



# City of Covina/

## Covina Redevelopment Agency

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

### REGULAR MEETING AGENDA

125 E College Street, Covina, CA

Council Chambers of City Hall

Tuesday, February 2, 2010

5:00 p.m.

- **The City Council/Redevelopment Agency will meet in closed session from 5:00 p.m.-7:30 p.m.**
- As a courtesy to Council/Agency Members, staff and attendees, everyone is asked to silence all pagers, cellular telephones and any other communication devices.
- Any member of the public may address the City Council, and Redevelopment Agency 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/Agency Chair amends the time limit. Anyone wishing to speak is requested to submit a yellow Speaker Request Card to the City Clerk; cards are located near the agendas or at the City Clerk's desk.
- Please provide 10 copies of any information intended for use at the City Council/Covina Redevelopment Agency meeting to the City Clerk prior to the meeting.
- **MEETING ASSISTANCE INFORMATION:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk Department at (626) 384-5430. Services such as American Sign Language interpreters, a reader during the meeting, and/or large print copies of the agenda are available. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. Assisted listening devices are now available. Please see the City Clerk before the meeting or during a break for more information.
- **DOCUMENT AVAILABILITY:** Any writings or documents provided to a majority of the City Council/Redevelopment Agency regarding any item on this agenda will be made available for public inspection at the City Clerk counter at City Hall located at 125 E. College Street and the Reference Desk at the Covina Library located at 234 N. Second Avenue during normal business hours. In addition, such writings and documents are available in the City Clerk's office and may be posted on the City's website at <http://www.covinaca.gov/clerk/agendas.htm>.
- Pursuant to Government Code Section 54954.2, no matter shall be acted upon by the City Council/Redevelopment Agency unless listed on agenda which has been posted not less than 72 hours prior to meeting.
- The City Clerk of the Covina City Council hereby declares that the agenda for the **Tuesday, February 2, 2010**, Regular City Council meeting was posted on **January 28, 2010** near the front entrance of the City Hall, 125 East College Street, Covina, in accordance with Section 54954.2 (a) of the Government Code.

**CITY COUNCIL/REDEVELOPMENT AGENCY  
JOINT MEETING—CLOSED SESSION**

**5:00 p.m.**

**CALL TO ORDER**

**ROLL CALL**

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

**ORAL COMMUNICATIONS**

*To address the Council/Agency, please complete a yellow Speaker Request card located at the entrance and give it to the City Clerk. Your name will be called when it is your turn to speak. State Law prohibits the City Council/Redevelopment Agency from taking action on any item not on the agenda. Individual speakers are limited to five minutes each.*

**The City Council and Redevelopment Agency will adjourn to Closed Session for the following:**

**CLOSED SESSION**

- A. G.C. 54957.6 – CONFERENCE WITH LABOR NEGOTIATORS  
AGENCY DESIGNATED REPRESENTATIVE: Anthony Arroyo, Human Resources Director

EMPLOYEE ORGANIZATIONS: A.F.S.C.M.E. – American Federation of State, County & Municipal Employees  
P.A.C. – Police Association of Covina  
P.M.G. – Police Management Group  
Unaffiliated Employees (see attached)

- B. G.C. 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR – NEGOTIATIONS TO INCLUDE BOTH PRICE AND TERMS:
- Peter Gliniak – 147-151 East College Street (APN 8445-001-918)
  - Covina Valley Unified School District – 120 East School Street (APN 8430-027-900)
  - Covina Valley Unified School District – Vacant Land South Side Puente Street at Third Avenue (APN 8444-021-904)
  - The Olson Company – 116 East School Street (APN 8430-027-009); 322 North Citrus Avenue (APN 8430-027-017); 316 North Citrus Avenue (APN 8430-027-907); 300 North Citrus Avenue (APN 8430-027-023); 115 East Italia Street (APN 8430-027-010); 125 East Italia Street (APN 8430-027-011); 117 East Italia Street (APN 8430-027-903, 904 & 905); 312 North Citrus Avenue (APN 8430-027-906)
  - Enterprise – 635 South Citrus Ave. (APN 8453-001-906 & 8453-001-900)
  - Greg Bozzani – 528 and 626 S. Citrus Ave. (APN 8451-001-911, 8445-021-037 and 8445-029-042)
  - Mercy Moreno – 223 N. Citrus Ave. (APN 8431-032-024)

**RECESS**

**CITY COUNCIL/REDEVELOPMENT AGENCY  
JOINT MEETING—OPEN SESSION**

**7:30 p.m.**

**CALL TO ORDER**

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

Led by Council Member Stapleton.

**INVOCATION**

Led by the Covina Police Chaplain

**PRESENTATIONS**

- Recognition and presentation to the Clean World Movement Project group who cleaned-up Jobe's Glen at Jalapa Park.
- Recognition of Library Volunteers.
- Recognition of Thomas Parrington for his service as Agency Council.

**ORAL COMMUNICATIONS**

*To address the City Council/Redevelopment Agency, please complete a yellow Speaker Request card located at the entrance and give it to the City Clerk/Agency 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 Members from taking action on any item not on the agenda. Individual speakers are limited to five minutes each.*

**COUNCIL/AGENCY COMMENTS**

*Council/Agency Members wishing to make any announcements of public interest or to request that specific items be added to future City Council/Redevelopment Agency 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/Redevelopment Agency votes on them, unless a member of the Council/Agency requests a specific item be removed from the consent calendar for discussion.*

- CC 1. City Council to approve the Minutes of the Tuesday, December 15, 2009 Regular City Council Meeting.

- CC 2. City Council to approve the Minutes of the Tuesday, January 19, 2010 Regular City Council Meeting.
- CC 3. City Council to approve pilot program with Clancy Systems, Incorporated for Internet-Based Parking Permit Sales at the Metrolink Complex Parking Lots.
- CC 4. City Council to approve First Amendment to lease with Bank of America for property located at 212 East Badillo Street.
- CC 5. City Council to adopt **Ordinance No. 10-1978**, repealing and amending Chapter 14.04 and Sections 14.06.030, 14.06.040, 14.08.030, 14.08.040, 14.10.030, 14.14.030, 14.14.070, 14.16.040, 14.16.050, and 14.18.090 of Title 14 of the Covina Municipal Code.
- CC 6. City Council to receive and file the Quarterly Report of the Treasurer for the Quarter ended December 31, 2009.
- CC 7. Redevelopment Agency to receive and file the Quarterly Report of the Treasurer for the Quarter ended December 31, 2009.

### **PUBLIC HEARING**

- PH 1. Ordinance amending Chapter 17.82 of the Covina Municipal Code and adopting Implementation Guidelines pertaining to Water Efficient Landscape Regulations.

Staff Recommendation: City Council to:

1. Open the public hearing and receive testimony about the proposed ordinance; and
2. Introduce and waive further reading of **Ordinance No. 10-1979**, amending Chapter 17.82 of Title 17 of the Covina Municipal Code pertaining to Water Efficient Landscape Regulations and adopting Guidelines for the Implementation of the Water Efficient Landscape Regulations.

- PH 2. Resolution of the City Council of the City of Covina authorizing the establishment of a Public Agency Retirement System (PARS) Supplemental Retirement Plan to be administered by Phase II Systems (PARS Trust Administrator) and approval of the Administrative Services Agreement.

Staff Recommendation: City Council to adopt **Resolution No. 10-6818**, authorizing the establishment of a Public Agency Retirement System (PARS) supplemental retirement plan to be administered by Phase II Systems, PARS Trust Administrator.

### **NEW BUSINESS**

- NB 1. Approval of Amendment Number Three to the Agreement for Services By and Between the Consolidated Fire Protection District of Los Angeles County and the City of Covina.

Staff Recommendation: City Council to approve Amendment Number Three to the Agreement for Services By and Between the Consolidated Fire Protection District of Los Angeles County and the City of Covina.

NB 2 The City of Covina 2010 Federal Legislative Year Appropriations Platform.

Staff Recommendation: City Council to adopt the 2010 City of Covina 2010 Federal Legislative Platform.

**ADJOURNMENT**

The Covina City Council/Redevelopment Agency will adjourn in memory of Augie Martinez to the next Regular Meeting to be held on **Tuesday, February 16, 2010 at 6:30 p.m.** in the Council Chambers of City Hall, 125 E College Street, Covina, CA 91723.

## UNAFFILIATED MANAGEMENT

### Mid-Management

#### Supervisory, and Professional

Accountant  
Accounting Supervisor  
Administrative Services Supervisor  
Assistant City Librarian  
Benefits Coordinator  
Building Official  
City Planner  
Community Relations Supervisor  
Community Services Supervisor  
Computer Systems Analyst  
Environmental Services Manager  
Equipment Supervisor  
Finance Manager  
Human Resources Manager  
Information Technology Manager  
Library Circulation Supervisor  
Management Analyst  
Management Analyst Trainee  
Marketing Manager  
Network Supervisor  
Parks Maintenance Supervisor  
Police Records Supervisor  
Pool Manager  
Principal Librarian  
Public Safety Communications Supervisor  
Public Works Manager  
Public Works Superintendent  
Recreation Services Supervisor  
Redevelopment Manager  
Risk Manager  
Senior Accountant  
Senior Management Analyst  
Senior Planner  
Senior Services Supervisor  
Street Maintenance Supervisor  
Supervising Civil Engineer  
Water Services Supervisor

### Confidential

Administrative Secretary  
Administrative Technician  
Business License Technician  
Deputy City Clerk  
Executive Assistant to the City Manager  
Finance Technician  
Personal Computer Support Technician  
Senior Administrative Technician  
Senior Finance Technician

### Executives

Assistant to the City Manager  
Assistant City Manager  
Chief Deputy City Clerk  
Chief of Police  
Director of Community  
Development/Deputy Director CRA  
Director of Finance  
Director of Library Services  
Director of Parks & Recreation  
Director of Public Works  
Director of Human Resources  
Public Information Supervisor

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### **PART-TIME UNAFFILIATED**

Administrative Intern  
Asst Pool Mgr  
Background Investigator  
Building Maintenance Assistant  
Community Resources Aide  
Community Resources Aide/Library Page  
Shelver  
Community Resources Assistant I  
Community Resources Assistant II  
Community Resources Specialist  
Duplicating Assistant  
Engineering Intern  
Library Clerk  
Lifeguard  
Lifeguard/Instructor  
Overnight Parking Enforcement Officer  
Park Maintenance Assistant  
Planning Aide  
Police Aide Clerical  
Police Cadet  
Student Aid



**MINUTES OF THE DECEMBER 15, 2009 REGULAR MEETING  
OF THE COVINA CITY COUNCIL HELD IN THE COUNCIL  
CHAMBERS OF CITY HALL, 125 EAST COLLEGE STREET AT  
6:30 P.M.**

- CALL TO ORDER** Mayor Allen called the City Council meeting to order at 6:32 p.m.
- ROLL CALL** Council/Agency Members Present: Allen, Delach, King, Low, Stapleton  
Council/Agency Members Absent: None
- Other Elected Officials Present: City Clerk, City Treasurer
- Staff Members Present: City Manager, Assistant City Manager, City Attorney, Chief of Police, Police Captain, Community Development Director, Public Works Director, Finance Director, Parks & Recreation Director, Chief Deputy City Clerk/Agency Secretary, Human Resources Director, Library Director, Public Information Supervisor, Police Lieutenant, Senior Librarian,
- AGENDA POSTING DECLARATION** The City Clerk of the Covina City Council hereby declares that the agenda for the December 15, 2009 Regular City Council meeting was posted on Friday, December 10, 2009 near the front entrance of the City Hall, 125 East College Street, Covina, in accordance with Section 54954.2 (a) of the Government Code.
- CLOSED SESSION**
- A. G.C. 54956.8 - CONFERENCES WITH REAL PROPERTY NEGOTIATOR – NEGOTIATIONS TO INCLUDE BOTH PRICE AND TERMS:
- Covina Valley Unified School District – 120 E. School Street (APN 8430-027-900)
  - Covina Valley Unified School District – Puente St. west of Citrus (APN 8444-021-904)
  - Pete Gliniak - 151 E College (APN 8445-001-918)
  - Mercy Moreno - 223 N. Citrus Ave. (APN 8431-032-024)
  - Greg Bozzani – 523 & 626 N. Citrus Ave (APN 8451-001-911, 8445-021-037 & 8445-029-042)
- B. G.C. 54956.9(b)—CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION: One Case
- The Mayor stated there was nothing to report from closed session.
- PLEDGE OF ALLEGIANCE** Pledge of Allegiance led by Council Member King.
- INVOCATION** Police Chaplain Rev. Jerry Gundersen led the invocation.
- PRESENTATIONS** Mayor Allen presented Christmas Ornaments to people who helped with the 2009 Covina Christmas Parade. The Mayor and Police Chief Kim Raney presented a plaque in appreciation to Pat Buchanan for his work as the logistics liaison for the Parade Committee.

Senior Librarian Norma Juarez presented a demonstration of the new Online Homework Help program.

The Lindy Sisters received their 2<sup>nd</sup> place trophy from Mayor Allen for their performances along the parade route and also performed "I'll be Home for Christmas" and "Santa Baby."

**ORAL  
COMMUNICATIONS**

Chief Raney presented an update in the status of the Ortega Family. He also stated the Police Staff will contact the neighborhood to ensure the holidays are as normal as possible for them. Additionally, he stated a ribbon was designed to be worn by all police officers and staff who were involved with the Christmas Eve Incident in 2008, and presented Council Members King, Stapleton, Mayor Pro Tem Delach and Mayor Allen with a medal for their service in the same.

**COUNCIL  
COMMENTS**

Mayor Allen thanked Council Member Stapleton for his leadership during the Christmas Eve Incident. Council Member Stapleton thanked the Police Chief. Council Member Stapleton also stated the parade was a lot of fun and the police volunteer dinner was a great success.

Mayor Pro Tem Delach wished everyone a wonderful holiday. Council Member Low stated that on December 15, 1792 the Bill of Rights was incorporated into the Constitution. Additionally, he noted that until 1971, the Library purchased all Leo Politi books, but did not purchase "The Nicest Gift" in 1973. Council Member Low stated although the book is out of print, he ordered two copies, and read the entire book to the Council.

Council Member King complimented staff on the Wine Walk event and wished everyone a Merry Christmas.

Mayor Allen complimented the Covina Assembly of God for feeding the needy and providing a toy to every child who came to the dinner. He thanked Fat Cat winery for providing the wine for the wine walk and noted all proceeds from that event went to charity. He noted the Covina Concert Band is hosting a free Christmas Concert at the Covina Woman's Club on December 20, 2009. Mayor Allen announced that free shopping bags will be available at City Hall on Thursday and Friday, and that anyone who brings a receipt for \$10 worth of purchases made in Covina can receive a free water bottle.

Mayor Allen stated that City Hall would be on holiday furlough from December 24-January 1, and that the Joslyn Center and Library will operate on reduced schedules. He noted staff will use accrued leave time. Starting January 4, City Hall will be closed every Friday, and will be open from 7:00am to 6:00pm Monday-Thursday. The Yard will be open from 6:00 am-4:30 pm. He noted the closure will save the City between \$14,000-\$30,000 in utility and janitorial costs. He noted the Parks & Recreation facility will continue on the 9/80 schedule.

Mayor Allen noted 2009 was a tough year starting with the Christmas Eve Incident in 2008, then with the loss of his wife Pat. He stated 2010 will be a better year and commended the citizens of the City for reaching out to the Ortega

and Ortiz families. He wished every one a Merry Christmas, Happy Hanukkah, and happy and prosperous New Year.

**CONSENT  
CALENDAR**

Council Member Low pulled Consent Calendar Item 2. Council Member Stapleton pulled Consent Calendar Item 7. Council Member King pulled Consent Calendar Item 8.

Council Member King noted a correction to the minutes of Item CC 1b which stated he was not in attendance. He stated he was. The correction was noted for the record.

