply with any conditions of approval noted herein shall be deemed just cause for revocation of project approval by the Planning Commission
- 2.8 The applicant shall have food service available for sale during all hours of operation in conformance with their ABC license
- 2.16.1 The hours of operation will be no earlier than 11:00 a.m. and no later than 2:00 a.m.
- 2.16.2 All live entertainment will cease at 1:00 a.m. “Live Entertainment” includes music provided by a live entertainer, and/or music played in combination with a disc-jockey or televised major sporting events.
- 2.16.3 All service of alcoholic beverages will cease at 1:30 a.m.
- 2.16.4 No alcoholic beverage or their containers, such as bottles and glasses will be present other than stored behind the bar or in the trash receptacles after 2:00 a.m.

- 2.16.5 Only on-duty employees will be allowed inside the restaurant between the hours of 2:00 a.m. and 6:00 a.m.
- 2.16.8 The owners, operators, managers and all employees shall adhere to and obey all State laws and City ordinances relating to the service, consumption and possession of alcoholic beverages. Any violations of State laws or City ordinance...will be grounds for revocation or modification of this permit.
- 2.16.9 The owners or operators will be responsible for ensuring they are in compliance with the restrictions, provisions and guidelines of their license from the State of California Alcoholic Beverage Control Board in regards to the ratio of alcoholic beverages sales to food sales.
- 2.16.11 The owners, operators, managers or employees shall not permit any type of activity where persons are compensated, either by business or by a customer, for...anything other than bona-fide service consistent with a restaurant and bar.
- 2.16.13 If the owner or operators chooses to hire a security company, the security company must be licensed to operate in both the State of California and the City of Covina. Additionally, all employees who are assigned to work at the premises must be licensed by the State of California as security guards and be in good standing throughout their time of employment.
- 2.16.15 The restaurant and bar will have no less than two personnel assigned for security purposes, with valid guard cards issued by the State of California, on-duty at all times when no live entertainment is present.
- 2.16.16 The restaurant and bar will have no less than six personnel assigned for security purposes, with valid guard cards issued by the State of California, on-duty at all times when any type of entertainment is taking place or during televised sporting events.
- 2.16.19 Thirty (30) days prior to opening, the owners, operators or managers of the location, subject to the approval of the Police Department, will develop a plan for staging customers outside the restaurant on the sidewalk (public right-of-way) who wish to enter the restaurant and bar cannot be accommodated inside the location.
- 2.16.23 The owners, operators or managers will, subject to approval of the Police Department, ensure that the location has, upon opening for business, a video security system that includes digital cameras and a quality recording system that covers all major interior and exterior areas of concern to the police department.

- 2.16.24 The owners, operators or managers shall cooperate with all police investigations regarding crimes that occur at the location or are as a result of conduct at the location. This cooperation includes, but is not limited to, allowing access to view video images and providing recordings of video images of any activity deemed important by any officer of the department investigating a crime that is alleged to have occurred on the premises or as a result of conduct occurring at the premises.
- 2.16.28 The owners, operators or managers shall ensure that all occupancy levels mandated by the Los Angeles County Fire Department are strictly enforced and adhered to.
- 2.16.31 The owners, operators or managers must comply with all City codes and ordinances relating to police response and abatement of nuisance conditions.
- 2.21 The applicant's restaurant, outside sidewalk dining, with alcohol and entertainment shall function in an integrated manner as illustrated by the project plans, and none of the aforementioned components shall be operated on an independent basis or as a separate use/business.
- 2.22 The property shall be remodeled, improved, and operated in accordance with the design details and associated information as approved by the Covina Redevelopment Agency and the Planning Commission, the approved plans on file with the City, all representations of record made by the applicant, the Conditions contained herein, and the Covina Municipal Code and the Covina Design Guidelines.
- 2.25 Ordinance requirements not listed herein are still applicable.
- 2.30 The site, landscaping, and all improvements shall be maintained in a sound, healthy, and attractive condition free of...conditions which violate the Municipal Code.
- 2.32 Approval of this request shall not waive compliance with all other sections of the Covina Municipal Code, the Covina Design Guidelines, and all other applicable plans and non-City laws and regulations that are in effect at the time of Building Permit issuance or approval of this application.
- 2.37 The applicant's subject property shall be developed and operated in accordance with the TCSP-5 (Retail and Service Core) zoning designation as approved by the City Council, the approved plan on file with the City, all representations of record made by the applicant, the conditions contained herein, and the Covina Municipal Code and Covina Design Guidelines.
- 2.39 The costs and expenses of any code enforcement activities, including but not limited to, attorney's fees, caused by applicant's violation of any condition imposed by this Conditional Use Permit or any provision of Covina's Municipal Code shall be paid by the applicant.

## **DISCUSSION**

Over the past few years, the Covina Police Department and Covina Community Development Department have been investigating potential violations of Conditional Use Permit No. 11-006, as well as violations of the Dance and Entertainment Permit issued to the former operators of R.E.D. to provide the entertainment use authorized pursuant to CUP No. 11-006.

As evidenced by the memos and other documents attached hereto and incorporated herein, despite repeated communications between City Staff and the applicant/permittee, violations of the conditions of the CUP continued.

With full knowledge of the City's investigation and potential, R.E.D. ceased operations on or about July 30, 2015, after voluntarily surrendering its business license and Dance and Entertainment Permit with the investigation still pending. Notwithstanding the cessation of operations of R.E.D., the Police Department and City Staff determined that numerous violations of Conditional Use Permit No. 11-006 occurred and/or existed – and continue to exist at the subject property, that merit the City Council voiding the conditional use permit for non-compliance with the conditions set forth in the conditional use permit pursuant to CMC §17.62.170.

In summary, and as more fully described in the memos and other documents attached hereto and incorporated herein, the Covina Police Department and City Staff determined that on or about a period of time between December 20, 2011, and August 2, 2015, the following conditions and/or activities occurred or existed at the subject property:

1. The business establishment has been remodeled, improved, altered, or otherwise operated in contradiction to the approved plans on file with the City, all representations of record made by the applicant/permittee throughout the CUP process, and the Covina Municipal Code. Such alterations and improvements include, but are not limited to:
  - a. Expansion of the dance floor (by removal of tables and chairs);
  - b. Replacement of tables and chairs with platform lounge seating;
  - c. Installation of seating on the stage area;
  - d. Glass partitions and locking doors have been installed between the north and south portions of the restaurant;
  - e. Change of use of area below a stairwell from storage to DJ area;
  - f. Installation of additional dance floor (in northern portion of establishment);
  - g. A partition wall located in the northern portion of the establishment has been removed;

- h. Dancing has occurred in areas other than the approved dance floor;
- i. Persons other than “Approved Performers” have been allowed on the stage;
- j. The queuing of patrons does not comport with the queuing procedures approved by the Covina Police Department; and,
- k. A room on the 2<sup>nd</sup> floor has, at times, been used as an extension of R.E.D. for a banquet room – including the service of food and alcoholic beverages.

[CUP Conditions 2.16.8; 2.16.19; 2.16.31; 2.22; 2.25; and 2.37 / D&E Conditions 2, 3, 4, 8, 9, 10, 11, 12, 13, 24, 25 / Covina Building Code Section 105.1 / Covina Municipal Code 8.40.030.B; 8.40.030.F; 8.40.030.G]

- 2. R.E.D. (which voluntarily ceased operations on or about July 30, 2015) on occasions provided entertainment after 1:00 a.m., served alcoholic beverages after 1:30 a.m., and continued operating after 2:00 a.m.

[CUP Conditions 2.16.1; 2.16.2; 2.16.3; 2.16.4; 2.16.5 / D&E Conditions 1(d); 1(e)]

- 3. The owners, operators, and/or managers failed to fully cooperate with all police investigations – including, but not limited to, installing and maintaining an approved video security system and ensuring the preservation of the recordings thereof for a period of not less than ten (10) business days. The owners, operators, and/or managers also failed to provide copies of records which reflect separately the gross sale of food and the gross sale of alcoholic beverages at RED for each month for the period of time between January 1, 2014 and July 28, 2015, as requested by the Covina Police Department to ensure compliance with the CUP and the Dance and Entertainment Permit, as well as other applicable laws and regulations.

[CUP Conditions 2.16.9; 2.16.23; 2.16.24 / D&E Conditions 15, 16, 17, 18, 19, 20]

- 4. The owner or operator failed to utilize security guards that were duly licensed by the State of California as security guards and that remained in good standing throughout their time of employment. The business establishment did not always provide the required number of security guards at the premises, and security guards were allowed to provide services while not in approved uniforms. On three (3) separate occasions, a security guard sold controlled substances to patrons while on duty at the

premises – resulting in (i) the revocation of the Covina Private Patrol Operator’s Permit for Executive Sentry Services, (ii) the criminal conviction of the unlicensed security guard for a violation of H&S § 11352(a) [“Sale of Controlled Substance (to wit, cocaine)”], and (iii) the placement of the ABC license-holder on probation for a period of thirty-six (36) months by ABC – with an actual suspension of the ABC license for a period of twenty (20) days.

[CUP Conditions 2.16.11; 2.16.12; 2.16.13; 2.16.15; 2.16.16; 2.25 / D&E Conditions 15, 20, 25 / California Health & Safety Code Section 11352(a) / Covina Municipal Code 8.40.030.D]

5. Instances of persons allowed inside of the establishment in excess of the approved occupancy load.

[CUP Condition 2.16.28; 2.25 / D&E Condition 25]

6. Excessive instances of fights involving patrons of the site (both inside and outside of the business establishment), intoxicated patrons, excessive and/or loud noise disturbances, and other general disturbances of the peace resulting in responses by the Covina Police Department.

[CUP Conditions 2.16.31; 2.25 / D&E Conditions 23; 25 / Covina Municipal Code Sections 8.40.030.A.39; 8.40.030.E]

7. On a regular basis, and typically after 10:00 p.m., R.E.D. (the previous business operator) changed its use from a restaurant with ancillary entertainment and alcohol service (consistent with its Type 47 ABC license) to a nightclub/bar which focused more on alcohol service and entertainment than food/dining service. This was evidenced by decreased food service after 10:00 p.m., removal of tables and chairs used for dining service in order to provide an expanded dancing/entertainment area, advertisements that focused more on alcohol service and entertainment than food/dining service, and admissions by R.E.D.’s operators.

[CUP Conditions 2.8; 2.16.8; 2.16.9; 2.21; 2.25]

By requiring a conditional use permit for the operation of a restaurant with outside dining, alcohol sales/service, and live entertainment, the City Council demonstrated a clear understanding of the relationship between such uses and nuisance activities that impact the health, safety, and welfare of the community – including crowd control, disorderly conduct, crime, and increased police responses/activities. The requirement for a conditional use permit allows the City to provide greater scrutiny to such uses in an attempt to safeguard the public health, safety, and welfare.

Although the conditional use permit application process is one mechanism for safeguarding the health, safety, and welfare of the community, the ability to void a conditional use permit for non-compliance is an equally important manner of doing so.

Section 17.62.170.A of the Covina Municipal Code provides, in pertinent part, that

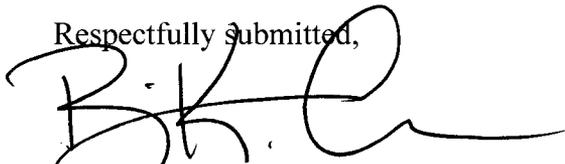
The council, with or without a recommendation from the commission, may by resolution, upon notice and hearing as specified herein, void any conditional use permit for noncompliance with the conditions set forth in granting the condition use permit.

The evidence and documentation contained in the various exhibits attached hereto and incorporated herein confirm a consistent pattern of non-compliance with the conditions set forth in Conditional Use Permit 11-006, as well as of the applicable Dance and Entertainment Permit and ABC license for R.E.D. and other applicable laws and regulations.

The evidence further demonstrates that the applicant has been made aware of the violations of the conditional use permit and other applicable Dance and Entertainment Permit conditions, laws, and regulations by means of verbal and written communications from the Covina Police Department and City Staff. Neither the property owner nor business operator can credibly deny knowledge of the violations nor of the ability to take action to prevent such violations – especially in light of the fact that the property owner (“Citrus International, LLC”) is comprised of managing members that also serve as managing members of JP United, LLC – the operator of R.E.D.

In light of the evidence set forth in the exhibits attached hereto and incorporated herein, the Covina Police Department and Community Development Department believe that there is sufficient evidence to justify the voiding (“revocation”) of Conditional Use Permit 11-006 based upon non-compliance with the conditions set forth therein. Therefore, staff recommends that the City Council, after hearing public testimony, adopt Resolution No. 15-7398 voiding (“revoking”) Conditional Use Permit No. 11-006 due to non-compliance with the conditions set forth therein and in order to safeguard and protect the health, safety, and welfare of the public.

Respectfully submitted,



Brian K. Lee, AICP, Community Development Director  
Community Development Department

#### **EXHIBITS**

1. Conditional Use Permit Application
2. Affidavit of Acceptance of Conditions for CUP No. 11-006
3. Business License #036374
4. Notices of Public Hearing
5. Memorandum of Chief Kim J. Raney, Covina Police Department
6. Memorandum of Brian K. Lee, Community Development Director
7. Memorandum of Stephen L. Patterson, Building Official
8. Proposed Resolution 15-7398 (Voiding CUP No. 11-006)

# **EXHIBITS**

**EXHIBIT 1.**  
**Conditional Use Permit Application**

CITY OF COVINA  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

STANDARD APPLICATION

Applicant Data

File No. (Completed by City of Covina) CUP 11-006  
Type of Application Conditional Use  
Request Outside Sidewalk Dining w/ Alcohol & Entertainment  
Fee (payable to City of Covina) \_\_\_\_\_ Number of Plans 15  
Applicant's Name JP UNITED LLC / ATT: EVERETT RAMOS & JIAN LIN  
Mailing Address 211 N. CITRUS AVE., UNIT F, COVINA  
\_\_\_\_\_ Zip Code 91723  
Telephone Number ( 909 ) 376-4185  
Applicant's Architect or Consultant MK DESIGN / ATT: KEN KANG, IAN MARR  
Mailing Address 2021 W. COMMONWEALTH AVE., SUITE U, FULLERTON, CA  
\_\_\_\_\_ Zip Code 92833  
Telephone Number ( \_\_\_\_\_ ) KEN (626)374-3834 , IAN (619) 913-2751, FAX (714) 879-0356

Property Data

Property Owner's Name and Address CITRUS DEVELOPMENT CORPORATION / ATT: JIAN LIN  
P.O. BOX 4571, DIAMOND BAR, CA Zip Code 91765  
Address and Location of Property 211 N. CITRUS ST. UNIT A, B, & C  
COVINA, CA 91723  
Legal Description of Real Property (Attach supplemental sheet if necessary)  
COVINA S 75 FT OF N125 FT OF E 50 FT OF LOT 19 AND S 75 OF N 125 FT OF W 53 FT OF LOT  
20 OF BLK 3 OF COVINA TRACT RECORDED  
Present Use of the Property (If any uses or buildings on the property are  
nonconforming, so state).  
FIRST LEVEL OF BUILDING RETAIL AND SECOND LEVEL OFFICES  
Present Zoning of the Property TCSP-5 (RETAIL AND SERVICE CORE)  
Present General Plan Designation TOWN CENTER SPECIFIC PLAN

RECEIPT # CRO87091

CITY OF COVINA

ENVIRONMENTAL INFORMATION FORM

(TO BE COMPLETED BY APPLICANT)

Date Filed \_\_\_\_\_

General Information

1. Name and address of developer or project sponsor JP UNITED LLC  
Att: Everett Ramos &/ or Jian Lin \_\_\_\_\_
2. Address of project 211 N. Citrus Ave., Units A, B, & C, Covina, CA 91723  
Assessor's Block and Lot Number MK DESIGN / ATT: KEN KANG, IAN MARR
3. Name, address and telephone number of person to be contacted concerning this project MK DESIGN / ATT: KEN KANG, IAN MARR  
2021 W. COMMONWEALTH AVE., SUITE U, FULLERTON, CA 92833  
\_\_\_\_\_
4. Indicate number of the permit application for the project to which this form pertains NA \_\_\_\_\_
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies  
Site Plan Review  
\_\_\_\_\_  
\_\_\_\_\_
6. Existing zoning district TCSP - 5 \_\_\_\_\_
7. Proposed use of site (project for which this form is filed) With Existing  
Offices at the Second Level, proposed Use at the First Level is  
Restaurant - Bar with Entertainment and Outside Dining with  
Alcohol.

Project Description (Attach additional sheets if necessary)

8. Site size 7, 725 Sq. Ft. \_\_\_\_\_
9. Square footage 7, 004 Sq. Ft. (First Level) \_\_\_\_\_
10. Number of floors of construction 7, 725 Sq. Ft. \_\_\_\_\_

11. Amount of off-street parking provided Metered: Lots 1, 3, 4, 7, & Civic Center Parking
12. Attach plans.
13. Proposed scheduling 6-8 Months
14. List associated projects, if any NA
15. Anticipated incremental development 0%, Existing shell remodel
16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected NA
- 
17. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities NA
- 
18. If industrial, indicate type, estimated employment per shift, and loading facilities NA
- 
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project NA
- 
20. If the project involves a variance, a conditional use or rezoning application, state this and indicate clearly why the application is required NA
- 

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

	YES	NO
21. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	_____	<u>X</u>
22. Change in scenic views or vistas from existing residential areas or public lands or roads.	_____	<u>X</u>
23. Change in pattern, scale or character of general area of project.	_____	<u>X</u>

	YES	NO
24. Significant amounts of solid waste or litter.	_____	<u>X</u>
25. Change in dust, ash, smoke, fumes or odors in vicinity.	_____	<u>X</u>
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	_____	<u>X</u>
27. Substantial change in existing noise or vibration levels in the vicinity.	_____	<u>X</u>
28. Site on filled land or on slope of 10 percent or more.	_____	<u>X</u>
29. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	_____	<u>X</u>
30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	_____	<u>X</u>
31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	_____	<u>X</u>
32. Relationship to a larger project or series of projects.	_____	<u>X</u>

### Environmental Setting

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted. Attached
34. Describe the surrounding properties, including information on plant – and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and the scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted. Attached

### Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

X Date 6/23/11

X Signature *Ken King*

For \_\_\_\_\_

33. The existing site has already a developed building on it. An existing 2 level building, first level (retail) & second level (offices). Minimal topography and plants, the site is located at the corner of College St. and N. Citrus Ave. at an already downtown of the city of Covina.

34. The existing site is in the city of Covina's Town Center specific plan with adjacent commercial, professional, entertainment, multi-residential, and single family residences. The site has an existing building with, basically, 0' setbacks, average existing height of 35 feet, no planting planter, and with meter parking.

## CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

6/22/2011  
Date

  
Signature

For C.U.P

## APPLICATION GUIDE

Attach required number of plans in accordance with the following:

**PLANS AND ELEVATIONS SHALL BE DRAWN TO SCALE ON SHEETS BETWEEN 18" X 24" X 36" IN SIZE, AND SHALL INDICATE FULL DIMENSIONS OF NECESSARY INFORMATION AS INDICATED BELOW.**

- A. Lot dimensions and elevations of subject and adjacent properties.
- B. Location and description of all on-site buildings, structures, utilities, easements, parking areas and landscaping.
- C. Indication of the proposed use of buildings on the site.
- D. Location and dimensioning of all street and highway right-of-ways, easements, utility lines and setback distances from all property lines.
- E. Location of all off-street parking facilities, including number of spaces and/or dimensions of parking area.
- F. Location of all points of entry and exit for motor vehicles, driveways and circulation.
- G. Location, height and size of all signs.
- H. Indication of drainage pattern and drainage structure.
- I. **Internal diagram of facility, if applicable.**
- J. The name, address and phone number of the individual preparing the plans shall appear on all submitted plans.
- K. All other data as may be required by the Chief Planning Official.
- L. The size of the sheet may be reduced with prior approval of the Chief Planning Official.
- M. The City Planning Official may waive any portion of the above information where such information is clearly unnecessary for adequate review of the application.

## APPEAL PROCEDURE

**The applicant may appeal, in writing, any of the submitted applications. Such appeal shall be filed with the Planning Division and/or City Clerk within ten (10) days after the decision of said application.**

## **EXHIBIT 2.**

**Affidavit of Acceptance of Conditions for CUP No. 11-006**

This page is part of your document - DO NOT DISCARD

20120025975



Pages:  
0016

Recorded/Filed in Official Records  
Recorder's Office, Los Angeles County,  
California

01/06/12 AT 03:09PM

RECEIVED BY  
COVINA CITY CLERK  
12 JAN 23 PM 2:02

FEES:	57.00
TAXES:	0.00
OTHER:	0.00
PAID:	57.00



LEADSHEET



201201060770038

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SEQ:  
01

DAR - Mail (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

01/06/12

**RECORDING REQUESTED BY**

**City of Covina  
125 East College Street  
Covina, CA 91723-2199**

**AND WHEN RECORDED MAIL TO**

**City of Covina  
125 East College Street  
Covina, CA 91723-2199**



SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**TITLE(S)**

**ACCEPTANCE OF TERMS, COVENANTS AND CONDITIONS**

**RECORDING REQUESTED BY**

**The City of Covina  
125 East College Street  
Covina, CA 91723-2199**

**And when recorded mail to**

**The City of Covina  
125 East College Street  
Covina, CA 91723-2199**

**SPACE ABOVE THIS LINE FOR RECORDER'S USE**

**ACCEPTANCE OF TERMS, COVENANTS AND CONDITIONS**

**WHEREAS, the City Council of the City of Covina held a public hearing on December 6, 2011, to receive, hear and consider oral and written testimony concerning an application for a Conditional Use Permit (CUP 11-006) in regards to the real property commonly known as 211 North Citrus Avenue, Covina, County of Los Angeles, California, 91723 and having parcel number 8431-032-008, J P United, LLC, applicant.**

**WHEREAS, the City Council, having received, heard and considered all of the oral and written testimony made certain findings; and**

**WHEREAS, the City Council, after having received, heard and considered all of the oral and written testimony, approved the application for the conditional use permit, subject to the attached terms, covenants and conditions.**

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NOW, THEREFORE, the undersigned having read and considered each listed term, covenant and condition does hereby approve, consent to and agrees to abide by each of the attached listed terms, covenants and conditions.

Executed this 20 day of DECEMBER, 2011, at CONINA, California.

J P UNITED, LLC

BY: [Signature]

Print Name: Everett Ramos

Title: Owner

State of California

County of LOS ANGELES

On DECEMBER 29 2011, before me, PABLO MANUEL DEL TORO, Notary Public,

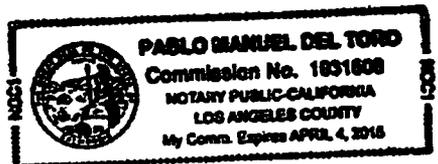
personally appeared EVERETT REA RAMOS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/het/their authorized capacity(ies), and that by his/het/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Pablo Manuel Del Toro

(Seal)



**CITY OF COVINA  
APPLICATION CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT (CUP) APPLICATION NO. 11-006  
AS APPROVED BY THE CITY COUNCIL  
ON DECEMBER 6, 2011**

---

The Conditional Use Permit Application No. 11-006 to operate a restaurant with outside sidewalk dining with alcohol and entertainment located upon property at 211 North Citrus Avenue in Covina, subject to the approved plans and conditions of approval listed below.

---

**1.0 TIME LIMITS**

- 1.1** The approval of this application CUP 11-006 shall be subject to revocation one year from the date of the affirmation of the application by the City Council if the approved use(s) have not commenced.

**2.0 GENERAL REQUIREMENTS**

- 2.1** Failure to comply with any conditions of approval noted herein shall be deemed just cause for revocation of project approval by the Planning Commission.
- 2.2** The applicant shall submit revised plans showing detailed information about the outdoor dining area(s), modified building elevation(s), new security cameras, and the new trash bin enclosure proposed for the subject property. All improvements shall comply with the Covina Design Guidelines, and the Covina Municipal Code and the applicant must obtain approval from the Planning Division.
- 2.3** The approval of Application Site Plan Review 11-018 shall be contingent upon the approval of Application Conditional Use Permit 11-006.
- 2.4** A minimum of 134 parking spaces shall be available during the applicant's business hours of operation. The applicant will publicize to their customers through their web page, social media, or other generally accepted methods the location of available parking in the downtown.
- 2.5** The applicant shall obtain a City business license and pay the required fee(s) in compliance with the provision of Section 5.04.060 of the Covina Municipal Code.

December 6, 2011

- 2.6 The applicant shall obtain a sidewalk dining/display permit prior to setting out any tables or chairs, furniture, or serving alcoholic beverages in the proposed outdoor dining area(s).
- 2.7 The applicant shall obtain the necessary license(s) from the State of California Alcohol Beverage Control prior to selling alcoholic beverages to his customers inside of the restaurant/ bar or proposed outdoor dining area(s).
- 2.8 The applicant shall have food service available for sale during all hours of operation in conformance with their ABC license.
- 2.9 The applicant shall maintain any customer waiting lines on the sidewalk in such a way as to always allow that a path of travel with a minimum access width of three (3) feet is maintained for pedestrians.
- 2.10 The applicant shall, on at least a daily basis at close of business remove all trash and waste including, but not limited to, food, drinks, cups, bottles, cans, papers, cigarette butts, gum, bodily fluids (including blood, vomit and urine), from the sidewalk/public right-of-way along the entire length of the sidewalk/public right-of-way fronting the premises where crowds of customers gather and permittee shall restore the sidewalk/public right-of-way to its prior condition, reasonable wear and tear excepted.
- 2.11 The applicant shall, on at least a daily basis, work in conjunction with other similar uses in the area to clean the public parking lot behind their premises and shall restore the public parking lot to its prior condition, reasonable wear and tear expected.
- 2.12 The applicant shall not allow any bottles, cans, glasses or other breakable containers to leave the premises.
- 2.13 Within one (1) year of approval of this application, the applicant shall modify the façade in conformance with Covina Design Guidelines and the Town Center Specific Plan, so that the building style and signage convey the site as one unit. The design and materials and color board must be approved by Planning and Redevelopment Agency staff or their successors prior to any façade changes. If façade changes require a building permit or any other City department review or permits, then those must be obtained and completed to their satisfaction. A separate sign permit will be required.
- 2.14 The applicant shall use the building's middle or northerly set of double doors facing Citrus Avenue as the main entrance to their establishment.

December 6, 2011

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- 2.15** The applicant shall comply with the following requirements from the Covina Building Division:
- 2.15.1** Please be prepared to submit four sets of complete plans for the tenant improvements subsequent to this Conditional Use Permit and future Site Plan Review approvals; two sets of plans shall be "stamped approved" by our Planning Division and include the Building Division comments for consultant review. Please indicate on the plan title page that this project must comply with the 2010 California Building Standards. An approved grease interceptor (GI) must be connected to all floor drains, floor sinks, compartment sinks, mop basins and the GI location must be approved by the LA County Health Department prior to permit issuance. An annual industrial /commercial waste permit will be required commencing at permit issuance.
- 2.15.2** Two sets each of any structural and/or energy calculations shall be submitted with the above mentioned plans. All calculations must bear an original signature from the documented author.
- 2.15.3** This project must comply with Federal and State Accessibility requirements to and throughout the building. Include compliance methods and structural details on the plans.
- 2.15.4** Los Angeles County Environmental Health (LACEH) plan approval for "food establishments" is required before permit issuance. Contact the Los Angeles County Environmental Health at 626-430-5560 for more information on submittal and the plan check process.
- 2.15.5** Demolition and renovations activities require an asbestos containing materials (ACM) survey. (SCAQMD RULE 1403). **The ACM report shall be prepared by an accredited testing laboratory in accordance with SCAQMD rules and regulations.** Proof of notification to the South Coast Air Quality Management District (SCAQMD), Office of Operations, shall be submitted to the Building Division with your permit application for all renovations and demolition activities. Contact the SCAQMD at the address or number below for more information. Once any demolition activity has been approved by the SCAQMD, a formal demolition plan and permit must be obtained from the Building Division. **SCAQMD Headquarters; 21865 Copley Drive, Diamond Bar, CA (909) 396-2381**
- 2.15.6** The Los Angeles County Fire Department needs to review your construction plans; to expedite this process you will need to contact one or more of their Regional plan check office(s): **Appointments to discuss Fire Department requirements may be made between 7:30 a.m. and**

December 6, 2011

**10:30 a.m. The main office is located at 58223 Rickenbacker Road, Commerce, CA 90040-3027. Phone number is (323) 890-4125.**

**Regional plan check offices for the Los Angeles County Fire Department:**

**Glendora Office, Building Plan Review Only**

**231 W. Mountain View Avenue  
Glendora, CA 91740  
(626) 963-0067**

**Commerce Office, Sprinkler & Alarm Plan Review**

**5823 Rickenbacker Road  
Commerce, CA 90040-3027  
(323) 890-4125**

**Commerce Office, Land Development / Access**

**5823 Rickenbacker Road  
Commerce, CA 90040-3027  
(323) 890-4243**

- ❖ **Please provide an additional digital copy (pdf preferred) of the building floor plan, elevations, and site plan to be submitted to the LA County Assessor. This copy should be in sufficient detail to allow the assessor to determine square footage of the building and, in cast of residential buildings, the intended use of each room. For additional information, please contact the LA County Assessor's, Public Service Desk at 888-807-2111.**
- ❖ **Construction activity within 500' of a residential zone is prohibited between the hours of 8:00 p.m. and 7:00 a.m. and on Sundays and Holidays unless otherwise permitted by the City.**
- ❖ **The Building Section plan check process may address additional concerns.**

**2.16 The applicant shall comply with the following requirements from the Covina Police Department:**

**2.16.1 The hours of operation will be no earlier than 11:00 a.m. and no later than 2:00 a.m. Within twelve (12) months from the date of approval of this permit, this condition may be brought back to the Planning Commission to amend the hours of operation without the applicant being required to pay a new application fee for such consideration.**

**2.16.2 All live entertainment will cease at 1:00 a.m. "Live Entertainment" includes music provided by a live entertainer, and/or music played in combination with a disc-jockey or televised major sporting events.**

**2.16.3 All service of alcoholic beverages will cease at 1:30 a.m.**

December 6, 2011

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- 2.16.4** No alcoholic beverage or their containers, such as bottles and glasses will be present other than stored behind the bar or in the trash receptacles after 2:00 a.m.
- 2.16.5** Only on-duty employees will be allowed inside the restaurant between the hours of 2:00 a.m. and 6:00 a.m.
- 2.16.6** All customers shall enter the establishment through the east facing front doors.
- 2.16.7** The rear or west facing doors shall be utilized only for emergency exits, deliveries and for employee arrival and departure from work.
- 2.16.8** The owners, operators, managers and all employees shall adhere to and obey all State laws and City ordinances relating to the service, consumption and possession of alcoholic beverages. Any violations of State laws or City ordinance will be presented to the District Attorney's office for prosecution and will be grounds for revocation or modification of this permit.
- 2.16.9** The owners or operators will be responsible for ensuring they are in compliance with the restrictions, provisions and guidelines of their license from the State of California Alcoholic Beverage Control Board in regards to the ratio of alcoholic beverages sales to food sales.
- 2.16.10** The owners, operators, management staff and employees shall allow inspection of the premises by members of the Covina Police Department at any time when there are employees present inside the location.
- 2.16.11** The owners, operators, managers or employees shall not permit any type of activity where persons are compensated, either by the business or by a customer, for dancing, conversation or anything other than bona-fide service consistent with a restaurant and bar.
- 2.16.12** The owner or operator shall contract with a security company for security personnel or hire security personnel as employees.
- 2.16.13** If the owner or operator chooses to hire a security company, the security company must be licensed to operate in both the State of California and the City of Covina. Additionally, all employees who are assigned to work at the premises must be licensed by the State of California as security guards and be in good standing throughout their time of employment.