*CC 1a. City Council to approve the Minutes of the Tuesday, December 1, 2009 Regular City Council Meeting.*

*b. City Council to approve the Minutes of the Wednesday, December 2, 2009 Special City Council Meeting.*

*CC 3. City Council to receive and file the Public Works Department Monthly Activity Report.*

*CC 4. City Council to adopt **Resolution No. 09-6813**, approving the application for Statewide Park program grant funds.*

*CC 5. City Council to receive and file the report on the Southern California City Clerk's Association (SCCCA) meeting attended by the City Clerk.*

*CC 6. City Council to receive and file the report on the 2009 California Public Employers Labor and Relations Association (CalPELRA) Conference, which was attended by the Human Resources Management Analyst.*

*CC 9. Redevelopment Agency to approve **Resolution No. 09-614**, approving appropriation of CRA funds for relocation specialist services for Heritage Walk Project and authorize Executive Director to choose and enter into agreement with selected consultant.*

Council Member King moved items Consent Calendar 1, 3, 4, 5, 6, 9. Council Member Low seconded. Council Member Stapleton and Mayor Pro-Tem Delach abstained from item 1a. Consent Calendar item 1a passed with a vote of 3-0. Consent Calendar Items 1b, 3, 4, 5, 6, and 9 passed with a vote of 5-0.

**CONSENT  
CALENDAR: CC 2  
Catholic Charities  
Tax Exemption  
Request**

*CC 2. City Council to approve Catholic Charities of Los Angeles, Inc. business license tax exemption request since the organization appears to have complied with the Covina Municipal Code exemption requirements.*

Council Member Low stated the paperwork submitted for a business license exemption is needlessly complex. City Manager Daryl Parrish noted Catholic Charities is used to applying for exemptions in other cities, so submitted more than the required paperwork. Council Member Low asked if the exemption needs to be brought before Council. Finance Director Dilu DeAlwis stated they can present the data through the City Manager's Weekly Update if the Council prefers. Mayor Allen stated he appreciates seeing the tax exemption requests at Council.

Mayor Pro Tem Delach moved approval of staff's recommendation, with a second by Council Member King. Motion passed unanimously with a vote of 5-0.

**CONSENT  
CALENDAR: CC 7  
Resolution 09-613  
CRA Annual  
Report**

*CC 7. City Council and Redevelopment Agency to adopt **Resolution No. 09-613**, approving and adopting the Annual Report for the Covina Redevelopment Agency Project Nos. One and Two for Fiscal Year Ended June 30, 2008; and submitting the report to the City Council of the City of Covina.*

Council Member Stapleton questioned what the Council is being asked to approve. Finance Director Dilu DeAlwis stated the Annual Report must be approved at Council before it can be submitted to the State Controller. The report notes the audit is not complete. Council Member Stapleton stated the audit company stated the audit would be finished on time. Mr. DeAlwis stated the audit numbers are complete, but the footnotes need to be added. The City Attorney, Mr. Ed Lee, stated the State Controller does not require the audited financial be submitted. The Controller wants to make sure that any exceptions that may come up on the audit will be rectified.

Council Member Stapleton moved approval of staff's recommendation, with a second by Council Member King. Motion passed unanimously with a vote of 5-0.

**CONSENT  
CALENDAR: CC 8  
Resolution 09-6815  
EECBG/EECS**

*CC 8. City Council to receive and file report on Energy Efficiency and Conservation Block Grant (EECBG) program, proposed Energy Efficiency and Conservation Strategy (EECS), and proposed program projects; and adopt **Resolution 09-6815**, amending the Fiscal Year 2009-2010 Public Works Department, Environmental Services Operating Budget to Reflect Receipt of \$200,200.00 from the Energy Efficiency and Conservation Block Grant.*

Council Member King wanted to thank the staff for the good work they have done to gather over \$200,000 in conservation block grants. Council Member King moved approval of staff's recommendation, with a second by Council Member Stapleton. Motion passed unanimously with a vote of 5-0.

**PUBLIC  
HEARING: PH 1  
Ord 09-1977**

*PH 1. Consideration of an ordinance confirming 2009 Annual Report for the Prospero Park Business Area Enhancement District and increasing the annual assessment upon businesses within the District for FY 2009 – 2010.*

*Staff Recommendation:*

- 1.) City Council to open the public hearing and receive testimony about the proposed increased assessments; and*
- 2.) Passage and adoption of **Ordinance No. 09-1977**, confirming the 2009 Annual Report for the Prospero Park Business Area Enhancement District and increasing the annual assessment upon businesses with said District for fiscal year 2009 – 2010.*

Mayor Allen opened the public hearing. Seeing no public comment, he closed the public hearing. City Manager Daryl Parrish, noted this was brought back from earlier this year.

Council Member Stapleton moved approval of staff's recommendation, with a second by Council Member King. Motion passed unanimously with a vote of 5-0.

**PUBLIC  
HEARING: PH 2  
Reso 09-6807  
Planning Fees**

*PH 2. A Resolution to amend the established development-related and other user fees for City services pertaining to the Planning and Building Division services.*

Staff Recommendation: City Council to:

a. Open the public hearing and consider all evidence and testimony for and against the fee study; and

b. Adopt **Resolution No. 09-6807**, amending the recently adopted Resolution 09-6792, that revised the established development-related and other user fees pertaining to the Planning Division services.

Mayor Allen opened the public hearing. Seeing no public comment, he closed the public hearing. Council Member Stapleton noted that he is working on a committee with Mr. Henley and Mr. Randall to simplify some fees. City Manager Daryl Parrish, noted that one change is to clarify one item concerning fences over 6 feet and under 10 feet. Council Member Low wanted to know why a permit is needed to replace windows. Council Member Stapleton said one advantage of requiring a permit is so the homeowner gets an impartial professional to come out and inspect the work to see it was done properly. He stated he has seen many people scammed by incompetent workers. Council Member Low questioned other fees. Public Works Director Steve Henley, noted a window would need a permit if the window is being resized, but will not be needed if it is a direct replacement. He noted this is stated in the Code. Council Member Low stated it is not clear in the Fee Resolution.

Council Member King moved approval of staff's recommendation, with a second by Mayor Allen. Motion passed unanimously with a vote of 5-0.

**CONTINUED  
BUSINESS  
Strategic Plan  
Update**

*CB 1. Update the City of Covina Strategic Plan*

Staff Recommendation: City Council to receive and file the updated City of Covina Strategic Plan

City Manager Daryl Parrish presented the report. Council Member Low shared some information regarding circulation of books and spoke to the expansion of the library. He suggested using CRA Funds. City Attorney William Priest stated CRA funds could be used in limited cases for libraries in the 1980's, but they are not allowed anymore, especially outside the project area. Mr. Parrish stated the City is focusing its resources on what goes on inside the library such as creating new programs for children, teens, and Spanish speaking residents.

Council Member Stapleton moved approval of staff's recommendation, with a second by Mayor Pro Tem Delach. Motion passed with a vote of 4-1, with Council Member Low in opposition.

**NEW BUSINESS**  
**NB 1: Resolution**  
**09-6814**

*NB 1. Adopt Resolution No. 09-6814 amending the fiscal year 2009-10 Parks & Recreation Department operating budget to reflect the receipt of \$36,427 from South Coast Air Quality Management District grant for planting and two-year maintenance of trees in City Parks and authorize the City Manager to enter into a contract.*

*Staff Recommendation: Adopt Resolution No. 09-6814 amending the fiscal year 2009-10 Parks & Recreation Department operating budget to reflect the receipt of \$36,427 from South Coast Air Quality Management District grant for planting the two-year maintenance of trees in City Parks and authorize the City Manager to enter into a contract.*

Council Member Stapleton moved approval of staff's recommendation, with a second by Mayor Allen. Motion passed unanimously with a vote of 5-0.

**NEW BUSINESS**  
**NB 2: Resolution**  
**09-6814**

*NB 2. Consider Cancellation of the Regular Council Meeting of January 5, 2010*

*Staff Recommendation: City Council and Redevelopment Agency to consider cancellation of the Regular Council Meeting of January 5, 2010 and adjourning to Tuesday, January 19, 2010.*

Council Member King moved approval of staff's recommendation, with a second by Mayor Pro Tem Delach. Motion passed unanimously with a vote of 5-0.

**ADJOURNMENT**

At 9:13 p.m., Mayor Allen adjourned the City Council/Redevelopment Agency to the next Regular meeting to be held on Tuesday, January 19, 2009 at 6:30 p.m. at the City Hall Council Chambers.

Respectfully Submitted,

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Toni Taber  
City Clerk/Agency Secretary

Approved this 2nd day of February, 2010.

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Walt Allen III, Mayor/Chairperson



**MINUTES OF THE JANUARY 19, 2010 REGULAR MEETING OF  
THE COVINA CITY COUNCIL HELD IN THE COUNCIL  
CHAMBERS OF CITY HALL, 125 EAST COLLEGE STREET AT  
6:30 P.M.**

**CALL TO ORDER** Mayor Allen called the City Council meeting to order at 6:30 p.m.

**ROLL CALL** Council/Agency Members Present: Allen, Delach, King, Low, Stapleton  
Council/Agency Members Absent: None

Other Elected Officials Present: City Clerk

Staff Members Present: City Manager, Assistant City Manager, Assistant City Attorney, Chief of Police, Police Captain, Community Development Director, Public Works Director, Finance Director, Parks & Recreation Director, Chief Deputy City Clerk/Agency Secretary, Human Resources Director, Library Director, Public Information Supervisor, Police Lieutenant, Deputy City Clerk, Senior Redevelopment Manager, Redevelopment Manager

**AGENDA  
POSTING  
DECLARATION**

The City Clerk of the Covina City Council hereby declares that the agenda for the January 19, 2010 Regular City Council meeting was posted on Thursday, January 14, 2010 near the front entrance of the City Hall, 125 East College Street, Covina, in accordance with Section 54954.2 (a) of the Government Code.

**CLOSED  
SESSION**

- A. *G.C. 54957.6 – CONFERENCE WITH LABOR NEGOTIATORS*  
*AGENCY DESIGNATED REPRESENTATIVE: Anthony Arroyo, Human Resources Director; EMPLOYEE ORGANIZATIONS: A.F.S.C.M.E. – American Federation of State, County & Municipal Employees; P.A.C. – Police Association of Covina; P.M.G. – Police Management Group; Unaffiliated Employees*
- B. *G.C. 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR – NEGOTIATIONS TO INCLUDE BOTH PRICE AND TERMS:*
- *Peter Gliniak – 147-151 East College Street (APN 8445-001-918)*
  - *Covina Valley Unified School District – 120 East School Street (APN 8430-027-900) and Vacant Land South Side Puente Street at Third Avenue (APN: 8444-021-904)*
  - *The Olson Company – Eight Properties: 116 East School Street – (APN 8430-027-009), 322 North Citrus Avenue (APN 8430-027-017), 316 North Citrus Avenue (APN 8430-027-907), 300 North Citrus Avenue (APN 8430-027-023), 115 East Italia Street (APN 8430-027-010), 125 East Italia Street (APN 8430-027-011), 117 East Italia Street (APN 8430-027-903, 904 & 905), 312 North Citrus Avenue (APN 8430-027-906)*
  - *UIMC Covina LLC – 963 W. Badillo Street (APN 8434-018-042)*
  - *Enterprise – 635 South Citrus Ave. (APN 8453-001-906 & 8453-001-900)*
  - *Greg Bozzani – 528 and 626 S. Citrus Ave. (APN 8451-001-911, 8445-021-037 and 8445-029-042)*

C. *G.C. 54956.9(a)—CONFERENCE WITH LEGAL COUNSEL—  
EXISTING LITIGATION: Stephen Vogl vs. City of Covina –  
WCAB Case No: POM 0299776*

City Attorney William Priest stated there was nothing to report from closed session.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance led by Boy Scout Troops 443, 446, 448 and 888.

**INVOCATION**

Police Chaplain Rev. Dave Truax led the invocation.

**PRESENTATIONS**

Mayor Allen stated that Boy and Girl Scout troops carry the banners in the Covina Christmas Parade, and called forward Boy Scout Troops 443, 446, 448 and 888 and Girl Scout troops 8394 and 1214 to recognize them for their participation in the Parade, and presented them with a trophy. Mayor Allen noted there are several Eagle Scouts and boys working on their Eagle Scout honors.

Wesley Willison presented documents to the City Council in support of his campaign to save the Clippinger sign located at Citrus and San Bernadino. Mayor Allen asked staff to bring suggestions back to Council regarding preserving the sign.

**COUNCIL COMMENTS**

Council Member Low presented the Mayor with "The Nicest Gift" by Leo Politi for the Library's use from his sister Mary Procsal. He noted he toured Kahler Russell Park and noted that before the Care Youth League approached Council 25 years ago and asked to be allowed to clear land for their use, the park was not as nice. Mayor Allen noted Parks & Recreation staff worked to beautify the park in the ensuing years.

Council Member King reminded people to be extra safe during the storms, and noted if a downed power line is seen, people are not to touch it, but rather call 911 or Edison to report it. He stated he was working in the command center for Edison for two days and at peak, 298,000 customers were without power.

Mayor Allen asked to adjourn in memory of Al Lieuraunce and Flo Gallagher and in memory of the victims of the earthquake in Haiti. Mayor Allen noted sandbags and sand are available at the City Yard. He also noted the Rancho La Merced water storage tank project was completed early and under budget.

Mayor Allen announced the State of the City Address will be on Monday, February 8 at 7:00 p.m.

**CITY MANAGER COMMENTS**

City Manager Daryl Parrish asked Public Works Director Steve Henley to provide an update on the effects of the storms on Covina. Mr. Henley noted the streets were handling the rain well. He stated they are looking out for trees, but need citizens to report downed branches that pose a danger. He also stated there were some turbidity issues with the canyon water, so are relying on well water temporarily.

CC 1. *City Council to approve the Minutes of the Tuesday, December 15, 2009 Regular City Council Meeting.*

Consent Calendar Item Number 1 was pulled by the Mayor at the request of the City Clerk. The item will be reconsidered at the next regular meeting on February 2, 2010.

CC 2. *City Council to approve Payment of Demands in the amount of \$4,235,856.86.*

CC 3. *City Council to receive and file the Public Works Department Monthly Activity Report.*

CC 4. *City Council to receive and file the Sunflower Avenue and Cypress Street Traffic Controls—Test Pilot Program 1—year report.*

CC 5. *City Council to accept the letter of resignation of Jorge Marquez of the Cultural Arts Advisory Commission.*

CC 6. *City Council to approve the Professional Services Agreement between the City of Covina and Citygate Associates, LLC and authorize the City Manager to execute same.*

CC 7. *City Council to approve renewal of Facility Use Agreements with AYSO-Region 602 and Covina Baseball Association.*

CC 8. *City Council to approve Bikestation fee structure and promotional trial period.*

CC 9. *City Council to consider establishing a supplemental retirement plan for the City Manager at a future regularly scheduled Council meeting.*

CC 10. *City Council to receive and file report on the City of Covina's participation in the Los Angeles Regional Crime Stoppers Program, implemented to allow anonymous crime tips to be forwarded to law enforcement.*

CC 11. *City Council to:*

*1. Approve the 2010-2011 Community Development Block Grant Program budget as recommended selecting Column 4 of the Table on Exhibit A with the provision that allocations be proportionally adjusted based on the final allocation as determined by the Community Development Commission, with a maximum of 15% of funding allocated for public service programs, and 10% of funding allocated for administration; and*

*2. Authorize the City Manager or his designee to execute documents related to the 2010-2011 Community Development Block Grant.*

CC 12. *City Council to adopt Resolution No. 10-6816 amending the Fiscal Year 2009-2010 Public Works Department, Public Parking District and Transit Operations operating budgets to reflect an appropriation of \$50,000 from their respective reserve funds for the completion of a downtown parking study.*

CC 13. City Council to approve **Resolution No. 10-6817** approving the appropriation of unallocated CDBG revenue and expenditures for business assistance program; and when approved by the Los Angeles County Community Development Commission, authorize City Manager or his designee to execute related documents.

CC 14. Redevelopment Agency to receive and file report on 2009 Fat Cat Cellars Charity Wine Walk Event.

CC 15. Redevelopment Agency to adopt **Resolution No. 10-615** approving the subordination of that Participation Loan Agreement between the Covina Redevelopment Agency and Covina Gardens KBS., L.P., and the related Declaration of Conditions, Covenants and Restrictions, to the permanent financing provided by Walker & Dunlop, Real Estate Financial Services.

CC 16. Redevelopment Agency to approve Payment of Demands in the amount of \$316,452.57.

City Attorney William Priest noted that for Item CC 6, *City Council to approve the Professional Services Agreement between the City of Covina and Citygate Associates, LLC and authorize the City Manager to execute same*, there are a couple of technical details still being worked out. He stated the City Council will be approving the professional agreement subject to negotiation and approval as to form by the City Attorney.

Council Member Low moved approval of staff's recommendation for Consent Calendar Items 2-16 with the amendment to item CC 6 as noted by the City Attorney, with a second by Mayor Pro Tem Delach. Motion passed unanimously with a vote of 5-0.

**NEW BUSINESS**  
**NB 1: Title 14**  
**amendments, Ord.**  
**10-1978**

*NB 1. Consideration of an ordinance amending Title 14 (Buildings and Construction) to update and streamline the code language while providing fee waiver mechanisms to encourage redevelopment, low-income housing rehabilitation, and sustainable design practices.*

*Staff Recommendation:*

*Introduce and waive further reading of Ordinance No. 10-1978 repealing and amending Chapter 14.04 and Sections 14.06.030, 14.06.040, 14.08.030, 14.08.040, 14.10.030, 14.14.030, 14.14.070, 14.16.040, 14.16.050 and 14.18.090 of Title 14 of the Covina Municipal Code.*

Community Development Director Robert Neuber presented the report. Council Member Stapleton asked for clarification as to whether this Ordinance addresses changes suggested at the Strategic Planning meeting in September. Public Works Director Steve Henley stated this Ordinance was initiated prior to that meeting, and relates to streamlining the Code, but does not usurp the Strategic Planning goal.

Council Member Low moved approval of staff's recommendation with a second by Council Member Stapleton. Motion passed unanimously with a vote of 5-0.

The following items were heard concurrently.

**NEW BUSINESS  
NB 2 & 3: Audit  
for CRA and City  
of Covina**

*NB 2. Audit for Covina Redevelopment Agency for Fiscal Year Ended June 30, 2009*

*Agency Staff Recommendation:*

*Redevelopment Agency to: receive and file the Annual Financial and Compliance Report for Covina Redevelopment Agency for Fiscal Year Ending June 30, 2009 and authorize transmittal of said report to the Covina Redevelopment Agency Board.*

*NB 3. Audit of the City of Covina for Fiscal Year Ended June 30, 2009*

*Staff Recommendation:*

*City Council to: receive and file the Audit Report for Fiscal Year Ended June 30, 2009.*

Finance Director Dilu DeAlwis introduced Kathryn Beseau with Macias Gingi and O'Connell to present the report. Ms. Besau thanked the Finance staff for their hard work. She noted that with the turnover in the Finance department, the staff is to be commended for accomplishing all of the time requirements and goals to receive the Government Finance Officers Association (GFOA) certification. Ms. Beseau and Jean Hiromoto from Macias Gini and O'Connell presented the GFOA plaque to Mr. DeAlwis. Ms. Besau noted that for the upcoming year, any American Recover Act funds received will receive high risk audits, so the audit will be more complex. Additionally, the City had one item from the audit that needed to be rectified, an IT Disaster Recover plan, and the City is currently negotiating a professional services agreement for such a plan.

Council Member Low moved approval of staff's recommendation on Item NB 2, with a second by Council Member King. Motion passed unanimously with a vote of 5-0.

Council Member Low moved approval of staff's recommendation on Item NB 3, with a second by Council Member King. Motion passed unanimously with a vote of 5-0.

**ADJOURNMENT**

At 8:37 p.m., Mayor Allen adjourned the City Council/Redevelopment Agency in memory of Al Lieuraunce and Flo Gallagher and in memory of the victims of the earthquake in Haiti to the next Regular meeting to be held on Tuesday, February 2, 2009 at 5:00 p.m. at the City Hall Council Chambers.

Respectfully Submitted,

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Toni Taber  
City Clerk/Agency Secretary

Approved this 2nd day of February, 2010.

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Walt Allen III, Mayor/Chairperson

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

**MEETING DATE:** February 2, 2010

**ITEM NO.:**

CC 3

**STAFF SOURCE:** Steve Henley, Public Works Director   
Alex Gonzalez, Senior Management Analyst

**ITEM TITLE:** Pilot Program with Clancy Systems, Incorporated for Internet-Based Parking Permit Sales

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**STAFF RECOMMENDATION**

Approve pilot program with Clancy Systems, Incorporated for Internet-Based Parking Permit Sales at the Metrolink Complex Parking Lots.

**FISCAL IMPACT**

Limited general fund savings are possible and will be determined at the conclusion of the pilot program. If the agreement is approved, the Proposition A account (2400-4300) will experience a reduction in costs for labor, materials, and postage. As a pilot study, it is difficult to gauge the actual cost savings as it is unknown how many Metrolink commuters will choose to participate. However, considering only materials and supplies, the City's current cost to provide a monthly permit sticker to a commuter is \$3.81 excluding a permit hanger, and \$7.76 including a permit hanger. This pilot program will provide monthly permits at a cost savings of \$0.81 per permit sticker, and \$4.75 per permit sticker plus permit hanger. It is assumed that labor savings related to parking permit and parking citation processing will also be experienced by the Finance Department, the Police Department, and the Public Works Department if this pilot program is successful.

**BACKGROUND**

Clancy Systems, Incorporated of Denver, Colorado provides automated parking permit processing services to a number of transit agencies and municipalities nationwide. Clancy's transit clients include the Los Angeles County Metropolitan Transportation Authority (LACMTA), Bay Area Rapid Transit (BART), and Chicago Transit Authority (CTA). The cities of Norwalk and Santa Fe Springs also use Clancy's web services through an agreement with LACMTA. The City of Covina Transportation Section contacted Clancy Systems in November 2009 after LACMTA staff suggested that the City of Covina "piggyback" on the LACMTA contract with Clancy Systems as Norwalk and Santa Fe Springs have successfully done. An agreement was developed with Clancy Systems in which the City of Covina could use the existing LACMTA web structure, thus avoiding web development and implementation charges.

The system currently in service to Clancy's customers provides for online monthly and daily parking permit sales, with daily parking permits purchased and printed at the client's home computer for display in their vehicles. The City of Covina will also participate in the Pay-by-

Phone system to test an additional sales option that allows any person that currently participates in the Pay-by-Phone program to park at the Covina Metrolink Parking Structure.

The purpose of the pilot program is to test a web-based parking permit sales program to gauge its reliability, interoperability with the City's citation processing system, effect on customer service and cost savings potential. In ninety (90) days a report will be delivered to the City Council examining the effectiveness of the program, its effect on Public Works, Finance and Police Department operations, and recommending either termination of the pilot program after its initial period or continuation of the program with an examination of possible opportunities for parking permit sales citywide.

**EXHIBITS**

Exhibit A: Professional Services Agreement with Clancy Systems, Incorporated.

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

## **AGREEMENT FOR PROFESSIONAL SERVICES**

THIS AGREEMENT is entered into this second day of February, 2010, by and between the CITY OF COVINA, a California municipal corporation (hereinafter referred to as "CITY") and CLANCY SYSTEMS INTERNATIONAL, INC., a Colorado Corporation (hereinafter referred to as "CONTRACTOR").

The parties do agree as follows:

### **SECTION 1. RECITALS.**

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

- (a) CITY has considered the proposal, dated November 24, 2009, (the "Proposal"), from CONTRACTOR for professional services including but not limited to, providing the services as described below in Section 6 of this Agreement.
- (b) CITY desires to have a highly qualified company to perform such services.
- (c) CONTRACTOR represents and warrants that it is qualified to perform such services and has agreed to do so pursuant to this Agreement; and
- (d) CITY desires to contract with CONTRACTOR on the basis of the following terms and conditions.

### **SECTION 2. EMPLOYMENT.**

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

### **SECTION 3. INDEPENDENT CONTRACTOR.**

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

### **SECTION 4. PRINCIPAL REPRESENTATIVE**

The Director of Public Works of CITY shall be the principal representative of CITY for purposes of this Agreement. Stan Wolfson, **President**, shall be the principal representative of CONTRACTOR for purposes of this Agreement.

### **SECTION 5. CONTRACTOR NOT AGENT OF CITY.**

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

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

**SECTION 6.**            **SCOPE OF SERVICES.**

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

**SECTION 7.**            **STANDARD OF PERFORMANCE.**

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

**SECTION 8.**            **TIME.**

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

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

**SECTION 9.**            **QUALIFICATIONS.**

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

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

**SECTION 10.**        **TERM.**

The term of this Agreement shall be the period commencing from the effective date of this Agreement, as first shown above, and shall terminate One (1) year following the effective date of this Agreement, unless extended by written mutual agreement of the Parties.

**SECTION 11. COMPENSATION.**

A. CONTRACTOR will perform those tasks and deliver the services described in this Agreement, in accordance with the terms and provisions of this Agreement for a total CONTRACTOR compensation as set forth in the Payment Schedule (Section 12).

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

**SECTION 12. PAYMENT SCHEDULE.**

A. CONTRACTOR shall be entitled to payment of the Compensation in those amounts and at the times set forth herein:

Provided the Services have been rendered satisfactorily to CITY and in accordance with this Agreement, CONTRACTOR shall remit to CITY the full amount of fees and charges for each and every permit issued by CONTRACTOR on CITY'S behalf pursuant to this Agreement, minus those fees and charges CONTRACTOR is entitled to retain as compensation, whether on a per-permit, one-time, annual, monthly or other basis, as more particularly set forth in Attachment "A". CONTRACTOR shall be entitled to no further compensation beyond that set forth in Attachment "A" and all other permit fees and charges collected by CONTRACTOR on CITY'S behalf pursuant to this Agreement shall be the sole and exclusive property of CITY. CONTRACTOR shall remit such payment not later than the tenth (10<sup>th</sup>) business day following the previous month by direct automated clearing house (ACH) along with an invoice to CITY with monthly activity reports and supplemental reports documenting those fees and charges collected on CITY'S behalf and those to be retained by CONTRACTOR as compensation .

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

C. CITY reserves the right to upwardly or downwardly adjust permitting fees and charges in its sole and absolute discretion as permitted by law and no provision of this Agreement shall be construed to limit CITY'S rights in this regard. If CITY adjusts any permitting fee or charge, CITY shall notify CONTRACTOR within ten (10) days following such adjustment and CONSUTALTANT shall start collecting permitting fees and charges at the adjusted rate within ten (10) days following receipt of said notice.

**SECTION 13. COMPENSATION WITHHELD.**

A. When the CITY shall have reasonable grounds for believing that CONTRACTOR will be unable to perform this Agreement fully and satisfactorily within the time fixed for performance; or a meritorious claim exists or will exist against CONTRACTOR or CITY arising

out of the negligence of CONTRACTOR or CONTRACTOR's breach of any provision of this Agreement, then the CITY may direct CONTRACTOR not to retain compensation otherwise due and payable to CONTRACTOR under this Agreement and to pay said amount to CITY.

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

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

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

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

**SECTION 14. RIGHT TO AUDIT AND INSPECT.**

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

**SECTION 15. RIGHT OF TERMINATION.**

A. This Agreement may be terminated by either party with or without cause, upon ten (10) days written notice to the other party.

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

**SECTION 16. INDEMNITY.**

CONTRACTOR hereby agrees to and does indemnify, defend and hold harmless CITY, and any and all of their respective officers, employees and representatives from any and all claims, liability and expenses, including attorney fees and costs, that arise out of or are related to CONTRACTOR's negligent performance of this Agreement.

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



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

**SECTION 21.**            **BINDING EFFECT.**

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

**SECTION 22.**            **ASSIGNMENT.**

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

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

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

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

**SECTION 23.**            **COMPLIANCE WITH LAWS.**

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

**SECTION 24.**            **INSURANCE.**

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

B. CONTRACTOR shall obtain and maintain at its expense, during the term of this Agreement, comprehensive general liability insurance with coverage of not less than One Million Dollars (\$1,000,000.00) combined single limit per occurrence (and not "claims made") for bodily injury, personal injury and property damage. CONTRACTOR shall cause CITY, its officers, employees, and agents, to be named as an additional insured on said policy and shall obtain a waiver of the insurer's right of subrogation against CITY.

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

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

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

**SECTION 25. DISCRIMINATION.**

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

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

**SECTION 26. ENTIRETY OF AGREEMENT.**

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

**SECTION 27. ATTORNEYS FEES.**

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

**SECTION 28. CONSISTENCY WITH CURRENT LAW.**

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

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

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

**SECTION 29.      VENUE.**

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

**SECTION 30.      INTERNAL INCONSISTENCIES.**

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

**SECTION 31.      CAPTIONS AND HEADNOTES.**

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

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

"CITY"  
City of Covina

By: \_\_\_\_\_  
Daryl Parrish, City Manager

ATTEST:

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

APPROVED AS TO FORM:

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

"CONTRACTOR"

Clancy Systems International, Inc.  
a Colorado Corporation

By: \_\_\_\_\_  
Stan Wolfson

Its: President

**ATTACHMENT A  
TO AGREEMENT FOR PROFESSIONAL SERVICES**

**(Scope of Services)**

**I. BACKGROUND**

The City of Covina operates the Covina Metrolink Transportation Complex. The Metrolink Complex Facility parking inventory includes 219 parking spaces at 600 N. Citrus Avenue (Metro East) and 655 parking spaces at 559 N. Citrus Avenue (Metro West).

Permits will be primarily sold via the Internet using a connection from the City of Covina's web page to the Contractor's web page. To accommodate those patrons without Internet access, permit orders will also be processed over the phone and by mail. The Contractor shall issue a transferable bar-coded window permit or equivalent to Program patrons who purchase monthly permits. The Contractor shall provide monthly parking permits for patrons, daily permits that patrons can purchase online and print at home for display in their vehicles, and a pay-by-phone system that will allow for multiple purchases of daily permits with a single bill provided to patrons on a monthly basis for purchased parking.

**II. CONTRACTOR'S RESPONSIBILITIES**

During the term of this Contract, Contractor shall perform the following duties:

1. Contractor shall modify its web page to accommodate the on-line purchase of a monthly parking permit and a daily parking permit for the Program at no charge to the City. The monthly permit shall be designed for window display, clearly defining the appropriate parking location and shall contain a barcode to facilitate ease of enforcement. Daily permits will clearly identify parking location, date, vehicle license plate, and contain a barcode to facilitate ease of enforcement. Contractor shall modify its Pay-by-Phone web page to accommodate the purchase of daily parking permits at Metro West, at no charge to the City.
2. Contractor shall work with the Finance Director (or designated alternate) of the City of Covina to link Covina's web page to the Contractor's web page, and create an ACH payment process at no charge to the City.
3. Contractor shall work with the Police Chief (or designated alternate) of the City of Covina to ensure parking citation processing is properly transferred to City's designated contractor at no charge to the City.
4. Contractor shall print and mail monthly parking permits to patrons.
5. Contractor shall provide and install adequate signage to inform the public of the permit parking requirements at the Facility, including reserve information. The content and location of the signs shall be approved by Covina's Public Works Director and Covina's Police Chief prior to installation. At a minimum, Contractor shall provide twenty (20) signs for installation at the designated Facilities.
6. Contractor shall work with the Transportation Section of Covina's Department of Public Works to establish a marketing and distribution strategy for selling the permits.
7. Contractor shall sell parking permits via the Internet, mail and by telephone. The cost of the monthly parking privileges are included as Section IV, Fee Structure, Attachment A. Patrons purchasing the permit will be required to enter into a payment arrangement with the Contractor, which may include, but is not limited, to the following: (1) automatic monthly deduction from a patron's checking account; or (2) authorized charge against a patron's credit/debit card for payment of future monthly parking fees.