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- 2.16.14 In the event the owner(s), operator or manager provide their own security personnel, all personnel must be employed only as security personnel and not have other responsibilities while acting in that capacity. Additionally, all employees acting as security personnel must be licensed and in good standing with the State of California throughout their time of employment.
- 2.16.15 The restaurant and bar will have no less than two personnel assigned for security purposes, with valid guard cards issued by the State of California, on-duty at all times when no live entertainment is present.
- 2.16.16 The restaurant and bar will have no less than six personnel assigned for security purposes, with valid guard cards issued by the State of California, on-duty at all times when any type of entertainment is taking place or during televised sporting events.
- 2.16.17 The Police Department may, after meeting with the owners or managers of the restaurant and bar, increase the number of required security personnel for planned events or incidents where the police department determines that the number of on-duty security personnel is deficient.
- 2.16.18 At no time will any security personnel, whether employed by a private company or licensed by the City or employed by the restaurant, be armed with any type of firearm.
- 2.16.19 Thirty (30) day prior to opening, the owners, operators or managers of the location, subject to the approval of the Police Department, will develop a plan for staging customers outside the restaurant on the sidewalk (public right-of-way) who wish to enter the restaurant and bar cannot be accommodated inside the location.
- 2.16.20 In the event patrons waiting to enter the location are lined up outside, the owners or operators will work in conjunction with the Police Department to ensure the waiting area is properly illuminated during hours of darkness. The following conditions shall also apply:
- a. The Police Department shall reserve the right to monitor and adjust the queue as they see fit.
  - b. Relocate the public park bench in front of 211 North Citrus Avenue.
- 2.16.21 In the event patrons waiting to enter the restaurant and bar are lined up outside the restaurant, the owner, operator or manager shall assign at least one security person to monitor the conduct of all customers waiting in line.

December 6, 2011

- 2.16.22** The owners, operators or managers of the location shall not conduct any type of valet parking unless they have received prior approval pursuant to City of Covina Municipal Code 10.64.040.
- 2.16.23** The owners, operators or managers will, subject to approval of the Police Department, ensure that the location has, upon opening for business, a video security system that includes digital cameras and a quality recording system that covers all major interior and exterior areas of concern to the police department.
- 2.16.24** The owners, operators or managers shall cooperate with all police investigations regarding crimes that occur at the location or are as a result of conduct while at the location. This cooperation includes, but is not limited to, allowing access to view video images and providing recordings of video images of any activity deemed important by any officer of the department investigating a crime that is alleged to have occurred on the premises or as a result of conduct occurring at the premises.
- 2.16.25** Thirty (30) day prior to opening, the owners, operators or managers shall, subject to approval of the Police Department, develop a plan to monitor the area surrounding the location for trash and other discarded items that impact public health and the cleanliness of the parking lots, sidewalks and the property of adjacent business owners.
- 2.16.26** Thirty (30) day prior to opening, the owners, operators or managers shall, subject to approval of the Police Department, develop a plan to monitor adjacent parking areas for activity that is detrimental to public safety or public health.
- 2.16.27** Thirty (30) day prior to opening, the owners, operators or managers shall, subject to approval of the Police Department, develop a plan to ensure the front and back of the location are adequately and safely illuminated during hours of darkness.
- 2.16.28** The owners, operators or managers shall ensure that all occupancy levels mandated by the Los Angeles County Fire Department are strictly enforced and adhered to. At any time, the Police Department Watch Commander can temporarily cease all operations of the business in order to determine if the occupancy level is over the allowed number of occupants. The Watch Commander, in addition to a representative from the Los Angeles County Fire Department, will also have the authority to close the business for that day if he feels the occupancy levels are jeopardizing public safety.

December 6, 2011

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- 2.16.29** The Covina Police Department reserves the right to temporarily modify the hours of operation, cease any type of entertainment or close the business altogether at any time should, in the opinion of the on-duty Watch Commander or his designee, the operation of the business impact normal police operations to the extent that public safety has been jeopardized.
- 2.16.30** These conditions are in addition to and in no way limit the Police Chief's authority to impose additional conditions for any entertainment permit issued pursuant to Section 5.28.080 of the Covina Municipal Code in order to ensure that the provisions of all applicable laws and ordinances are observed. This includes, but is not limited to, requiring the employment or staffing of additional on-duty police officers or special guards to assure that public peace will be kept.
- 2.16.31** The owners, operators or managers must comply with all City codes and ordinances relating to police response and abatement of nuisance conditions.
- 2.17** The applicant shall comply with the attached requirements from the Covina Environmental Services Division.
- 2.18** The applicant shall comply with the following requirement(s) from the Covina Public Works Department:
- 2.18.1** Encroachment permit required for placing security cameras in public right-of-way.
- 2.18.2** Location of trash enclosure: Recommend that it be moved next to proposed electrical transformer, to avoid removing parking closest to the new restaurant.
- 2.18.3** The new grease interceptor location may need to be changed. Recommend placing it inside applicant's property, closest to alley (the existing sewer is presently in the alley).
- 2.19** The applicant shall comply with the following requirement from the Los Angeles County Fire Department:
- 2.19.1** Change of occupancy for the first floor requires plan review by the LA County Fire Department, Fire Prevention Engineering Section, please call (626) 963-5564 for submittal information.

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- 2.20 The applicant and/or property owner shall obtain an approved Certificate of Compliance in accordance with Chapter 16.22 of the Covina Municipal Code for the subject 211 North Citrus Avenue.
- 2.21 The applicant's restaurant, outside sidewalk dining, with alcohol and entertainment shall all function in an integrated manner as illustrated by the project plans, and none of the aforementioned components shall be operated on an independent basis or as a separate use/business.
- 2.22 The property shall be remodeled, improved, and operated in accordance with design details and associated information as approved by the Covina Redevelopment Agency and the Planning Commission, the approved plans on file with the City, all representations of record made by the applicant, the Conditions contained herein, and the Covina Municipal Code and the Covina Design Guidelines. Prior to completion of the approved improvements, all Conditions of Approval shall be complied with to the satisfaction of the City Planner or his/her designee.
- 2.23 All final or construction plans and documents shall conform to the plans approved by the Covina Redevelopment Agency and the Planning Commission. The Conditions listed herein shall be printed upon the face of and included as part of these plans.
- 2.24 Handicapped requirements, including site access identification, parking requirements, path of travel and building access, shall comply with all State of California and Federal Government regulations. Please contact the Covina Building Division for specific handicapped requirements pertaining to this project.
- 2.25 Ordinance requirements not herein listed are still applicable.
- 2.26 Sign permits are required for all new signs and/or modification of any existing signs. The proposed signs for this project are subject to a separate plan review. Submit proposed plans to the Planning Division for plan check and approval.
- 2.27 Screen from view all new roof, wall, or ground mounted mechanical equipment, utility equipment or utility meters. Locate, identify and provide cross-sectional details of screening material in the construction documents.
- 2.28 A trash bin enclosure shall be installed in accordance with the normal requirements for the City of Covina which call for block construction with solid metal self-closing gates.

December 6, 2011

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- 2.29 Parking lot illumination shall comply with the standards of the Covina Design Guidelines which require a minimum of 1.0 foot-candle of illumination in parking areas.
  - 2.30 The site, landscaping and all improvements shall be maintained in a sound, healthy and attractive condition free of weeds, visible deterioration, graffiti or other conditions which violate the Municipal Code.
  - 2.31 The City has the right of entry to inspect the premises to verify compliance with the conditions of approval and the Covina Municipal Code at any time.
  - 2.32 Approval of this request shall not waive compliance with all other sections of the Covina Municipal Code, the Covina Design Guidelines, and all other applicable plans and non-City laws and regulations that are in effect at the time of Building Permit issuance or approval of this application.
  - 2.33 The permittee shall defend, indemnify and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The City must promptly notify the permittee of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the permittee of any claim, action or proceeding, or if the City fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
  - 2.34 The permittee shall reimburse the City for any court and attorney's fees which the City may be required to pay as a result of any claim or action brought against the City because of this grant. Although the permittee is the real party in interest in an action, the City may, at its sole discretion, participate at its own expense in the defense of the action, but such participation shall not relieve the permittee of any obligation under this condition.
  - 2.35 If any provision of this grant is held or declared to be invalid, the entire approval shall be void and the privileges granted hereunder shall lapse.
  - 2.36 This grant shall not be effective for any purposes until the permittee and the owner of the property (if other than the permittee) have filed at the office of the Planning Division their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
  - 2.37 The applicant's subject property shall be developed and operated in accordance with the TCSP-5 (Retail and Service Core) zoning designation as approved by the City Council, the approved plan on file with the City, all representations of record made by the applicant, the conditions contained herein, and the Covina Municipal

December 6, 2011

Code and Covina Design Guidelines. Prior to commencement of the approved use, all conditions of approval shall be complied with to the satisfaction of the City Planner.

- 2.38 This project is categorically exempt pursuant to the California Environmental Quality Act (CEQA). If a Notice of Exemption is filed with the City, then the period during which legal challenges can be filed based upon violations of CEQA is reduced from 180 days to 30 days. To file the Notice of Exemption, please contact the Planning Division.
- 2.39 The costs and expenses of any code enforcement activities, including, but not limited to, attorney's fees, caused by applicant's violation of any condition imposed by this Conditional Use Permit or any provision of Covina's Municipal Code shall be paid by the applicant.
- 2.40 If the location becomes a high gathering spot, the management shall comply with any request by the Police Department to close down the location for the remainder of the day or any particular day that the Department feels necessary in order to keep the peace. Furthermore, should these problems become ongoing; the city reserves the right to establish or to modify the business hours to prevent any future recurrence.
- 2.41 If, in the opinion of the Chief of Police or his designee, there is or may be a need to change or modify the conditions of this Conditional Use Permit, the Chief of Police or his designee may initiate a public hearing before the Planning Commission. After due notice, which affords the applicant an opportunity to be heard, the Planning Commission may, but is not obligated to, change or modify the Conditions stated herein.
- 2.42 The applicant shall comply with the following comments from the Covina Water Division:
- 2.42.1 The building will need, fire protection service and LA County approved back flow device, possible domestic water upgrade, domestic water meter protection LA County approved back flow device.
- 2.42.2 May need additional water meter for landscape irrigation in parking lot.
- 2.43 The applicant understands and agrees to provide requested information so that the Police Department and Community Development Department can provide an update on the use to the City Council every 90 days during the first year of operations of the use. The applicant agrees to have a representative available to attend City Council meetings should these reports be included as an Agenda Item on a City Council meeting.

**EXHIBIT 3.**  
**Business License #036374**



# CITY OF COVINA

125 E. College Street • Covina, CA 91723-2199  
Phone: (626) 384-5506 • Fax: (626) 384-5499 • Web Site: www.covina.ca.gov

## BUSINESS LICENSE APPLICATION

It is essential to ensure that planned business uses are permitted at a given location within the City. Zoning verification and all other permits from City Departments must be obtained before the business activity will be allowed. A business license does not guarantee the right to conduct business activities that are in violation of City Codes.

Please Check One:

- New Application
- Change of Owner
- Change of Address within City of Covina
- Change of Business Name
- In Home Business

Business Name J.P. UNITED LLC DBA RED Business Start Date DECEMBER 2011  
 Corporate Name (if Applicable) \_\_\_\_\_ State License No. \_\_\_\_\_  
 Business Location 211 N CITRUS AVE Zip 91723 State License Type \_\_\_\_\_  
 Mailing Address 211 N CITRUS AVE Expiration Date \_\_\_\_\_  
 City COVINA State CA Zip 91723 Federal ID No. 451782331  
 Business Phone (626) 599-1974 Fax \_\_\_\_\_ State ID No. \_\_\_\_\_  
 Description of Business RESTAURANT  
 Type of Ownership:  Corporation  Corp-Ltd Liability  Partnership  Sole Proprietor  Trust  
 Business Operation:  Administrative Office Only  Retail  Wholesale  Manufacturing/Distributing  Medical/Dental  
 Other RESTAURANT

Enter below names of Owners, Partners, or Corporate Officers (attach additional sheet, if necessary)

1st Owner Name JIAN LIN Title MEMBER Drivers License No. R3117987  
 Home Address 1814 AND NOBLE DR Social Security No. 606342452  
 City DANFORD State CA Zip 91705 Home Phone \_\_\_\_\_  
 Date of Birth \_\_\_\_\_ Cell/Pager No. (626) 720-7567  
 2nd Owner Name PARADISE LLC Title MEMBER Drivers License No. \_\_\_\_\_  
 Home Address 211 N CITRUS AVE Social Security No. \_\_\_\_\_  
 City COVINA State CA Zip 91723 Home Phone (626) 599-1974  
 Date of Birth \_\_\_\_\_ Cell/Pager No. \_\_\_\_\_

### \*\*\*\*\* FOR COVINA BUSINESSES ONLY \*\*\*\*\*

Property Owner  Property Management Information (please check one, if applicable)  
 Name JIAN LIN Phone \_\_\_\_\_  
 Address 1814 AND NOBLE DR City DANFORD State CA Zip 91705

### Emergency Contact Information (other than business owner)

Local Contact EVERETT RAMOS Phone No. 626 376 4185 Cell/Pager \_\_\_\_\_  
 Address 215 N CITRUS AVE City COVINA State CA Zip 91723

### Alarm Company, if applicable (attach additional sheet, if necessary)

Company \_\_\_\_\_ License No. \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### \*\*\*\*\* FOR OFFICIAL USE ONLY \*\*\*\*\*

PLANNING:  
 Zoning CCSP-5 Approval [Signature] Date 12/15/11  
 Comments Approval For Restaurant & bar with 20% contribution

FINANCE:		PT	FT	Application For Year 20 <u>11</u>	
1. Number of Employees	<u>200</u>	\$		Business License No.	<u>0362776</u>
2. Minimum Tax Covering First Person or Unit		\$		Business Rate Code	
3. Add \$ <u>5</u> for each <u>1</u>		\$		SIC Code	
4. Add \$ <u>2</u> for each <u>1</u>		\$		NAIC Code	
<b>SUBTOTAL</b>		\$		Application Received by	
5. Shoppers Lane (if applicable)		\$		Receipt No.	<u>11058939</u>
6. Pro-rated Tax (if business opened after January 1st tax may be prorated from opening month of _____)		\$	<u>27</u>	Cash/Check No.	<u>11058939</u>
7. Penalty (if license is overdue, add 20% penalty per month for first day of each month after opening date _____ %)		\$			
8. Environmental Compliance Fee		\$			
9. Other <u>Business License Fee</u>		\$			
10. Zoning Fee		\$			
11. Processing Fee		\$			
<b>TOTAL LICENSE TAX</b>		\$			

I DECLARE UNDER PENALTY OF PERJURY, THAT THE ABOVE APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I CERTIFY THAT I WILL OPERATE MY BUSINESS IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE AND CITY LAWS AND REGULATIONS. I FURTHER UNDERSTAND THAT ANY FALSE STATEMENTS MADE ABOVE ARE GROUNDS FOR DENIAL OR REVOCATION OF THE BUSINESS LICENSE.

Signature of Owner/Officer/Partner [Signature] Print Name Everett Ramos Date 9/28/11

RETURN COMPLETED APPLICATION WITH A CHECK PAYABLE TO CITY OF COVINA, 125 E. COLLEGE ST., COVINA, CA 91723-2199

White Copy-Planning Department • Yellow Copy-Finance Department • Pink Copy-Applicant

Rev-8/12/10



# CITY OF COVINA

125 East College Street • Covina, CA 91723-2199  
Phone (626) 384-5512 • FAX (626) 384-5499 • BL@CovinaCA.gov

**LICENSE #**  
**36374**

## BUSINESS LICENSE CERTIFICATE

**LICENSE EXPIRES: 12/31/2015**

**Business Name:** R.E.D

**Business Owner:** Jian Lin  
Member

211 N CITRUS AVE  
COVINA CA 91723

**Classification:** Restaurant

**Date Issued:** 09/24/2015

**Special Conditions:**

The person, firm, or corporation named herein is granted this permit/license pursuant to the City of Covina's Ordinances and Municipal Code provisions authorizing the activity expressly set forth and referenced herein. This permit/license does not authorize, approve, or grant any rights not expressly included herein and does not authorize the approval of, endorse, or certify compliance with any other federal, state, or local law. This permit/license does not obviate the need to obtain any and all other federal, state, or local permits, approvals, or authorizations required by law. City officials have the authority to determine whether any activity complies with the terms and conditions contained herein. This permit/license does not authorize any injury to the property or rights of others and does not authorize interference with any existing or proposed project otherwise authorized by law. The grant of this license/permit does not exempt its recipient from the enforcement of any Federal, state, or other local law.

**POST IN A CONSPICUOUS PLACE - NON-TRANSFERABLE**

FOLD HERE

Fold and post top Certificate. Do not post bottom Receipt.



# CITY OF COVINA

125 East College Street • Covina, CA 91723-2199  
Phone (626) 384-5512 • FAX (626) 384-5499 • BL@CovinaCA.gov

**LICENSE #**  
**36374**

## BUSINESS LICENSE RECEIPT

**LICENSE EXPIRES: 12/31/2015**

**Business Account:** 036374

**Municipal Code:** 5.04.510 - Retail/General

**Classification:** Restaurant

**Date Issued:** 09/24/2015

Fee Description:	Amount
GENERAL BUSINESS OWNER+EMPLOYEES	96.00
DOWNTOWN ASSOCIATION BAED	125.00
BL PENALTY 60%	57.60
BUSINESS LICENSE PROCESSING FEE	30.00
CASp PROGRAM FEES	1.00
Penalty	57.60

**Mailing Address:**

R.E.D  
J. P. United, LLC  
211 N CITRUS AVE  
Covina, CA 91723

<b>Total .....</b>	<b>\$309.60</b>
<b>Total Received .....</b>	<b>\$309.60</b>
<b>Balance .....</b>	<b>\$0.00</b>

**EXHIBIT 4.**

**Notice of Public Hearing (dated September 8, 2015 and September 10, 2015)**



# CITY OF COVINA

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**NOTICE OF PUBLIC HEARING  
TO CONSIDER VOIDING ("REVOCATION") OF  
CONDITIONAL USE PERMIT (CUP) NO. 11-006  
("OPERATION OF RESTAURANT WITH OUTSIDE SIDEWALK DINING  
WITH ALCOHOL AND ENTERTAINMENT LOCATED AT  
211 NORTH CITRUS AVENUE, COVINA")**

---

**Premises:** Real Property Commonly Known as  
211 North Citrus Avenue, Covina, California and  
Identified by Assessor Parcel Number 8431-032-008

**Permittee:** JP United, LLC  
Attn: Jian Lin, Principal/Member  
Wen "Vivian" Xie, Principal/Member  
Paradize LLC in care of  
Everett Rea Ramos, Principal/Member  
Laura Fey Perez, Principal/Member  
211 North Citrus Avenue  
Covina, CA 91723

**Property Owner:** Citrus International, LLC  
Attn: Camreal Estate Holding Company, Member  
Jian Lin, Member  
Wen "Vivian" Xie, Member  
18519 Klum Place  
Rowland Heights, CA 91748-4818

And

213 North Citrus Avenue  
Covina, CA 91723-2004

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**NOTICE IS HEREBY GIVEN** that the City Council of the City of Covina will conduct a public hearing (as set forth hereinbelow) for the purpose of determining whether Conditional Use Permit (CUP) No. 11-006 (as authorized by Resolution 15-7390) should be voided ("revoked") in accordance with Covina Municipal Code Section 17.62.170.

---

**NOTICE OF PUBLIC HEARING TO CONSIDER REVOCATION OF CONDITIONAL USE PERMIT**

**DATE:** Tuesday, October 6, 2015

**TIME:** 7:30 p.m.

**LOCATION:** City Council Chambers  
125 East College Street  
Covina, CA 91723-2199

**SUBJECT:** *Revocation of Conditional Use Permit #11-006 ("Operation of Restaurant With Outside Sidewalk Dining With Alcohol and Entertainment Located at 211 North Citrus Avenue, Covina")*

**PLEASE BE ADVISED** that the proposed revocation is based upon the following conditions and/or activities that are alleged to have occurred on or about a period of time between December 20, 2011 and August 2, 2015, and that constitute violations of the Conditions of Approval of CUP 11-006, the recently surrendered Dance & Entertainment Permit for R.E.D. (the previous business operator), the Covina Municipal Code, and/or State law:

1. The business establishment has been remodeled, improved, altered, or otherwise operated in contradiction to the approved plans on file with the City, all representations of record made by the applicant/permittee throughout the CUP process, and the Covina Municipal Code. Such alterations and improvements include, but are not limited to:
  - a. Expansion of the dance floor (by removal of tables and chairs);
  - b. Replacement of tables and chairs with platform lounge seating;
  - c. Installation of seating on the stage area;
  - d. Glass partitions and locking doors have been installed between the north and south portions of the restaurant;
  - e. Change of use of area below a stairwell from storage to DJ area;
  - f. Installation of additional dance floor (in northern portion of establishment);
  - g. A partition wall located in the northern portion of the establishment has been removed;
  - h. Dancing has occurred in areas other than the approved dance floor;

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**NOTICE OF PUBLIC HEARING TO CONSIDER REVOCATION OF CONDITIONAL USE PERMIT**

Page 2 of 4

- i. Persons other than "Approved Performers" have been allowed on the stage;
- j. The queuing of patrons does not comport with the queuing procedures approved by the Covina Police Department; and,
- k. A room on the 2<sup>nd</sup> floor has, at times, been used as an extension of R.E.D. for a banquet room – including the service of food and alcoholic beverages.

[CUP Conditions 2.16.8; 2.16.19; 2.16.31; 2.22; 2.25; and 2.37 / D&E Conditions 2, 3, 4, 8, 9, 10, 11, 12, 13, 24, 25 / Covina Building Code Section 105.1 / Covina Municipal Code 8.40.030.B; 8.40.030.F; 8.40.030.G]

- 2. R.E.D. (which voluntarily ceased operations) on occasions provided entertainment after 1:00 a.m., served alcoholic beverages after 1:30 a.m., and continued operating after 2:00 am.

[CUP Conditions 2.16.1; 2.16.2; 2.16.3; 2.16.4; 2.16.5 / D&E Conditions 1(d); 1(e)]

- 3. The owners, operators, and/or managers failed to fully cooperate with all police investigations – including, but not limited to, installing and maintaining an approved video security system and ensuring the preservation of the recordings thereof for a period of not less than ten (10) business days.

[CUP Conditions 2.16.23; 2.16.24 / D&E Conditions 15, 16, 17, 18, 19, 20]

- 4. The owner or operator failed to utilize security guards that were duly licensed by the State of California as security guards and that remained in good standing throughout their time of employment. The business establishment did not always provide the required number of security guards at the premises, and security guards were allowed to provide services while not in approved uniforms. On three (3) separate occasions, a security guard sold controlled substances to patrons while on duty at the premises.

[CUP Conditions 2.16.11; 2.16.12; 2.16.13; 2.16.15; 2.16.16; 2.25 / D&E Conditions 15, 20, 25 / California Health & Safety Code Section 11352(a) / Covina Municipal Code 8.40.030.D]

5. Instances of persons allowed inside of the establishment in excess of the approved occupancy load.

[CUP Condition 2.16.28; 2.25 / D&E Condition 25]

6. Excessive instances of fights involving patrons of the site (both inside and outside of the business establishment), intoxicated patrons, excessive and/or loud noise disturbances, and other general disturbances of the peace resulting in responses by the Covina Police Department.

[CUP Conditions 2.16.31; 2.25 / D&E Conditions 23; 25 / Covina Municipal Code Sections 8.40.030.A.39; 8.40.030.E]

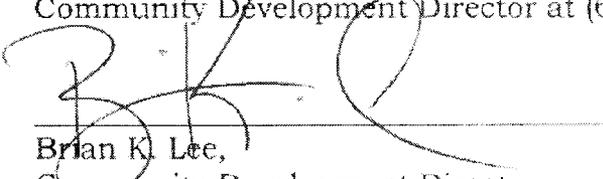
7. On a regular basis, and typically after 10:00 p.m., R.E.D. (the previous business operator) changed its use from a restaurant with ancillary entertainment and alcohol service (consistent with its Type 47 ABC license) to a nightclub/bar which focused more on alcohol service and entertainment than food/dining service. This was evidenced by decreased food service after 10:00 p.m., removal of tables and chairs used for dining service in order to provide an expanded dancing/entertainment area, advertisements that focused more on alcohol service and entertainment than food/dining service, and admissions by R.E.D.'s operators.

[CUP Conditions 2.8; 2.16.8; 2.16.9; 2.21; 2.25]

At the date and time set for the Public Hearing, you and any other member of the public will be provided an opportunity to speak before the City Council to present relevant testimony or other evidence as it pertains to the potential revocation of CUP 11-006.

If you wish to submit any documents for consideration by the City Council, kindly submit same to the Community Development Director [at 125 East College Street, Covina, California] **on or before September 30, 2015, at 3 p.m.** Failure to timely submit such documentation may result in said documents not being considered by the City Council.

For further information regarding this public hearing, please contact the Community Development Director at (626) 384-5450.

  
\_\_\_\_\_  
Brian K. Lee,  
Community Development Director  
City of Covina

9/8/15  
Date of Issuance

**NOTICE OF PUBLIC HEARING TO CONSIDER REVOCATION OF CONDITIONAL USE PERMIT**

Page 4 of 4

CITY OF COVINA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Covina will conduct a PUBLIC HEARING in the City Hall Council Chambers, 125 East College Street, Covina, on Tuesday, October 6, 2015 at 7:30 p.m., to consider the revocation of CUP 11-006.

A public hearing to consider voiding Conditional Use Permit No. 11-006 for non-compliance with the conditions of approval; violations of the Covina Municipal Code; numerous calls for service from the Covina Police Department between October 2013 and April 2015; sales of a controlled substance; and non-compliance with the Entertainment Permit. The site is located at 211 North Citrus Avenue, APN: 8341-032-008.

Under the provisions of the California Environmental Quality Act (CEQA), this proposal is exempt from environmental review because it is not considered a project, and the proposal could not have an adverse impact on the environment. We solicit any information and/or data that any citizen wishes to input concerning these applications. All interested citizens are invited to attend the PUBLIC HEARING, where all opinions may be expressed.

If you challenge the proposed actions in court, you may be limited to raising only those issues that you or someone else raised at the PUBLIC HEARING described in this notice or in written correspondence delivered to the City Clerk or to the Planning Commission at or prior to the PUBLIC HEARING.

Further information may be obtained from the City of Covina Community Development Department, Planning Division at (626) 384-5450.

PAULA KELLY  
CONTRACT PLANNER

NOTE: ACCESS TO THE CITY COUNCIL CHAMBERS IS FROM THE NORTH SIDE OF THE TWO-STORY CITY HALL BUILDING VIA THE COURTYARD.

PUBLISH: SEPTEMBER 10, 2015  
THE SAN GABRIEL VALLEY EXAMINER

City Notices • City Notices • Legal Notices • Legal Notices

NOTICE INVITING BIDS
City of Glendora, County of Los Angeles, California (hereinafter "City") will receive sealed bids in the Office of the City Clerk at 116 E. Foothill Boulevard, Glendora, California 91741 until 10:00 a.m. on the 24th day of September, 2015, at which time all bids will be publicly opened and read aloud in the City Council Chamber at the above address for Youth Center Roof (hereinafter "work").