8. Contractor may charge each parking permit holder a one-time initial processing and mailing fee when the permit is issued not to exceed a maximum of \$4.95 per permit application for monthly parking. For Pay-by-Phone, a yearly processing fee of \$5.95 and an additional surcharge of 10% of purchased parking permits may be charged.

9. Contractor shall transfer to Covina by ACH, not later than the 10th business day of each month, the parking fees collected and an accounting of such fees, on a form satisfactory to Covina's Director of Finance or his designee, from the previous month.

10. Contractor shall mail the window permit to the address authorized by the permit holder.

11. Contractor shall provide Covina with access to permit holder information supplied on parking permit application as well as their current status. Additionally, Contractor shall quarterly provide a Geographic Information System (GIS) based analysis of the residence of all parking permit holders in accordance with details to be mutually agreed upon in writing by Contractor and Covina.

12. Contractor shall provide Covina with monthly activity reports in a form to be mutually agreed upon by the parties not later than 10th business day of each month.

13. Contractor shall be fully operational within thirty (30) days of Covina delivering a Notice to Proceed to Contractor.

14. The system provided by Contractor shall satisfy the minimum requirements described below. Covina will review all protections listed by Contractor. Covina reserves the right to require modifications or additions to protect Facility patrons use of Contractor's payment system. All information received by Contractor is confidential. No information pertaining to any person using any services related to this Contract, may be sold, distributed or disseminated in any way without prior specific written authorization of Covina and the individual in question. The following system minimums apply to this Contract:

- a. Secure encryption technology
- b. Redundant, co-located, servers
- c. Firewall protection.
- d. Independent audit control
- e. Data protection, and archiving
- f. Controlled data integrity

### **III. COVINA RESPONSIBILITIES**

During the term of this contract, Covina agrees to perform the following:

1. Coordinate the linkage of Contractor's web page to Covina's web page, Metrolink's web page, and MTA's web page.
2. Establish and coordinate with Contractor the marketing program for the Program.
3. Design parking permits.

4. Install appropriate signage (Contractor to provide signs).
5. Use existing Covina Contractors for permit enforcement
7. Timely process Contractor's monthly billing/revenue payment.

**IV. FEE STRUCTURE**

During the term of this Contract, the following fee structure shall apply:

A.	<b>One Time Fees (to Clancy):</b>	
	Initial Processing Fee for Monthly Permit Issuance (from patron)	\$4.95
	Initial Processing Fee for Pay-by-Phone (from patron)	\$5.95/year
	Pay-by-Phone recurring Fees (from patron)	10% surcharge on permits purchased
B.	<b>Monthly Fees (to Clancy):</b>	
	Monthly Permit Fee (from City)	\$3.00
	Daily Permit Fee (from City)	\$0.60
	Cell Phone Citation Issuance System (per unit, per month from City)	\$170.00
	Citation ticket and envelope combination (per each, from City)	\$0.10
	Transfer of citation data to Covina contractor	no charge
	Use of Clancy Live system	no charge
	Use of Pay-by-Phone system	no charge
	Web set up and development	no charge
	Cell phone tracking of enforcement officers	no charge
	Immediate stolen vehicle alerts to Covina Police Department	no charge
	Citation printer, maintenance, freight, training, and all cell phone voice services	no charge
C.	<b>Monthly Revenue (to City):</b>	
	Monthly fee per reserved space (Metro West –non-resident)	\$17.00
	Monthly fee per reserved space (Metro West – Covina resident)	\$7.00
	Monthly fee per reserved space (Metro East – non–resident)	\$42.00
	Monthly fee per reserved space (Metro East – Covina resident)	\$17.00
	Daily fee per reserved space (Metro West – all patrons)	\$1.40
	Daily Pay-by-Phone fee for reserved space (Metro West-all patrons)	\$2.00

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

**MEETING DATE:** February 2, 2010

**ITEM NO.:**

CC 4

**STAFF SOURCE:** Steve Henley, Public Works Director   
Alex Gonzalez, Senior Management Analyst

**ITEM TITLE:** First Amendment to Lease with Bank of America for Property Located at 212 East Badillo Street

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**STAFF RECOMMENDATION**

Approve First Amendment to Lease with Bank of America for property located at 212 East Badillo Street.

**FISCAL IMPACT**

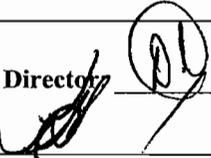
No general fund impact, the revenues generated from this Lease remain within the Municipal Parking District. The extended terms of the Lease will generate annual rent payments to the Municipal Parking District (2600-2800) as follows: \$42,000 for the second extended term (2008 to 2013), \$46,200 for the third extended term (2013 to 2018), \$50,820 for the fourth extended term (2018 to 2023), and \$55,920 for the fifth extended term (2023 to 2028).

**BACKGROUND**

On August 18, 1998 the Covina City Council entered into a Lease agreement with Bank of America to locate automated teller machines on property owned by the Municipal Parking District at 212 East Badillo Street. The original Lease Agreement expired on December 3, 2008 and Bank of America has continued remitting an annual payment of \$42,000 to the Municipal Parking District under the original terms of the Lease. This Lease Agreement has provided a source of income that has benefited the entire Municipal Parking District. Approving the First Amendment to the Lease would secure this funding source into the future without changing the structure of the initial Lease Agreement.

**EXHIBITS**

Exhibit A: First Amendment to Lease.

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

## **FIRST AMENDMENT TO LEASE**

**LESSOR:** The City of Covina, a "General Law" city incorporated August 14, 1901 under the California Government Code, with a legal notice and remittance mailing address of 125 East College Street, Covina, California 91723-2199, Attention City Manager; with a copy to the City Attorney, 125 East College Street, Covina, California 91723-2199.

**BANK:** Bank of America, N.A., a national banking association, and formerly known as Bank of America, N.T. & S.A.; with legal notice addresses as herein below provided.

**PREMISES:** Sufficient square footage to accommodate two (2) Bank of America drive-up automated teller machines (hereinafter referred to as the "ATMs"), and their related kiosk structures situated in the parking lot located at 212 East Badillo Street, Covina, California, all as more particularly described in the Lease.

**DATE OF ORIGINAL LEASE:** July 10, 1998

**PRIOR AMENDMENTS:** November 3, 2003 Lease Extension Letter Agreement

**EXTENDED EXPIRATION DATE:** December 3, 2013

WHEREAS THEREFORE, providing that terms defined and referred to in the Lease shall have the same meaning when used in this Amendment, unless expressly stated otherwise, the Lease is hereby amended as follows:

1. Pursuant to mutual execution of this Amendment, and in accordance with Article 1.3 of the Lease titled "Options", Lessor and Bank hereby irrevocably exercise the Extension Term for a period of five (5) years commencing effective December 4, 2008, and ending effective December 3, 2013 (hereinafter referred to as the "Second Extended Term").
2. Unless sooner terminated pursuant to the terms of the Lease, the Lease is hereby further amended to provide Bank three (3) additional five (5) year extension options (hereinafter referred to as the "Third Extended Term", "Fourth Extended Term", and "Fifth Extended Term", respectively, and inclusive of the Second Extended Term, collectively referred to as "Additional Extension Term(s)"). Bank may exercise any option by giving Lessor written notice not later than ninety (90) days prior to the end of the then existing term. Bank may not exercise an option to extend if, as of the date of exercise, Bank is then in material default under the terms of this Lease beyond any notice and cure periods.

3. Upon full execution of this Amendment, Rent during said Additional Extension Term(s) shall be as follows:

<b>Additional Extension Term(s)</b>	<b>Additional Extension Term(s) Rent Commencement and Expiration Dates</b>	<b>Monthly Rent Payment</b>	<b>Annualized Rent Payment</b>
Second Extended Term	December 4, 2008 – December 3, 2013	\$3,500.00	\$42,000.00
Third Extended Term	December 4, 2013 – December 3, 2018	\$3,850.00	\$46,200.00
Fourth Extended Term	December 4, 2018 – December 3, 2023	\$4,235.00	\$50,820.00
Fifth Extended Term	December 4, 2023 – December 3, 2028	\$4,660.00	\$55,920.00

4. Legal Notice Address(es) of Bank are hereby amended, and shall be addressed as follows:

U.S. Mail

Bank of America, N.A.  
 Mail Code: NV1-504-01-30  
 P.O. Box 98574  
 Las Vegas, Nevada 89193-8574  
 Attn: ATM Contract Administration

National, Overnight Courier Service:

Bank of America, N.A.  
 Mail Code: NV1-504-01-30  
 4101 East Charleston Boulevard  
 Suite 100  
 Las Vegas, Nevada 89104  
 Attn: ATM Contract Administration

5. Each party hereto represents that it has not dealt with any real estate broker or agent in connection with the negotiation of this Amendment. Each party shall hold the other harmless from all damages resulting from any claims that may be asserted against the other party by any broker, finder, or other person or entity with whom the indemnifying party had dealt.

6. The parties hereto and the persons signing this Amendment on behalf of said parties represent and warrant to the other party that they have full right and authority to execute and perform its obligations under the Lease as modified by this Amendment, and that such persons are duly authorized to execute this Amendment on behalf of said party without further consent or approval by anyone. Each party shall deliver to the other party promptly upon request all documents reasonably requested by the party to evidence such authority. This Amendment is the entire agreement of the parties regarding modifications of the Lease provided herein, supersedes all prior agreement and understandings regarding such subject matter, may be modified only by a writing executed by the party against who the modification is sought to be enforced, and shall bind and benefit the parties and their respective heirs, legal representatives, successor and assigns. Except as previously amended and as hereby amended, the Lease remains unmodified and is ratified, confirmed, and approved in all respects.

*(Signatures are contained the following page.)*

THIS FIRST AMENDMENT TO LEASE IS HEREBY EXECUTED as a sealed instrument as of the last signature and date below.

**LESSOR:**  
**THE CITY OF COVINA,**  
a "General Law" city incorporated  
August 14, 1901 under the California  
Government Code,  
related to the property located at  
212 East Badillo Street,  
Covina, California

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Type or Print)

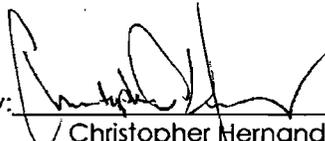
Title: \_\_\_\_\_  
(Please Type or Print)

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

**BANK:**  
**BANK OF AMERICA, N.A.,**  
a national banking association

By:  \_\_\_\_\_  
Craig Domini  
Vice President

Date: 11/4/10 \_\_\_\_\_

By:  \_\_\_\_\_  
Christopher Hernandez  
Vice President

Date: 11/7/10 \_\_\_\_\_

**MORTGAGEE'S CONSENT**

The undersigned, being the holder of the mortgage on the property of which the Premises is a part hereby consents to the above Amendment.

Mortgagee: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Type or Print)

Title: \_\_\_\_\_  
(Please Type or Print)

By signing below, the Lessor warrants and represents that this Amendment does not require the consent of any third party including, but not limited to, any mortgagee.

**LESSOR:**  
**THE CITY OF COVINA,**  
a "General Law" city incorporated  
August 14, 1901 under the California  
Government Code,  
related to the property located at  
212 East Badillo Street,  
Covina, California

By: \_\_\_\_\_

Name: \_\_\_\_\_  
(Please Type or Print)

Title: \_\_\_\_\_  
(Please Type or Print)

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



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

**MEETING DATE:** February 2, 2010

**ITEM NO.:** CC 5

**STAFF SOURCE:** Steve Henley, Director of Public Works *sh*  
Robert Neiuber, Director of Community Development *rn*  
Kyle Randall, Building Official  
Flent McClain, Building and Code Enforcement Coordinator  
Nikki Miller, Senior Management Analyst

**ITEM TITLE:** Consideration of an ordinance amending Title 14 (Buildings and Construction) to update and streamline the code language while providing fee waiver mechanisms to encourage redevelopment, low-income housing rehabilitation, and sustainable design practices.

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**STAFF RECOMMENDATION**

Passage and adoption of **Ordinance No. 10-1978** repealing and amending Chapter 14.04 and Sections 14.06.030, 14.06.040, 14.08.030, 14.08.040, 14.10.030, 14.14.030, 14.14.070, 14.16.040, 14.16.050, and 14.18.090 of Title 14 of the Covina Municipal Code.

**FISCAL IMPACT**

While the adoption of the recommended Ordinance will have no fiscal impact, its implementation carries the potential for decreased fee revenues if permit fees are waived for economic development agreements, green building practices, or housing rehabilitations. Any such decrease in fee revenues would require a corresponding increase of General Fund subsidy to Building and Safety's operating budget.

**BACKGROUND**

This ordinance was introduced at the January 19<sup>th</sup> meeting and is now being brought back to Council for passage and adoption. The information previously presented is as follows:

The California Building Standards are appended and amended by the State Building Standards Commission annually. The proposed Ordinance updates the municipal code language to parallel and prepare for the State's changes to be effective this month. Low-voltage electrical systems like fiber optic cabling, electromagnetic security devices, and landscape lighting are typically simple plug-in-place systems with a great safety record and are specifically exempted from the additional costs of permitting within this revision. In addition, the Board of Appeals has been reorganized to provide an equitable and streamlined means of contesting an order, decision, or determination of the Building Official while withstanding legal challenges of due process.

Due to the current economic situation and financial dampers on the construction industry, a criteria specific fee waiver policy option has been included, subject to City Manager approval, to

encourage new economic development agreements, green building practices, and housing rehabilitation by offsetting initial start-up costs through reduced permit fees. This revision would allow the City Manager or designee thereof to approve categorical fee waiver policies as redevelopment adjusts concurrently with the economy, housing stock, income levels, and green building technologies.

Additional changes pertain to permit expiration, legalizing un-permitted structures, responsibility for illegal and/or changes in occupancy, and a provision for plans to be submitted in a format determined by the Building Official. Many of these changes have been suggested by the Code Enforcement attorney in order to facilitate enforcement efforts.

**EXHIBITS**

A. Ordinance 10-1978

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

**ORDINANCE NO. 10-1978**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, REPEALING AND AMENDING CHAPTER 14.04 AND SECTIONS 14.06.030, 14.06.040, 14.08.030, 14.08.040, 14.10.030, 14.14.030, 14.14.070, 14.16.040, 14.16.050, AND 14.18.090 OF TITLE 14 OF THE COVINA MUNICIPAL CODE.**

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

SECTION 1. Chapter 14.04 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Chapter occurring prior to the effective date of this ordinance. A new Chapter 14.04 of Title 14 of the Covina Municipal Code is hereby added as follows:

**Chapter 14.04  
BUILDING CODE**

**14.04.010 California Building Code adoption by reference.**

*The City adopts as its building code the 2007 Edition of the California Building Code, Volumes 1 and 2, including Appendix Chapter 1, Appendix F, Appendix H, Appendix I, and Appendix J, based on the 2006 Edition of the International Building Code as published by the International Code Council, together with the amendments provided in this chapter, for the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City. Said code shall be and become the Covina Building Code.*

*One copy of said code is on file in the office of the city clerk, and is hereby referred to, adopted and made a part hereof as if fully set out in this chapter.*

**14.04.020 Amendments to Building Code.**

The 2007 California Building Code, including the appendices adopted pursuant to Section 14.04.010 of this chapter, is amended and changed as set forth in Covina Municipal Code Sections 14.04.030 through 14.04.150.

**14.04.030 Section 108.8 of Chapter 1 amended – Appeals board.**

Section 108.8 of Chapter 1 of the California Building Code is amended by deleting the section and substituting the following:

108.8 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

**14.04.040 Section 101.4.8 of Appendix Chapter 1 added – Definitions.**

Section 101.4.8 of Appendix Chapter 1 of the California Building Code is added to read as follows:

101.4.8 Definitions. Whenever any of the names or terms defined in this Section are used in Title 14 of the Covina Municipal Code, each such name or term shall be deemed or construed to have the following meaning:

“Building Code” shall mean Chapter 14.04 of the Covina Municipal Code.

“Electrical Code” shall mean Chapter 14.06 of the Covina Municipal Code.

“Mechanical Code” shall mean Chapter 14.08 of the Covina Municipal Code.

“Plumbing Code” shall mean Chapter 14.10 of the Covina Municipal Code.

“Fire Code” shall mean Chapter 14.12 of the Covina Municipal Code.

“Uniform Housing Code” shall mean Chapter 14.14 of the Covina Municipal Code.

“Uniform Code for the Abatement of Dangerous Buildings” shall mean Chapter 14.16 of the Covina Municipal Code.

“Technical Codes” shall mean Chapters 14.04, 14.06, 14.08, 14.10, 14.12, 14.13, 14.14, 14.16, 14.18, 14.20, and 14.44 of the Covina Municipal Code.

**14.04.050 Section 105.2 of Appendix Chapter 1 amended – Work exempt from permits.**

Section 105.2 of Appendix Chapter 1 is amended to add the following:

**Building:**

14. *Walls constructed of masonry materials including but not limited to brick, stone, block and concrete that are three (3) feet or less in height measured from the top of the footing to the top of the wall.*
15. *Window replacements which do not otherwise enlarge or reduce an existing opening or require the removal of an exterior or interior finish material.*

**Electrical:**

Electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 1,200 watts of energy.

**14.04.060 Section 105.5 of Appendix Chapter 1 amended – Expiration.**

Section 105.5 of Appendix Chapter 1 is amended by deleting the section and substituting the following:

105.5 Expiration of Permit – General. Except as set forth in Section 105.5.1, every permit issued for property within the City of Covina shall expire by limitation and become null and void as follows:

(i) If work authorized by such permit is not commenced within 180 days from the issuance date of such permit.

(ii) If work authorized by such permit is commenced within 180 days from the issuance date of such permit, such permit shall expire by limitation and become null and void 180 days after the date of the last successful inspection by the City’s Building Division. For purposes of this section, “successful inspection” shall mean an inspection in which work inspected was determined by the Building Official or his/her designee to meet all applicable minimum code requirements and the inspection was documented as successful.

(iii) In the event of permit expiration, before work authorized pursuant by the expired permit can be commenced or recommenced, a new permit shall first be obtained (hereafter, a “renewal permit”). To obtain a renewal permit, the applicant may be required to resubmit plans and specifications, if deemed necessary by the Building Official and/or Chief Planning Official. The applicant must pay all applicable fees, including but not limited to, a plan check fee and building permit fees, in the amount then established by resolution of the City Council. If renewal permits are applied for, a mandatory site inspection shall be performed by the Building Division to determine compliance of existing conditions and materials with this Code. All work to be performed under a renewal permit must be performed in accordance with all applicable technical codes, regulations, laws, and ordinances in effect on the date of issuance of the renewal permit. Renewal permits are subject to expiration as set forth in (ii), above.

(iv) In the event of permit expiration, any work performed under that permit is “unpermitted” as defined in Section 113.1 of this chapter, and is subject to the legalization provisions of Section 116 of this chapter.

105.5.1 Expiration of Permit for Unpermitted Structures or Grading. Notwithstanding any provision of Section 105.5, if a building permit was issued in order to bring an unpermitted structure or unpermitted grading (as defined in Section 14.04.120 of this Code) or other unlawful, substandard, or hazardous condition into compliance with any applicable law, ordinance, rule or regulation, such permit shall expire by limitation and become null and void sixty (60) days after the date on which the permit was issued. The Building Official may, in his or her sole discretion, extend the validity of the permit for a period not exceeding 180 days beyond the initial 60 day limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit, if the Building Official determines that substantial progress has been made toward completing the work authorized by the permit.

**14.04.070 Section 106 of Appendix Chapter 1 amended – Construction documents.**

Section 106 of Appendix Chapter 1 is amended by deleting subsection 106.5, and substituting and adding the following subsections:

**106.5 Retention of Construction Documents.** The Building Official shall maintain an official copy, which may be on microfilm, electronic media, or other type of photographic copy, of the plans of every building, during the life of the building, for which a permit was issued. No final approval shall be granted nor shall a certificate of occupancy be issued until a complete set of approved as-built plans have been filed with the Building Official in whatever format he/she may specify.

Except for plans of a common interest development as defined in section 1351 of the California Civil Code, plans need not be filed for:

- (a) Single or multiple dwellings not more than two stories and basement in height.
- (b) Garages and other structures appurtenant to buildings described under subdivision (a).
- (c) Farm or ranch buildings.
- (d) Any one-story building where the span between bearing walls does not exceed 25 feet. The exemption in this subdivision does not, however, apply to a steel frame or concrete building.

*106.6 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation. Submittal documents and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official.*

*The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application shall not be extended more than once.*

*An application shall not be extended if this Code, or other pertinent laws or ordinances, have been amended after the date of application. In order to renew action on an application after expiration, the applicant shall resubmit submittal documents and pay a new plan review fee.*

*106.7 Plan Review Fees. When submittal of documents are required by Section 106.1, a plan review fee shall be paid at the time of the submittal of the documents for plan review. Said plan review shall be established by resolution of the City Council and may be amended from time to time.*

106.8 Constructions Documents to Legalize Unpermitted Construction or Grading. Any person who wishes to legalize an unpermitted structure or unpermitted grading, as defined in Section 113.1, shall submit construction documents as set forth in Section 116 of this chapter.

**14.04.80 Section 108 of Appendix Chapter 1 amended – Fees.**

Section 108 of Appendix Chapter 1 is amended by adding the following subsections:

*108.7 Fee Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.*

*The Building Official may authorize refunding of not more than 80 percent of the permit, plan review, and energy fee paid when no work has been commenced under a permit, or when an application for a permit for which a plan review fee has been paid is withdrawn.*

*The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of the fee payment.*

*108.8 Permit Fees. The fee for each permit shall be established by resolution of the City Council and may be amended from time to time.*

108.9 Fee Waiver.

A. The Building Official, or designee thereof, may waive plan review and/or permit fees for projects that meet one or more of the following criteria:

(1) Housing rehabilitation project applications approved through the Covina Redevelopment Agency's low-income housing program.

(2) City projects when the contractor is expressly exempt, under the terms of the contract, from payment of such fees.

(3) City projects when the permit applicant is an employee, official, or representative of the City acting in his/her official capacity.

(4) Community Development Block Grant projects that have a disposition and development agreement or an economic agreement with the City.

(5) Projects that utilize green building practices that meet or exceed the intent of an approved national, state, regional, or private standard and the particular practices have been reviewed and approved by the City prior to permit application.

The City Manager or a designee thereof is authorized to adopt regulations for the uniform determination and application of fee waiver for such projects.

**14.04.090 Section 110 of Appendix Chapter 1 amended – Certificate of occupancy.**

Section 110 of Appendix Chapter 1 is amended by deleting subsection 110.1, and substituting the following subsection:

*110.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, nor shall any person, firm, company, corporation or officer, agent or employee thereof permit or allow a building or structure to be used or occupied, or a change in the existing occupancy classification of a building or structure or portion thereof to be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.*

Section 110 of Appendix Chapter 1 is amended by adding the following subsection:

*110.5 Temporary Certificate of Occupancy Fee. The fee for issuance of each Temporary Certificate of Occupancy shall be established by resolution of the City Council and may be amended from time to time.*

**14.04.100 Section 111 of Appendix Chapter 1 amended – Service utilities.**

Section 111 of Appendix Chapter 1 is amended by adding the following subsection:

*111.4 Temporary Connection of Utilities Fee. The fee for review of each Temporary Connection of Utilities application shall be established by resolution of the City Council and may be amended from time to time.*

**14.04.110 Section 112 of Appendix Chapter 1 amended – Board of Appeals**

Section 112 is hereby amended to read as follows:

Section 112 Appeals

112.1 Scope of Appeal.

A. Notwithstanding the provisions of the Technical Codes, an appeal is limited to the following orders, decisions, or determinations of the Building Official:

(1) Denials of the proposed use of alternative materials, design or method of construction, installation, and/or equipment;

(2) Orders to Vacate and/or Not Enter a building, structure or premises; however, such order shall not be stayed during the pendency of the appeal;

(3) Orders to Demolish a building or structure; however, an order to vacate that may be issued in conjunction with the Order to Demolish shall not be stayed during the pendency of the appeal.

B. The right of appeal shall not exist for determinations of the Building Official, or a designee thereof, that a violation of any provision of the Technical Codes exists in a building or structure, or portion thereof, or on any premises.

#### 112.2 Appeal Procedure.

A. Any person who is aggrieved by an order, decision or determination of the Building Official as provided in Section 112.1 may appeal said order, decision or determination. Such appeal shall be in writing and must be filed with the City Clerk within ten (10) business days from the date of service of the order, decision or determination being appealed. The appeal must specify the basis for the appeal in detail, provide a mailing address and telephone number for the appellant, and include the applicable appeal fee. Appeals shall be scheduled in the manner set forth in Section 1.26.090 of the Covina Municipal Code. If a timely appeal is not received by the City Clerk, the right to appeal is waived and the order, decision or determination of the Building Official is deemed final and binding.

B. Appeals shall be heard before an impartial hearing officer, designated by the Public Works Director or his/her designee. Only those matters or issues specifically raised in the written appeal shall be considered in the hearing. The order, decision or determination of the Building Official shall be prima facie evidence of the violation. The hearing officer may affirm, modify or rescind the order, decision or determination of the Building Official. Appeals before a hearing officer shall be conducted, and decisions shall be issued, in the manner set forth in Section 1.26.100 of the Covina Municipal Code.

C. Any person who is aggrieved by the decision of the hearing officer may appeal said decision to the Board of Appeals. Such appeal shall be in writing, must be filed in the same manner within the same time period, and contain the same information, as an appeal to the hearing officer, as provided in Subsection A of this Section. A second appeal fee must accompany the written appeal. If a timely appeal is not received by the City Clerk, the decision of the hearing officer is deemed final and binding. Failure to appeal a decision to the Board of Appeals shall constitute a failure to exhaust the aggrieved person's administrative remedy.

D. Appeals before the Board of Appeals shall be public, but shall otherwise be scheduled and conducted, and decisions shall be issued, in the same manner as an appeal before the hearing officer.

#### 112.3 Board of Appeals.

A. The Board of Appeals shall consist of three (3) members of the City of Covina Planning Commission, who shall be appointed by majority vote of the City Council. Each member of the Board of Appeals shall serve for a term of two (2) years, after which any member may be reappointed by the City Council. There shall be no limited to the number of terms a member of the Board of Appeals may serve. Each member of the Board of Appeals shall serve at the pleasure of the City Council and may be removed, at any time, by majority vote of the City Council.

B. A vacancy shall occur on the Board of Appeals where, prior to the expiration of a member's then current term, one of the following occurs:

- (1) A member is unable to carry out the duties of the officer, whether due to illness, absence, incapacity or other circumstance;
- (2) A member voluntarily resigns from the Board of Appeals;
- (3) A member is removed from the Board of Appeals by the City Council; or
- (4) A member is no longer qualified to sit on the Board of Appeals because he or she no longer serves on the City of Covina Planning Commission.

If a vacancy occurs on the Board of Appeals, it shall be filled by the appointment of an interim member, by majority vote of the City Council, who shall serve for the remainder of the departing member's term.

112.4 Limitation on Authority of Board of Appeals. The Board of Appeals shall have no authority to waive the technical requirements of the Building Code or other technical codes adopted in Title 14 of the Covina Municipal Code.

**14.04.120 Section 113.1 of Appendix Chapter 1 amended – Unlawful acts.**

Section 113.1 of Appendix Chapter 1 is amended by deleting the section and substituting the following:

113.1 Unlawful Acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish, occupy or maintain any building, structure, equipment, installation or land regulated by the Technical Codes, or cause or permit the same to be done, in conflict with or in violation of any of the provisions of the Technical Codes.

113.1.1 Unpermitted Structures. No person shall own, use, occupy, or maintain an unpermitted structure. For purposes of this section, "unpermitted structure" shall be defined as any building or structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the Building Official which subsequently expired and became null and void.

113.1.2 Unpermitted Grading. No person shall own, use, occupy or maintain unpermitted grading. For purposes of this section, "unpermitted grading" shall be defined as any land which has been excavated, cut, filled, graded, compacted or terraced, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official or with a valid permit as issued by the Building Official which subsequently expired and became null and void.

**14.04.130 Section 113.4 of Appendix Chapter 1 amended – Violation penalties.**

Section 113.4 of Appendix Chapter 1 is amended by deleting the section and substituting the following:

113.4 Violation Penalties. Any person, firm or corporation who violates any provision of the Technical Codes, or fails to comply with any of the requirements thereof, or who erects, constructs, alters, repairs or maintains a building, structure, installation or equipment, or

excavates, cuts, fills, grades, compacts or maintains land in violation of approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of the Technical Codes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to the punishments set forth in Chapter 1.16 of the Covina Municipal Code.

Each and every day, or portion thereof, during which any violation of the Technical Codes occurs or continues constitutes a separate and distinct offense.

**14.04.140 Section 116 of Appendix Chapter 1 added – Procedure for Legalizing Unpermitted Structures or Grading.**

Section 116 of Appendix Chapter 1 is added as follows:

**116. Procedure for Legalizing Unpermitted Structures or Grading.**

**116.1 Permits.** Any person who wishes to legalize an unpermitted structure or unpermitted grading, as defined in Section 113.1, shall obtain all applicable permits. Unpermitted structures and grading shall comply with all current Technical Code requirements and other required approvals pursuant to the Covina Municipal Code in order to be legalized.

Permits obtained to legalize unpermitted structures or grading shall expire as set forth in Section 105.5.1 of this code.

**116.2 Plans.**

**116.2.1 Structures.** Prior to the issuance or granting of any permit to legalize an unpermitted structure, plans showing the plot plan, exterior elevations, existing structures proposed structures, and proposed finish materials shall be submitted to the Chief Planning Official and Building Official for review and approval.

**116.2.2 Grading.** Prior to the issuance or granting of any permit to legalize unpermitted grading, a grading and drainage plan showing the original grade and existing unpermitted grade on the premises and the existing grade on adjoining properties, and a soils report shall be submitted to the Chief Planning Official, Building Official, and City Engineer for review and approval.

**116.3 Inspections.** Unpermitted structures or unpermitted grading for which a permit has subsequently been obtained shall be subject to inspection by the Building Official in accordance with, and in the manner prescribed in, the Technical Codes. The Building Official may require the removal of finish materials in order to expose framing elements, electrical components, plumbing fixtures, or mechanical systems, or may require the removal of fill, to verify that installation, construction, or grading was performed in conformance with the Technical Codes.

**116.4 Investigation Fees.**

**116.4.1 Investigation.** Whenever any work for which a permit is required by this code has commenced on land or in connection with any type of structure without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. For purposes of this section, “special investigation” shall include, but is not limited to, inspecting

premises and structures, reviewing permit, license and other records of the City or other agencies, reviewing plans, taking photographs, engaging in conferences and communications with other officials of the City or other agencies, and engaging in conferences and communications with owners or other responsible persons concerning the unpermitted structure or grading.

116.4.2 Fee. A special investigation fee shall be paid prior to the issuance of a permit for an unpermitted structure or unpermitted grading. The fee shall be equal to the amount of time expended by city officials in undertaking the special investigation, as defined in Section 116.4.1, charged at the hourly rate that has been established by resolution of the City Council for recovery of code enforcement fees pursuant to Section 1.28.020.

The payment of such investigation fee shall not exempt any person from compliance with all other provision of this code nor from any penalty prescribed by law.

#### 116.5 Unpermitted Structures or Grading Which Cannot be Legalized.

If the Chief Planning Official determines that the City's zoning regulations prohibit legalization of any unpermitted structure, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official determines that an unpermitted structure cannot be made to conform with current applicable Technical Code requirements, the structure shall be demolished or, if previously permitted, restored to its original approved condition, with all requisite permits, inspections and approvals.