NO BIDS WILL BE ACCEPTED AFTER THIS DATE AND TIME:
Each bid must be on a bid proposal furnished by the City. The bid must conform and be responsive to all the contract documents and bids will be accepted only from bidders who have obtained Plans and Specifications from the City of Glendora and are registered with the City as a Plan Holder. Copies of bid packets are now on file and open for public inspection in the Office of the City Clerk at the above address and on the City's website at www.ci.glendora.ca.us under Bid/RFP Opportunities. For further information contact Recreation Superintendent, John Aguirre at (626) 914-8256.

Each bid must be accompanied by Bidder's Security in an amount equal to at least ten (10) percent of the bid amount, which security shall be lawful money of the United States of America and in one of the following forms: (i) cash; (ii) cashier's check made payable to the City; (iii) certified check made payable to the City; or (iv) bid bond executed by an admitted surety insurer and made payable to the City. City Bid Bond Form must be used.

Pursuant to California Labor Code Section 1770 et seq., copies of the determination of the Director of the Department of Industrial Relations of the general prevailing rate of per diem wages for each craft classification and type of workman needed to execute the work are on file in, and available to any interested person on request, at the Office of the City Engineer at 116 E. Foothill Boulevard, Glendora, California 91741 and are hereby incorporated herein and made a part hereof as though set forth in full.

Pursuant to California Civil Code Section 3248, the successful bidder shall furnish to the City at the time of execution of the contract a payment bond in an amount equal to one hundred percent (100%) of the contract price. The successful bidder shall also furnish to the City at the time of execution of the contract a faithful performance bond in an amount equal to one hundred percent (100%) of the contract price.

Pursuant to California Public Contract Code Section 22300, substitution of eligible and equivalent securities for any moneys withheld to insure performance under the contract for the work to be performed will be permitted at the request and expense of the successful bidder, unless otherwise prohibited by law. The City of Glendora reserves the right to reject any and all proposals, to waive any informality in any proposal and select the one that best meets the City's needs.

Kathleen R. Sessman, MMC
City Clerk
City of Glendora
Publish in the San Gabriel Valley Examiner on September 3 & 10, 2015. #G01



NOTICE TO COVINA CITIZENS REGARDING INTERIM URGENCY ORDINANCE NO. 15-2040

On September 1, 2015, the Covina City Council adopted the following Interim Urgency Ordinance: Ordinance No. 15-2040

Interim Urgency Ordinance No. 15-2040 establishing a 45-day moratorium on issuing any new dance and entertainment permits for 45 days

By the following vote:
AYES ALLEN, DELACH, MARQUEZ, KING
NONE
ABSTAIN NONE
ABSENT STAPLETON

A certified copy of the full text of each ordinance is posted in the City Clerk's office located at 125 East College Street, Covina, California
Publish in the San Gabriel Valley Examiner on Thursday, September 10, 2015. #C03



NOTICE TO COVINA CITIZENS REGARDING PROPOSED ORDINANCES

On September 15, 2015, the Covina City Council will consider adopting the following Ordinances:

Ordinance No. 15-2039 An Ordinance repealing Section 13.06 060 B 5 of Chapter 13.06 (Water Conservation) of Title 13 (Water and Sewers) of the Covina Municipal Code regarding the prohibition on filling of residential swimming pools or outdoor spa.

Ordinance No. 15-2042 An Ordinance amending Section 17.04 414.5 of Chapter 17.04 to the 17 (Zoning Ordinance) of the Covina Municipal Code to amend the definition of a medical marijuana dispensary and determining that the activity is exempt from the California Environmental Quality Act (CEQA).

A certified copy of the full text of each ordinance is posted in the City Clerk's office located at 125 East College Street, Covina, California
Publish in the San Gabriel Valley Examiner on Thursday, September 10, 2015. #C04

CITY OF COVINA NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Covina will conduct a PUBLIC HEARING in the City Hall Council Chambers, 125 East College Street, Covina on Tuesday, October 6, 2015 at 7:30 p.m. to consider the revision of CUP 11-009.

A public hearing to consider revising Conditional Use Permit No. 11-006 for non-compliance with the conditions of approval violations of the Covina Municipal Code; numerous calls for service from the Covina Police Department between October 2013 and April 2015, sales of a controlled substance, and non-compliance with the Entertainment Permit. The site is located at 211 North Citrus Avenue, APN: 6341-032-006.

Under the provisions of the California Environmental Quality Act (CEQA), this proposal is exempt from environmental review because it is not considered a project, and the proposal could not have an adverse impact on the environment. We solicit any information and/or data that any citizen wishes to input concerning these applications. All interested citizens are invited to attend the PUBLIC HEARING, where all opinions may be expressed.

If you challenge the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the PUBLIC HEARING described in this notice or in written correspondence delivered to the City Clerk or to the Planning Commission at or prior to the PUBLIC HEARING.

Further information may be obtained from the City of Covina Community Development Department, Planning Division at (626) 384-5450.
PAULA KELLY, CONTRACT PLANNER

NOTE: ACCESS TO THE CITY COUNCIL CHAMBERS IS FROM THE NORTH SIDE OF THE TWO-STORY CITY HALL BUILDING VIA THE COURTYARD.
Publish in the San Gabriel Valley Examiner on SEPTEMBER 10, 2015. #C05

Advertisement for S.G.V. Examiner magazine. Text includes: 'When Business is Good, It Pays to Advertise', 'When Business is Bad, You've got to Advertise', 'Call 626-852-3374 for a Price Quote'. Includes an image of a woman holding a sign that says 'New Advertising Rates in Town!'.

NOTICE INVITING BIDS

City of Baldwin Park Office Remodel

Public Notice is hereby given that the City of Baldwin Park invites sealed bids for the above-stated project and will receive such bids in the offices of the Public Works Department, 14403 Pacific Avenue, Baldwin Park, California 91706 until 10:00 a.m. Thursday, September 24th, 2015 at which time the proposals will be publicly opened and authorized agents are invited to be present. All information furnished with the bid is public information and may be subject to disclosure.

Project Description - Provide construction materials, equipment, labor and all services required in for the renovation work including: wall doors, VCT flooring, carpet, stoves and ceiling demolition, construction of new wall and ceiling support, relocating existing and installing new electrical outlets, install new acoustical ceiling, install recessed lighting units, install carpet and paint room.

Pre-Bid Meeting - A Mandatory pre-bid meeting will be held on Thursday September 17th, 2015 commencing promptly at 11:00 a.m. and will be held onsite at 14403 E. Pacific Avenue, Baldwin Park, California.

Bid Packages - Bids shall be sealed and plainly marked "City of Baldwin Park Office Remodel". Bids must be prepared using the Contractor's Bid Proposal forms and all other forms identified in the Instructions to Bidders. The forms required to complete a bid package are found in Section 9 of the Contract Documents. No bids will be accepted if not submitted using the approved forms.

Plans, Specifications, Documents - Specifications and proposal forms may be obtained at the Engineering Division office located at 14403 East Pacific Avenue, Baldwin Park, CA 91706. (626) 960-4011 on and after September 3rd, 2015 Monday thru Thursday between the hours of 7:30 a.m. and 5:00 p.m. An additional \$5.00 is added to non-refundable fee is required for these specifications and proposal forms.

City Business License - Contractors License and Permit - Prior to contract execution the contractor and/or subcontractors shall obtain a City of Baldwin Park business license. In accordance with provisions of Section 3300 of the California Public Contract Code the City has determined that the Contractor shall possess a valid City of Baldwin Park Contractor's License or other appropriate license classification under the State Contracting Code at the time the contract is awarded. Failure to possess such license may render the bid non-responsive. The successful bidder will be required to obtain a City Building Permit, issued at no fee for the project.

Contractor's Registration - In accordance with Labor Code Section 1771.1, a contractor or subcontractor shall not be qualified to bid or enter into a bid or contract on or after March 1, 2015, or (b) engage in the performance of this work after April 1, 2015, unless currently registered with the Department of Industrial Relations and qualified to perform the Work pursuant to Labor Code Section 1725.5.

Compliance Monitoring and Enforcement - Contractor's performance of the Work described in this Notice Inviting Bids is subject to compliance monitoring and enforcement by the California Department of Industrial Relations.

Publish in the San Gabriel Valley Examiner on September 3 and September 10, 2015. #BP102

NOTICE INVITING BIDS

City of Glendora, County of Los Angeles, California (hereinafter "City") will receive sealed bids in the Office of the City Clerk at 116 E. Foothill Boulevard, Glendora, California 91741 until 10:00 a.m. on the 17th day of September, 2015, at which time all bids will be publicly opened and read aloud in the City Council Chamber at the above address for LIBRARY ROOF REPAIRS (hereinafter "work").

NO BIDS WILL BE ACCEPTED AFTER THIS DATE AND TIME:
Each bid must be on a bid proposal furnished by the City. The bid must conform and be responsive to all the contract documents and bids will be accepted only from bidders who have obtained Plans and Specifications from the City of Glendora and are registered with the City as a Plan Holder. Copies of bid packets are now on file and open for public inspection in the Office of the City Clerk at the above address and on the City's website at www.ci.glendora.ca.us under Bid/RFP Opportunities. For further information contact City Engineering Assistant, Jason Rothenbush at (626) 914-8253.

A mandatory pre-bid meeting will be held on Wednesday, September 9, 2015, the mandatory job walk will be held at the project site, Glendora Public Library, 140 S. Glendora Ave., Glendora, CA 91741. Contractors who intend to respond to the Notice Inviting Bids and who will be submitting bids must attend the job walk and must complete the sign-in sheet at the job walk in order to be eligible to bid this project.

The Contract Documents, including specifications may be purchased at the Office of the City Clerk, 116 E. Foothill Boulevard, Glendora, California during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, holidays excepted, upon the payment of \$40.00 per set and, if purchased by mail, an additional \$10.00 per set.

Each bid must be accompanied by Bidder's Security in an amount equal to at least ten (10) percent of the bid amount, which security shall be lawful money of the United States of America and in one of the following forms: (i) cash; (ii) cashier's check made payable to the City; (iii) certified check made payable to the City; or (iv) bid bond executed by an admitted surety insurer and made payable to the City. City Bid Bond Form must be used.

Pursuant to California Labor Code Section 1770 et seq., copies of the determination of the Director of the Department of Industrial Relations of the general prevailing rate of per diem wages for each craft classification and type of workman needed to execute the work are on file in, and available to any interested person on request, at the Office of the City Engineer at 116 E. Foothill Boulevard, Glendora, California 91741 and are hereby incorporated herein and made a part hereof as though set forth in full.

Pursuant to California Civil Code Section 3248, the successful bidder shall furnish to the City at the time of execution of the contract a payment bond in an amount equal to one hundred percent (100%) of the contract price. The successful bidder shall also furnish to the City at the time of execution of the contract a faithful performance bond in an amount equal to one hundred percent (100%) of the contract price.

Pursuant to California Public Contract Code Section 22300, substitution of eligible and equivalent securities for any moneys withheld to insure performance under the contract for the work to be performed will be permitted at the request and expense of the successful bidder, unless otherwise prohibited by law. The City of Glendora reserves the right to reject any and all proposals, to waive any informality in any proposal and select the one that best meets the City's needs.

Kathleen R. Sessman, MMC
City Clerk
City of Glendora
Publish in the San Gabriel Valley Examiner on September 3 & 10, 2015. #G03



NOTICE OF PUBLIC HEARING CITY COUNCIL

NOTICE IS HEREBY GIVEN that the City Council will hold a public hearing in the City Council Chamber of City Hall, 116 E. Foothill Boulevard, Glendora, California on Tuesday, September 22, 2015 at 7:00 p.m. to receive and consider all evidence and reports relative to the consideration of a Zone Amendment, the development plan and zoning map for the site located at 211 North Citrus Avenue, APN: 6341-032-006 for the demolition of commercial/industrial buildings and development of 60 residential condominiums on properties located at 255 South Vermont Avenue and 296, 300 and 306 West Carroll Avenue (Project No. PLN14-0018).

All interested parties are invited to attend said hearing and express their views on this matter. Should you be unable to attend the public hearing, your comments must be made in writing and delivered to the City Clerk prior to the scheduled hearing date. Revised comments are on file for public inspection and copying for the cost of duplication at the Office of the City Clerk, 116 E. Foothill Blvd, Glendora, California, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, exclusive of holidays.

If further information on the above application may be obtained or viewed at the Planning Department located at 116 E. Foothill Blvd., Glendora, California or by telephone at (626) 914-8214.

If you challenge the action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk or prior to the public hearing.
Kathleen R. Sessman, City Clerk
Publish in the San Gabriel Valley Examiner on September 10, 2015. #G06



DEPARTMENT OF THE TREASURER AND TAX COLLECTOR

Notice of Divided Publication

NOTICE OF DIVIDED PUBLICATION OF THE PROPOSED DELINQUENT LIST (DELINQUENT LIST)

Made pursuant to Section 3371, Revenue and Taxation Code

Pursuant to Revenue and Taxation Code Sections 3381 through 3385, the Notice of Power to Sell Tax-Defaulted Property in and for Los Angeles County, State of California, has been divided and distributed to various newspapers of general circulation published in the County. A portion of the list appears in each of such newspapers.

I, Joseph Kelly, City of Los Angeles Tax Collector, State of California, certify that:

Notice is hereby given that the real properties listed below were declared to be in tax default at 5:01 a.m. on July 1, 2015, by operation of law. The declaration of default was due to non-payment of the total amount due for the taxes, assessments, and other charges levied in the 2012-13 Tax Year that were a lien on the listed real property. Non-residential commercial property and priority upon which there is a recorded nuisance abatement lien shall be subject to the Tax Collector's power to sell after three years of delinquency. Therefore, if the 2012-13 taxes remain delinquent after June 30, 2016, the property will become subject to the Tax Collector's power to sell and eligible for sale at the County's public auction on 2017. All other property that has defaulted taxes after June 30, 2016, will become subject to the Tax Collector's power to sell and eligible for sale at the County's public auction on 2017. The name of the assessor and the total tax, which was due on June 30, 2015, for the 2012-13 Tax Year, is shown on the parcel number. Tax-defaulted real property may be redeemed by payment of all unpaid taxes and assessments, together with the additional penalties and fees as prescribed by law, or it may be paid under an installment plan of redemption if invited prior to the property becoming subject to the Tax Collector's power to sell.

All information concerning redemption of tax-defaulted property will be furnished upon request by the County Assessor and Tax Collector at 225 North Hill Street, Los Angeles, California 90012. 1 (800) 807-2111 or 1 (213) 974-2111.

I certify under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California, on August 24, 2015.

JOSEPH KELLY
TREASURER AND TAX COLLECTOR
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

Assessors/Taxpayers, who have disposed of real property since January 1, 2009 may find their names listed for the reason that a change in ownership has not been reflected on the assessment roll.

ASSESSOR'S IDENTIFICATION NUMBERING SYSTEM EXPLANATION

The Assessor's Parcel Number (APN), when used to describe property in this listing, is divided into map block, map page, and the individual parcel on the map page or in the block. The Assessor's maps and further explanation of the parcel numbering system are available at the Office of the Assessor.

The following property tax defaulted on July 1, 2013, for the taxes, assessments and other charges for the fiscal year 2012-13.

LISTED BELOW ARE PROPERTIES THAT DEFAULTED IN 2013 FOR TAXES, ASSESSMENTS AND OTHER CHARGES FOR THE FISCAL YEAR 2012-2013.

AMOUNT OF DELINQUENCY AS OF THIS PUBLICATION IS LISTED BELOW:
WESTERN MILLING LLC SUTUS 778 N GEORGIA AVE, AZUSA, CA 91702-2249 8605-004-424 51474610
Publish in the San Gabriel Valley Examiner on September 10 and September 17, 2015.

NOTICE OF ANOTHER NOTICE OF COMMON USE SECTION 94111 OF THE BUSINESS AND PROFESSIONS CODE (SECTION 94111) AND NOTICE OF ANOTHER NOTICE OF COMMON USE SECTION 94111 OF THE BUSINESS AND PROFESSIONS CODE (SECTION 94111) OF THE SAN GABRIEL VALLEY EXAMINER (A94868)

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## **EXHIBIT 5.**

**Memorandum of Chief Kim J. Raney, Covina Police Department**



# CITY OF COVINA

## INTER-OFFICE MEMORANDUM

TO: Brian K. Lee, AICP, Community Development Director

FROM: Kim J. Raney, Covina Police Chief

SUBJECT: Administrative Investigation - JP United LLC ("RED")  
211, 213 and 215 N. Citrus Avenue, Covina

Concerning Compliance with Conditions of Conditional Use Permit Application No. 11-006, Dance & Entertainment Permit, ABC License, and other applicable laws and regulations

### SECTION 1. DANCE & ENTERTAINMENT ("D&E") PERMIT HISTORY

On or about March 28, 2013, the Covina Police Department received an application for a Dance and Entertainment Permit from JP United, LLC dba R.E.D. ("RED"). The application recites that Jian Lin, Paradise, LLC, and Everett Ramos were members of JP United, LLC. The application also recited that Vivian Xie was the property owner. The application was signed by Everett Ramos.

On or about July 16, 2013, the Covina Police Department received an "Affidavit Amendment" from Alex Sanchez, the general manager of RED. Amongst other aspects of the application, the Affidavit Amendment set forth the following amendments to the Dance & Entertainment Permit application previously submitted by JP United, LLC:

- a) The sole members of JP United, LLC were Jian Lin and Paradise, LLC [sic];
- b) Jian Lin was the President of JP United, LLC;
- c) Vivian Xie and Everett Ramos were operating members of JP United, LLC;
- d) Laura Perez was a member of Paradise, LLC [sic];
- e) JP United, LLC was seeking a permit for "Café Dance", and would serve food from 11:00 a.m. to closing on a nightly basis;
- f) JP United, LLC was seeking to provide the following forms of entertainment: disc jockey, live band, live entertainment, karaoke, amplified music, live performers, and singers.

At the same time, JP United, LLC provided copies of various documents that had been filed with the Secretary of State and/or County Recorder's Office. Such documents included the following:

- a) Fictitious Business Name Statement (setting forth that JP United, LLC was doing business as "R.E.D." and "Restaurant Entertainment Dancing");
- b) Statement of Information for Citrus International, LLC (providing that Gefei Chen, Jian Lin, and Wen "Vivian" Xie are managing members of Citrus International, LLC);
- c) Statement of Information for JP United, LLC (providing that Jian Lin, Paradize, LLC, and Wen "Vivian" Xie are managing member of JP United, LLC); and,
- d) Statement of Information for Paradize, LLC (providing that Everett Ramos and Laura Perez are managing members of Paradize, LLC).

On July 24, 2013, Covina Police Chief Kim J. Raney issued a Dance & Entertainment Permit ("D&E Permit") to JP United, LLC. The D&E Permit – and each of its recitals and conditions - was accepted and approved by Jian Lin and Wen "Vivian" Xie (as managing members of JP United, LLC) and by Everett Ramos and Laura Perez (as managing members of Paradize, LLC), as evidenced through their signatures on the D&E Permit.

The permit was scheduled to expire on June 30, 2014.

On June 16, 2014, Everett Ramos submitted an application for a new/renewed Dance & Entertainment Permit to continue operation of RED. On July 24, 2014, another application for a new/renewed Dance & Entertainment Permit was received to continue operation of RED – however, this application was submitted by Pablo Esteves, who identified himself as an "owner/officer/partner". For the next several months, additional documentation was submitted to the Police Department to correct or clarify the discrepancies between the applications submitted to the Police Department.

In light of the pending investigation related to the submitted applications and discrepancies therein, as well as into the continued operation of RED, the Police Chief agreed to extend the existing Dance & Entertainment Permit until such time as the Chief took action on the new applications.

Ultimately, in December 2014, Wen "Vivian" Xie submitted an application on behalf of JP United, LLC, for a new/renewed Dance & Entertainment Permit to continue operation of RED.

The Police Department conducted an investigation into the December 2014 application – which included site visits, meetings with the applicant (and its members), and correspondence to and from the applicant.

With the investigation still pending, on or about July 29, 2015, Jian Lin submitted a written request to the Covina Police Department to surrender and/or withdraw the following:

- a) Business License #036374;
- b) Dance & Entertainment Permit (issued on July 24, 2013); and,
- c) Dance & Entertainment Permit Applications dated July 16, 2014, July 24, 2014, and December 2, 2014.

On July 30, 2015, Police Chief Kim J. Raney issued correspondence to JP United, LLC confirming that the business license and D&E Permit had been surrendered – and they were deemed null-and-void effective immediately. It also confirmed that each of the “renewal applications” submitted to continue dance and entertainment at RED had also been withdrawn and that the Police Department would not be taking any further action on said applications.

*At this time, there is no currently active Dance & Entertainment Permit for any entity to provide dance and entertainment at the property known as 211 Citrus Avenue, Covina – and no such activity has been observed at the site since July 30, 2015.*

## **SECTION 2. HISTORY OF NON-COMPLIANCE WITH D&E PERMIT AND CUP.**

The Covina Police Department regularly inspects and/or investigates businesses within the City that provide dance and entertainment to ensure compliance with existing laws and conditions of any applicable conditional use permit, dance and entertainment permit, ABC license, or other applicable entitlements in order to safeguard the health, safety, and welfare of the general public. As part of the Police Department’s inspections/investigations, Police Officers will respond to any calls for service at such locations – and will also perform proactive checks on the business (which include, but are not limited to, pedestrian and vehicular patrolling of the area and “bar checks”).

The Covina Police Department attempts to obtain voluntary compliance when it determines that a permittee is non-compliant with any conditions of approval of a dance and entertainment permit, ABC license, or conditional use permit – unless the non-compliant activity or condition constitutes an imminent threat to the health, safety, or welfare of the public or otherwise constitutes criminal activity.

The following is a brief summary of activities and/or conditions at RED that were non-compliant with the conditions of Conditional Use Permit 11-2006 and the applicable D&E Permit, ABC license, or other such entitlements.

Date	Condition/Activity	Description of Events
08-27-2013	Prohibited entertainment advertised	Covina Police Department confirmed that RED was advertising for “burlesque” entertainment, which was not an approved form of entertainment. Wen “Vivian” Xie and Everett Ramos admitted neither the entertainment nor advertisement complied with conditions of approval and subsequently removed advertisements
08-30-2013	Inadequate number of security guards	Covina Police Department confirmed that only 5 security guards were on duty, as opposed to the requisite 6, in violation of CUP Condition 2.16.16, D&E Permit Condition 15, and approved security plan
05-19-2014	<ul style="list-style-type: none"> <li>• Unapproved hours of operation</li> <li>• Use of rear doors for non-emergency</li> </ul>	Covina Police Department confirmed that RED was still operating AFTER 2 a.m. and that patrons were still being served at the site – patrons were subsequently let out of the establishment through the rear doors, in violation of CUP Condition 2.16.1 through 2.16.5 and D&E Permit Condition “Details 1”
07-10-2014	<ul style="list-style-type: none"> <li>• Excessive occupancy</li> <li>• Removing tables and chairs to increase dance area</li> <li>• Use of 2<sup>nd</sup> floor for “banquet hall” related to RED operations – including service and consumption of food and alcohol therein</li> <li>• Unpermitted building and electrical alterations</li> <li>• Rental of electronic hookah devices</li> <li>• Termination of restaurant and food service at 9:30 p.m.</li> <li>• “Night Club” use of site after 10 p.m.</li> <li>• Alcohol consumption on dance floor</li> </ul>	<p>As a result of observed unapproved activities and conditions, Covina Police Department met with Everett Ramos to discuss the following violations.</p> <ol style="list-style-type: none"> <li>1. Occupancy regularly exceeds approved maximum occupancy load of 194;</li> <li>2. Tables and chairs are regularly relocated in order to expand dance area;</li> <li>3. Tables and chairs are sometimes placed on the dance floor;</li> <li>4. RED utilizes a room on the 2<sup>nd</sup> story for use by third parties as a “banquet room” with food and alcohol service provided by RED. The area is not approved by the City or ABC for food or alcohol service, or other use by RED;</li> <li>5. The electrical system was altered in the 2<sup>nd</sup> story banquet room, and interior doors were installed at the site, without requisite City approvals, permits, or inspections;</li> <li>6. On certain nights of the week (Friday</li> </ol>

		through Sunday), dinner service ceases at 9:30 p.m. and the business subsequently operates as a “night club” with entertainment, dancing, and alcohol service.
02-05-2015	Unapproved hours of operation	Covina Police Department confirmed that RED was operating AFTER 2 a.m., and providing alcohol AFTER 1:30 a.m., and providing live entertainment AFTER 1 a.m., in violation of CUP Condition 2.16.1 through 2.16.4 and D&E Permit Condition “Details 1”
02-06-2015	Illegal sale of controlled substance or dangerous drugs (to wit, cocaine)	On-duty security guard at RED sold cocaine to an undercover ABC Investigator, in violation of California Health & Safety Code §11352(a) and California Business & Professions Code §24200.5(a) – and in violation of CUP and D&E conditions requiring compliance with all laws.
02-20-2015	Illegal sale of controlled substance or dangerous drugs (to wit, cocaine)	On-duty security guard at RED sold cocaine to an undercover ABC Investigator, in violation of California Health & Safety Code §11352(a) and California Business & Professions Code §24200.5(a) – and in violation of CUP and D&E conditions requiring compliance with all laws.
02-25-2015	<ul style="list-style-type: none"> <li>• Unapproved change of queue location</li> <li>• Unapproved installation of glass partition (wall and locking door)</li> <li>• Unapproved DJ location</li> <li>• Dancing in unapproved location</li> <li>• Non-compliant video security system</li> <li>• Unauthorized persons on stage</li> </ul>	<p>As a result of observed unapproved activities and conditions, Covina Police Department met with Wen “Vivian” Xie, Everett Ramos, and Laura Perez to discuss the following violations.</p> <ol style="list-style-type: none"> <li>1. RED had relocated the approved location of the queue for customers – including changing the physical location of the queue and the creation of 2 distinct queues for regular patrons and VIPs. This has caused obstructions of the public right-of-way;</li> <li>2. A glass partition (consisting of a glass wall and a locking door) was installed without the benefit of City approvals, permits, or inspections, in order to create two distinct and separate rooms at the establishment</li> <li>3. DJ was utilizing a space under the north stairwell to perform (in the newly created</li> </ol>

		<p>areas resulting from the unpermitted partition) in violation of approved entertainment area;</p> <ol style="list-style-type: none"> <li>4. Dancing was occurring in areas not approved for dancing – including in the newly created area resulting from the unpermitted partition;</li> <li>5. The video security system was incapable of preserving recorded information for a period of 10 days as required by CUP Condition No. 2.16.24 and D&amp;E Permit Condition 19;</li> <li>6. Excessive number of patrons or other non-entertainers (sometimes between 25-30 persons) were allowed on stage while entertainment was being provided, in violation of D&amp;E Permit Condition 4</li> </ol>
03-03-2015	<ul style="list-style-type: none"> <li>• Unapproved DJ location</li> <li>• Dancing in unapproved location</li> <li>• Unapproved installation of glass partition (wall and locking door)</li> </ul>	<p>City Officials inspected the RED establishment and confirmed that the unapproved glass partition remained in place, two distinct and separate rooms at the establishment. The area under the north stairwell (in the newly created areas resulting from the unpermitted partition) was set-up and used for an additional DJ. Tables and chairs had also been removed from the area adjacent to the new DJ area to provide a dance floor.</p>
03-12-2015	<p>Illegal sale of controlled substance or dangerous drugs (to wit, cocaine)</p>	<p>On-duty security guard at RED sold cocaine to an undercover ABC Investigator, in violation of California Health &amp; Safety Code §11352(a) and California Business &amp; Professions Code §24200.5(a) – and in violation of CUP and D&amp;E conditions requiring compliance with all laws.</p>

03-27-2015	<ul style="list-style-type: none"> <li>• Unapproved DJ location</li> <li>• Dancing in unapproved location</li> <li>• Unapproved installation of glass partition (wall and locking door)</li> <li>• Non-compliant video security system</li> <li>• Unlicensed security guard</li> <li>• Security guard in unapproved uniform</li> </ul>	<p>Covina Police Department assisted in an operation by ABC related to illegal sale of narcotics at RED by an on-duty security guard. The security guard was subsequently convicted and</p> <p>At that time, Police Officials confirmed the continued existence of the unapproved glass partition and continued use of unapproved areas by a DJ to perform and by patrons to dance.</p> <p>As part of the investigation, the security guard arrested for the sale of narcotics was not licensed or registered by the California Bureau of Security &amp; Investigative Services to act as a security guard – nor had his information been provided to the Police Department prior to his commencement of security services at RED as required by CMC §5.40.035.B. There were also approximately 3 other security guards whose information had not been provided to the Police Department prior to their commencement of security services at RED. Additionally, at least one security guard was not wearing the security guard uniform approved by the Police Department.</p> <p>Despite a request by Covina Police Department for the recorded footage from the video security system for the time period between 11 p.m. on Friday, March 20<sup>th</sup> through 2 am on Saturday, March 21<sup>st</sup>, Everett Ramos was unwilling or incapable of providing such footage.</p>
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08-13-2015	<ul style="list-style-type: none"> <li>• Failure to cooperate with law enforcement investigation</li> </ul>	<p>On July 28, 2015, Covina Police Department requested copies of records from JP United, LLC, which reflect separately the gross sale of food and the gross sale of alcoholic beverages at RED for each month for the past 18 months, in an effort to ensure operation as a bona fide (public) eating establishment/place in accordance with its Type 47 ABC license and the CUP. These records were requested to be submitted to the Covina Police Department by August 13, 2015. To date, the Covina Police Department has not received <u>any</u> of the requested records.</p>
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In addition to the aforementioned events, activities, and conditions, the Police Department has responded to the RED establishment in excess of 100 times since October 2012. These responses have resulted from excessive noise disturbances, physical fights/altercations, intoxicated persons passed out inside of RED, persons drunk in public (and having been served additional alcohol while already obviously intoxicated), and other general nuisances that disturb the peace, health, safety, and welfare of the community.