If the Building Official and/or City Engineer determines that unpermitted grading and/or lot drainage cannot be made to conform with current applicable Technical Code requirements, the land shall be fully restored to the condition that preceded the unpermitted grading, with all requisite permits, inspections and approvals.

#### **14.04.150 Appendix J amended.**

*Where the phrase "Building Official" appears in Appendix J, it shall be amended to read "Building Official and/or City Engineer."*

SECTION 2. Section 14.06.030 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.06.030 is hereby added as follows:

#### **14.06.030 Section 89.108.8 of Article 89 amended – Appeals board.**

Section 89.108.8 of the Electrical Code is amended by deleting the section and substituting the following:

Section 89.108.8 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 3. Section 14.06.040 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.06.040 is hereby added as follows:

**14.06.040 Section 80.15 of Annex G amended – Electrical board, appeals.**

Section 80.15 of Annex G of the Electrical Code is amended by deleting the section and substituting the following:

Section 80.15 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 4. Section 14.08.030 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.08.030 is hereby added as follows:

**14.08.030 Section 108.8 of Chapter 1 amended – Appeals board.**

Section 108.8 of Chapter 1 of the Mechanical Code is amended by deleting the section and substituting the following:

Section 108.8 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 5. Section 14.08.040 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.08.040 is hereby added as follows:

**14.08.040 Section 110 of Appendix Chapter 1 amended – Board of appeals.**

Section 110 of Appendix Chapter 1 of the Mechanical Code is amended by deleting the section and substituting the following:

Section 110 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 6. Section 14.10.030 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.10.030 is hereby added as follows:

**14.10.030 Section 108.8 of Chapter 1 amended – Appeals board.**

Section 108.8 of Chapter 1 of the Plumbing Code is amended by deleting the section and substituting the following:

Section 108.8 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 7. Section 14.14.030 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.14.030 is hereby added as follows:

**14.14.030 Section 203 amended – Housing advisory and appeals board.**

Section 203 of Chapter 1 of the Uniform Housing Code is amended by deleting the section and substituting the following:

Section 203 Board of Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 8. Section 14.14.070 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.14.070 is hereby added as follows:

**14.14.070 Chapter 13 amended – Procedures for conduct of hearing appeals.**

Chapter 13 of the Uniform Housing Code is amended by deleting the chapter and substituting the following:

Chapter 13 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 9. Section 14.16.040 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.16.040 is hereby added as follows:

**14.16.040 Section 205 amended – Board of appeals.**

Section 205 of the Uniform Code for the Abatement of Dangerous Buildings is amended by deleting the section and substituting the following:

Section 205 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 10. Section 14.16.050 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.16.050 is hereby added as follows:

**14.16.050 Chapter 5 amended – Appeal.**

Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings is amended by deleting the section and substituting the following:

Chapter 5 Appeals. Appeals of orders, decisions or determinations of the Building Official are limited to those enumerated in Section 14.04.110 of the Covina Municipal Code, and shall be filed, scheduled and conducted in accordance with said Section.

SECTION 11. Section 14.18.090 of the Covina Municipal Code is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of said Section occurring prior to the effective date of this ordinance. A new Section 14.18.090 is hereby added as follows:

**14.18.090 Appeals.**

Persons may appeal a determination of the Building Official resulting in the posting of a placard on a building or structure which orders “Restricted Use” or “Unsafe – Do Not Enter or Occupy,” however these orders shall not be stayed during the pendency of the appeal. Appeals of these determinations shall be filed, scheduled and conducted in accordance with Section 14.04.110 of the Covina Municipal Code, except that said written appeal must be received by the City Clerk within ten working days from the date the placard was posted at the premises.

SECTION 12. Any other ordinances or parts of ordinances in conflict herewith are amended to the extent necessary to make the same conform herewith.

SECTION 13. If any section, subsection, clause, phrase or word of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, clause, phrase, or word hereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or words be declared invalid or unconstitutional.

SECTION 14. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published according to law.

APPROVED AND ADOPTED this 2nd day of February, 2010.

\_\_\_\_\_  
Walter Allen, III, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

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

**MEETING DATE:** February 2, 2010

**ITEM NO.:**

CC 6

**STAFF SOURCE:** John B. Fielding, Treasurer  
Dilu DeAlwis, Finance Director *Dde*  
Alan Sands, Accountant

**ITEM TITLE:** Quarterly Report of the Treasurer to the City Council for the Quarter Ended December 31, 2009

---

**STAFF RECOMMENDATION**

Receive and file the Quarterly Report of the Treasurer for the Quarter Ended December 31, 2009.

**FISCAL IMPACT**

None.

**BACKGROUND**

In accordance with State legislation, the Treasurer is required to submit annually a statement of investment policy to the City Council for adoption. The original policy was adopted at the meeting of July 18, 2006.

Section 4.0 of the policy requires a report by the Treasurer to the City Council and City Manager containing detailed information on all securities, investments, and moneys of the City. The report shall be submitted on a quarterly basis within 30 days following the end of the quarter. The report for the quarter ended December 31, 2009 is being presented showing cash placement, containing a statement that investments are in compliance with adopted policy, and that there are sufficient surplus funds immediately available to meet the pooled expenditures of the City for the next six months.

**EXHIBITS**

- A Quarterly Report of the Treasurer to the City Council for the Quarter Ended December 31, 2009
- A-1 Cash and Investment Summary
- A-2 Bond Logistix Investment Portfolio Summary
- A-3 Diversified Securities Investment Portfolio Summary
- A-4 Smith Barney Investment Portfolio Summary
- A-5 Investment Holdings by Sector
- A-6 City & CRA Cash & Investments Three Year Comparison

**REVIEW TEAM ONLY**

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

Finance Director: \_\_\_\_\_

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

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

*P*

*[Signature]*

*[Signature]*

**EXHIBIT A**  
**REPORT OF THE CITY TREASURER TO THE CITY COUNCIL**

<b>CASH BALANCE</b>	<b>9/30/2009</b>	<b>\$20,710,313.15</b>
RECEIPTS	10/1/09-12/31/09	28,984,494.54
		<u>49,694,807.68</u>
DISBURSEMENTS	10/1/09-12/31/09	(28,031,635.98)
<b>CASH BALANCE</b>	<b>12/31/2009</b>	<b><u>\$21,663,171.71</u></b>
 <b>ANALYSIS OF CASH AND INVESTMENT BALANCE</b>		
LAIF		STATE FUND 1,189,871.90
BOND LOGISTIX INVESTMENT PORTFOLIO		EXHIBIT A-2 11,976,714.16
WELLS FARGO MONEY MARKET AND U.S. TREASURY BILLS		EXHIBIT A-2 167,497.47
DIVERSIFIED SECURITIES INVESTMENT PORTFOLIO		EXHIBIT A-3 0.00
FEDERATED CAPITAL RESERVE MONEY MARKET		EXHIBIT A-3 1,131,947.95
SMITH BARNEY INVESTMENT PORTFOLIO		EXHIBIT A-4 1,689,375.28
SMITH BARNEY MONEY MARKET		EXHIBIT A-4 72,537.38
TOTAL INACTIVE PUBLIC DEPOSITS		<u>16,227,944.13</u>
CHECKING AND PETTY CASH BALANCES		<u>5,435,227.58</u>
<b>CASH AND INVESTMENT BALANCE</b>	<b>12/31/2009</b>	<b><u>\$21,663,171.71</u></b>
CASH HELD BY THIRD PARTY ADMINISTRATORS		<u>15,577,347.20</u>
<b>TOTAL CASH AND INVESTMENT BALANCE</b>	<b>12/31/2009</b>	<b><u>\$37,240,518.91</u></b>

This report is in compliance with the City of Covina (City) Statement of Investment Policy. There is sufficient investment liquidity to meet the pooled expenditures of the City for the next 6 months.

Respectfully submitted,

John B. Fielding  
Treasurer

**EXHIBIT A-1**  
**CITY OF COVINA**  
**QUARTERLY TREASURER'S REPORT - DECEMBER 31, 2009**

TYPE OF INVESTMENT	ISSUER	BOOK VALUE \$	ACQUISITION DATE	MATURITY DATE	MARKET VALUE \$
<b>City of Covina:</b>					
Petty Cash	N/A	9,660.49	N/A	N/A	9,660.49
General - Checking Account	Bank of the West	3,183,563.22	N/A	Demand	3,183,563.22
Sweep-Investment Account	Bank of the West	2,074,436.43	N/A	Demand	2,074,436.43
Workers' Compensation - Checking Account	Bank of the West	15,000.00	N/A	Demand	15,000.00
Payroll - Checking Account	Bank of the West	35,000.00	N/A	Demand	35,000.00
Community Resources - Checking Account	Bank of the West	5,000.00	N/A	Demand	5,000.00
Federal Treasury Narcotics - Checking	Bank of the West	14,587.80	N/A	Demand	14,587.80
Federal Justice Dept Admin - Checking	Bank of the West	97,979.64	N/A	Demand	97,979.64
Bond Logistix Investment Portfolio	Various	11,976,714.16	Various	Various	11,992,558.60
Wells Fargo Money Market and U.S. Treasury Bills	Various	167,497.47	N/A	Demand	167,497.47
Diversified Securities Investment Portfolio	Various	-	Various	Various	-
Federated Capital Reserve Money Market	Various	1,131,947.95	Various	Demand	1,131,947.95
Smith Barney Investment Portfolio	Various	1,689,375.28	Various	Various	1,676,867.93
Smith Barney Money Market	Various	72,537.38	Various	Demand	72,537.38
Local Agency Investment Fund	State of California	1,189,871.90	N/A	Demand	1,189,871.90
<b>Subtotal (A)</b>		<b>\$21,663,171.71</b>			<b>\$21,666,508.80</b>
<b>Cash Held Under 3rd Party Administrator:</b>					
1999 Water Certificate of Participation Fiscal Agent: BNY Western Trust Company	Wells Fargo Treasury Plus Money Market	264,561.11	N/A	Demand	\$264,561.11
2009 Covina Wastewater Bonds Fiscal Agent: BNY Western Trust Company		15,040,429.48	N/A	Demand	15,019,617.95
2004 MTA Prop C Sales Tax Revenue Bond Fiscal Agent: U.S. Bank Reserve	U.S. Bank	243,186.82	N/A	Demand	\$243,186.82
2004 MTA Prop C Sales Tax Revenue Bond Fiscal Agent: U.S. Bank	U.S. Bank	29,169.79	N/A	Demand	\$29,169.79
<b>Subtotal (B)</b>		<b>\$15,577,347.20</b>			<b>\$15,556,535.67</b>
<b>TOTAL (A+B)</b>		<b>\$37,240,518.91</b>			<b>\$37,223,044.47</b>

Comment:

The investments are in compliance with the adopted policy of the City of Covina.

**Exhibit A-2**  
**CITY OF COVINA**  
**Bond Logistix**  
**Investment Portfolio as of**  
**December 2009**

Date	Qty	Price	Market Value	Cost Value	Total	Yield	Maturity	Issuer
09/28/09	20,000	107.156000	<b>2,143,120.00</b>	2,161,740.00	2,161,740.00	4.5000	10/17/2012	Fed Farm Credit Bank
08/26/09	20,000	101.750000	<b>2,035,000.00</b>	2,055,080.00	2,055,080.00	3.3750	8/13/2010	Fed Home Ln Bank
02/19/09	20,000	101.531000	<b>2,030,620.00</b>	2,015,560.00	2,015,560.00	2.1250	3/23/2012	Fed Home Ln Bank
08/26/09	21,000	107.813000	<b>2,264,073.00</b>	2,284,296.00	2,284,296.00	5.3750	11/15/2011	Fed National Mortgage
01/10/08	12,000	104.379000	<b>1,252,548.00</b>	1,265,437.50	1,265,437.50	4.5000	2/28/2011	US Treasury
10/10/08	10,000	106.039000	<b>1,060,390.00</b>	1,076,015.63	1,076,015.63	4.6250	8/31/2011	US Treasury
10/10/08	9,500	106.023000	<b>1,007,218.50</b>	1,019,765.63	1,019,765.63	4.5000	9/30/2011	US Treasury
12/08/05	28,000	102.992000	<b>2,883,776.00</b>	2,776,375.00	2,776,375.00	4.2500	10/15/2010	US Treasury
06/30/09	20,000	108.453000	<b>2,169,060.00</b>	2,186,250.00	2,186,250.00	4.8750	6/30/2012	US Treasury
09/24/08	21,000	106.199000	<b>2,230,179.00</b>	2,248,968.75	2,248,968.75	4.8750	7/31/2011	US Treasury
06/30/08	15,000	106.406000	<b>1,596,090.00</b>	1,532,578.13	1,532,578.13	3.8750	10/31/2012	US Treasury
11/17/08	20,000	101.262000	<b>2,025,240.00</b>	2,039,062.50	2,039,062.50	1.7500	11/15/2011	US Treasury
05/15/09	20,000	100.000000	<b>2,000,000.00</b>	1,982,187.50	1,982,187.50	1.3750	5/15/2012	US Treasury
08/26/09	22,000	100.406000	<b>2,208,932.00</b>	2,205,500.00	2,205,500.00	1.2500	6/30/2011	US Treasury
07/31/09	20,000	100.152000	<b>2,003,040.00</b>	2,012,031.25	2,012,031.25	1.0000	7/31/2011	US Treasury
04/30/07	10,000	107.211000	<b>1,072,110.00</b>	1,080,937.50	1,080,937.50	4.5000	4/30/2012	US Treasury
Total			<b>\$ 29,981,396.50</b>	<b>\$ 29,941,785.39</b>	<b>\$ 29,941,785.39</b>			

Wells Fargo Money Market \$ 418,743.67

**Total Value of Portfolio \$ 30,360,529.06**

**Sold/Matured Investment**

05/25/07	20,000	100.961000	<b>2,019,220.00</b>	1,996,562.50	1,996,562.50	4.7500	2/15/2010	US Treasury
				<b>\$ (2,015,000.00)</b>				
Total			<b>\$ 2,019,220.00</b>	<b>\$ (18,437.50)</b>	<b>\$ 1,996,562.50</b>			

**Interest Summary**

Interest Collected in 12/31/2009 86,548.99



**Exhibit A-3**  
**CITY OF COVINA**  
**Diversified Securities**  
**Investment Portfolio as of**  
**December 2009**

Date	Qty	Price	Market Value	Cost Value	Total	Yield	Maturity	Issuer
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	<b>Total</b>	\$	-	\$	-	\$	-
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Federated Capital Reserve Money Market					\$ 2,263,895.89
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<b>Total Value of Portfolio</b>					<b><u>\$ 2,263,895.89</u></b>
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**Sold/Matured Investment**

	<b>Total</b>	\$	-
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**Interest Summary**

Interest Collected in	12/31/09			116.73
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**Fee Summary**

Fees Collected in	12/31/09			
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**Cost Breakdown**

**Investment:**

CRA portion		\$	-
City portion			-
		<b>\$</b>	-

**Money Market:**

CRA portion		\$ 1,131,947.95
City portion		<u>\$ 1,131,947.95</u>
		<u><u>\$ 2,263,895.89</u></u>