### SECTION 3. CONCLUSION AND RECOMMENDATION

Although the City and Police Department recognize the benefits that restaurants with live entertainment and alcohol service can provide to the community, they also understand the nuisance activities and conditions that often accompany such business establishments. For this reason, the City Council has required the acquisition of a conditional use permit and Dance & Entertainment Permit for such activities.

Despite repeated communications with JP United, LLC and RED management – including, but not limited to, verbal communications between Covina Police Officers and RED personnel, meetings between Covina City and Police Officials and members of JP United, LLC (business owner) and Citrus International, LLC (property owner), and written correspondence to JP United, LLC, RED continued to operate in a manner that was non-compliance with conditions of Conditional Use Permit 11-006, its applicable Dance & Entertainment Permit, ABC license, and other applicable provisions of the Covina Municipal Code and State law.

Neither the business owner nor the property owner took action to terminate the illegal activities and/or nuisance conditions that were detrimental to the peace, health, safety, and welfare of the general public, and, as such, the Police Department commenced an investigation to revoke the D&E Permit (as well as to consider recommendation to the City Council to void CUP No. 11-006).

JP United, LLC surrendered its business license and D&E Permit prior to the Police Department being able to commence revocation proceedings against JP United/RED.

Given the existence of conditional Use Permit No. 11-006 (which runs with the land), the termination of operations by RED does not negate the potential impacts that a future business could have upon the peace, health, safety, and welfare of our community if it were to operate under the current CUP.

It is also extremely relevant and important to note that while JP United, LLC, surrendered its business license and D&E Permit terminating the operations of RED, Jian Lin and Wen “Vivian” Xie – two of the managing members of JP United/RED, also serve as managing members of Citrus International, LLC (the owner of the subject property to which Conditional Use Permit No. 11-006 applies).

The Covina Police Department recommends that, after conducting a public hearing, the City Council void Conditional Use Permit No. 11-006 as a result of the repeated non-compliant conditions and activities that impact the peace, health, safety, and general welfare of the public.

## **EXHIBITS**

1. Dance & Entertainment Permit application (and supplemental material)
2. Dance & Entertainment Permit (dated July 24, 2013)
3. Correspondence to JP United, LLC dba RED
4. Covina Police Department “Calls for Service Report” (redacted)
5. ABC Records

# City of Covina Dance and Entertainment Permit Application

**Instructions:**

This application must be signed and filed with the Investigations Division of the Covina Police Department not less than two weeks prior to the event.

1. All questions must be answered or identified as "NOT APPLICABLE" or "NA".
2. Please clearly print all responses.
3. The permit may not be issued if the necessary documents are not submitted.

All applications will be evaluated for the possibility of endangering public health, safety and the welfare of the community. Should an event be granted a permit the Covina Chief of Police as well as the Watch Commander reserve the right to shut down the event if deemed necessary.

Date of Application: 3-28-13

Name of Applicant: Last: Ramos First: Everett

I DECLARE UNDER PENALTY OF PEJURY THAT THIS APPLICATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I CERTIFY THAT I WILL OPERATE MY BUSINESS IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE, AND CITY LAWS AND REGULATIONS. I FURTHER UNDERSTAND THAT ANY FALSE STATEMENTS MADE ARE GROUNDS FOR DENIAL.

*Everett R. Ramos* Signature of Owner/Officer/Partner  
Everett R. Ramos Print Name  
3-28-13 Date

Date of Event: UNK as of today Start Time of Event \_\_\_\_\_ am/pm Times from (11am to 2am)  
End Time \_\_\_\_\_ am/pm 7 Days a week

Business Name:  
"Red" Restaurant, Entertainment + Dancing.

Location of Event:  
(address) 211 N. Citrus Ave  
City: Covina State: CA

Corporate Name, if applicable:  
JP United LLC

city ordinance  
permits to stop  
live music @  
1am.

Business Location, not a PO Box:

211 N Citrus Ave  
City: Covina State: CA Zip: 91723

Business Mailing Address:

211 N Citrus Ave  
City: Covina State: CA Zip: 91723

Business Telephone:

(909) 876-7582 / (626) 331-8733

Business Fax:

(909) 971-9951

Description of Business: Restaurant - lounge with live  
entertainment and dancing.

Business Start Date: May 2013

State License Number: 0458409

State License Type: Food & Alcohol TYPE 47

Expiration Date:

Federal ID number: 45-1782331

State ID number: 2001110810011

Type of Ownership: (Circle One)

Corporation

Limited Liability Corporation

Partnership

Sole Proprietor

Trust

Business Operation: (Circle One)

Administrative Office Only

Retail

Wholesale

Manufacturing/Distributing

Medical/Dental

Non-Profit

**Owners, Partners or Corporate Officers**

1st Owner, Last Name Lih First Name Lian  
Title member Driver License Number B 311 7987 State CA  
Home Address (not PO Box) 1614 And Nuevo  
City: Diamond Bar State CA Zip 91765 Home Tel. (626) 217-8088

2nd Owner, Last Name Paradize, LLC First Name \_\_\_\_\_  
Title Owner Member Driver License Number \_\_\_\_\_ State \_\_\_\_\_  
Home Address (not PO Box) 216 S Citrus ST STE 189  
City: West Covina State CA Zip 91791  
Home Telephone: ( ) \_\_\_\_\_

3rd Owner, Last Name Ramos First Name Everett  
Title member Driver License Number A170 4480 State CA  
Home Address (not PO Box) 35 Mesa Ridge DR  
City: Pomona State CA Zip 91766  
Home Telephone: ( ) \_\_\_\_\_

4<sup>th</sup> Owner, Last Name \_\_\_\_\_ First Name \_\_\_\_\_  
Title \_\_\_\_\_ Driver License Number \_\_\_\_\_ State \_\_\_\_\_  
Home Address (not PO Box) \_\_\_\_\_  
City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Home Telephone: ( ) \_\_\_\_\_

**Event Location/Property Ownership**

(circle one)

Property Owner

Property Management

Name Vivian Xie Telephone (code) 217-8088  
Address 211 N Citrus Ave City Covina State CA Zip 91723

**Emergency Contact Information:**

Name Everett Ramos Telephone (909) 376-<sup>4185</sup>~~0887~~  
Address 216 N Citrus Ave City Covina State CA Zip 91723

**Specific Event information:**

Date of Event: May 2013 Start Time of Event 11  am  pm  
End Time 2  am  pm

Is this a reoccurring event?  YES  NO

If yes, please attach a schedule for each specific date and time.

Is this event a (circle if applicable): 1. Private Dance 2. Public Dance 3. Teenage Dance

Is this event a (circle if applicable): 1. Non Profit Dance 2. Charitable Dance NA

Will an admission fee be charged? YES NO

What type of live entertainment will be provided?  
(Live Band, Singer, Disc Jockey, Karaoke, etc...)

How will the entertainers or performers be acquired by the applicant?

Personally know them.

Will the entertainers or performers be employed in any other capacity in or upon the premise? YES NO

If yes, give details \_\_\_\_\_

**If entertainers or performers are actual employees of the business please provide a list including all of the listed information.**

Last Name \_\_\_\_\_ First Name \_\_\_\_\_  
Driver License Number \_\_\_\_\_ State \_\_\_\_\_

Will entertainers or performers be costumed as nude, semi-nude or revealing costumes?  
YES NO

Will alcoholic beverages be served or permitted upon the premises of the event?  
YES/NO

Has an Alcohol Beverage Control permit/license been obtained for the sale or presence of alcoholic beverages for this event or premise? YES/NO

**Please attach a copy of the Alcohol Beverage Control permit or license if applicable.**

**All events and premises which serve or allow the presence of alcoholic beverages will be required to employ a minimum of one uniformed security guard who is licensed by the State of California. The actual number security guards necessary will be established by the Covina Police Department. The conditions of the permit will be released when the permit is issued.**

**All applicants seeking a permit will be investigated for issues of moral turpitude, including the convictions of crimes.**

Has the applicant or any other person named in this application, ever had a permit for the same or similar business suspended or revoked anywhere? (including a license issued by Alcohol Beverage Control of the State of California) YES  NO   
If so, state circumstances \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the applicant or any other person named in this application been convicted of a felony or misdemeanor? YES  NO  (Excluding traffic violations.)  
If yes provide details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach a scale drawing of the premises, showing;**

1. location of all entrances and exits
2. partitions
3. restrooms
4. dressing rooms
5. location of tables, stools, chairs, seating for customers
6. square foot area of the entire premise
7. seating capacity
8. area for preparation of food, beverages
9. area for consumption of food, beverages
10. dance floor, dimensions
11. stage location and dimensions

AFFIDAVIT ADMENMENT

TO: County of Covina PD

I, Alex Sanchez, General Manager of RED (JP United LLC), California, MAKE OATH AND SAY THAT:

1. JP United LLC will operate as Red (Restaurant Entertainment Dancing) (PG.1)(Exhibit 1)
2. Entertainment will cease at 1:00 am every night and not 2:00 am as reported on our entrainment license. (PG.1) (CUP)
3. Alcohol service will cease at 1:30 am every night and not 2:00 am as reported on our entrainment license (PG.1) (CUP)
4. JP United LLC has formed as Member of Jian Lin and Paradise LLC. Here are the members as follows for JP United LLC (PG.3)( Exhibit 3):

Jian Lin- JP United LLC President

Vivian Xie- JP United LLC Operating Member

Everett Ramos- JP United LLC Operating Member

Laura Perez- Paradise LLC Member and JP United LLC Administrative

5. Ge Fei Chen is not a Member of JP United LLC at that time MR. Chen signed the ABC documents due to his involvement with Citrus Devolvement ABC made everyone from Paradise LLC and Citrus Devolvement LLC sign for the ABC License. Mr. Chen has no involvement with JP United or in running RED.

6. Property Ownership is under Citrus International LLC and not as listed on the Entertainment PERMIT (PG.3) (Exhibit 4)

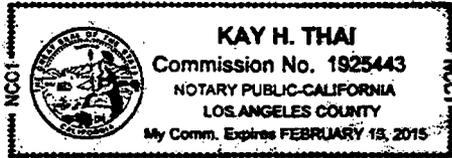
7. We are applying for a Café Dance and will be serving food from 11:00 am and until close on a nightly basis

8. We would like to apply for Disc Jockey, Live Band, Live Entertainment, Karaoke, Amplified Music, Live Performers, Singers for inside the premises of RED.



Alex Sanchez

SUBSCRIBED AND SWORN TO  
BEFORE ME, on the  
16th day of July, 2013



NOTARY PUBLIC

My Commission expires: FEBRUARY 13, 2015

YOUR RETURN MAILING ADDRESS

NAME: JIAN LIN

ADDRESS: PO BOX 4571

CITY: DIAMOND BAR

STATE: CA ZIP CODE: 91765



FILED Sep 8 2011 Dean C. Logan, Registrar-Recorder/Courtesy Clerk Electronically signed by LATASHA ARTERBERRY

FICTITIOUS BUSINESS NAME STATEMENT

TYPE OF FILING AND FILING FEE (Check one)

- Original - \$28.00 (FOR ORIGINAL FILING WITH ONE BUSINESS NAME ON STATEMENT)
New Filings - \$28.00 (CHANGES IN FACTS FROM ORIGINAL FILING- REQUIRES PUBLICATION)
Refile - \$28.00 (NO CHANGES IN THE FACTS FROM ORIGINAL FILING)

\$5.00 - FOR EACH ADDITIONAL BUSINESS NAME FILED ON SAME STATEMENT, DOING BUSINESS AT THE SAME LOCATION \$5.00- FOR EACH ADDITIONAL OWNER IN EXCESS OF ONE OWNER

The following person(s) is (are) doing business as:

- 1. RESTAURANT, ENTERTAINMENT, DANCING 2. R.E.D.

211 N. CITRUS AVE. Print Fictitious Business Name(s)

COVINA CA 91723 LOS ANGELES City State Zip COUNTY City State Zip

Articles of Incorporation or Organization Number (if applicable) AI#0N

\*\*\*REGISTERED OWNER(S):

1. JP UNITED LLC Full Name/Corp/LLC 211 N. CITRUS AVE. Residence Address COVINA CA 91723 City State Zip If Corporation or LLC - Print State of Incorporation/Organization

3. Full Name/Corp/LLC Residence Address City State Zip If Corporation or LLC - Print State of Incorporation/Organization

\*\*\*\*THIS BUSINESS IS CONDUCTED BY: (Check one)

- an Individual a General Partnership a Limited Partnership a Limited Liability Company
an Unincorporated Association other than a Partnership a Corporation a Trust Copartners
Husband and Wife Joint Venture State or Local Registered Domestic Partners a Limited Liability Partner

\*\*\*\*The registrant commenced to transact business under the fictitious business name or names listed above on N/A (Insert N/A above if you haven't started to transact business)

I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)

REGISTRANT(S)/CORP/LLC NAME (PRINT) JP UNITED LLC TITLE CEO

REGISTRANT SIGNATURE IF CORP OR LLC, PRINT NAME JIAN LIN

If corporation, also print corporate title of officer. If LLC, also print title of officer or manager.

This statement was filed with the County Clerk of LOS ANGELES on the date indicated by the filed stamp in the upper right corner.

NOTICE - IN ACCORDANCE WITH SUBDIVISION (a) OF SECTION 17920, A FICTITIOUS NAME STATEMENT GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM DATE ON WHICH IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK, EXCEPT, AS PROVIDED IN SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH IN THE STATEMENT PURSUANT TO SECTION 17913 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS NAME STATEMENT MUST BE FILED BEFORE THE EXPIRATION.

THE FILING OF THIS STATEMENT DOES NOT OF ITSELF AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS BUSINESS NAME IN VIOLATION OF THE RIGHTS OF ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW (SEE SECTION 14411 ET SEQ., BUSINESS AND PROFESSIONS CODE).

I HEREBY CERTIFY THAT THIS COPY IS A CORRECT COPY OF THE ORIGINAL STATEMENT ON FILE IN MY OFFICE.

DEAN C. LOGAN, LOS ANGELES COUNTY CLERK

BY: LATASHA ARTERBERRY Dept.

Rev. 09/2010

P.O. BOX 1208, NORWALK, CA 90651-1208

PH: (562) 462-2177

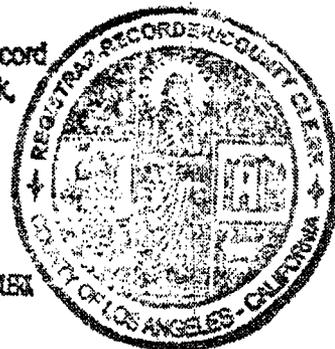
WEB ADDRESS: LAVOTE.NET

Exhibit 1

This is a true and certified copy of the record  
if it bears the seal, imprinted in purple ink,  
of the Registrar-Recorder/County Clerk

SEP 8 2011

*Diana C. Logan* REGISTRAR-RECORDER/COUNTY CLERK  
LOS ANGELES COUNTY, CALIFORNIA





# State of California Secretary of State

L

## STATEMENT OF INFORMATION (Limited Liability Company)

Filing Fee \$20.00. If this is an amendment, see instructions.

**IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**1. LIMITED LIABILITY COMPANY NAME**

JP UNITED LLC  
211 N CITRUS AVE  
COVINA, CA 91723

This Space For Filing Use Only

**File Number and State or Place of Organization**

2. SECRETARY OF STATE FILE NUMBER **201110810011**

3. STATE OR PLACE OF ORGANIZATION (If formed outside of California)  
**CALIFORNIA**

**No Change Statement**

4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.

**Complete Addresses for the Following** (Do not abbreviate the name of the city. Items 5 and 7 cannot be P.O. Boxes.)

5. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
211 N CITRUS AVE	COVINA		91723
6. MAILING ADDRESS OF LLC, IF DIFFERENT THAN ITEM 5	CITY	STATE	ZIP CODE
7. STREET ADDRESS OF CALIFORNIA OFFICE	CITY	STATE	ZIP CODE
211 N CITRUS AVE	COVINA	CA	91723

**Name and Complete Address of the Chief Executive Officer, if Any**

8. NAME	ADDRESS	CITY	STATE	ZIP CODE

**Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member** (Attach additional pages, if necessary.)

9. NAME	ADDRESS	CITY	STATE	ZIP CODE
JIAN LIN	213 N CITRUS AVE	COVINA		91723
10. NAME	ADDRESS	CITY	STATE	ZIP CODE
PARADIZE, LLC	216 S CITRUS AVE SUITE 189	WEST COVINA		91791
11. NAME	ADDRESS	CITY	STATE	ZIP CODE
WEN XIE	213 N CITRUS AVE	COVINA		91723

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 13 must be left blank.

12. NAME OF AGENT FOR SERVICE OF PROCESS  
**ALEX SANCHEZ**

13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL  
211 CITRUS AVE  
CITY: COVINA STATE: CA ZIP CODE: 91723

**Type of Business**

14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY  
**RESTAURANT**

15. THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

7-01-13  
DATE

ALEX SANCHEZ  
TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

AGENT  
TITLE

SIGNATURE



**State of California  
Secretary of State**

L

**STATEMENT OF INFORMATION  
(Limited Liability Company)**

Filing Fee \$20.00. If this is an amendment, see instructions.

**IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**1. LIMITED LIABILITY COMPANY NAME**

CITRUS INTERNATIONAL LLC  
213 N CITRUS AVE  
COVINA, CA 91723

This Space For Filing Use Only

**File Number and State or Place of Organization**

2. SECRETARY OF STATE FILE NUMBER **201121110082**

3. STATE OR PLACE OF ORGANIZATION (If formed outside of California)  
**CALIFORNIA**

**No Change Statement**

4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.  
 If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.

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5. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
213 N CITRUS AVE	COVINA		91723
6. MAILING ADDRESS OF LLC, IF DIFFERENT THAN ITEM 5	CITY	STATE	ZIP CODE
7. STREET ADDRESS OF CALIFORNIA OFFICE	CITY	STATE	ZIP CODE
213 N CITRUS AVE	COVINA	CA	91723

**Name and Complete Address of the Chief Executive Officer, If Any**

8. NAME	ADDRESS	CITY	STATE	ZIP CODE
---------	---------	------	-------	----------

**Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member** (Attach additional pages, if necessary.)

9. NAME	ADDRESS	CITY	STATE	ZIP CODE
GEFEI CHEN	213 CITRUS AVE	COVINA		91723
10. NAME	ADDRESS	CITY	STATE	ZIP CODE
JIAN LIN	213 CITRUS AVE	COVINA		91723
11. NAME	ADDRESS	CITY	STATE	ZIP CODE
WEN XIE	213 CITRUS AVE	COVINA		91723

**Agent for Service of Process** If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 13 must be left blank.

12. NAME OF AGENT FOR SERVICE OF PROCESS  
**ALEX SANCHEZ**

13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

211 N CITRUS AVE	CITY	STATE	ZIP CODE
	COVINA	CA	91723

**Type of Business**

14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY  
**REAL ESTATE HOLDING COMPANY**

15. THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

7-01-2013      ALEX SANCHEZ      AGENT  
DATE      TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM      TITLE

SIGNATURE



**State of California  
Secretary of State**

**STATEMENT OF INFORMATION  
(Limited Liability Company)**

**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

SEP 08 2011

Filing Fee \$20.00. If amendment, see instructions.

**IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

1. LIMITED LIABILITY COMPANY NAME (Please do not leave blank if name is prescribed.)

PARADIZE, LLC

This Space For Filing Use Only

**DUE DATE:**

**FILE NUMBER AND STATE OR PLACE OF ORGANIZATION**

2. SECRETARY OF STATE FILE NUMBER

201113010127

3. STATE OR PLACE OF ORGANIZATION

CALIFORNIA

**COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)**

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE

216 S CITRUS ST STE 189

CITY AND STATE

WEST COVINA, CA

ZIP CODE

91791

5. CALIFORNIA OFFICE WHERE RECORDS ARE MAINTAINED (DOMESTIC ONLY)

216 S CITRUS ST STE 189

CITY

WEST COVINA

STATE

CA

ZIP CODE

91791

**NAME AND COMPLETE ADDRESS OF THE CHIEF EXECUTIVE OFFICER, IF ANY**

6. NAME

ADDRESS

CITY AND STATE

ZIP CODE

**NAME AND COMPLETE ADDRESS OF ANY MANAGER OR MANAGERS, OR IF NONE HAVE BEEN APPOINTED OR ELECTED, PROVIDE THE NAME AND ADDRESS OF EACH MEMBER. (Attach additional pages, if necessary.)**

7. NAME

ADDRESS

CITY AND STATE

ZIP CODE

EVERETT RAMOS

217 N CITRUS ST STE C

COVINA

91723

8. NAME

ADDRESS

CITY AND STATE

ZIP CODE

LAURA PEREZ

216 S CITRUS ST STE 189

WEST COVINA

91791

9. NAME

ADDRESS

CITY AND STATE

ZIP CODE

**AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and item 11 must be completed with a California address. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1905 and item 11 must be left blank.)**

10. NAME OF AGENT FOR SERVICE OF PROCESS

VERONICA BETANCOURT

11. ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

216 S CITRUS ST STE 189

CITY

WEST COVINA

STATE

CA

ZIP CODE

91791

**TYPE OF BUSINESS**

12. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY.

ENTERTAINMENT

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

VERONICA BETANCOURT

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

*Veronica Betancourt*  
SIGNATURE

AGENT

TITLE

9-7-11

DATE

APPROVED BY SECRETARY OF STATE

LLC-12 (REV 2/2007)



State of California Secretary of State

LLC-1

File # 201112010127

Limited Liability Company Articles of Organization

ENDORSED - FILED in the office of the Secretary of State of the State of California

APR 28 2011

A \$70.00 filing fee must accompany this form.

Important - Read instructions before completing this form.

This Space For Filing Use Only

Entity Name (End the name with the words "Limited Liability Company," or the abbreviations "LLC" or "L.L.C." The words "Limited" and "Company" may be abbreviated to "Ltd." and "Co.," respectively.)

1. NAME OF LIMITED LIABILITY COMPANY
PARADIZE, LLC

Purpose (The following statement is required by statute and should not be altered.)

2. THE PURPOSE OF THE LIMITED LIABILITY COMPANY IS TO ENGAGE IN ANY LAWFUL ACT OR ACTIVITY FOR WHICH A LIMITED LIABILITY COMPANY MAY BE ORGANIZED UNDER THE BEVERLY-KILLEA LIMITED LIABILITY COMPANY ACT.

Initial Agent for Service of Process (If the agent is an individual, the agent must reside in California and both items 3 and 4 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and item 3 must be completed (leave item 4 blank).

3. NAME OF INITIAL AGENT FOR SERVICE OF PROCESS
VERONICA BETANCOURT

4. IF AN INDIVIDUAL, ADDRESS OF INITIAL AGENT FOR SERVICE OF PROCESS IN CALIFORNIA CITY STATE ZIP CODE
216 S CITRUS ST STE 189 WEST COVINA CA 91791

Management (Check only one)

5. THE LIMITED LIABILITY COMPANY WILL BE MANAGED BY:

- ONE MANAGER
[X] MORE THAN ONE MANAGER
ALL LIMITED LIABILITY COMPANY MEMBER(S)

Additional Information

6. ADDITIONAL INFORMATION SET FORTH ON THE ATTACHED PAGES, IF ANY, IS INCORPORATED HEREIN BY THIS REFERENCE AND MADE A PART OF THIS CERTIFICATE.

Execution

7. I DECLARE I AM THE PERSON WHO EXECUTED THIS INSTRUMENT, WHICH EXECUTION IS MY ACT AND DEED.

4-27-11
DATE

Veronica Betancourt
SIGNATURE OF ORGANIZER

Veronica Betancourt
TYPE OR PRINT NAME OF ORGANIZER

**State of California  
Secretary of State**

**CERTIFICATE OF STATUS**

**ENTITY NAME:** PARADIZE, LLC

**FILE NUMBER:** 201113010127  
**FORMATION DATE:** 04/28/2011  
**TYPE:** DOMESTIC LIMITED LIABILITY COMPANY  
**JURISDICTION:** CALIFORNIA  
**STATUS:** ACTIVE (GOOD STANDING)

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

The records of this office indicate the entity is authorized to exercise all of its powers, rights and privileges in the State of California.

No information is available from this office regarding the financial condition, business activities or practices of the entity.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of September 9, 2011.

*Debra Bowen*

**DEBRA BOWEN**  
Secretary of State



# CITY OF COVINA

444 North Citrus Avenue • Covina, California 91723-2065 • (626) 331-3391

POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

## ENTERTAINMENT PERMIT

### SECTION 1: RECITALS.

1. JP United LLC has obtained Conditional Use Permit No. 11-006 to operate a restaurant with outside sidewalk dining, alcohol service and entertainment at the Premises described as 211, 213 and 215 N. Citrus Avenue, Covina (also referred to as 211 N. Citrus Avenue, Covina and the "Premises").

2. JP United LLC executed an "An Acceptance of Terms, Covenants and Conditions" on December 20, 2011 (see attached copy) for Conditional Use Permit No. 11-006. Those conditions include but are not limited to requirements that the restaurant be operated in accordance with approved design details and plans. Those plans limit occupancy to 194 persons at all times.

3. JP United LLC is conducting business at the Premises as "Restaurant Entertainment Dancing" and "R.E.D." pursuant to a Fictitious Business Name Statement that was filed with the Los Angeles County Clerk's Office on September 11, 2011.

4. JP United LLC's authorized hours of operation are 11:00 a.m. to 2:00 a.m., with alcohol service to cease at 1:30 a.m.

5. JP United LLC tendered an application dated March 28, 2013 to the Police Department for an entertainment permit pursuant to Chapter 5.28 of the Covina Municipal Code. On July 17, 2013 it tendered an amendment to its application to the Police Department. The statements in the application and amendment are, in the aggregate, accurate and contain no omissions.

6. The individuals responsible for JP United LLC's compliance with the conditions of this Entertainment Permit are its members as hereafter stated. JP United LLC has no other officers/members.

Jian Lian  
Wen Xie a/k/a Vivian Xie  
Paradize LLC by Everett Rea Ramos and Laura Fey Ramos (its members)



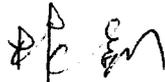
# CITY OF COVINA

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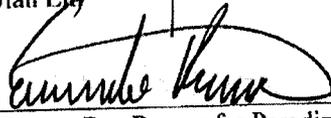
POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

We confirm the foregoing recitals are true and correct.

Dated: July 24, 2013

  
\_\_\_\_\_  
Jian Liu

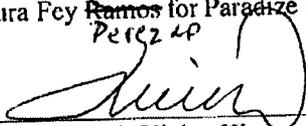
Dated: July 24, 2013

  
\_\_\_\_\_  
Everett Rea Ramos for Paradize LLC

Dated: July 24, 2013

  
\_\_\_\_\_  
Laura Fey Ramos for Paradize LLC  
PEREZ LP

Dated: July 24, 2013

  
\_\_\_\_\_  
Wen Xie, a/k/a Vivian Xie

## SECTION 2: PERMIT DETAILS.

1. This Entertainment Permit (hereafter "Permit") is issued to JP United LLC. (hereafter "Permittee"). The Permit is subject to the following conditions/limitations:

- (a) This Permit is issued and effective on July 24, 2013.
- (b) This Permit expires on June 30, 2014.
- (c) This Permit authorizes the following forms of entertainment, and no others:

(i) Live bands, singers and customers singing to pre-recorded music (hereafter collectively "Approved Performers," which shall not include Permittee's employees). They may use amplification equipment or devices while performing.

(ii) Cafe dance or dancing.

(d) This Permit authorizes Approved Performer activities up to 1:00 a.m.

(e) This Permit authorizes cafe dances up to 1:00 a.m.



# CITY OF COVINA

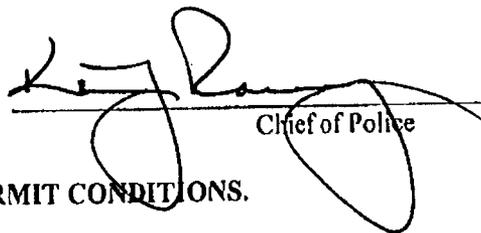
444 North Citrus Avenue • Covina, California 91723-2065 • (626) 331-3391

POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

(f) The Permit is not transferable to any other person or entity and is only valid for the Premises.

2. This Permit is also subject to the conditions hereafter stated, and which are incorporated into this Permit.

Dated: July 24, 2013

  
\_\_\_\_\_  
Chief of Police

## SECTION 3: ADDITIONAL PERMIT CONDITIONS.

### Approved Performers:

1. Permittee shall not allow the approved forms of entertainment under this Permit to occur on the Premises unless food service is concurrently available to all customers.
2. Permittee shall require Approved Performers to only perform on a stage (i.e., the approved stage), the dimensions and location of which are set forth in the submittals that were tendered to the Police Department for consideration in connection with this permit.
3. Permittee shall not allow Approved Performers or other persons to perform at any other location on the Premises (whether indoors or in outdoor areas), or at unauthorized times.
4. Permittee shall not allow persons (other than Approved Performers) to be on the stage or to use the stage for any purpose at any time. No personal property shall be placed on the stage at any time, except for use by Approved Performers.
5. Permittee shall not allow other forms of entertainment to occur at the Premises at any time, except those that are stated in this Permit.
6. Permittee shall, at all times, limit the number of Approved Performers who are on the stage at one time to a load consistent with occupancy classification.



# CITY OF COVINA

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POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

7. Permittee shall, at all times, prohibit its employees from singing, dancing, playing musical instruments, performing or otherwise engaging in any other form of entertainment at the Premises. As used in this condition, "Employees" (regardless of your designation of them under the Internal Revenue Code as employees or independent contractors) include but are not limited to: (i) persons who prepare and/or serve food or beverages to customers; (ii) persons who serve as a host, receptionist, or Maitre D'; and, (iii) all other persons who are involved in business operations at the Premises.

8. Permittee shall not alter the dimensions of the approved stage or its location in the Premises without first obtaining all required City approvals and permits. Permittee shall not erect or establish an additional stage on the Premises without first obtaining all required City approvals and permits.

### **Cafe Dancing:**

9. Permittee shall require the dancing authorized by this Permit to only occur on a designated floor (i.e., the approved dance floor), the dimensions and location of which are set forth in the submittals that were tendered to the Police Department for consideration in connection with this permit. Permittee shall not alter the dimensions of the approved dance floor or its location in the Premises without first obtaining all required City approvals and permits.

10. Permittee shall not use or allow the dance floor to be used for any purpose except cafe dancing at authorized times.

11. Permittee shall not place or allow the placement of tables, chairs or any other personal property on the dance floor at any time when dancing is not authorized.

12. Permittee shall not allow patrons to dance anywhere on the Premises except on the approved dance floor. Permittee shall not erect or establish an additional dance floor on the Premises without first obtaining all required City approvals and permits.

13. Permittee shall not at any time temporarily or permanently move or relocate tables, chairs or other personal property in order to create an additional area for patrons to dance.



# CITY OF COVINA

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POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

14. Permittee shall comply with Section 5.28.200 at all times. That section states in part as follows:

“No alcoholic beverages shall be permitted on the dance floor ...”

**Security:**

15. Permittee shall, at all times, comply with Condition Nos. 2.16.12 through 2.16.18, as well as Condition Nos. 2.16.21, 2.16.23 and 2.16.26 of Conditional Use Permit No. 11-006.

16. Permittee shall, at all times, maintain the video security system that is described in Condition No. 2.16.23 of Conditional Use Permit No. 11-006 in proper working order.

17. The video security system shall be on and operating at all times during business hours.

18. Permittee shall, at all times during business hours, ensure that at least one employee or other person is present on the Premises with the necessary knowledge and skills to operate the video security system so that he or is able to provide the Police Department with the cooperation that is described in Condition No. 2.16.24 of Conditional Use Permit No. 11-006. That condition states as follows:

*The owners, operators or managers shall cooperate with all police investigations regarding crimes that occur at the location or are as a result of conduct while at the location. This cooperation includes, but is not limited to, allowing access to view video images and providing recordings of video images of any activity deemed important by any officer of the department investigating a crime that is alleged to have occurred on the premises or as a result of conduct occurring at the premises.*

19. Permittee shall preserve the video security system's recorded information of each business day for a period of not less than ten (10) business days thereafter for the Police Department's review in connection with a criminal investigation.

**General:**

20. Permittee shall at all times, supervise, oversee and monitor all of its employees, agents, representatives and service providers to ensure compliance with this Permit and its conditions.



# CITY OF COVINA

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POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

21. When all of Permittee's members are absent from the Premises during business hours, Permittee shall designate an employee with the express duty to ensure that the conditions of this Permit are being complied with at all times. That employee shall contact police officers when they enter the Premises and identify himself or herself.
22. Permittee shall, at all times when entertainment is occurring, keep all doors that lead to exterior areas closed when not in actual use by a person or persons. Permittee shall, at all times when entertainment is occurring, keep all windows closed.
23. Permittee shall, at all times, comply with all noise regulations in Chapter 9.40 of the Covina Municipal Code with regard to the use of amplification equipment or devices, and with regard to all other business operations, activities and conditions at the Premises.
24. Permittee tendered a document entitled "Que Line Procedure" to the Police Department pursuant to Condition No. 2.16.19 of Conditional Use Permit No. 11-006 that sets forth a plan by which persons will be queued or staged outdoors as they await entry into the restaurant. Permittee shall adhere to that plan at all times and shall not queue or stage persons in a different manner unless first authorized to do so by the Police Department pursuant to Condition No. 2.16.20 of Conditional Use Permit No. 11-006.
25. Permittee shall, at all times, comply with all other conditions of Conditional Use Permit No. 11-006, as well as all federal, state, county and local laws.
26. Permittee shall tender all required submittals and any required fee to the Police Department for a renewal of this Permit at least forty-five (45) calendar days prior to the expiration date of this Permit. A renewal of this Permit shall be issued in writing by the Police Department and signed by the Police Chief.
27. All privileges granted under this Permit expire without further action by the Police Department on June 30, 2014. JP United LLC shall not allow any entertainment activities to occur on the Premises after that date without a signed renewal of this Permit.
28. Permittee shall not, without first surrendering this Permit to the Police Department, sell, assign, transfer, surrender or relinquish its interest in the Premises in whole or in part to any other person or entity. Any surrender shall be confirmed by the Police Department in writing.



# CITY OF COVINA

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## POLICE DEPARTMENT

Kim J. Raney  
Chief of Police

29. Permittee shall not, without first surrendering this Permit to the Police Department, undergo any change of any kind in the officers/members of JP United LLC. Any surrender shall be confirmed by the Police Department in writing.

30. Permittee shall not, without first surrendering this Permit to the Police Department, adopt, use or advertise a different fictitious business name for the Premises. Any surrender shall be confirmed by the Police Department in writing.

31. Permittee shall, within five days of any enforcement action by the California Department of Alcoholic Beverage Control against Liquor License No. 514243, notify the Police Department of that enforcement action. As used in this condition, "Enforcement Action" includes but is not limited to the issuance of a criminal citation to an officer/member, employee or agent of the Permittee for alleged violations of law at the Premises, as well the initiation of an administrative or civil action against Licensee JP United LLC for alleged violations of law at the Premises. "Violations of law" include failures to comply with regulations that govern liquor licenses and the premises they are issued for.

32. Permittee shall not, without first surrendering this Permit to the Police Department, sell or transfer any interest in Liquor License No. 514243 to another person or entity, or surrender that license to the California Department of Alcoholic Beverage Control. Any surrender shall be confirmed by the Police Department in writing.

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PLEASE TAKE NOTICE this Permit is subject to revocation or suspension for cause at any time by the Police Chief pursuant to Section 5.28.120 of the Covina Municipal Code. "Cause" includes but is not limited to: (i) the dance place has been conducted or operated in a manner that violates local, state or federal laws; (ii) a material breach of one or more of the foregoing conditions has occurred, or there have been repeated breaches of conditions; and, (iii), the activities authorized by this permit, or your dance place, are being conducted or operated in an improper or disorderly manner.

PLEASE TAKE FURTHER NOTICE a breach of any condition of this Permit constitutes cause to revoke or void Conditional Use Permit No. 11-006, pursuant to Conditions Nos. 2.1, 2.16.30 and 2.16.31, as well as pursuant to Sections 5.04.050 A. and 17.62.170 A. of the Covina Municipal Code.

PLEASE TAKE FURTHER NOTICE your business license is subject to revocation, amendment, modification or conditions pursuant to Section 5.04.035 B. of the Covina Municipal Code, if the

Page 7 of 10



# CITY OF COVINA

444 North Citrus Avenue • Covina, California 91723-2065 • (626) 331-3391

POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

City Council determines your establishment is being operated in a manner that is contrary to, or inimical to the preservation of the public peace, safety or welfare, or it is otherwise detrimental to other properties or businesses in the vicinity.

PLEASE TAKE FURTHER NOTICE a breach of any condition of this Permit constitutes a public nuisance pursuant to Chapter 8.40 of the Covina Municipal Code. Pertinent provisions in that chapter are as follows:

#### **8.40.030 Prohibited public nuisance conditions.**

The city council finds and declares that, notwithstanding any other provision of the Covina Municipal Code, it is a public nuisance and unlawful for any person to allow, cause, create, maintain, or suffer, or permit others to cause, create, or maintain, the following:

G. Any building, structure, or use of real property that violates or fails to comply with (1) any applicable approval, permit, license, or entitlement or condition relating thereto, (2) any ordinance of the city, including, but not limited to, any provision of this code, or (3) any applicable county, state, or federal law or regulation.

#### **8.40.040 Penalty.**

A. Notwithstanding any other provision of the Covina Municipal Code to the contrary, any person who causes, permits, suffers, or maintains a public nuisance, or any person who violates any provision of this chapter, or who fails to comply with any obligation or requirement of this chapter, is guilty of a misdemeanor offense punishable in accordance with CMC 1.16.010(A). A criminal prosecution and/or civil litigation may be initiated without the commencement of the "nuisance abatement" procedures outlined in Article II of this chapter.

B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this chapter, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.



# CITY OF COVINA

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POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

PLEASE TAKE FURTHER NOTICE that if a breach of a condition of this Permit (which is a public nuisance – see above) results in an imminent hazard to persons or property, the Police Chief or other authorized official may, if necessary to summarily abate the nuisance, require a cessation of your business operations or a closure of the Premises pursuant to Section 8.40.180 [Emergency Action to Abate an Imminent Hazard] of the Covina Municipal Code. That section states in part as follows:

A. Notwithstanding any provision of the Covina Municipal Code to the contrary, the police chief, the fire chief, or the building official, or any of their designees, may cause a public nuisance to be summarily abated if it is determined that the nuisance creates an imminent hazard to a person or persons, or to other real or personal property.

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# CITY OF COVINA

444 North Citrus Avenue • Covina, California 91723-2065 • (626) 331-3391

POLICE DEPARTMENT  
Kim J. Rancy  
Chief of Police

## ACCEPTANCE OF CONDITIONS

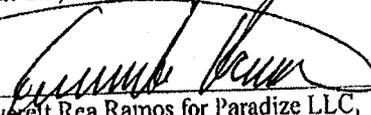
We accept and agree to comply with all provisions of this Permit and its conditions at all times.

We acknowledge receipt of a signed copy/duplicate of this Permit at the time of its issuance.

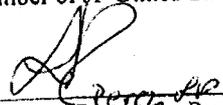
Dated: July 24, 2013

  
\_\_\_\_\_  
Jian Lin, Member of JP United LLC

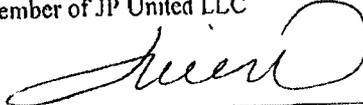
Dated: July 24, 2013

  
\_\_\_\_\_  
Everett Rea Ramos for Paradize LLC,  
Member of JP United LLC

Dated: July 29, 2013

  
\_\_\_\_\_  
Laura Fey Ramos for Paradize LLC,  
Member of JP United LLC

Dated: July 24, 2013

  
\_\_\_\_\_  
Wen Xie, a/k/a Vivian Xie,  
Member of JP United LLC



# CITY OF COVINA

444 North Citrus Avenue • Covina, California 91723-2065 • (626) 331-3391

POLICE DEPARTMENT  
Kim J. Raney  
Chief of Police

September 3, 2013

RED

Jian Lian

Wen Xie a/k/a Vivian Xie

Paradize LLC by Everett Rea Ramos and Laura Fey Ramos (its members)

211 North Citrus Avenue

Covina, CA 91723

To Whom It May Concern:

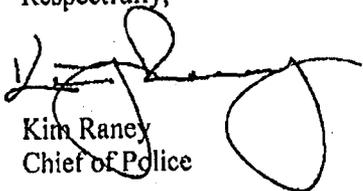
On Tuesday, August 27, 2013, Captain Webster and Lieutenant Curley met with RED operators/owners, Vivian Xie and Everett Ramos in regards to a burlesque dancing advertisement produced by RED. During that meeting, my staff made it clear that "burlesque dancing" was not an approved or permitted use as referenced from the current Dance and Entertainment Permit. Both Everett and Vivian assured my staff they would remove all "burlesque" advertisements and comply with ALL aspects of the Dance and Entertainment Permit.

On Friday, August 30, 2013, Downtown Service Area Lieutenant David Foster discovered only five security guards on-duty at RED at a time when the security staffing should have been six, per the Dance and Entertainment Permit.

This letter serves as a formal notification of specific violations of RED's current Dance and Entertainment Permit, previously signed by all owners/operators of RED. Please take notice that the Dance and Entertainment Permit is subject to revocation or suspension for cause at any time by me pursuant to Section 5.28.120 of the Covina Municipal Code. "Cause" includes but is not limited to: (i) the dance place has been conducted or operated in a manner that violates local, state or federal laws; (ii) a material breach of one or more of the foregoing conditions has occurred, or there have been repeated breaches of conditions; and, (iii), the activities authorized by this permit, or your dance place, are being conducted or operated in an improper or disorderly manner.

The Covina Police Department prides itself in making public safety its number one priority. Please ensure you immediately make the appropriate changes that mirror the requirements set forth in the Dance and Entertainment Permit.

Respectfully,



Kim Raney  
Chief of Police



# CITY OF COVINA

444 North Citrus Avenue • Covina, California 91723-2065 • (626) 331-3391

POLICE DEPARTMENT

Kim J. Raney  
Chief of Police

May 19, 2014

Jian Lian & Wen Xie a/k/a Vivian Xie  
Paradize LLC by Everett Rea Ramos and Laura Fey Ramos (its members)  
RED  
211, 213, and 215 North Citrus Avenue  
Covina, CA 91723

To Whom It May Concern:

On Monday May 19, 2014 at 0200 hours, the on-duty Covina Police Department Watch Commander and its staff noticed the doors to RED were closed and locked; however patrons remained inside. Approximately 12 minutes later, RED management was contacted and advised the patrons were being allowed to finish dining. RED management then acknowledged they were in violation of the Conditional Use Permit and began ushering those patrons through the back (west facing) door.

This letter serves as the 2<sup>nd</sup> formal notification of specific violations of RED's current Dance and Entertainment Permit, previously signed by all owners/operators of RED. The 1<sup>st</sup> formal notification was on September 3, 2013 after my staff discovered a lack of sufficient security guards as outlined in the Dance and Entertainment Permit.

Please take notice that the Dance and Entertainment Permit is subject to revocation or suspension for cause at any time by me pursuant to Section 5.28.120 of the Covina Municipal Code. "Cause" includes but is not limited to: (i) the dance place has been conducted or operated in a manner that violates local, state or federal laws; (ii) a material breach of one or more of the foregoing conditions has occurred, or there have been repeated breaches of conditions; and, (iii), the activities authorized by this permit, or your dance place, are being conducted or operated in an improper or disorderly manner.

The Covina Police Department prides itself for making public safety its number one priority. Please ensure you immediately make the appropriate changes that mirror the requirements set forth in the Dance and Entertainment Permit.

Sincerely,

Kim Raney  
Chief of Police



# CITY OF COVINA

444 North Citrus Avenue • Covina, California 91723-2065 • (626) 331-3391

## POLICE DEPARTMENT

Kim J. Raney  
Chief of Police

June 9, 2014

Jian Lian, a/k/a Jian Lin [Responsible Person]  
Wen Xiea/k/a Vivian Xie [Responsible Person]  
Everett Rea Ramos and Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Operator/Permit Holder]  
d/b/a/ "Restaurant Entertainment Dancing" and "R.E.D."  
211 N. Citrus Avenue  
Covina, CA 91723

COPY

*Via Certified Mail / Return Receipt Requested  
Copy Via First Class Mail*

Re: Final Request for Compliance with Permit Conditions  
Entertainment Permit (Issued July 24, 2013)

Dear Responsible Persons:

The conditions of the above-referenced permit are designed to protect public health, safety and welfare. In that regard, you agreed on July 24, 2013 to "comply with all provisions of this permit and its conditions at all times."

I issued a letter to you on September 3, 2013<sup>1</sup> (see attached copy) concerning your failure to comply with permit conditions that pertain to security guards. In that regard, Condition No. 15 of the Entertainment Permit requires you to comply at all times with guard-related conditions in Conditional Use Permit No. 11-006, which are restated in the Appendix to this letter for your convenient reference.

This department has reason to believe that you are again failing to observe those conditions. If this violation is confirmed, I will suspend the permit for a period not to exceed 30 days, or I will revoke the permit.<sup>2</sup> In that event, R.E.D. would not be entitled to conduct dance and/or entertainment activities at these premises.

An administrative action is not the exclusive remedy for violating permit conditions. Each of you is also subject to criminal liability for misdemeanor offenses of the Covina Municipal Code pursuant Sections 8.40.030 (G) and 8.40.040 (which are recited in your permit).

<sup>1</sup> I also issued a letter to you on May 19, 2014 for failing to adhere to the authorized hours of operation on that date.

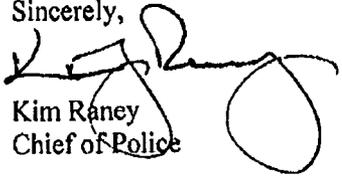
<sup>2</sup> Section 5.28.120 C. of the Covina Municipal Code authorizes these actions.

Jian Lian, a/k/a Jian Lin [Responsible Person]  
Wen Xie/k/a Vivian Xie [Responsible Person]  
Everett Rea Ramos and Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Operator/Permit Holder]  
d/b/a/ "Restaurant Entertainment Dancing" and "R.E.D."  
Re: Final Request for Compliance with Permit Conditions  
Entertainment Permit (Issued July 24, 2013)  
June 9, 2014  
Page 2

Please comply with your permit conditions at all times.

A signed copy of this letter shall constitute an original for all purposes.

Sincerely,

  
Kim Raney  
Chief of Police

Cc: \_\_\_\_\_

Steven H. Rosenblit, City Prosecutor

Jian Lian, a/k/a Jian Lin [Responsible Person]  
Wen Xiea/k/a Vivian Xie [Responsible Person]  
Everett Rea Ramos and Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Operator/Permit Holder]  
d/b/a/ "Restaurant Entertainment Dancing" and "R.E.D."  
Re: Final Request for Compliance with Permit Conditions  
Entertainment Permit (Issued July 24, 2013)  
June 9, 2014  
Page 3

#### Appendix

- 2.16.12 The owner or operator shall contract with a security company for security personnel or hire security personnel as employees.
- 2.16.13 If the owner or operator chooses to hire a security company, the security company must be licensed to operate in both the State of California and the City of Covina. Additionally, all employees who are assigned to work at the premises must be licensed by the State of California as security guards and be in good standing throughout their time of employment.
- 2.16.14 In the event the owner(s), operator or manager provide their own security personnel, all personnel must be employed only as security personnel and not have other responsibilities while acting in that capacity. Additionally, all employees acting as security personnel must be licensed and in good standing with the State of California throughout their time of employment.
- 2.16.15 The restaurant and bar will have no less than two personnel assigned for security purposes, with valid guard cards issued by the State of California, on-duty at all times when no live entertainment is present.
- 2.16.16 The restaurant and bar will have no less than six personnel assigned for security purposes, with valid guard cards issued by the State of California, on-duty at all times when any type of entertainment is taking place or during televised sporting events.
- 2.16.18 At no time will any security personnel, whether employed by a private company or licensed by the City or employed by the restaurant, be armed with any type of firearm.
- 2.16.21 In the event patrons waiting to enter the restaurant and bar are lined up outside the restaurant, the owner, operator or manager shall assign at least one security person to monitor the conduct of all customers waiting in line.

L A W O F F I C E S  
DAPEER, ROSENBLIT & LITVAK, LLP

STEVEN H. ROSENBLIT  
KENNETH B. DAPEER  
WILLIAM LITVAK  
JAMES C. ECKART  
ANITA ZUCKERMAN  
PATRICIA H. FITZGERALD  
NORMA COPADO-WELLS  
CAROLINE K. CASTILLO  
CHARLENE J. WYNDR  
GILBERT MIKALIAN  
ERIC P. MARKUS  
STEPHEN NIRENBERG  
JESSICA BALADY

PLEASE DIRECT MAIL TO:  
DRL MAIL CENTER  
POST OFFICE BOX 2067  
HUNTINGTON PARK, CA 90255-3099

WRITER'S EMAIL  
SROSENBLIT@DRLLAW.COM

METROPOLITAN CITIES OFFICE  
P.O. Box 2067  
2770 E. SLAUSON AVENUE  
HUNTINGTON PARK, CA 90255-3099  
TELEPHONE (323) 587-5221  
FACSIMILE (323) 587-4190

WEST LOS ANGELES OFFICE  
11500 W. OLYMPIC BLVD., SUITE 550  
LOS ANGELES, CA 90064-1524  
TELEPHONE (310) 477-5575  
FACSIMILE (310) 477-7090

July 15, 2014

Via First Class Mail and Personnel Service

Jian Lin [Member/Responsible Person]  
Wen Xie a/k/a Vivian Xie [Member/Responsible Person]  
Paradize LLC [Member] / Everett Rea Ramos & Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Owner]  
d/b/a R.E.D. and Red Entertainment Dancing  
211 N. Citrus Avenue  
Covina, CA 91723

[Copy Via Email: [everett@redcovina.com](mailto:everett@redcovina.com) and [laura@redcovina.com](mailto:laura@redcovina.com)]

Re: Notice of Violation / Final Request for Municipal Code Compliance  
Approved Premises: Ground Floor and Adjoining Public Property

Dear Responsible Persons:

This office represents the city of Covina ("City") as code enforcement attorneys and prosecutors. We assist City officials in obtaining compliance with the Covina Municipal Code ("CMC").

I met with Everett Rea Ramos on July 10, 2014 at 11:00 a.m. in a Covina Police Department conference room. Also present were Lt. John Curley and Building Official William Hayes.

Mr. Ramos informed us as follows:

1. You regularly allow an occupancy load of 225-250 persons on Friday and Saturday nights.

(a) You acknowledged that a prior Fire Department approval for a floor plan with an occupancy load of three hundred persons is not valid without the prior written approval of the Building and Safety Section.

2. You regularly remove tables and chairs from three areas inside your premises in order to create open space for persons to congregate and dance.

Jian Lin [Member/Responsible Person]  
Wen Xie a/k/a Vivian Xie [Member/Responsible Person]  
Paradize LLC [Member] / Everett Rea Ramos & Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Owner]  
d/b/a R.E.D. and Red Entertainment Dancing  
Re: Notice of Violation / Final Request for Municipal Code Compliance  
Approved Premises: Ground Floor and Adjoining Public Property  
July 15, 2014  
Page 2

3. Customers are allowed to dance wherever they wish to do so.
4. You regularly place tables and chairs at certain times on the dance floor which items take up approximately fifty square feet.
5. You rented a space on the second floor of the premises<sup>1</sup> five months ago of approximately 2,200 square feet and are paying rent of \$1,000.00 a month to the property owner [Jian Lin for Citrus International LLC]. You advertised this space as a "Banquet Hall."
  - (a) You remodeled this space with new floors, new mirrors, recessed lights and a projector.
  - (b) You have had gatherings or meetings in this space. They include a family event four months ago for Mr. Ramos with included food service and alcohol consumption, as well as a meeting of thirty realtors (without food or alcohol) three months ago.
  - (c) You are under negotiations with Herbalife to use this space once a month on Thursday morning with water, juice and food service (pastries). You had not signed a contract as of July 10, 2014.
  - (d) A photo (now removed) on your website (see below) shows tables and chairs that you claim were merely "staged" to show how private parties would use this space if it were to be used as a banquet hall. The space can hold ten tables with seating for ten persons per table.



---

<sup>1</sup> A dance studio formerly occupied that area.

Jian Lin [Member/Responsible Person]  
Wen Xie a/k/a Vivian Xie [Member/Responsible Person]  
Paradize LLC [Member] / Everett Rea Ramos & Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Owner]  
d/b/a R.E.D. and Red Entertainment Dancing  
Re: Notice of Violation / Final Request for Municipal Code Compliance  
Approved Premises: Ground Floor and Adjoining Public Property  
July 15, 2014  
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6. You do not obtain Technical (Building, Electrical, Plumbing or Mechanical) Code Permits unless structural work is involved. That's why interior doors were installed in a portion of the premises without a permit. That's also the case for the electrical lighting in the second floor space.

7. You stop serving dinner at 9:30 p.m. on Thursdays, Fridays and Saturdays. This information conflicts with the "Info" portion of your website [<http://redcovina.com/restaurant/info/>], which states restaurant service is over at 11:00 p.m. on those nights.



(a) You have a crew of six persons in your kitchen at peak dinner hours, that you reduce to one during later hours.

8. You operate as a nightclub (starting at 10:00 p.m.) once the restaurant closes. This is also confirmed by the foregoing screen shot of your website.

9. You need to operate as a nightclub in order to stay in business.

Jian Lin [Member/Responsible Person]  
Wen Xie a/k/a Vivian Xie [Member/Responsible Person]  
Paradize LLC [Member] / Everett Rea Ramos & Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Owner]  
d/b/a R.E.D. and Red Entertainment Dancing  
Re: Notice of Violation / Final Request for Municipal Code Compliance  
Approved Premises: Ground Floor and Adjoining Public Property  
July 15, 2014  
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The City has made the following determinations:<sup>2</sup>

A. You committed a Fire Code violation every time you exceeded the approved occupancy load of 194 persons.

B. You violated Condition No. 25 of your Entertainment Permit (issued July 24, 2013 – hereinafter the “Permit”)<sup>3</sup> by failing to comply with all local laws – due to the overcrowding occurrences (and for all other violations of the Permit as discussed below).

C. You violated Condition No. 1 of your Permit by allowing Approved Performers to perform without food service being concurrently available to all patrons.

D. You violated Condition No. 4 of your Permit by placing tables and chairs on the dance floor.

E. You violated Condition No. 9 of your Permit by not requiring patrons to only dance on the approved dance floor.

F. You violated Condition No. 10 of your Permit by using a portion of the dance floor to seat patrons.

G. You violated Condition No. 13 of your Permit by temporarily moving or relocating tables in your premises in order to create additional areas for patrons to dance.

H. You violated Condition No. 14 of your Permit by allowing patrons to bring alcoholic beverages on the dance floor (as confirmed by a video at <http://redcovina.com/lounge/>).

I. You violated the Covina Building Code by altering a portion of the premises without a building permit.

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<sup>2</sup> Additional determinations may be made after the issuance date of this letter.

<sup>3</sup> That Permit expired on June 30, 2014. Nevertheless, the Police Department is, as an accommodation, authorizing you to have entertainment and cafe dancing on the same conditions while it considers your June 16, 2014 application for a new permit.

Jian Lin [Member/Responsible Person]  
Wen Xie a/k/a Vivian Xie [Member/Responsible Person]  
Paradize LLC [Member] / Everett Rea Ramos & Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Owner]  
d/b/a R.E.D. and Red Entertainment Dancing  
Re: Notice of Violation / Final Request for Municipal Code Compliance  
Approved Premises: Ground Floor and Adjoining Public Property  
July 15, 2014  
Page 5

J. You violated the Covina Building Code by allowing the use and occupancy of the second floor space without a certificate of occupancy.

K. You violated the Covina Electrical Code by doing electrical work in the second floor space without a permit.

L. Any alcohol sales to patrons in the second floor space occurred without a license from the California Department of Alcoholic Beverage Control. Your Type 47 liquor license only authorizes sale of alcoholic beverages on the first floor.

M. CUP11-006 does not authorize the operation of a nightclub. That activity, along with the changes you made to the premises (see D. and G. above) render you in violation of Condition No. 2.22 of CUP11-006 by operating in disregard of approved designed details. You also violated Condition No. 2.21 of CUP11-006 by failing to operate a restaurant with alcohol and entertainment in an integrated manner.

N. Expansion of business activities to the second floor space violated Condition No. 2.22 of CUP11-006. You are not operating R.E.D. in accordance with the approved plans on file with the City.

O. You do not have the required Type 48 license<sup>4</sup> from the California Department of Alcoholic Beverage Control to operate as a nightclub.

P. By tendering your application for a new permit to the Police Department on June 16, 2014, you violated Condition No. 26 of the Permit that required your submittal at least forty-five calendar days prior to June 30, 2014.

Q. You had several electronic hookah devices that patrons were renting in a patio area last Friday evening (July 11, 2014). This is not a permitted use at your premises. It is also not an included use in your approved project plans. You therefore violated Condition Nos. 2.21 and 2.22 of CUP11-006.

---

<sup>4</sup> A Type 48 license authorizes the sale of alcoholic beverages for consumption without food service.

Jian Lin [Member/Responsible Person]  
Wen Xie a/k/a Vivian Xie [Member/Responsible Person]  
Paradize LLC [Member] / Everett Rea Ramos & Laura Fey Perez [Responsible Persons]  
JP United LLC [Business Owner]  
d/b/a R.E.D. and Red Entertainment Dancing  
Re: Notice of Violation / Final Request for Municipal Code Compliance  
Approved Premises: Ground Floor and Adjoining Public Property  
July 15, 2014  
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All of you are subject to the following consequences due to those determinations:

AA. You could be denied a new dance/entertainment permit. In that event all entertainment and cafe dancing must stop.