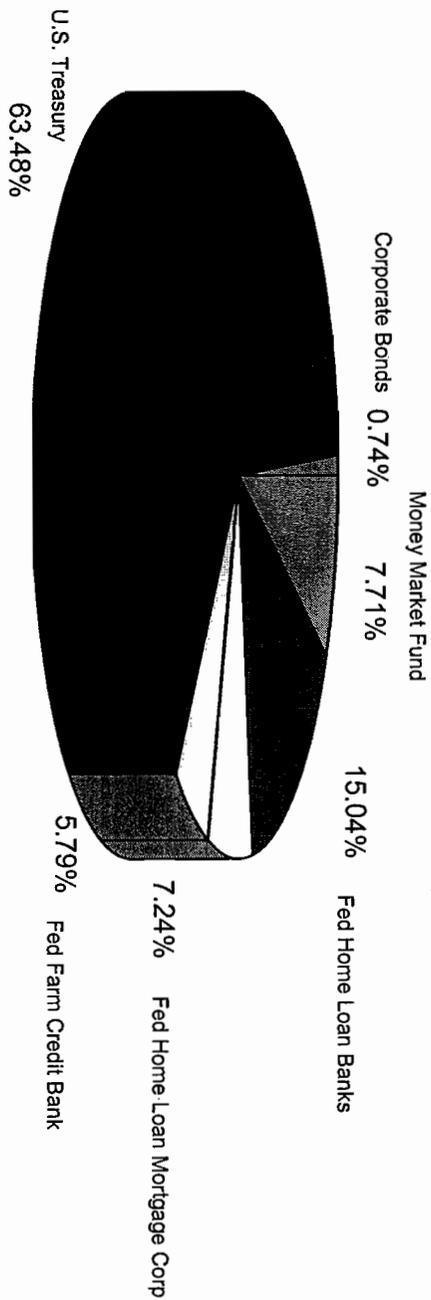
Interest Collected in

City 50%			58.37
CRA 50%			<u>58.37</u>

## EXHIBIT A-5 INVESTMENT HOLDINGS BY SECTOR

	Bond Logistix* Investment	Diversified Securities	Smith ** Barney	Total Investment	Percentage
Money Market Fund	418,744	2,263,896	193,433	2,876,073	7.71%
Fed Home Loan Banks	4,070,640	0	1,541,400	5,612,040	15.04%
Fed Home Loan Mortgage Corp	2,284,296	0	418,651	2,702,947	7.24%
Fed Farm Credit Bank	2,161,740	0	0	2,161,740	5.79%
U.S. Treasury	21,425,109	0	2,268,054	23,693,163	63.48%
Corporate Bonds	0	0	276,896	276,896	0.74%
<b>Total</b>	<b>30,360,529</b>	<b>2,263,896</b>	<b>4,698,434</b>	<b>37,322,859</b>	<b>100.00%</b>

### Holdings by Sector



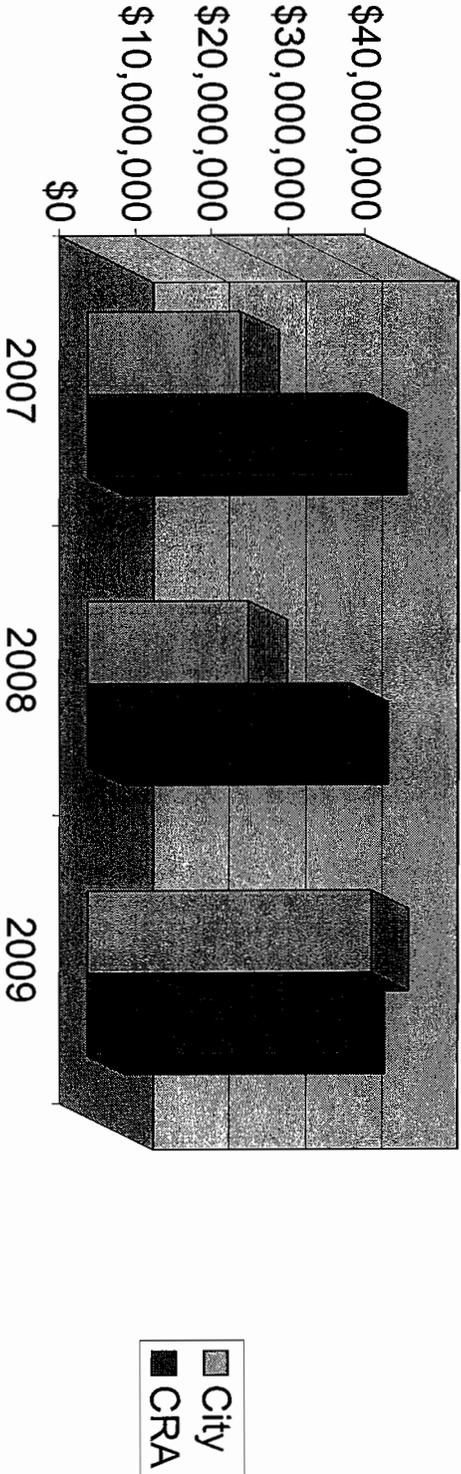
\* Bond Logistix average S&P rating: AAA. Average coupon rate: 4.17%

\*\* Smith Barney average S&P rating: AGN. Average coupon rate: 2.8%

City of Covina / CRA - Total Investments Year-Over-Year Comparison

Quarter Ending	City	CRA
12/31/2007	\$20,117,431.19	\$36,942,557.12
12/31/2008	21,178,556.57	34,452,961.99
12/31/2009	37,240,518.91	34,018,568.81

### City of Covina & CRA Total Cash & Investments Three Year Comparison



Increased cash in quarter ending 12/31/09 is due to Waste Water bond proceeds of \$9,617,806

**COVINA REDEVELOPMENT AGENCY**  
**AGENDA ITEM COMMENTARY**

**MEETING DATE:** February 2, 2010

**ITEM NO.:**

CC 7

**STAFF SOURCE:** John B. Fielding, Treasurer  
Dilu DeAlwis, Finance Director *DDW*  
Alan Sands, Accountant

**ITEM TITLE:** Quarterly Report of the Treasurer to the Covina Redevelopment Agency  
for the Quarter Ended December 31, 2009

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**STAFF RECOMMENDATION**

Receive and file the Quarterly Report of the Treasurer for the Quarter Ended December 31, 2009.

**FISCAL IMPACT**

None.

**BACKGROUND**

In accordance with State legislation, the Treasurer is required to submit annually a statement of investment policy to the Agency for adoption. The original policy was adopted at the meeting of July 18, 2006.

Section 4.0 of the policy requires a report by the Treasurer to the Agency and Executive Director containing detailed information on all securities, investments, and moneys of the Covina Redevelopment Agency. The report shall be submitted on a quarterly basis within 30 days following the end of the quarter. The report for the quarter ended September 30, 2009 is being presented showing cash placement, containing a statement that investments are in compliance with adopted policy, and that there are sufficient surplus funds immediately available to meet the pooled expenditures of the Agency for the next six months.

**EXHIBITS**

- A Quarterly Report of the Treasurer to the Covina Redevelopment Agency for the  
Quarter Ended December 31, 2009
- A-1 Cash and Investment Summary
- A-2 Bond Logistix Investment Portfolio Summary
- A-3 Diversified Securities Investment Portfolio Summary
- A-4 Smith Barney Investment Portfolio Summary
- A-5 Investment Holdings by Sector
- A-6 City & CRA Cash & Investments Three Year Comparison

BS:ms

**REVIEW TEAM ONLY**

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

Finance Director: \_\_\_\_\_

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

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

*P*

*[Signature]*

*[Signature]*

**EXHIBIT A  
COVINA REDEVELOPMENT AGENCY  
REPORT OF THE CITY TREASURER TO THE AGENCY**

<b>CASH BALANCE</b>	<b>9/30/2009</b>	<b>\$34,092,558.52</b>
RECEIPTS	10/1/09-12/31/09	9,672,106.16
		<u>43,764,664.68</u>
DISBURSEMENTS	10/1/09-12/31/09	(11,164,489.89)
<b>CASH BALANCE</b>	<b>12/31/2009</b>	<b><u><u>\$32,600,174.78</u></u></b>

**ANALYSIS OF CASH AND INVESTMENT BALANCE**

BANK OF THE WEST	PASSBOOK	\$ 5.12
LAIF	STATE FUND	7,469,595.51
BOND LOGISTIX INVESTMENT PORTFOLIO	EXHIBIT A-2	17,965,071.23
WELLS FARGO MONEY MARKET AND U.S. TREASURY BILLS	EXHIBIT A-2	251,246.20
DIVERSIFIED SECURITIES INVESTMENT PORTFOLIO	EXHIBIT A-3	0.00
FEDERATED CAPITAL RESERVE MONEY MARKET	EXHIBIT A-3	1,131,947.95
SMITH BARNEY INVESTMENT PORTFOLIO	EXHIBIT A-4	2,815,625.46
SMITH BARNEY MONEY MARKET	EXHIBIT A-4	120,895.63
TOTAL INACTIVE PUBLIC DEPOSITS		<u>29,754,387.10</u>
CHECKING AND PETTY CASH BALANCES		<u>2,845,787.68</u>
<b>CASH AND INVESTMENT BALANCE</b>	<b>12/31/2009</b>	<b><u><u>\$32,600,174.78</u></u></b>
CASH HELD BY THIRD PARTY ADMINISTRATORS		<u>1,418,394.03</u>
<b>TOTAL CASH &amp; INVESTMENT BALANCE</b>	<b>12/31/2009</b>	<b><u><u>\$34,018,568.81</u></u></b>

This report is in compliance with the Covina Redevelopment Agency (Agency) Statement of Investment Policy. There is sufficient investment liquidity to meet the pooled expenditures of the Agency for the next 6 months.

Respectfully submitted,

John B. Fielding  
Treasurer

**EXHIBIT A-1**  
**COVINA REDEVELOPMENT AGENCY**  
**QUARTERLY TREASURER'S REPORT - DECEMBER 31, 2009**

TYPE OF INVESTMENT	ISSUER	BOOK VALUE \$	ACQUISITION DATE	MATURITY DATE	MARKET VALUE \$
<b>Covina Redevelopment Agency:</b>					
Pass Book	Bank of the West	\$5.12	N/A	Demand	\$5.12
Petty Cash	N/A	200.00	N/A	N/A	200.00
Checking Account	Bank of the West	247,310.09	N/A	Demand	247,310.09
Sweep-Investment Account	Bank of the West	2,598,277.59	N/A	Demand	2,598,277.59
Bond Logistix Portfolio	Various	17,965,071.23	Various	Various	17,988,837.90
Wells Fargo Money Market and Treasury Bills	Various	251,246.20	N/A	Demand	251,246.20
Diversified Securities Investment Portfolio	Various	-	Various	Various	-
Federated Capital Reserve Money Market	Various	1,131,947.95	Various	Demand	1,131,947.95
Smith Barney Investment Portfolio	Various	2,815,625.46	Various	Various	2,794,779.88
Smith Barney Money Market	Various	120,895.63	Various	Demand	120,895.63
Local Agency Investment Fund	State of California	7,469,595.51	N/A	Demand	7,469,595.51
Subtotal (A)		<b>\$32,600,174.78</b>			<b>\$32,603,095.86</b>
<b>Cash Held Under 3rd Party Administrator:</b>					
(1) 1997 Covina Redevelopment Agency ABAG 1997 Tax Allocation Revenue Bonds Series A	Wells Fargo Treasury Plus Money Market	135,145.38	N/A	Demand	135,145.38
(2) 1997 Revenue Bonds, Series B Fiscal Agent: BNY Western Trust Company	Wells Fargo Treasury Plus Money Market	499,456.55	N/A	Demand	499,456.55
(3) 2002A Revenue Bonds Fiscal Agent: BNY Western Trust Company	Wells Fargo Treasury Plus Money Market	783,789.53	N/A	Demand	783,789.53
(4) 2004 A Tax Allocation Revenue Bond Fiscal Agent: BNY Western Trust Company	Wells Fargo Treasury Plus Money Market	1.27	N/A	Demand	1.27
(5) 2004 B Tax Allocation Revenue Bond Fiscal Agent: BNY Western Trust Company	Wells Fargo Treasury Plus Money Market	1.30	N/A	Demand	1.30
Subtotal (B)		1,418,394.03			\$1,418,394.03
<b>TOTAL (A+B)</b>		<b>\$34,018,568.81</b>			<b>\$34,021,489.89</b>

Comment:

The investments are in compliance with the adopted policy of the Covina Redevelopment Agency.

**Exhibit A-2**  
**CITY OF COVINA**  
**Bond Logistix**  
**Investment Portfolio as of**  
**December 2009**

<u>Date</u>	<u>Qty</u>	<u>Price</u>	<u>Market Value</u>	<u>Cost Value</u>	<u>Total</u>	<u>Yield</u>	<u>Maturity</u>	<u>Issuer</u>
09/28/09	20,000	107.156000	<b>2,143,120.00</b>	2,161,740.00	2,161,740.00	4.5000	10/17/2012	Fed Farm Credit Bank
08/26/09	20,000	101.750000	<b>2,035,000.00</b>	2,055,080.00	2,055,080.00	3.3750	8/13/2010	Fed Home Ln Bank
02/19/09	20,000	101.531000	<b>2,030,620.00</b>	2,015,560.00	2,015,560.00	2.1250	3/23/2012	Fed Home Ln Bank
08/26/09	21,000	107.813000	<b>2,264,073.00</b>	2,284,296.00	2,284,296.00	5.3750	11/15/2011	Fed National Mortgage
01/10/08	12,000	104.379000	<b>1,252,548.00</b>	1,265,437.50	1,265,437.50	4.5000	2/28/2011	US Treasury
10/10/08	10,000	106.039000	<b>1,060,390.00</b>	1,076,015.63	1,076,015.63	4.6250	8/31/2011	US Treasury
10/10/08	9,500	106.023000	<b>1,007,218.50</b>	1,019,765.63	1,019,765.63	4.5000	9/30/2011	US Treasury
12/08/05	28,000	102.992000	<b>2,883,776.00</b>	2,776,375.00	2,776,375.00	4.2500	10/15/2010	US Treasury
06/30/09	20,000	108.453000	<b>2,169,060.00</b>	2,186,250.00	2,186,250.00	4.8750	6/30/2012	US Treasury
09/24/08	21,000	106.199000	<b>2,230,179.00</b>	2,248,968.75	2,248,968.75	4.8750	7/31/2011	US Treasury
06/30/08	15,000	106.406000	<b>1,596,090.00</b>	1,532,578.13	1,532,578.13	3.8750	10/31/2012	US Treasury
11/17/08	20,000	101.262000	<b>2,025,240.00</b>	2,039,062.50	2,039,062.50	1.7500	11/15/2011	US Treasury
05/15/09	20,000	100.000000	<b>2,000,000.00</b>	1,982,187.50	1,982,187.50	1.3750	5/15/2012	US Treasury
08/26/09	22,000	100.406000	<b>2,208,932.00</b>	2,205,500.00	2,205,500.00	1.2500	6/30/2011	US Treasury
07/31/09	20,000	100.152000	<b>2,003,040.00</b>	2,012,031.25	2,012,031.25	1.0000	7/31/2011	US Treasury
04/30/07	10,000	107.211000	<b>1,072,110.00</b>	1,080,937.50	1,080,937.50	4.5000	4/30/2012	US Treasury
Total			<b>\$ 29,981,396.50</b>	<b>\$ 29,941,785.39</b>	<b>\$ 29,941,785.39</b>			

Wells Fargo Money Market

\$ 418,743.67

**Total Value of Portfolio** **\$ 30,360,529.06**

**Sold/Matured Investment**

05/25/07	20,000	100.961000	<b>2,019,220.00</b>	1,996,562.50	1,996,562.50	4.7500	2/15/2010	US Treasury
				<b>\$ (2,015,000.00)</b>				
Total			<b>\$ 2,019,220.00</b>	<b>\$ (18,437.50)</b>	<b>\$ 1,996,562.50</b>			

**Interest Summary**

Interest Collected in 12/31/2009 86,548.99

**Exhibit A-3**  
**CITY OF COVINA**  
**Diversified Securities**  
**Investment Portfolio as of**  
**December 2009**

Date	Qty	Price	Market Value	Cost Value	Total	Yield	Maturity	Issuer
------	-----	-------	--------------	------------	-------	-------	----------	--------

	Total		\$ -	\$ -	\$ -			
--	-------	--	------	------	------	--	--	--

					\$ 2,263,895.89			
--	--	--	--	--	-----------------	--	--	--

					<b><u>\$ 2,263,895.89</u></b>			
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**Sold/Matured Investment**

	Total		\$ -	-				
--	-------	--	------	---	--	--	--	--

**Interest Summary**

		12/31/09		116.73				
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**Fee Summary**

		12/31/09						
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**Cost Breakdown**