BB. The City could initiate an administrative action to revoke your conditional use permit.

CC. You could be prosecuted in the Los Angeles Superior Court for misdemeanor offenses of the Covina Municipal Code. If convicted, you each face substantial fines/assessments, jail time and probation for three years.

Whether the City exercises one or more of its remedies depends, in part, on your conduct going forward. Please undertake the following actions:

- Effective immediately, operate as a restaurant at all times, and not as a nightclub.
  - Do not exceed the occupancy load of 194 persons at any time.
  - **By July 17, 2014 at 3:00 p.m.**, refrain at all times from advertising or promoting your establishment in all media (including online and via social media) as a nightclub.
- Effective immediately, do not use or occupy, or allow any person to use or occupy, the second floor space until you have obtained all required City approvals and permits.
  - **By July 17, 2014 at 3:00 p.m.**, remove all personal property from that space and pass a City inspection. Please contact Building Official William Hayes at (626) 384-5460 to schedule an inspection appointment.
  - **By July 17, 2014 at 3:00 p.m.**, terminate all electrical service to that space by causing Southern California Edison to remove its meter, or by removing the controlling breaker from the electrical panel (with an electrical permit and final inspection approval from the Building and Safety Section).<sup>5</sup>
- Comply with all conditions of CUP11-006 at all times in the future.

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<sup>5</sup> You agreed during our July 10, 2014 meeting to complete one of those actions by July 15, 2014.

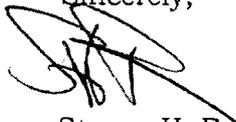
Jian Lin [Member/Responsible Person]  
Wen Xie a/k/a Vivian Xie [Member/Responsible Person]  
Paradize LLC [Member] / Everett Rea Ramos & Laura Fey Perez [Responsible Persons]  
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d/b/a R.E.D. and Red Entertainment Dancing  
Re: Notice of Violation / Final Request for Municipal Code Compliance  
Approved Premises: Ground Floor and Adjoining Public Property  
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- Comply with all conditions of any dance/entertainment permit at all times in the future.
- Comply with all applicable federal, state, county and local laws at all times.
- Effective immediately, do not allow any persons to use hookah or similar devices (regardless of compensation) indoors and in patio areas at any time.

I informed Mr. Ramos in our July 10, 2014 meeting that economic necessity could not be the basis of operating R.E.D. in disregard of CUP11-006 (i.e., as a nightclub). You are encouraged to meet with Interim Community Development Director Nancy Fong at City Hall after July 21, 2014 to explore any options you may have to lawfully modify your business practices. Please contact Mr. Hayes at (626) 384-5460 to schedule an appointment.

A signed copy of this letter shall constitute an original for all purposes.

Sincerely,



Steven H. Rosenblit  
Covina Code Enforcement Attorney/Prosecutor

Cc: Chief Kim Raney  
Captain Derek Webster  
Lt. John Curley  
Interim Public Works Director Alex Gonzalez  
Building Official William Hayes



# CITY OF COVINA

444 North Citrus Avenue • Covina, California 91723-2065 • (626) 331-3391

POLICE DEPARTMENT

Kim J. Raney  
Chief of Police

July 28, 2015

JP United LLC  
d/b/a R.E.D. and Red Entertainment Dancing ("RED")  
211 North Citrus Avenue  
Covina, CA 91723

*[Via First Class Mail and  
Certified Mail /  
Return Receipt Requested]*

Attn: Jian Lin, Principal/Member/Responsible Person  
Wen Xie a/k/a Vivian Xie, Principal/Member/Responsible Person  
Paradize LLC in care of  
Everett Rea Ramos, Principal/Member/Responsible Person  
Laura Fey Perez [Principal/Member/Responsible Person]

Re: Notice of Administrative Investigation  
Dance & Entertainment Permit (July 24, 2013) and  
Dance & Entertainment Permit Renewal Application (December 2, 2014)  
R.E.D. (211 North Citrus Avenue, Covina)

Dear Responsible Parties:

As you are aware, on July 24, 2013, pursuant to the provisions of Chapter 5.28 of the Covina Municipal Code (hereinafter, "Municipal Code" or "CMC"), the undersigned issued a permit to JP United, LLC dba Red Entertainment Dancing a/k/a R.E.D. (hereinafter, "RED") authorizing dancing and specific forms of live entertainment<sup>1</sup> to be conducted or presented at RED (located at 211, 213, and 215 North Citrus Avenue in the City of Covina). The dance and entertainment permit (hereinafter, "D&E Permit" or "Permit") contained approximately 33 conditions of approval as set forth in the D&E Permit, each of which was accepted by each of the members of JP United, LLC.

As set forth in Conditions #1(b) and #27 of the D&E Permit, the D&E Permit was scheduled to expire – and all rights granted therein were scheduled to terminate without any further action, on June 30, 2014.

On December 2, 2014, JP United, LLC submitted an application to the Covina Police Department to renew the D&E Permit that had been issued in July

<sup>1</sup> Specifically, the permit authorized live bands, singers, and customers singing to pre-recorded music ("karaoke"), as well as café dancing.

JP United LLC dba R.E.D.

Attn: Jian Lin, Principal/Member/Responsible Person

Wen Xie a/k/a Vivian Xie, Principal/Member/Responsible Person

Paradize LLC in care of

Everett Rea Ramos, Principal/Member/Responsible Person

Laura Fey Perez, Principal/Member/Responsible Person

Notice of Administrative Investigation

July 28, 2015

Page 2 of 4

2013.<sup>2</sup> Pursuant to the provisions of CMC Chapter 5.28, the undersigned (with the assistance of other City Departments/Divisions) commenced an investigation into JP United, LLC's renewal application.

Despite the scheduled expiration of the D&E Permit (on June 30, 2014), the undersigned agreed to extend the Permit (and each of the rights granted therein) pending the conclusion of the investigation of JP United, LLC's renewal application contingent upon JP United, LLC's strict adherence to the D&E Permit and each of its conditions.

Before concluding my investigation for your renewal application, City Officials (including, but not limited to, representatives of the City's Police Department and Community Development Department) need to conduct an inspection of your business establishment to determine whether the premises are in compliance with all applicable zoning, fire, building, and health ordinances and regulations, as well as the conditions of the D&E Permit, Conditional Use Permit No. 11-006,<sup>3</sup> and other applicable laws.

In this regard, please note that on March 3, 2015, City Officials inspected your business establishment with the consent of and in the presence of Everett Ramos and observed several conditions that deviated from the plans approved by the City Council in connection with the CUP. Specifically, they observed the following alterations that lacked the benefit of requisite City approvals, permits, and/or inspections:

- a) Glass partitions and locking doors had been installed between the north and south portions of the restaurant (and bar area);<sup>4</sup>

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<sup>2</sup> It should be noted that the Police Department had also received other renewal applications on June 16, 2014 (from Everett Ramos) and July 24, 2014 (from Pablo Esteves) on behalf of JP United, LLC, however, the renewal application submitted on December 2, 2014 by Wen Xie a/k/a Vivian Xie (and listing Everett Ramos, Laura Perez, Jian Lin, and Wen Xie as owners) is deemed to supersede each of the previous two renewal applications.

<sup>3</sup> The Covina City Council issued Conditional Use Permit No. 11-006 (hereinafter, "CUP") authorizing the operation of a restaurant with outside sidewalk dining with alcohol and entertainment at 211 North Citrus Avenue, subject to approved plans and the conditions of approval set forth in the CUP.

<sup>4</sup> Mr. Ramos admitted to causing these to be installed without City approvals, permits, or inspections. He further stated that the installations were performed to create a physical

JP United LLC dba R.E.D.

Attn: Jian Lin, Principal/Member/Responsible Person

Wen Xie a/k/a Vivian Xie, Principal/Member/Responsible Person

Paradize LLC in care of

Everett Rea Ramos, Principal/Member/Responsible Person

Laura Fey Perez, Principal/Member/Responsible Person

Notice of Administrative Investigation

July 28, 2015

Page 3 of 4

- b) An area under the stairwell (previously approved and used for storage) was being used as an additional DJ area;
- c) The stage area has been modified to provide seating on the stage;<sup>5</sup>
- d) Platform seating was created on the south side of the restaurant.<sup>6</sup>

As you are also aware based upon prior communications between City Officials and representatives of RED, in addition to reviewing your renewal application, City Officials are reviewing your compliance with RED's D&E Permit and the CUP.

The undersigned is hereby requesting that you **contact Lt. John Curley on or before August 6, 2015 in order to schedule an inspection of the business premises** (with the inspection to occur no later than August 13, 2015). Lt. Curley may be contacted either via e-mail at [jcurley@covinaca.gov](mailto:jcurley@covinaca.gov) or telephonically at (626) 384-5611.<sup>7</sup>

Additionally, in an effort to ensure that you are operating as a bona fide (public) eating establishment/place in accordance with your ABC Type 47 license and the CUP, I am hereby requesting copies of records which reflect separately the gross sale of food and the gross sale of alcoholic beverages at RED for each month for the past 18 months. You are requested to provide these records to Lt. Curley (either via e-mail or at the Police Department) **on or before August 13, 2015**.

---

separation that would allow for different uses of the northerly and southerly portions of the establishment (e.g., for different types of music and dancing, or restaurant/dancing use in the northerly portion and dancing/night club use in the southerly portion).

<sup>5</sup> Mr. Ramos stated that the alterations were made to the stage to provide seating for performers and dancers on the stage.

<sup>6</sup> Mr. Ramos stated that this was done to create "V.I.P. areas".

<sup>7</sup> Condition No. 2.31 of CUP 11-006 states as follows: "The City has the right of entry to inspect the premises to verify compliance with the conditions of approval and the Covina Municipal Code at any time."

JP United LLC dba R.E.D.

Attn: Jian Lin, Principal/Member/Responsible Person

Wen Xie a/k/a Vivian Xie, Principal/Member/Responsible Person

Paradize LLC in care of

Everett Rea Ramos, Principal/Member/Responsible Person

Laura Fey Perez, Principal/Member/Responsible Person

Notice of Administrative Investigation

July 28, 2015

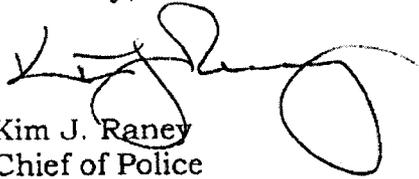
Page 4 of 4

You will, of course, be advised of the results of our investigations upon their conclusion.

The City looks forward to your anticipated cooperation so that we may conclude our investigations related to your business establishment.

If you have any questions, kindly contact Lt. Curley.

Sincerely,



Kim J. Raney  
Chief of Police

Cc: Wen Xie a/k/a Vivian Xie / Via E-Mail: [VX88888@gmail.com](mailto:VX88888@gmail.com)

Everett Ramos / Via E-Mail: [Everett@redcovina.com](mailto:Everett@redcovina.com)

Laura Fey Perez / Via E-Mail: [Laura@redcovina.com](mailto:Laura@redcovina.com)

158



Covina Police Department

Calls For Service Report

10-4-12 - 6-8-15

Generated by 2712 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Code	Code	Code	Code	Code	Location
2CV0033376	P	10/04/12	15:59:20	925	ALCOVE/RED	P22	FD		211 N. CITRUS AV
3CV0033788	P	07/26/13	17:46:38	AC	ON FOOT	P38	COM		211 N. CITRUS AV
3CV0024889	P	08/02/13	14:22:47	415P	LOUD MUSIC/PART	P21	ADV		211 N. CITRUS AV
3CV0025707	P	08/11/13	20:41:58	534	RETAIL	P28	COM		211 N. CITRUS AV
3CV0031858	P	10/05/13	02:03:23	537	DRUNK IN PUBLIC	P01	ARR		211 N. CITRUS AV
3CV0032848	P	10/12/13	01:14:48	537P	DRUNK IN PUBLIC	P84	ARR		211 N. CITRUS AV
3CV0032721	P	10/07/13	21:34:28	537	CITY CODE VIOL	P11	ADV		211 N. CITRUS AV
3CV0032733	P	10/12/13	22:06:31	963	NON-INJ COLLIS	P10	RPT		211 N. CITRUS AV

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**Covina Police Department**  
**Calls For Service Report**

Generated by 2217 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
3CV0032781	P	10/13/13	10:23:01	TS	TRAFFIC STOP	P24	CIT	211 N. CITRUS AV
[REDACTED]								
3CV0032838	P	10/13/13	22:44:17	416P	LOUD MUSIC/PART	P14	ADV	211 N. CITRUS AV
[REDACTED]								
3CV0033427	P	10/18/13	01:38:53	647F	DRUNK IN PUBLIC	P34	ARR	211 N. CITRUS AV
[REDACTED]								
3CV0033530	P	10/20/13	01:38:08	647F	DRUNK IN PUBLIC	P12	ARR	211 N. CITRUS AV
[REDACTED]								
3CV0034343	P	10/27/13	00:38:50	416F	FIGHT	P14	PI	211 N. CITRUS AV
[REDACTED]								
3CV0034384	P	10/27/13	01:54:07	647F	DRUNK IN PUBLIC	P14	ARR	211 N. CITRUS AV
[REDACTED]								



# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident #	A	Date	Time	Officer	NOI	Unit	Class	Location
3CV0034356	P	10/27/13	02:31:23	928L	LOST PROPERTY	P12	RPT	211 N. CITRUS AV
3CV0035830	P	11/08/13	23:27:15	415P	LOUD MUSIC/PART	P12	ADV	211 N. CITRUS AV
3CV0038037	P	11/11/13	03:39:28	242R	BATTERY RPT		CAN	211 N. CITRUS AV
3CV0038119	P	11/11/13	23:24:20	100U	LINK TYPE ALARM	P12	FA	211 N. CITRUS AV
3CV0037540	P	11/24/13	02:07:07	415	DISTURBANCE-GEN	P38	104	211 N. CITRUS AV
3CV0037069	P	11/28/13	02:02:22	894	VANDALISM	P11	RPT	211 N. CITRUS AV

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# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

**Search Criteria:** City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Unit	Dispa	Location
3CV0038786	P	12/06/13	23:46:59	BAR	BARCHECK	P12	104	211 N. CITRUS AV
3CV0040279	P	12/22/13	00:16:25	242	NO PROB	P13	SRPT	211 N. CITRUS AV
3CV0040806	P	12/28/13	01:58:47	418	DISURBANCE-GE	P14	504	211 N. CITRUS AV
3CV0041182	P	12/31/13	22:54:15	647F	DRUNK IN PUBLIC	P14	ARR	211 N. CITRUS AV
4CV0000830	P	01/01/14	02:05:16	647F	DRUNK IN PUBLIC	P31	ARR	211 N. CITRUS AV
4CV0001871	P	01/18/14	01:07:17	CMC	CITY CODE VIOL	P81	ADV	211 N. CITRUS AV
4CV0004200	P	02/08/14	00:04:39	BAR	BARCHECK	PL5	ADV	211 N. CITRUS AV

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## Covina Police Department Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Off	Dispo	Location
4CV0005239	P	02/16/14	09:07:46	242R	BATTERY RPT	P23	RPT	211 N. CITRUS AV
4CV0005279	P	02/16/14	17:58:34	242	BATTERY	P23	ARR	211 N. CITRUS AV
4CV0005433	P	02/17/14	22:13:51	TB	TRAFFIC STOP	P12	ADV	211 N. CITRUS AV
4CV0005481	P	02/23/14	16:51:28	TB	TRAFFIC STOP	P22	RPT	211 N. CITRUS AV
4CV0007418	P	03/08/14	01:48:16	418	DISTURBANCE-GEN	P32	104	211 N. CITRUS AV
4CV0007824	P	03/09/14	03:06:12	BAR	BARCHECK	P34	ADV	211 N. CITRUS AV
4CV0008497	P	03/17/14	23:54:07	566	REAR	P31	ADV	211 N. CITRUS AV

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# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	TYPE	NOI	Unit	Dispo	Location
4CV0008908	P	03/21/14	23:49:20	647F	DRUNK IN PUBLIC	P33	ARR	211 N. CITRUS AV
4CV0008784	P	03/30/14	01:14:41	917S	REAR LOT	P12	ADV	211 N. CITRUS AV
4CV0010589	P	04/06/14	23:08:06	HRMR	RPT-MISS M&R	P33	DISP	211 N. CITRUS AV
4CV0010591	P	04/06/14	23:16:17	HRMR	RPT-MISS M&R	P33	DISP	211 N. CITRUS AV
4CV0011144	P	04/11/14	22:48:59	AC	ON FOOT	PL8	104	211 N. CITRUS AV
4CV0012741	P	04/27/14	01:22:57	PED	PED CHECK	P11	AST	211 N. CITRUS AV
4CV0013231	P	05/02/14	01:32:45	418	DISTURBANCE-GEN	P11	ADV	211 N. CITRUS AV
4CV0014983	P	05/19/14	00:16:28	AC	ON FOOT	P33	104	211 N. CITRUS AV



**Covina Police Department  
Calls For Service Report**

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
4CV0014984	P	06/18/14	02:07:00	AC	ON FOOT	P12	104	211 N. CITRUS AV
[REDACTED]								
4CV0018680	P	06/26/14	00:17:20	GTA	273.8	P31	RPT	211 N. CITRUS AV
[REDACTED]								
4CV0016767	P	06/26/14	20:32:27	SURF	405 90-21	P32	SUR	211 N. CITRUS AV
[REDACTED]								
4CV0015797	P	06/26/14	09:28:00	REAR		P32	ADV	211 N. CITRUS AV
[REDACTED]								
4CV0016601	P	06/01/14	20:33:12	647R	DUNKIN PUBLIC	P33	ARR	211 N. CITRUS AV
[REDACTED]								
4CV0017302	P	06/01/14	01:07:57	242R	BATTERY RPT	P14	ARR	211 N. CITRUS AV
[REDACTED]								



## Covina Police Department Calls For Service Report

Generated by 2717 on 6/30/2015

**Search Criteria:** City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOX	Unit	Dispo	Location
4CV0017313	P	06/08/14	02:08:51	415	DISTURBANCE-GEN	P14	104	211 N. CITRUS AV
[REDACTED]								
4CV0019104	P	06/23/14	01:52:33	926	SUSPICIOUS PERBN	P11	UTL	211 N. CITRUS AV
[REDACTED]								
4CV0019837	P	06/27/14	22:54:43	HBC	HAIL BY CITIZEN	P32	FAST	211 N. CITRUS AV
[REDACTED]								
4CV0018640	P	06/27/14	23:03:36	HBC	HAIL BY CITIZEN	P32	CV	211 N. CITRUS AV
[REDACTED]								
4CV0018888	P	06/28/14	00:05:57	926	ADVISOR / RES	P14	COM	211 N. CITRUS AV
[REDACTED]								
4CV0020472	P	07/04/14	01:54:50	647F	DRUNK IN PUBLIC	P13	ARR	211 N. CITRUS AV
[REDACTED]								
4CV0020728	P	07/08/14	22:10:09	925A	REAR	M1	ADV	211 N. CITRUS AV
[REDACTED]								
4CV0020774	P	07/08/14	00:44:32	925A	REAR	M1	104	211 N. CITRUS AV
[REDACTED]								
4CV0020783	P	07/08/14	01:29:49	415	VERBAL	P34	ADV	211 N. CITRUS AV
[REDACTED]								
4CV0021372	P	07/11/14	01:44:12	78	REAR	P31	ADV	211 N. CITRUS AV
[REDACTED]								

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# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident #	A	Date	Time	Class	Notes	Officer	Officer	Address
4CV0021464	P	07/11/14	23:16:53	PED	PED CHECK	PS4	OTH	211 N. CITRUS AV
4CV0021481	P	07/12/14	01:54:03	415	REAR		ADV	211 N. CITRUS AV
4CV0021565	P	07/12/14	21:07:47	BAR	BARCHECK			211 N. CITRUS AV
4CV0021607	P	07/13/14	01:29:58	847	DRUNK PUBLIC	P14	ARR	211 N. CITRUS AV
4CV0022299	P	07/19/14	00:23:03	PED	PED CHECK	P13	PI	211 N. CITRUS AV
4CV0022429	P	07/20/14	01:41:00	REAR	PROPERTY THEFT RPT	P12	RPT	211 N. CITRUS AV
4CV0022431	P	07/20/14	01:46:20	415	PARTY BUS	PS2	164	211 N. CITRUS AV
4CV0023018	P	07/24/14	22:50:08	834	DETAIL	PL3	ADV	211 N. CITRUS AV
4CV0023083	P	07/28/14	02:10:32	TS	TRAFFIC STOP	P13	ADV	211 N. CITRUS AV

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**Covina Police Department  
Calls For Service Report**

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
4CV0023187	P	07/26/14	01:48:18	PED	PED CHECK	PS4	ADV	211 N. CITRUS AV
4CV0024042	P	08/01/14	22:07:16	588	REAR ALLEY	P33	ADV	211 N. CITRUS AV
4CV0024885	P	08/08/14	01:22:59	PED	CKNG 3 REAR	PS4	ADV	211 N. CITRUS AV
4CV0026683	P	08/23/14	23:08:20	416P	CLUB MUSIC/PARTY	P33	ADV	211 N. CITRUS AV
4CV0026609	P	08/24/14	01:05:13	1026A	REAR	P33	104	211 N. CITRUS AV
4CV0026618	P	08/24/14	02:01:01	AG	REAR CHECK		104	211 N. CITRUS AV
4CV0027591	P	08/02/14	13:21:18	104	TRAFFIC STOP	M1	GIT	211 N. CITRUS AV
4CV0027668	P	08/02/14	14:38:44	FIRE	VEH FIRE	P22	FD	211 N. CITRUS AV
4CV0028972	P	08/13/14	20:48:47	924	DETAIL	X1	104	211 N. CITRUS AV
4CV0029014	P	08/14/14	00:03:16	FIRE	FIRE DEPT ASSIST	P12	FD	211 N. CITRUS AV

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**Covina Police Department  
Calls For Service Report**

Generated by: 2717 on: 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident #	A	Date	Time	Type	NO.	Unit	Dispo.	Location
4CV0029017	P	09/14/14	01:12:29	PED	PED CHECK	X1	FI	211 N. CITRUS AV
4CV0029020	P	09/20/14	01:46:54	HBC	HAIL BY CITIZEN	X2	ABT	211 N. CITRUS AV
4CV0029021	P	09/20/14	01:50:15	047P	DRUNK IN PUBLIC	35	ARR	211 N. CITRUS AV
4CV0030383	P	09/24/14	18:07:58	415	REAR OF RED	P32	ADV	211 N. CITRUS AV
4CV0030989	P	09/29/14	18:49:08	415	DISTURBANCE/NOISE	P23	ADV	211 N. CITRUS AV
4CV0031410	P	10/04/14	07:38:52	047P	DRUNK IN PUBLIC	P13	ARR	211 N. CITRUS AV

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# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F.P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Dps	NOI	Unit	Disp	Location
4CV0032086	P	10/11/14	01:56:46	242	BATTERY	P02	GOA	211 N. CITRUS AV
4CV0036868	P	11/09/14	01:30:05	416	REAR	P12	LOG	211 N. CITRUS AV
4CV0035743	P	11/11/14	01:24:17	BIKE	BIKE CYCLE TRAFFIC	P11	FC	211 N. CITRUS AV
4CV0036242	P	11/16/14	01:47:39	647F	UNKNOWN PUBLIC	P12	ARR	211 N. CITRUS AV
4CV0038439	P	11/16/14	21:08:26	PED	X2	P32	ADV	211 N. CITRUS AV
4CV0037546	P	11/27/14	01:48:50	EP	EXTRA PATROL	P88	COM	211 N. CITRUS AV

Lo



**Covina Police Department  
Calls For Service Report**

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident #	Agency	Date	Time	Type	Code	Unit	Officer	Location
4CV0037835	P	11/30/14	01:48:06	PED	PED CHECK	P12	104	211 N. CITRUS AV
4CV0038384	P	12/06/14	00:28:40	418P	LOUD MUSIC/PART		ADV	211 N. CITRUS AV
4CV0038390	P	12/08/14	01:17:47	HS	NARC VIOL	P12	ARR	211 N. CITRUS AV
4CV0038496	P	12/07/14	00:57:48	418P	DRUNK PUBLIC	P12	ARR	211 N. CITRUS AV
4CV0038626	P	12/10/14	02:58:00	PED	X4	P12	FI	211 N. CITRUS AV
4CV0038871	P	12/10/14	00:43:08	404R	VIA 10-21	P82	RPT	211 N. CITRUS AV
4CV0038904	P	12/10/14	18:08:20	928L	LOST PROPERTY	D4	RPT	211 N. CITRUS AV
4CV0038949	P	12/10/14	23:08:00	924	ADVISAL	P32	COM	211 N. CITRUS AV

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# Covina Police Department

## Calls For Service Report

Generated by 2217 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	Notes	Unit	Dispatch	Location
4CV0039071	P	12/12/14	00:38:42	CMC	CITY CODE VIOL	P12	CIT	211 N. CITRUS AV
4CV0039293	P	12/14/14	01:50:23	6160	MENTALLY ILL	P12	RPT	211 N. CITRUS AV
4CV0039294	P	12/14/14	02:17:56	242	BATTERY	P11	ARR	211 N. CITRUS AV
4CV0039974	P	12/20/14	01:43:22	647F	DRUNK IN PUBLIC	P12	ARR	211 N. CITRUS AV
4CVD040694	P	12/27/14	17:23:09	242	REAR ALLEY	P32	RPT	211 N. CITRUS AV
5CV0001771	P	01/16/15	09:54:33	T9	REAR ALLEY	P22	CIT	211 N. CITRUS AV
5CV0003567	P	01/31/15	01:24:42	647F	DRUNK IN PUBLIC	P14	ARR	211 N. CITRUS AV
5CV0003785	P	02/02/15	01:02:38	242R	BATTERY RPT	P12	LOG	211 N. CITRUS AV

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# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident #	P	Date	Time	Code	Desc	Unit	Officer	Location
5CV0004201	P	02/08/18	02:17:11	415	REAR	P11	104	211 N. CITRUS AV
5CV0004307	P	02/07/18	01:44:27	415F	FIGHT	X1	104	211 N. CITRUS AV
5CV0004426	P	02/08/18	00:01:24	PA	PUBLIC ASSIST	32	ADV	211 N. CITRUS AV
5CV0004630	P	02/12/18	23:30:28	825A	SUSP PERS VEH	P12	104	211 N. CITRUS AV
5CV0005084	P	02/13/18	23:37:18	WAR	WARRANT ARREST	P11	104	211 N. CITRUS AV
5CV0005089	P	02/14/18	00:07:46	825A	SUSP PERS VEH	P11	ARR	211 N. CITRUS AV

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# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
5CV0005091	P	02/14/15	00:17:01	647F	DRUNK IN PUBLIC	P31	FD	211 N. CITRUS AV
5CV0005094	P	02/14/15	00:44:03	647F	DRUNK IN PUBLIC	P31	ARR	211 N. CITRUS AV
5CV0005258	P	02/18/15	00:43:19	647F	DRUNK IN PUBLIC	P32	ARR	211 N. CITRUS AV
5CV0005283	P	02/19/15	01:32:23	647F	DRUNK IN PUBLIC	P14	ARR	211 N. CITRUS AV
5CV0005941	P	02/21/15	00:59:29	647F	DRUNK IN PUBLIC	PL5	ARR	211 N. CITRUS AV



**Covina Police Department  
Calls For Service Report**

Generated by 2717 on 6/30/2015

**Search Criteria:** City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident #	A	Date	Time	Type	NOI	Unit	Discn	Location
5CV0006066	P	02/22/15	01:30:33	418	DISTURBANCE-GEN	P89	OTH	211 N. CITRUS AV
5CV0006066	P	02/22/15	01:35:51	647F	DRUNK IN PUBLIC	P02	ARR	211 N. CITRUS AV
5CV0006067	P	02/22/15	01:36:58	647F	DRUNK IN PUBLIC	P14	ARR	211 N. CITRUS AV
5CV0006068	P	02/22/15	01:43:33	647F	DRUNK IN PUBLIC	P36	ARR	211 N. CITRUS AV
5CV0006071	P	02/22/15	01:56:57	647F	DRUNK IN PUBLIC	P34	ARR	211 N. CITRUS AV
5CV0006850	P	02/28/15	21:14:58	AC	ON FOOT	P36	104	211 N. CITRUS AV



# Covina Police Department

## Calls For Service Report

Generated by-2717 on-6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
8CV0007604	P	03/06/15	23:00:28	925A	REAR	P12	ADV	211 N. CITRUS AV
[REDACTED]								
8CV0007712	P	03/07/15	19:46:35	242R	LOBBY	P12	RPT	211 N. CITRUS AV
[REDACTED]								
8CV0007743	P	03/07/15	23:08:50	PED	X2 / REAR	P12	ADV	211 N. CITRUS AV
[REDACTED]								
8CV0007771	P	03/08/15	01:51:18	TS	TRAFFIC STOP	P32	ADV	211 N. CITRUS AV
[REDACTED]								
8CV0008462	P	03/14/15	00:42:11	BAR	BAR CHECK	P32	104	211 N. CITRUS AV
[REDACTED]								
8CV0008568	P	03/14/15	23:04:40	BAR	BAR CHECK	P32	104	211 N. CITRUS AV
[REDACTED]								
8CV0009230	P	03/20/15	22:15:11	TS	AREA CHECK	P36	104	211 N. CITRUS AV
[REDACTED]								
8CV0010023	P	03/27/15	22:26:11	WS	WARR SERVICE	P12	ARR	211 N. CITRUS AV
[REDACTED]								
8CV0010042	P	03/27/15	23:58:10	PED	REAR	P12	104	211 N. CITRUS AV
[REDACTED]								
8CV0010044	P	03/28/15	00:28:32	PED	PED CHECK		ADV	211 N. CITRUS AV
[REDACTED]								

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# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident #	A	Date	Time	Type	NOI	Unit	Disp	Location
8CV0010049	P	03/28/15	01:43:44	PED	PED CHECK	P31	104	211 N. CITRUS AV
8CV0010864	P	04/01/15	20:51:55	663M	VIA 10-21	P32	ADV	211 N. CITRUS AV
8CV0010822	P	04/04/15	01:10:08	AC	AREA CHECK	P36	ARR	211 N. CITRUS AV
8CV0010972	P	04/05/15	01:38:41	41BF	TRIP	P12	ARR	211 N. CITRUS AV
8CV0011444	P	04/08/15	21:43:24	TS	TRIP	P31	ADV	211 N. CITRUS AV
8CV0011688	P	04/11/15	01:45:46	PED	PED CHECK	X1	ADV	211 N. CITRUS AV
8CV0011738	P	04/12/15	01:06:27	647F	TRIP BY CITIZEN	P12	ARR	211 N. CITRUS AV
8CV0011739	P	04/12/15	01:22:18	647F	DRUNK IN PUBLIC		ARR	211 N. CITRUS AV

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# Covina Police Department

## Calls For Service Report

Generated by 2717-on-6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Unit	Disp	Location
8CV0011741	P	04/12/15	01:36:04	647F	FIGHT	P12	ARR	211 N. CITRUS AV
8CV0011744	P	04/12/15	01:47:31	418F	FIGHT	P12	ARR	211 N. CITRUS AV
8CV0012181	P	04/18/15	20:38:16	325A	TRAFFIC STOP	P12	ADV	211 N. CITRUS AV
8CV0013282	P	04/28/15	00:01:57	325A	HEAR	P12	ADV	211 N. CITRUS AV
8CV0013283	P	04/28/15	00:00:01	FIRE	FIRE DEPT ASSIST	P12	FD	211 N. CITRUS AV
8CV0013290	P	04/28/15	01:18:40	418F	FIGHT	P36	ARR	211 N. CITRUS AV

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# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident #	A	Date	Time	Type	NOI	Unit	Dispatch	Location
8CV0013294	P	04/28/15	01:47:16	PED	GROUP	P31	ADV	211 N. CITRUS AV
8CV0013478	P	04/27/15	01:14:19	884	VANDALISM	P13	ARR	211 N. CITRUS AV
8CV0014104	P	05/02/15	18:53:18	PAR	ON FOOT	P32	104	211 N. CITRUS AV
8CV0014119	P	05/02/15	19:03:22	PA	ADVERSAL	X8	ADV	211 N. CITRUS AV
8CV0014180	P	05/03/15	01:00:04	PEO	REAR	P12	104	211 N. CITRUS AV
8CV0014182	P	05/03/15	01:08:31	EP	EXTRA PATROL	P12	104	211 N. CITRUS AV
8CV0014183	P	05/03/15	01:28:50	242	NO PROS	P31	104	211 N. CITRUS AV
8CV0014187	P	05/03/15	02:07:26	884	DETAIL	P12	LOG	211 N. CITRUS AV

8



# Covina Police Department

## Calls For Service Report

Generated by 2717 on 6/30/2015

Search Criteria: City: CV | Time Range: 01/01/10 00:01 - 06/29/15 23:59 | Agency: F,P | Address: 211 N CITRUS AV

Incident	A	Date	Time	Type	NOI	Unit	Dispo	Location
5CV0014981	P	05/09/15	23:27:19	925A	SUSP PERS VEH	P12	FD	211 N. CITRUS AV
[REDACTED]								
5CV0016038	P	05/19/15	20:53:25	PED	REAR	P36	CIT	211 N. CITRUS AV
[REDACTED]								
5CV0016634	P	05/23/15	23:38:10	6150	MENTALLY ILL	P34	RPT	211 N. CITRUS AV
[REDACTED]								
5CV0017067	P	05/27/15	21:01:51	586	WALLEY	P32	CIT	211 N. CITRUS AV
[REDACTED]								
5CV0017122	P	05/28/15	10:22:55	248R	LOBBY	P22	ADV	211 N. CITRUS AV
[REDACTED]								
5CV0018441	P	6/08/15	01:44:33	GTAR	AUTO THEFT RPT	P12	RPT	211 N. CITRUS AV
[REDACTED]								

MON

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

**IN THE MATTER OF THE ACCUSATION  
AGAINST:**

JP UNITED LLC  
RED  
211-215 N CITRUS AVE  
COVINA, CA 91723-2004

**ON-SALE GENERAL EATING PLACE -  
LICENSE**

MONROVIA DISTRICT OFFICE

File: 47-514243

Reg: 15082568

**DECISION AND CERTIFICATE OF  
DECISION**

Respondent(s)/Licensee(s)  
Under the Alcoholic Beverage Control Act

The above-entitled matter having regularly come before the Department for decision and the respondent(s) having filed a stipulation and waiver, on September 3, 2015 (attached hereto and incorporated by reference herein), in connection with the accusation herein in which respondent(s) waives right to hearing, reconsideration and appeal, and good cause appearing, the Department hereby adopts the terms of the stipulation and waiver as its decision in this matter and further finds that, pursuant to said stipulation and waiver, cause for disciplinary action has been established.

Grounds for suspension or revocation have been established under Article XX, Section 22 of the State Constitution and Business and Professions Code section 24200(a&b).

It is hereby certified that the Department of Alcoholic Beverage Control adopted the foregoing as its decision in this matter, effective immediately.

The license(s) issued to respondent(s) at the above-mentioned premises is hereby revoked, with said revocation stayed for a period of three years from the effective date of the Department's decision until September 15, 2018 upon the conditions listed on the stipulation and waiver attached.

ON OR AFTER SEPTEMBER 25, 2015, A REPRESENTATIVE OF THE DEPARTMENT WILL CONTACT YOU TO ARRANGE TO PICK UP THE LICENSE CERTIFICATE.

Sacramento, California  
Dated: September 15, 2015



Matthew D. Bottino  
General Counsel

**RECEIVED**

SEP 18 2015

Alcoholic Beverage Control  
Monrovia

**BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA**

**IN THE MATTER OF THE ACCUSATION  
AGAINST:**

JP UNITED LLC  
RED  
211-215 N CITRUS AVE  
COVINA, CA 91723-2004

ON-SALE GENERAL EATING PLACE -  
LICENSE

MONROVIA DISTRICT OFFICE

File: 47-514243

Reg: 15082568

**DECISION AND CERTIFICATE OF  
DECISION**

Respondent(s)/Licensee(s)  
Under the Alcoholic Beverage Control Act

**NOTE:** If the stipulation and waiver includes suspension or revocation of the license, the suspension or revocation does not start until the license certificate is picked up by the Department and a notice of suspension or revocation is posted at the licensed premises. A representative of the Department will contact you to make the necessary arrangements.

BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE ACCUSATION AGAINST

MONROVIA

JP UNITED LLC  
RED  
211-215 N CITRUS AVE  
COVINA, CA 91723-2004

FILE 47-514243  
REG. 15082568

STIPULATION  
AND WAIVER  
FOR PREHEARING  
SETTLEMENT

RECEIVED

SEP 15 2015

Hearing and Legal Unit  
Dept. of Alcoholic Beverage Control  
SACRAMENTO

Respondent(s)

Licensee(s) under the Alcoholic Beverage Control Act

The above-named respondent(s) does hereby

- (1) Acknowledge receipt of the accusation (with printed statement to respondent) and forms for notice of defense and stipulation and waiver in the above-entitled action.
- (2) Stipulate that disciplinary action may be taken on the accusation and that such discipline may be determined on the basis of the facts contained in the investigative reports on file with the Department.
- (3) Waive all rights to a hearing, reconsideration and appeal, and any and all other rights which may be accorded pursuant to the Alcoholic Beverage Control Act or the Administrative Procedure Act.
- (4) Acknowledge that the licensee(s) understand(s) that by waiving said rights the Director of the Department of Alcoholic Beverage Control may, without further notice, enter an order revoking the On-Sale General Eating Place License(s) at the above-mentioned premises, the effective date to be set by further order of the Director of the Department of Alcoholic Beverage Control, said revocation to be stayed for a period of three years on condition that no cause for disciplinary action occur within the stayed period. If cause for disciplinary action occurred during the stayed period, the Director may, in his discretion and without further hearing, vacate the stay and revoke the license. Should no cause for disciplinary action occur during the stayed period, the stay shall become permanent. In addition, the license shall be suspended for a period of 20 days.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Sept. 3, 2015

211 N. Citrus Ave.

Covina

CA

91723

( 626 ) 486-9199

(If licensee is an individual, he/she must sign. If licensee is a partnership, at least one general partner must sign. If licensee is a corporation, an executive officer must sign showing his/her title.) **This prehearing settlement offer is made solely to promote an early resolution and to eliminate the uncertainty and cost of litigation. If you choose not to accept this settlement offer and, instead, take this matter to hearing, the penalty recommended by the Department may be more or less severe depending upon the evidence presented at hearing. This offer shall expire on September 8, 2015.**

BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**FILED**

JP UNITED LLC

JUN 09 2015

DBA: Red

ALCOHOLIC BEVERAGE CONTROL

PREMISES: 211-215 N. Citrus Ave.  
Covina, CA 91723

LICENSE(S): On Sale General Eating Place

File: 47-514243

Reg: 15082568

ACCUSATION UNDER  
ALCOHOLIC BEVERAGE  
CONTROL ACT AND  
STATE CONSTITUTION

I hereby complain and accuse the above respondent(s), holding the above license(s), based on the following statement of facts:

**COUNT 1**

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about February 6, 2015, respondent-licensee's agent or employee, Christopher RODRIGUEZ, knowingly permitted the illegal sale, or negotiations for sales, of controlled substances or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

**COUNT 2**

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about February 6, 2015, respondent-licensee's agent or employee, Christopher RODRIGUEZ, was within the licensed premises, an aider or abettor, as defined in Section 31 of the California Penal Code, in the selling or furnishing or in the offering to sell or furnish a controlled substance to-wit: cocaine, in violation of Health and Safety Code Section 11352.

### COUNT 3

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about February 20, 2015, respondent-licensee knowingly permitted the illegal sale, or negotiations for sales, of controlled substances or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

### COUNT 4

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about February 20, 2015, respondent-licensee's agent or employee, Christopher RODRIGUEZ, sold, furnished or offered to sell or furnish, within the premises, a controlled substance, to-wit; Cocaine, in violation of Health and Safety Code Section 11352.

### COUNT 5

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

On or about March 12, 2015, respondent-licensee knowingly permitted the illegal sale, or negotiations for sales, of controlled substances or dangerous drugs upon the licensed premises, in violation of Business and Professions Code Section 24200.5(a).

JP UNITED LLC  
47-514243

**COUNT 6**

By reason of the following facts, there is cause for suspension or revocation of the license(s), in accordance with Section 24200 and Sections 24200(a) and (b) of the Business and Professions Code. It is further alleged that the continuance of the license would be contrary to public welfare and/or morals as set forth in Article XX, Section 22 of the California State Constitution and Sections 24200(a) and (b) of the Business and Professions Code. The facts which constitute the basis for the suspension or revocation by the Department are as follows:

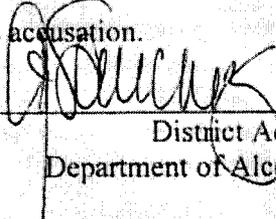
On or about March 12, 2015, respondent-licensee's agent or employee, Christopher RODRIGUEZ, sold, furnished or offered to sell or furnish, within the premises, a controlled substance, to-wit; Cocaine, in violation of Health and Safety Code Section 11352.

Licensee(s) Previous Record: Licensed as above since **June 19, 2013**, with no history of disciplinary action.

(1) That by reason of the foregoing facts, grounds for suspension or revocation of such license(s) exist and the continuance of such license(s) would be contrary to public welfare and morals, as set forth in Article XX, Section 22, State Constitution, and Section(s) 24200 (a) and (b) of the Business and Professions Code:

WHEREFORE, I recommend that a hearing be held on this accusation.

Dated this 30<sup>th</sup> day of March 2015.

  
District Administrator  
Department of Alcoholic Beverage Control

Reviewed: 

Pursuant to Government Code Section 11507.6 discovery is requested to be provided to: Dept. of Alcoholic Beverage Control, 12750 Center Court Drive, Suite 700, Cerritos, CA 90703 (562) 402-0659.

#### STATEMENT TO RESPONDENT(S)

Unless a written request for a hearing, signed by you, or on your behalf, is delivered, or mailed, to the Department of Alcoholic Beverage Control within fifteen (15) days after the foregoing accusation was personally served on you or mailed to you, the Department of Alcoholic Beverage Control may proceed upon the accusation without a hearing to take action thereon as provided by law. The request for a hearing may be made by delivering or mailing the enclosed form entitled: "Notice of Defense", or by delivering or mailing a Notice of Defense to the Department of Alcoholic Beverage Control, 3927 Lennane Drive, Suite 100, Sacramento, California 95834, as provided by Section 11506 of the Government Code. The "Notice of Defense" forwarded herewith, if signed and returned to the Department of Alcoholic Beverage Control, shall be deemed a specific denial of all parts of the accusation, but you will not be permitted to raise any objection to the form of the accusation, unless you file a further Notice of Defense as provided, in Section 11506 of the Government Code within said 15 days after service of said accusation upon you. At any or all stages of these proceedings, you have the right to be represented by counsel at your own expense or to represent yourself without legal counsel. You are not entitled to the appointment of an attorney to represent you. The hearing may be postponed for good cause. If you have good cause, you are obliged to notify this agency within 10 working days after you discover the good cause. Failure to notify this agency within 10 days will deprive you of a postponement.

Case Number: CITKA109308-01  
 Defendant Name: RODRIGUEZ, CHRISTOPHER  
 Violation Date: February 6, 2015  
 Filing Date: March 24, 2015  
 Courthouse: West Covina Courthouse

## CASE INFORMATION

Case No.	Charge Code	Charge Statute	Plan	Disposition	Disposition Date
01	11352(A)	Health & Safety Code	Nolo Contendere	Guilty/Convicted	04/14/2015
02	11352(A)	Health & Safety Code	Nolo Contendere	Guilty/Convicted	04/14/2015
03	11352(A)	Health & Safety Code	Not Guilty	Dismissed or Not Prosecuted	04/14/2015

## EVENTS

### Upcoming Scheduled Events

None

### Past Events

Date	Time	Location	Dept/Room Number	Event
March 24, 2015	08:30 AM	West Covina Courthouse	010	COURT CONSIDERATION
March 30, 2015	08:30 AM	West Covina Courthouse	004	BENCH WARRANT HEARING
April 1, 2015	09:00 AM	West Covina Courthouse	CLK	DOCKET LINE ENTRY

April 14, 2015	08:30 AM	West Covina Courthouse	004	PRE- PRELIMINARY HEARING
April 15, 2015	09:00 AM	West Covina Courthouse	CLK	DOCKET LINE ENTRY
April 17, 2015	09:00 AM	West Covina Courthouse	CLK	DOCKET LINE ENTRY

BAIL

No Information Found

SENTENCING INFORMATION

THE INFORMATION PROVIDED ON THIS WEBSITE CONTAINS ONLY AN EXTRACTION FROM THE COURT RECORD. IT IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A FULL AND COMPLETE RECORD OF COURT PROCEEDINGS.

<p>SENTENCING INFORMATION</p>			
SENTENCING DATE:	April 14, 2015		
AS TO COUNT(S):	01	PROBATION/MANDATORY SUPERVISION:	FORMAL PROBATION 3 YEAR(S)
JAIL TERM:		JAIL TERM:	180 DAY(S) IN LOS ANGELES COUNTY JAIL
BASE FINE/TOTAL FINE:	\$0.00	BASE FINE/TOTAL FINE:	\$0.00
(OR) JAIL TERM IN LIEU OF FINE:		(OR) JAIL TERM IN LIEU OF FINE:	

<p>PROGRAM</p>	
PROGRAM:	

PROGRM IN LIEU OF:

ALCOHOL PROGRAM:

LICENSE RESTRICTION/SUSPENSION:

Reasonable Doubt

SENTENCING DATE: April 14, 2015

AS TO COUNT(S):

02

PROBATION/MANDATORY SUPERVISION:

FORMAL PROBATION 3 YEAR(S)

JAIL TERM:

JAIL TERM:

180 DAY(S) IN LOS ANGELES COUNTY JAIL

BASE FINE/TOTAL FINE:

\$0.00

BASE FINE/TOTAL FINE:

\$0.00

(OR) JAIL TERM IN LIEU OF FINE:

(OR) JAIL TERM IN LIEU OF FINE:

With or Without

PROGRAM:

PROGRM IN LIEU OF:

ALCOHOL PROGRAM:

LICENSE RESTRICTION/SUSPENSION:



## **EXHIBIT 6.**

**Memorandum of Brian K. Lee, Community Development Director**

## **Inspection Report**

Location of Inspection: 211 N. Citrus Avenue

Name of Business: JP United, LLC d/b/a RED  
Establishment

Business Establishment: Everett Ramos (Co-owner/Responsible Person)  
Responsible persons and Vivian Xie (Co-owner/Responsible Person)  
in attendance  
for the inspection

Inspection Date/Time: August 19, 2015, 11 am

City's Inspection  
Attendees: Brian K. Lee, Community Development Director  
Steve Patterson, Contract Building Official  
James Eckart, City Persecutor, Dapeer, Rosentblit & Livak, LLP  
John Curly, Police Lt.  
Derek Webster,  
David Povero,  
Jennifer McDowell, Code Enforcement Officer  
Nancy Fong, Community Development Consultant

Reporting Officer: Brian K. Lee, AICP, Community Development Director

---

On December 6, 2011, the Covina City Council approved Conditional Use Permit (CUP) Application No. 11-006 authorizing the applicant ("JP United, LLC") to operate a restaurant with outside sidewalk dining with alcohol and entertainment located upon real property at 211 North Citrus Avenue, Covina (hereinafter, "subject property" or "site").

On December 20, 2011, JP United, LLC (through Everett Ramos) signed the acceptance of terms, covenants, and conditions of CUP 11-006 [which was subsequently recorded with the Los Angeles County Recorder's Office on January 6, 2012].

On August 19, 2015, City Staff (consisting of the persons listed above) conducted an inspection of the subject property in order to ascertain whether unapproved conditions previously observed in March 2015 were still present, and to otherwise ascertain whether there were any other conditions that were non-compliant with the CUP. Wen "Vivian" Xie (a managing member of JP United, LLC) provided access to the interior of the site. Co-owner of Red, Ms. Vivian Xie, unlocked the business premises for City staff's inspection. Everett Ramos and Laura Perez (co-operators of R.E.D., the business that previously operated at the subject property) arrived about ½ hour after the inspection commenced and was present for the remainder of the inspection.

I, Brian K. Lee, Community Development Director, made the following observations to the interior of the business premises. Jennifer McDowell, Code Enforcement Officer took photos during the inspection.

Based on the first hand observations inside the premises, I have made a list of the alterations to the interior that I found to be inconsistent with the plans on City records:

1. Eight (8) tables and chairs located east of the dance floor were removed and the area was opened up for dancing. The expansion of the dance floor requires the approval of a revised Conditional Use Permit and a revised Entertainment and Dance Permit. None approved.
2. The two rows of tables and chairs along and against the south building wall were removed and replaced with a platform lounge seating. The platform is about 6 to 8 inches high. The platform lounge seating design was not conducive to restaurant use for serving of food like fine dining supplemented by alcohol. The platform seating design is indicative of a nightclub and for the serving of alcohol supplemented by finger foods. The platform and lounge seating construction was done without the approval of revising the Conditional Use Permit, Entertainment and Dance Permit, and benefit of building permits and inspections.
3. The stage area west of the dance floor was modified to include seating. The alterations to stage area was done without the approval of revising the Conditional Use Permit, Entertainment and Dance Permit, and benefit of building permits and inspections.
4. Glass partitions and locking doors have been installed between the north and south portions of the bar/restaurant. By installing this glass partitions and door, the interior is essentially changed where two separate uses can occur simultaneously. For example: the northern portion of the business can be a restaurant with dancing and the southern portion can be strictly for dancing and nightclub use. The construction for the glass partitions and locking doors were done without the approval of revising the Conditional Use Permit, the Entertainment and Dance Permit, and benefit of building permits and inspections.
5. An additional Disc Jockey (DJ) area has been created under the staircase. This area was originally used for storage and a host's area. The construction for the additional DJ area was done without the approval of a revised Conditional Use Permit, the Entertainment and Dance Permit, and benefit of building permits and inspections.
6. North of the additional DJ area is another dance floor. The additional dance floor requires a revision to the Conditional Use Permit and Entertainment and Dance Permit. None approved.

City Staff and Co-owner of Red went upstairs for the inspection of the second floor. It was alleged that the upstairs space has been used as banquet facility and dancing. The approval of the Red does not include the use of the second floor. Therefore, the use of the second floor space for banquet facility and dancing would be done without the benefit of an approved Conditional

Use Permit, an Entertainment and Dance Permit and the benefits of building permits and inspections.

City staff observed that there are a few other tenants on the second floor:

- 217 N. Citrus, Suite A – One Music Studio, business appeared to have moved out or closed down. City has no record of a business license. A similar business called Stylz Dance Studio was shown to be at the same location but business license record showed the business has moved to another location or closed down
- 217 N. Citrus, Suite C – The Shopper Saver, a new business that are similar to the concept of “penny savers.” Record shows a valid business license.
- 219 N Citrus, Suite E – A.T. Executive Real Estate & Mortgage, Record shows a valid business license.

## **EXHIBIT 7.**

**Memorandum of Stephen L. Patterson, Building Official**

From: Stephen L. Patterson, Building Official  
To: Brian K. Lee, Community Development Director  
Subject: Restaurant/Bar Code and CUP Compliance Review  
Inspection Address: 211 N. Citrus Avenue, Covina, CA 91723

Brian,

The City of Covina Building Official, myself, participated, reviewed and completed our review of the restaurant facility located at 211 N. Citrus Ave, Covina, CA 91723 on 8/19/15.

Our findings are listed herein:

1. South East corner of facility is not constructed as approved. Area is outside exterior walls, not interior of exterior walls.
2. Not configured per plan.
3. Wall missing and seating limits not per plan – Triple occupant load.
4. Triple seating is raised booth areas, not per plan.
5. Table and chair area converted to additional dance floor area.
6. Dance floor area missing tables and chairs.
7. Missing D.J. area, public seating area added.
8. Under stair area illegally converted to wiring, electrical, sound system apparatus area. Blocked electrical panel by small interior stair. Not properly maintained fire protection.
9. Office area utilized as storage room.
10. Kitchen areas not per plan and no properly equipped fire suppression system. The as-built kitchen layout does not align with the Ansil system and therefore is unsafe and not in compliance with Fire safety standards.
11. Not per plan, not fire protected – see above.
12. Not per plan, not fire protected – see above.
13. The area where the walk in freezer was indicated to be placed has been modified to realign the location of the access to the kitchen. There were no permits pulled or other approvals for the modification. Existing and path of travel issues are of concern.
14. Walk in cooler not per plan – see above.
15. Exit corridor blocked by furniture.
16. Exit corridor doors blocked from full 90 degree swing.
17. Privacy screen not provided.
18. Restroom door and handicap bathroom water closet doors hit each other preventing fully operation access.
19. Seating not per plan.
20. Missing wall. More seats added to increase the dining occupancy. The increased occupancy impacts existing requirements, which have not been evaluated.
21. Not per plan, elevated landings.
22. Not per plan. As-built condition was not reflected on the approved plans.
23. New D.J. area, not per plan. Fire rating of materials and fire prevention features missing.
24. Not per plan. As-built condition has the area being used for electronic equipment area.
25. No reception on coat rack area, not per plan. As-built condition has area being used for additional seating, thereby increasing the occupancy load of the building.
26. Ramps not per building code/ADA or approved plan.

27. Missing wall.
28. Full height interior glass wall with dual swing doorway opens into a seating area. The glass wall feature was not on the approved plans and creates a substantial existing and path of travel issue in that an obstruction to existing the building. This is a significant life/safety issue.

General Notation: The alterations to the approved plans, impact the ability of people to safely exit the building and creates a public safety hazard.

- The current operation and layout are not per the approved plans.
- Life/Safety issues in the building create an imminent public safety issue, including ingress/egress, fire suppression systems, occupancy overcrowding and blocked emergency paths of travel.
- Substantial non compliance with ADA standards.

In addition;

- A. No second floor ADA access. Required due to change in use to assembly.
- B. No current fire extinguishers identified.
- C. Missing fire sprinkler system annual and 5 year state mandatory testing.
- D. No identification of kitchen fire suppression testing or inspection.
- E. 2<sup>nd</sup> floor rear stairway illegal due to door swing into stair tower on 2<sup>nd</sup> floor.
- F. All electrical panel labeling and breaker identification and minimum front clearance are not pre code.
- G. Fire alarm system not functional.

Attachments

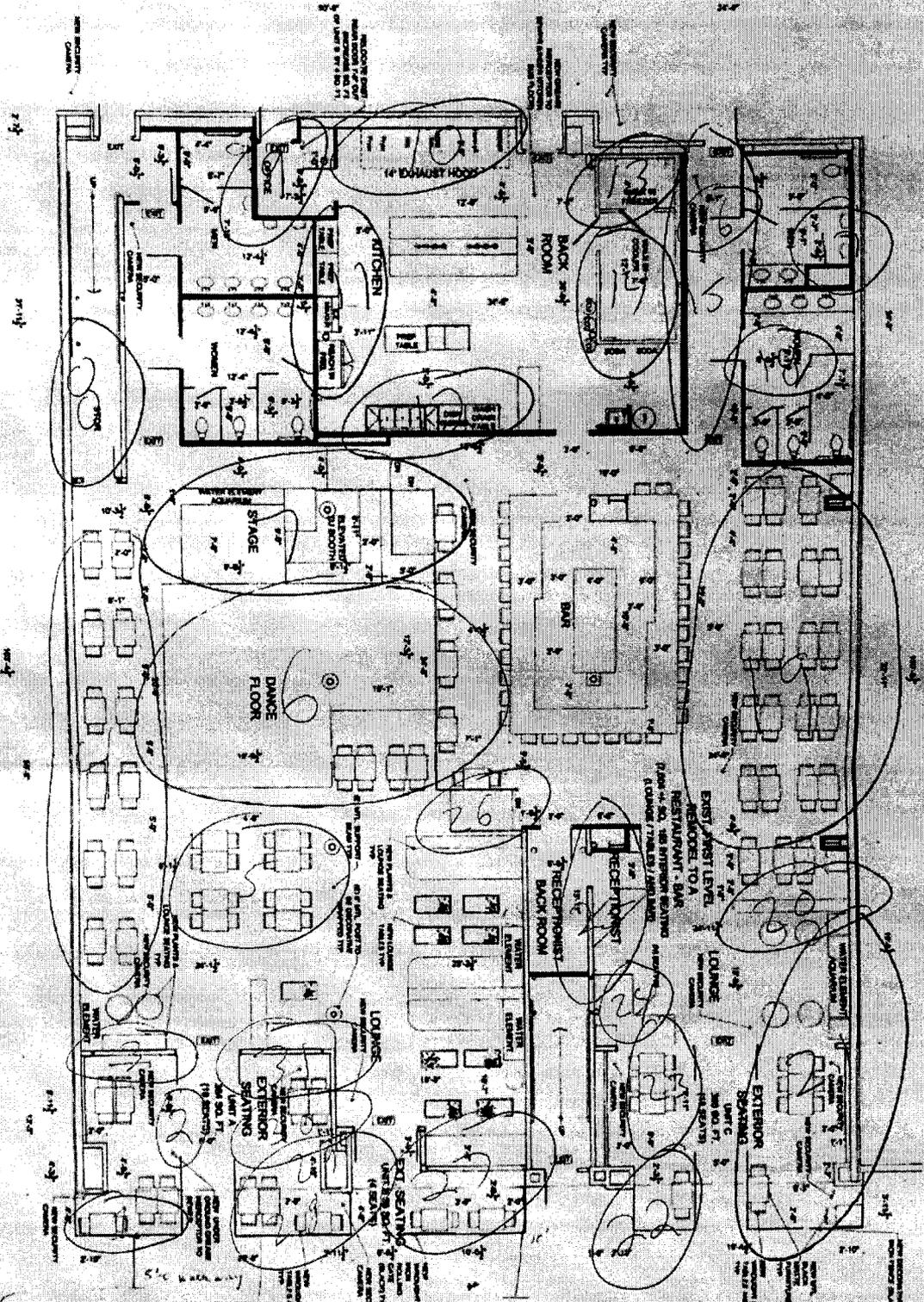
1. City approved floor plan with matching numerical relationship with correction action checklist numbering scheme.

Attachment 1



FIRST LEVEL PROPOSED RESTAURANT - BAR

SCALE 1/4" = 1'-0"



- EXIST. PARTITION WALLS (NON-REMOVABLE)
- EXIST. (REMOVABLE) WALLS
- EXISTING WALLS (REMOVABLE)

## **EXHIBIT 8.**

**Proposed Resolution 15-7398 (Voiding CUP No. 11-006)**

**RESOLUTION NO. 15-7398**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, VOIDING CONDITIONAL USE PERMIT APPLICATION NO. 11-006 AUTHORIZING A RESTAURANT WITH OUTSIDE DINING WITH ALCOHOL AND ENTERTAINMENT LOCATED UPON REAL PROPERTY AT 211 CITRUS AVENUE, COVINA; APPLICANT: JP UNITED, LLC**

**WHEREAS**, on September 8, 2015, the City of Covina (“City”) notified the applicant (“JP United, LLC”) and the owner of the real property at 211 North Citrus Avenue, Covina (“Citrus International, LLC”) of its intent to void (“revoke”) Conditional Use Permit No. 11-006 (“CUP”), which authorized a restaurant with outside dining with alcohol and entertainment located upon the real property at 211 Citrus Avenue, Covina, California (“subject property” or “site”); and

**WHEREAS**, on September 10, 2015, a Public Hearing Notice was published in the San Gabriel Valley Examiner; and

**WHEREAS**, on September 24, 2015, notice of the Public Hearing was mailed to all property owners within 300 feet of the subject property; and

**WHEREAS**, on September 24, 2015, a Public Hearing Notice was posted at Covina City Hall (located at 125 East College Street, Covina, California) and at the Covina Public Library (located at 234 North Second Avenue, Covina, California); and

**WHEREAS**, all requisite notices of public hearing were duly given, issued, mailed, and/or posted in the time, form, and manner as required by law; and

**WHEREAS**, on October 6, 2015, the City Council of the City of Covina duly opened and closed said public hearing to consider voiding the CUP; and

**WHEREAS**, during the course of said public hearing, the City Council considered testimony of City Staff, representatives of the applicant and/or owner of the subject property, and the public, as well as all documentary evidence submitted to the City Council for purposes of the public hearing; and

**WHEREAS**, at the conclusion of the public hearing, the City Council determined, based upon the evidence presented at the public hearing, that there have been repeated instances of non-compliance with the condition of approval of the CUP that were detrimental to and threatened the health, safety, and welfare of the public and that justify voiding (“revoking”) the CUP.

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

**SECTION 1.** Based upon the evidence (documentary, testimonial, and/or otherwise) presented at the public hearing of October 6, 2015, and the recitals set forth hereinabove, each of which is incorporated herein by reference, the City Council does hereby find, determine, and declare as follows:

1. On September 3, 2013, the Covina Police Department issued correspondence to JP United, LLC dba R.E.D. (the applicant) informing the applicant that on August 30, 2013, the Police Department confirmed that R.E.D. had an insufficient number of on-duty security guards posted at the site in violation of the approved conditions of its Dance & Entertainment Permit. [The correspondence also addressed an unapproved form of entertainment (“burlesque”) advertised at the business establishment.]
2. On May 19, 2014, the Covina Police Department issued correspondence to JP United, LLC dba R.E.D. (the applicant) informing the applicant that on that same date, the Covina Police Department confirmed that R.E.D. was operating after 2:00 a.m., in violation of its Dance & Entertainment Permit.
3. On June 9, 2014, the Covina Police Department issued correspondence to JP United, LLC dba R.E.D. (the applicant) informing the applicant that the Police Department had reason to believe that R.E.D. was once again failing to adhere to the applicable conditions of the Dance & Entertainment Permit pertaining to security guards.
4. On July 10, 2014, the Covina Police Department and the Office of the City’s Code Enforcement Attorney/Prosecutor met with Everett Ramos (a representative of JP United, LLC and an operator of R.E.D.) to discuss compliance with the conditions of JP United, LLC’s CUP and Dance & Entertainment Permit – and JP United, LLC’s ability to seek a modification of its CUP if it felt that R.E.D. could no longer adhere to the conditions of approval of the CUP;
5. On July 15, 2014, the Office of the City’s Code Enforcement Attorney/Prosecutor issued correspondence to JP United, LLC discussing the results of the July 10<sup>th</sup> meeting – including the violations that were confirmed by City Staff and/or the Police Department, or that were otherwise admitted by JP United, LLC
6. On February 25, 2015, representatives of JP United, LLC dba R.E.D. (the applicant) met with officials of the Covina Police Department to discuss activities and conditions that had occurred at R.E.D. that constituted violations of its CUP and Dance & Entertainment Permit, as well as that constituted public nuisances that threatened and/or were otherwise detrimental to the public health, safety, and welfare – including, but not limited to:

- a. Sale of alcohol to obviously intoxicated persons on February 13, 2015, February 14, 2015, February 20, 2015, and February 22, 2015;
  - b. Changes that R.E.D. had instituted to the procedures approved by the Covina Police Department (in accordance with the CUP and Dance & Entertainment Permit) for the queuing of patrons without prior approval – including, but not limited to, failing to have required security to monitor the queue and allowing the queue to obstruct the pedestrians’ path of travel on the public sidewalk;
  - c. Changes in the approved use and site plan including, but not limited to:
    - 1) Creation of a second area (under the stairs) for a DJ – other than the designated and approved stage;
    - 2) Expansion of dancing area (by removal of tables and chairs);
    - 3) Installation of glass partitions and locking doors between the north and south portion of the business establishment;
    - 4) Providing entertainment after 1:00 a.m. and the continuation of business operations (including serving patrons) after 2:00 a.m., as prohibited by conditions of approval of the CUP and Dance & Entertainment Permit
  - d. Unapproved use of the stage by allowing non-performers to be on the stage while a DJ was performing;
  - e. Excessive noise disturbances emanating from the subject property resulting in disturbances of the peace;
  - f. Failing to install and maintain an approved video security system and ensuring the preservation of the recordings thereof for a period of not less than ten (10) business days;
7. On March 3, 2015, City Officials conducted an inspection of the subject property with the consent of JP United, LLC, and determined that numerous conditions (as subsequently set forth in the Notice of Administrative Investigation issued to JP United, LLC on July 28, 2015) were non-compliant with the approved conditions of its CUP and Dance & Entertainment Permit.
  8. On July 28, 2015, the Covina Police Department issued correspondence to JP United, LLC dba R.E.D. (the applicant) informing the applicant that the Police Department was conducting an administrative investigation pertaining to JP

United, LLC's application to renew its Dance & Entertainment Permit, as well as alleged violations of the then existing Dance & Entertainment Permit and Conditional Use Permit Application No. 11-006. The Notice reiterated the unpermitted conditions and activities discussed during the meeting that occurred on February 25, 2015 and confirmed during the inspection on March 3, 2015. The Notice also requested copies of records which reflect separately the gross sale of food and the gross sale of alcoholic beverages at RED for each month for the period of time between January 1, 2014 and July 28, 2015, as requested by the Covina Police Department to ensure compliance with the CUP and the Dance and Entertainment Permit, as well as other applicable laws and regulations.

**SECTION 2.** Based upon the findings of fact set forth in Section 1 hereinabove – as well as the evidence (documentary, testimonial, and/or otherwise) presented at the public hearing of October 6, 2015, and the recitals set forth hereinabove, each of which is incorporated herein by reference, the City Council does hereby further find, determine, and declare as follows:

1. The applicant repeatedly failed to comply with conditions of approval as set forth in Conditional Use Permit Application No. 11-006, as well as its applicable Dance & Entertainment Permit, ABC license for R.E.D., and other applicable laws and regulations, and that the use of the site for a restaurant with outside dining with alcohol and entertainment constitutes a public nuisance that threatens or otherwise is detrimental to the public health, safety, and welfare. Such instances of non-compliance include:
  - a. The business establishment has been remodeled, improved, altered, or otherwise operated in contradiction to the approved plans on file with the City, all representations of record made by the applicant/permittee throughout the CUP process, and the Covina Municipal Code. Such alterations and improvements include, but are not limited to:
    - 1) Expansion of the dance floor (by removal of tables and chairs);
    - 2) Replacement of tables and chairs with platform lounge seating;
    - 3) Installation of seating on the stage area;
    - 4) Glass partitions and locking doors have been installed between the north and south portions of the restaurant;
    - 5) Change of use of area below a stairwell from storage to DJ area;
    - 6) Installation of additional dance floor (in northern portion of establishment);

- 7) A partition wall located in the northern portion of the establishment has been removed;
- 8) Dancing has occurred in areas other than the approved dance floor;
- 9) Persons other than “Approved Performers” have been allowed on the stage;
- 10) The queuing of patrons does not comport with the queuing procedures approved by the Covina Police Department; and,
- 11) A room on the 2<sup>nd</sup> floor has, at times, been used as an extension of R.E.D. for a banquet room – including the service of food and alcoholic beverages.

[CUP Conditions 2.16.8; 2.16.19; 2.16.31; 2.22; 2.25; and 2.37 / D&E Conditions 2, 3, 4, 8, 9, 10, 11, 12, 13, 24, 25 / Covina Building Code Section 105.1 / Covina Municipal Code 8.40.030.B; 8.40.030.F; 8.40.030.G]

- b. R.E.D. (which voluntarily ceased operations on or about July 30, 2015) on occasions provided entertainment after 1:00 a.m., served alcoholic beverages after 1:30 a.m., and continued operating after 2:00 a.m.

[CUP Conditions 2.16.1; 2.16.2; 2.16.3; 2.16.4; 2.16.5 / D&E Conditions 1(d); 1(e)]

- c. The owners, operators, and/or managers failed to fully cooperate with all police investigations – including, but not limited to, installing and maintaining an approved video security system and ensuring the preservation of the recordings thereof for a period of not less than ten (10) business days. The owners, operators, and/or managers also failed to provide copies of records which reflect separately the gross sale of food and the gross sale of alcoholic beverages at RED for each month for the period of time between January 1, 2014 and July 28, 2015, as requested by the Covina Police Department to ensure compliance with the CUP and the Dance and Entertainment Permit, as well as other applicable laws and regulations.

[CUP Conditions 2.16.9; 2.16.23; 2.16.24 / D&E Conditions 15, 16, 17, 18, 19, 20]

- d. The owner or operator failed to utilize security guards that were duly licensed by the State of California as security guards and that remained in good standing throughout their time of employment. The business establishment did not always provide the required number of security guards at the premises, and security guards were allowed to provide services while not in approved uniforms. On three (3) separate occasions, a security guard sold controlled substances to patrons while on duty at the premises – resulting in (i) the revocation of the Covina Private Patrol Operator’s Permit for Executive Sentry Services, (ii) the criminal conviction of the unlicensed security guard for a violation of H&S § 11352(a) [“Sale of Controlled Substance (to wit, cocaine)”], and (iii) the placement of the ABC license-holder on probation for a period of thirty-six (36) months by ABC – with an actual suspension of the ABC license for a period of twenty (20) days.

[CUP Conditions 2.16.11; 2.16.12; 2.16.13; 2.16.15; 2.16.16; 2.25 / D&E Conditions 15, 20, 25 / California Health & Safety Code Section 11352(a) / Covina Municipal Code 8.40.030.D]

- e. Instances of persons allowed inside of the establishment in excess of the approved occupancy load.

[CUP Condition 2.16.28; 2.25 / D&E Condition 25]

- f. Excessive instances of fights involving patrons of the site (both inside and outside of the business establishment), intoxicated patrons, excessive and/or loud noise disturbances, and other general disturbances of the peace resulting in responses by the Covina Police Department.

[CUP Conditions 2.16.31; 2.25 / D&E Conditions 23; 25 / Covina Municipal Code Sections 8.40.030.A.39; 8.40.030.E]

- g. On a regular basis, and typically after 10:00 p.m., R.E.D. (the previous business operator) changed its use from a restaurant with ancillary entertainment and alcohol service (consistent with its Type 47 ABC license) to a nightclub/bar which focused more on alcohol service and entertainment than food/dining service. This was evidenced by decreased food service after 10:00 p.m., removal of tables and chairs used for dining service in order to provide an expanded dancing/entertainment area, advertisements that focused more on alcohol service and entertainment than food/dining service, and admissions by R.E.D.’s operators.

[CUP Conditions 2.8; 2.16.8; 2.16.9; 2.21; 2.25].

2. The Covina Community Development Department (including the Planning and Building & Safety Divisions) and the Covina Police Department have demonstrated repeated instances of non-compliance with the conditions of approval of Conditional Use Permit Application No. 11-006, as well as the applicable Dance & Entertainment Permit, ABC license for R.E.D., and other applicable laws and regulations, and that the use of the site for a restaurant with outside dining with alcohol and entertainment constitutes a public nuisance that threatens or otherwise is detrimental to the public health, safety, and welfare as set forth in the Notice of Public Hearing dated September 8, 2015.

**SECTION 3.** Based on the findings set forth in Sections 1 and 2, hereinabove, the City Council hereby finds that the grounds for voiding (“revoking”) Conditional Use Permit Application No. 11-006, have been met and that Conditional Use Permit Application No. 11-006 shall therefore be and hereby is voided (“revoked”), and no person shall cause, permit, allow, or suffer the use of the subject property for a restaurant with outside dining with alcohol and entertainment without first obtaining all requisite City approvals, permits, licenses, and inspections to do same. The City Council hereby finds that each finding set forth in Sections 1 and 2 hereinabove is alone sufficient to support voiding Conditional Use Permit Application No. 11-006, and that it would have determined to void Conditional Use Permit Application No. 11-006 upon such finding alone regardless of the existence of any other finding.

**SECTION 4.** The Mayor, or other presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Covina, and the City Clerk, or her duly appointed Deputy, is directed to attest hereto.

**PASSED, APPROVED AND ADOPTED** this 6th day of October 2015.

---

John King, Mayor

**ATTEST:**

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[ELECTED CITY CLERK’S NAME], City Clerk

APPROVED AS TO FORM:

[CITY ATTORNEY'S NAME], City Attorney

**CERTIFICATION**

I, [CITY CLERK'S NAME], Chief Deputy City Clerk of the City of Covina, California, do hereby certify that Resolution No. 15-7398 was adopted by the Covina City Council at a [REGULAR/SPECIAL/EMERGENCY] meeting thereof held this 6th day of October 2015, and was approved and passed by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

[CITY CLERK'S NAME]  
[DEPUTY CITY CLERK]

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

**MEETING DATE**    October 6, 2015

**ITEM NO.**    **NB 1**

**STAFF SOURCE**    Kim J. Raney, Chief of Police  
                              Brian Lee, Community Development Director  
                              Derek Webster, Police Captain

**ITEM TITLE**        Urgency Ordinance extending the moratorium on issuing any new dance and entertainment permits

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**STAFF RECOMMENDATION**

Consider and approve Urgency Ordinance No. 15-2044, which would extend Ordinance No. 15-2040, the interim ordinance imposing a moratorium for issuing any new or renewing dance and entertainment permits, by ten (10) months and fifteen (15) days.

**FISCAL IMPACT**

None.

**BACKGROUND**

The Municipal Code provisions regarding dance and entertainment permits have not been updated since 1972. It is necessary to update the Municipal Code so that it addresses all variations of entertainment, both live and non-live, in order to provide clear direction to City staff and City businesses.

On September 1, 2015, the City Council adopted Ordinance No. 15-2040 which imposed a moratorium that prohibits (1) the issuance of any new permits for dances or entertainment venues and uses and (2) the establishment or expansion of dance or entertainment venues or uses. The City Council made the following specific findings in Ordinance No. 15-2040 and approved the ordinance on an urgency basis by a unanimous vote:

- If new dance or entertainment venues and uses are established or existing dance or entertainment venues or uses are expanded without appropriate review and regulation, they could have potential adverse secondary effects on neighborhoods and result in significant irreversible change to the neighborhood and community character.
- The City intends to study, within a reasonable time, the adequacy of its existing ordinances and the potential need to adopt new regulations regarding dance and entertainment venues and uses. The City requires a sufficient and reasonably limited time to consider and study legally appropriate and reasonable policies regulating these businesses in order to prevent negative impacts on City residents, businesses, and visitors. Given the time required to undertake the study and planning this situation calls for, the City Council finds that it is necessary to enact an interim moratorium to ensure

that operation of businesses that may conflict with the contemplated new development policies are not permitted in the interim. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Section 65858 in order to protect the public health, safety, or welfare.

- There is a current and immediate threat to the public health, safety, and welfare presented by the establishment of new dance or entertainment uses and venues and the expansion of existing dance or entertainment uses and venues.
- Furthermore, the approval of additional use permits, building permits or any other applicable entitlement for a dance or entertainment venues or use would result in a threat to public health, safety or welfare.
- Absent the passage of this Ordinance, continued approval of entitlements for dance and entertainment venues and uses poses a current and immediate threat to the public health, safety, or general welfare. If this Ordinance does not become effective immediately, but instead becomes effective thirty (30) days after a second reading, there is a risk that further harm will be done to prevent the orderly development of dance and entertainment uses in the City.
- There is therefore an urgent necessity for the City to adopt a temporary moratorium on the establishment of new dance or entertainment uses and venues or the expansion of existing dance or entertainment uses and venues to take effect immediately.
- For the reasons specified in above and all the evidence in the record, the City Council finds that there is a current and immediate threat to the public health, safety, and welfare caused by potential expansion of dance and entertainment uses and venues that would inconsistent with the land use goals of the City.

## **DISCUSSION**

Ordinance No. 15-2040 expires 45 days after its adoption unless extended by the City Council at a regularly noticed public hearing pursuant Government Code Section 65858. Staff is in the process of studying the adequacy of its existing ordinances and the potential need to adopt new regulations regarding dance and entertainment venues and uses. Staff is preparing a comprehensive ordinance regarding dance and entertainment venues and uses (“Comprehensive Ordinance”) that will be submitted to the City Council for its consideration within the next couple of months.

The moratorium established by Ordinance No. 15-2040, expires on October 16, 2015. Staff is recommending that the City Council extend the moratorium established by Ordinance No. 15-2040, by adopting Ordinance No. 15-2044. The moratorium on the permitting, establishment and expansion of dance and entertainment uses and venues must be extended so that the City Council has an opportunity to consider and adopt a comprehensive ordinance. The term of Ordinance No. 15-2044 will be ten (10) months and fifteen (15) days beginning on the last day of the term for Ordinance 15-2040, or until the City Council adopts a comprehensive ordinance, whichever comes first.

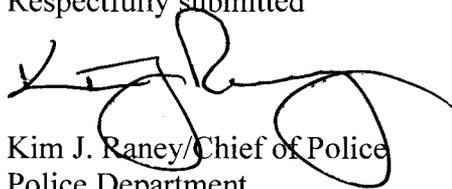
**Government Code Section 65858(d) Written Report**

Pursuant to Government Code Section 65858(d), prior to the expiration of the 45 day term of Ordinance No. 15-2040, the City Council is required to issue a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 15-2040. In Section 6 of Ordinance No. 15-2040, the City Council directed staff to prepare and issue the required written report at least 10 days prior the expiration of Ordinance No. 15-2040. This staff report is intended to serve as the written report required by Government Code Section 65858(d). As discussed above, staff is currently studying the current Covina Municipal Code provisions related to dance and entertainment uses and venues and is in the process of drafting a Comprehensive Ordinance for the City Council's consideration.

**EXHIBITS**

A. Ordinance No. 15-2044

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Kim J. Raney', with a large, stylized flourish extending to the right.

Kim J. Raney/Chief of Police  
Police Department

ORDINANCE NUMBER 15-2044

AN URGENCY ORDINANCE OF THE CITY OF  
COVINA PURSUANT TO CALIFORNIA  
GOVERNMENT CODE SECTION 65858 EXTENDING  
THE MORATORIUM ON ISSUING ANY NEW DANCE  
OR ENTERTAINMENT VENUE OR USE AND THE  
EXPANSION OF ANY EXISTING DANCE OR  
ENTERTAINMENT VENUE OR USE

THE CITY COUNCIL OF THE CITY OF COVINA HEREBY ORDAINS AS  
FOLLOWS:

**Section 1. Findings.**

A. The Covina Municipal Code generally prohibits conducting any private dance, public dance, teenage dance, cafe dance or entertainment without first obtaining a written permit as required by Chapter 5.28 of the Covina Municipal Code. This chapter was last updated in 1972.

B. Since 1972, the character of dance and entertainment venues and uses has changed significantly. Without proper regulation, the proliferation and expansion of dance and entertainment venues and uses can create harmful secondary effects in the neighborhoods in which they are located. It is therefore necessary to update the Covina Municipal Code to encompass all variations of entertainment, both live and non-live, in order to ensure that the proliferation of dance or entertainment venues and uses do not negatively impact residents and other businesses in the City.

C. For purposes of this Ordinance, the terms, “dance” and “entertainment” mean any “private dance,” “public dance,” “teenage dance,” “cafe dance” or “entertainment” as those terms are defined in Chapter 5.28 of the Covina Municipal Code, provided that they shall not include any dance or entertainment held at any elementary school, junior high school, or high school where dancing or entertainment is part of the school curriculum.

D. If new dance or entertainment venues and uses are established or existing venues and uses are expanded without appropriate review and regulation, they could have potential adverse secondary effects on neighborhoods and result in significant irreversible change to the neighborhood and community character.

E. The City has undertaken a study of the adequacy of its existing ordinances and the potential need to adopt new regulations regarding dance and entertainment venues and uses. The City requires a sufficient and reasonably limited time to consider and study legally appropriate and reasonable policies regulating these businesses in order to prevent negative impacts on City residents, businesses, and visitors.

F. Given the time required to undertake the study and planning this situation calls for, on September 1, 2015, the City Council adopted Ordinance No. 2015-2040, which temporarily prohibited the establishment of any new dance or entertainment venue or use and the expansion of any existing dance or entertainment venue or use.

G. The City Council adopted Ordinance No. 2015-2040 to ensure that operation of businesses that may conflict with the contemplated new development policies are not permitted in the interim. Said ordinance was adopted so that City staff, the City Council, and the citizens of the City would have sufficient time to consider a comprehensive ordinance regarding dance and entertainment venues and uses (“Comprehensive Ordinance”). The City Council has the authority to adopt an interim ordinance pursuant to Government Code Section 65858 in order to protect the public health, safety, or welfare. Ordinance No. 2015-2040 was effective immediately upon its adoption and remains in effect for a period of forty-five (45) days, pursuant to Government Code Sections 36934, 36937, and 65858(a).

H. Under state law, the City may twice extend an interim ordinance that imposes a temporary moratorium on the approval of applications while contemplated zoning and permitting proposals are being considered upon a finding that there is a current and immediate threat to the public health, safety, or welfare. Pursuant to Government Code Section 65858(a), this first extension of the interim ordinance must first be adopted by not less than a four-fifths vote of this City Council and may be in effect for an additional ten (10) months and fifteen (15) days from its adoption. The City Council may consider one additional one-year extension to the interim ordinance, pursuant to all legal requirements, if necessary.

I. Therefore, for these reasons, and based on all evidence in the record, there is a current and immediate threat to the public health, safety and welfare if, in the interim time necessary to complete the drafting and processing of a Comprehensive Ordinance, new dance or entertainment venues and uses are approved or the expansion of current dance or entertainment venues or uses are approved because this could thwart the purposes and goals of the Comprehensive Ordinance.

J. There is a current and immediate threat to the public health, safety, and welfare presented by the establishment of new dance or entertainment venues and uses and the expansion of existing dance or entertainment venues and uses while City staff is drafting a Comprehensive Ordinance that will be submitted to the City Council for its consideration within the next couple of months. Furthermore, the approval of additional use permits, building permits or any other applicable entitlement for a dance or entertainment venues or use would result in a threat to public health, safety or welfare. Absent the passage of this Ordinance, continued approval of entitlements for dance and entertainment venues and uses poses a current and immediate threat to the public health, safety, or general welfare.

K. If this Ordinance does not become effective immediately, but instead becomes effective thirty (30) days after a second reading, there is a risk that further harm will be done to prevent the orderly development of dance and entertainment

uses in the City. There is therefore an urgent necessity for the City to extend the temporary moratorium on the establishment of new dance or entertainment uses and venues or the expansion of existing dance or entertainment uses and venues to take effect immediately.

L. The Director of Community Development and the Chief of Police find that additional time is needed to finalize the Comprehensive Ordinance on dance and entertainment uses, pursuant to Government Code Section 65858.

M. Pursuant to Government Code Section 65858, a duly noticed public hearing was held on October 6, 2015 at 7:30 p.m. in the City Hall Council Chambers, 125 E. College Street, Covina, California. Notice of the time, place and purpose of the aforesaid hearing was duly given as required by law.

N. Evidence, both written and oral, was duly presented to and considered by the City Council of the City of Covina at the aforesaid public hearing.

**Section 2. Moratorium.**

A. The City hereby declares and extends a moratorium on the issuance of any permit or entitlement for dance or entertainment pursuant to Chapter 5.28 of the Municipal Code.

B. The establishment or operation of any new dance or entertainment use or venue or expansion of any existing dance or entertainment use or venue is prohibited.

C. The City shall not approve any new or pending application for any permit, license, or other entitlement for the establishment of any new dance or entertainment use or venue or the expansion of any existing dance or entertainment use or venue.

D. This Ordinance and the moratorium enacted hereby shall not affect any existing dance or entertainment permit previously approved pursuant to Chapter 5.28 of the Municipal Code. All existing permittees must comply with all existing requirements of Chapter 5.28 and the terms and conditions of any permit issued pursuant thereto.

**Section 3. Adoption as Urgency Interim Zoning Ordinance.**

This Interim Ordinance is adopted as an urgency ordinance, extending Ordinance No. 2015-2040, pursuant to the provisions of Government Code Sections 36934, 36937 and 65858(a), and shall be effective immediately upon its adoption. Based upon the findings set forth in Section 1 of this Ordinance, the City Council finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate preservation of the public peace, health or safety pursuant to the requirements of Government Code Sections 36934 and 36937, and is necessary to protect the public safety, health, and welfare pursuant to the requirements of Government Code Section

65858(a), and is necessary to provide additional time to consider and process the Comprehensive Ordinance.

**Section 4. Immediate Effect.** This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health, and safety within the meaning of Government Code Section 36937(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption, by a minimum four-fifths (4/5) vote of the City Council.

**Section 5. CEQA Finding.** The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance and establishment of the interim moratorium hereby, will have a significant effect on the environment, because the moratorium will serve to reduce potential significant adverse environmental impacts caused by the establishment of any new dance or entertainment venue or use or expansion of any existing dance or entertainment venue or use. 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 6. Penalty.** Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.

**Section 7. Written Report.** Pursuant to Government Code Section 65858(d), City staff shall prepare and submit for City Council adoption, at least ten (10) days prior to the expiration of this Ordinance, or any extension hereof, a written report describing the measures taken to alleviate the conditions which led to the adoption of this Ordinance.

**Section 8. Extension of Time.** The Director of Community Development and the City Clerk shall undertake all actions legally necessary to extend this Ordinance in the event the report desired by this City Council will not be concluded on or before the tenth (10th) month and fifteenth (15th) day subsequent to the adoption of this Ordinance.

**Section 9. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council of the City of Covina hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

**Section 10. Termination.** This Ordinance shall expire on the earlier of the following: (1) the date a Comprehensive Ordinance goes into effect, or (2) ten (10)

months and fifteen (15) days from the adoption of this Ordinance, unless extended by the City Council at a regularly noticed public hearing pursuant to California Government Code Section 65858.

**Section 11. Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Covina at a meeting thereof held on 6<sup>th</sup> day of October, 2015.

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

ATTEST:

By: \_\_\_\_\_  
Sharon F. Clark  
Chief Deputy City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
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 foregoing Interim Urgency Ordinance was introduced and adopted at a regular meeting of the City Council of the City of Covina, California duly held on the 6th day of October 2015, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Covina, California, this \_\_\_\_ day of \_\_\_\_\_ 2015.

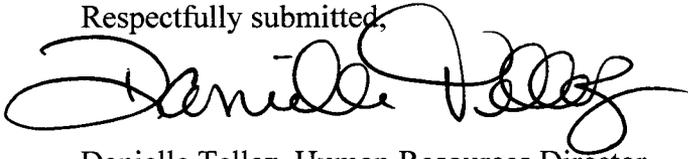
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Sharon F. Clark  
Chief Deputy City Clerk

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Respectfully submitted,

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Danielle Tellez, Human Resources Director  
Human Resources Department

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**RESOLUTION NO. 15-7399**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING THE SALARY RANGE FOR THE CLASSIFICATION OF FINANCE DIRECTOR**

**WHEREAS**, the City Council must approve salary schedules for all City employees; and

**WHEREAS**, the Human Resources Department desires to amend the current salary range for the classification of Finance Director to \$132,403.50 (Step 1) to \$180,000.00 (Step 8) annually;

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

**SECTION 1.** The City Council approves and authorizes the Human Resources Director to implement adjustments to the salary schedule for the classification of Finance Director as follows:

- A. Effective October 7, 2015, the salary range for Finance Director shall be \$132,403.50 (Step 1) to \$180,000.00 (Step 8) annually.

**SECTION 2.** The City Clerk is hereby directed to forward a copy of this Resolution to the Human Resources Director.

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of October, 2015.

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

ATTEST:

\_\_\_\_\_  
Sharon F. Clark, Chief Deputy City Clerk

APPROVED AS TO FORM;

\_\_\_\_\_  
Candace K. Lee, City Attorney

**CERTIFICATION**

I, Sharon F. Clark, Chief Deputy City Clerk of the City of Covina, California, do hereby certify that Resolution No. 15-7399 was adopted by the Covina City Council at a REGULAR meeting thereof held this 6<sup>th</sup> day of October, 2015, and was approved and passed by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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SHARON F. CLARK  
CHIEF DEPUTY CITY CLERK