**Investment:**

					\$ -			
					-			
					<u>\$ -</u>			

**Money Market:**

					\$ 1,131,947.95			
					\$ 1,131,947.95			
					<u>\$ 2,263,895.89</u>			

Interest Collected in

				58.37				
				58.37				
				<u>58.37</u>				

**Exhibit A-4**  
**CITY OF COVINA**  
**Smith Barney**  
**Investment Portfolio as of**  
**December 2009**

Date	Qty	Price	Market Value	Cost Value	Total	Yield	Maturity	Issuer
3/4/2008	6,500	100.125000	<b>650,812.50</b>	667,875.00	667,875.00	3.8100	1/15/2010	Fed Home Ln Bank Cons
2/26/2009	500	100.000000	<b>50,000.00</b>	49,975.00	49,512.50	<small>Paid at Maturity</small>	2/19/2010	Fed Home Ln Bank Cons
11/28/2008	3,500	100.844000	<b>352,954.00</b>	347,309.20	359,450.70	4.3750	3/17/2010	Fed Home Ln Bank Cons
9/30/2008	2,200	100.719000	<b>221,581.80</b>	214,652.68	217,539.08	2.4060	4/30/2010	Fed Home Ln Bank Cons
10/31/2008	2,500	100.719000	<b>251,797.50</b>	243,742.75	247,022.75	2.4060	4/30/2010	Fed Home Ln Bank Cons
3/31/2009	4,000	102.656000	<b>410,624.00</b>	410,624.00	418,651.20	4.3750	9/13/2010	Fed National Mortgage Association
6/30/2009	4,000	99.928000	<b>399,712.00</b>	398,298.15	398,298.15	<small>Paid at Maturity</small>	6/3/2010	US Treasury
1/30/2009	3,300	101.156000	<b>333,814.80</b>	334,556.31	338,348.38	2.7500	6/18/2010	US Treasury
8/31/2009	2,500	100.184000	<b>250,460.00</b>	250,460.00	251,458.37	0.8720	3/31/2011	US Treasury
12/30/2009	4,000	100.133000	<b>400,532.00</b>	400,532.00	401,419.24	0.8750	4/30/2011	US Treasury
5/29/2009	1,000	106.199000	<b>106,199.00</b>	108,398.77	108,398.77	4.8750	7/31/2011	US Treasury
7/31/2009	3,500	100.156000	<b>350,546.00</b>	348,880.08	349,151.14	1.4970	7/15/2012	US Treasury
9/30/2009	1,600	99.531000	<b>159,249.60</b>	159,724.80	159,810.28	1.3770	9/15/2012	US Treasury
10/30/2009	1,200	99.531000	<b>119,437.20</b>	119,897.28	120,116.06	1.3750	9/15/2012	US Treasury
11/30/2009	1,400	99.281000	<b>138,993.40</b>	138,993.40	141,053.52	1.3750	11/15/2012	US Treasury
4/30/2009	200	104.271000	<b>20,854.20</b>	21,400.60	21,400.60	7.5000	8/15/2010	Target Corporation
4/30/2009	200	105.678000	<b>21,135.60</b>	21,416.00	21,416.00	7.2500	12/1/2010	Verizon Global
3/2009	200	103.990000	<b>20,798.00</b>	20,798.00	21,134.60	5.0000	1/15/2011	Oracle/Ozark
3/2009	200	104.933000	<b>20,986.60</b>	20,986.60	21,290.60	5.2500	2/22/2011	Cisco
4/30/2009	200	107.440000	<b>21,488.00</b>	21,488.00	21,724.80	7.8750	3/1/2011	AT&T Wireless
4/30/2009	200	106.826000	<b>21,365.20</b>	21,365.20	21,538.60	6.9500	3/15/2011	American Home Products
4/30/2009	200	106.063000	<b>21,212.60</b>	21,212.60	21,635.00	5.6000	5/15/2011	Abbott Laboratories
5/5/2009	200	108.796000	<b>21,759.20</b>	21,759.20	22,074.40	6.3500	10/15/2011	Conoco Funding Co.
5/5/2009	200	105.626000	<b>21,125.20</b>	21,125.20	20,557.80	5.0000	11/15/2011	General Electric Cap Corp Medium
5/5/2009	200	107.281000	<b>21,456.20</b>	21,456.20	21,395.20	5.2500	3/1/2012	Hewlett-Packard Co Global
5/5/2009	200	103.932000	<b>20,786.40</b>	20,786.40	20,676.00	3.4500	3/3/2012	Chevron Corp
5/21/2009	200	104.069000	<b>20,813.80</b>	20,813.80	20,818.00	3.5500	3/6/2012	Eli Lilly & Co
5/5/2009	200	105.765000	<b>21,153.00</b>	21,153.00	21,234.00	4.4500	3/15/2012	Pfizer Inc
	44,300							
		Total	<b>\$ 4,471,647.80</b>	\$4,469,680.22	\$ 4,505,000.74			

Federated Capital Reserve Money Market					\$ 193,433.01			
							<b>check</b>	
							<b>prior mo bal</b>	<b>4,691,148.45</b>
							<b>transactions</b>	<b>7,285.30</b>
							<b>Curr mo bal</b>	<b>4,698,433.75</b>
							<b>Diff</b>	<b>-</b>
			<b>Total Value of Portfolio</b>		<b>\$ 4,698,433.75</b>			

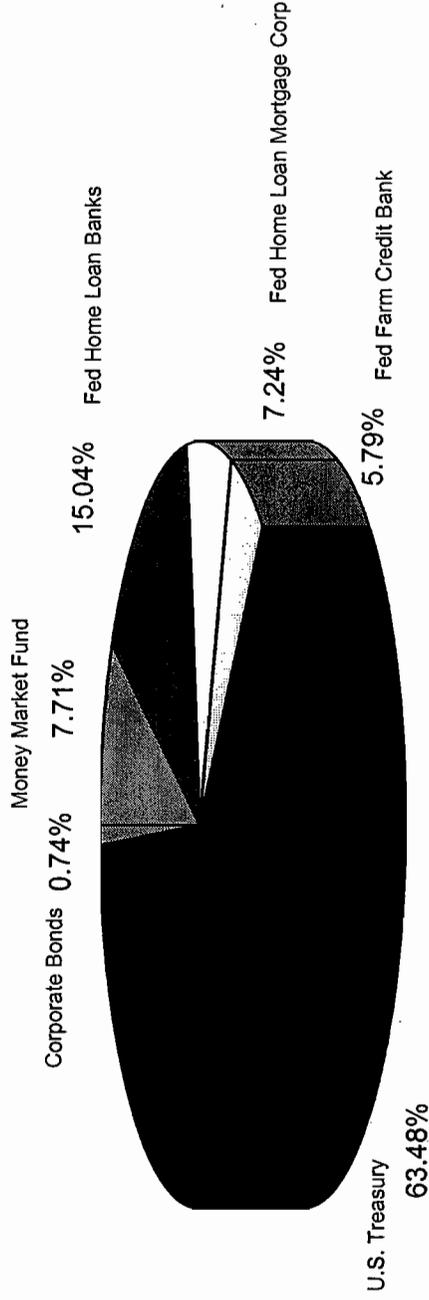
<b>Sold/Matured Investment</b>								
12/30/2008	5,000	100.000000	<b>496,750.00</b>	496,203.47	496,203.47	<small>Paid at Maturity</small>	12/21/2009	Fed Home Ln Bank Cons
				(149,994.17)				
				(350,000.00)				
3/31/2008	2,000	100.094000	<b>200,188.00</b>	205,661.60	205,661.60	3.8080	12/10/2009	Fed Home Ln Mtg Assn
				(200,000.00)				
		Total	<b>\$ 696,938.00</b>	\$ 1,870.90				

<b>Interest Summary</b>		
Interest Collected in	Dec-09	9,156.20
Accrued Interest paid in	Dec-09	(-)

**EXHIBIT A-5  
INVESTMENT HOLDINGS BY SECTOR**

	Bond Logistix* Investment	Diversified Securities	Smith ** Barney	Total Investment	Percentage
Money Market Fund	418,744	2,263,896	193,433	2,876,073	7.71%
Fed Home Loan Banks	4,070,640	0	1,541,400	5,612,040	15.04%
Fed Home Loan Mortgage Corp	2,284,296	0	418,651	2,702,947	7.24%
Fed Farm Credit Bank	2,161,740	0	0	2,161,740	5.79%
U.S. Treasury	21,425,109	0	2,268,054	23,693,163	63.48%
Corporate Bonds	0	0	276,896	276,896	0.74%
<b>Total</b>	<b>30,360,529</b>	<b>2,263,896</b>	<b>4,698,434</b>	<b>37,322,859</b>	<b>100.00%</b>

Holdings by Sector



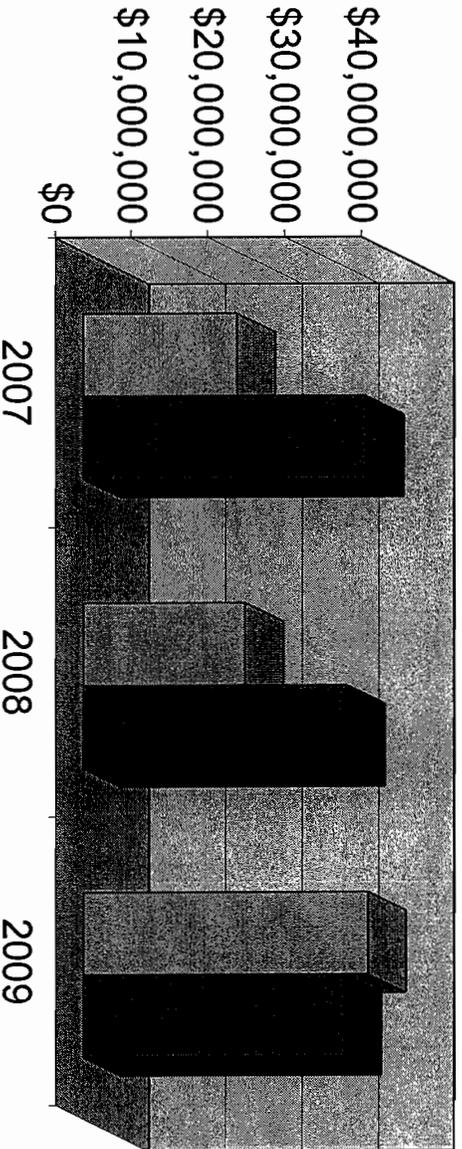
\* Bond Logistix average S&P rating: AAA. Average coupon rate: 4.17%

\*\* Smith Barney average S&P rating: AGN. Average coupon rate: 2.8%

City of Covina / CRA - Total Investments Year-Over-Year Comparison

Quarter Ending	City	CRA
12/31/2007	\$20,117,431.19	\$36,942,557.12
12/31/2008	21,178,556.57	34,452,961.99
12/31/2009	37,240,518.91	34,018,568.81

### City of Covina & CRA Total Cash & Investments Three Year Comparison



City  
 CRA

Increased cash in quarter ending 12/31/09 is due to Waste Water bond proceeds of \$9,617,806

Quarter Ending December 31st

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

**MEETING DATE:** February 2, 2010

**ITEM NO.:** PH 1

**STAFF SOURCE:** Robert Neiuber, Director of Community Development *rw*  
Shelby Williams, City Planner  
William J. Priest, Assistant City Attorney

**ITEM TITLE:** Ordinance Amending Chapter 17.82 of the Covina Municipal Code and Adopting Implementation Guidelines Pertaining to Water Efficient Landscape Regulations

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**STAFF RECOMMENDATION**

1. Open the public hearing and receive testimony about the proposed ordinance; and
2. Introduce and waive further reading of **Ordinance No. 10- 1979**, Amending Chapter 17.82 of Title 17 of the Covina Municipal Code pertaining to Water Efficient Landscape Regulations and adopting Guidelines for the Implementation of the Water Efficient Landscape Regulations.

**FISCAL IMPACT**

Staff will conduct a study as this ordinance is implemented to determine if existing landscaping review fees will cover the cost of staff time to administer the ordinance's requirements. Staff will bring back a recommendation on any additional fees should they be warranted after the next annual fee resolution update.

**BACKGROUND**

Summary

In California, about half of the urban water used is for landscape irrigation. Water waste is common in landscapes that are poorly designed or not well maintained. Water waste (from runoff, overspray, low head drainage, leaks and excessive amounts of applied irrigation water in landscapes is prohibited by Section 2, Article X of the California Constitution. The State Legislature adopted the Water Conservation in Landscaping Act (California Government Code section 65591 et seq.) (the "Act") in 1990 to improve state water conservation efforts by reducing the waste associated with outdoor landscaping irrigation. The Act required the California Department of Water Resources ("DWR") to develop a model water efficient landscape ordinance more than a decade ago. In 1992, the City Council added Chapter 17.82 to the City's Zoning Code in order to incorporate the Act's standards.

That ordinance is now outdated and fails to reflect contemporary technological developments. As a result, California Assembly Bill 1881 ("AB 1881"), enacted into law on September 28, 2008, modifies and strengthens the Act. A key provision of AB 1881 requires the DWR to

ordinance for cities and counties to adopt mandatory local landscape irrigation ordinances. All cities and counties must either (1) adopt the DWR's updated model water efficient landscape ordinance (the "Model Ordinance"), or (2) adopt a customized local water efficient landscape ordinance that is at least as effective in conserving water as the updated Model Ordinance.

The main change in DWR's updated ordinance revolves around the new requirement that jurisdictions must now reduce the "Maximum Applied Water Allowance" (MAWA) rates, resulting in a 30% reduction in water allocations for new landscapes. AB 1881 and the Model Ordinance require the establishment of water budgets for new and rehabilitated landscape projects. The goal of the water budget approach is to ensure that outdoor water use is efficient but sufficient to maintain healthy landscaping.

AB 1881 makes the updated Model Ordinance automatically applicable within the jurisdiction of each city and county that has not adopted its own water efficient landscape ordinance or the updated Model Ordinance by January 1, 2010. As such, it is in the best interest of local jurisdictions to adopt their own water efficient landscape ordinance, in order to ensure the ordinance is adaptable, suitable, and able to be better integrated into existing regulatory documents and practices.

The proposed ordinance and guidelines were prepared with the thought in mind of simplifying and streamlining the State Model while maintaining the requirement of being "at least as effective as" the State Model. The State Model contains 33 pages of both policy issues and technical procedures. The proposed documents separate the policy issues and technical procedures into two documents – the ordinance adopting and establishing the water efficient landscape regulations and the guidelines for implementation, respectively. This resulted in a more concise ordinance supported by the 16-page guidelines that are customized for the City.

Staff notes that this matter is being brought to the Council now because DWR did not issue the Model Ordinance until late in 2009. That being said, the legal effect of adopting the proposed ordinance after January 1, 2010 will be minimal. AB 1881 does not prevent a city from adopting its own ordinance after January 1. The only effect is that projects submitted between January 1 and the effective date of the City's ordinance will be subject to the Model Ordinance's standards. This is anticipated to be a relatively small time window (approx. 2 months) which will affect only a small group of projects, if any. Further, as discussed in more detail below, while the proposed ordinance is intended to simplify and streamline the Model Ordinance's regulations, the substantive standards are largely the same. Therefore, projects subject to the Model Ordinance will not have to comply with radically different requirements than those subject to the proposed ordinance.

## Discussion

### A. Local Ordinance

The City Attorney's Office has customized the Model Ordinance in conjunction with the existing Municipal Code provisions governing landscaping and land use and planning and prepared guidelines for implementation of the new regulations. The resulting document, known as the City of Covina Water Efficient Landscape Regulations ("City Ordinance"), will establish water efficient landscape regulations which are as efficient as the Model Ordinance in saving water in compliance with AB 1881 and provide more direct local control than the Model Ordinance.

The proposed City Ordinance will amend the existing landscaping regulations to reflect the Model Ordinance requirements. The technical regulations and submittal requirements are located within a separate document, titled "Guidelines for Implementation of the City of Covina Water Efficient Landscape Regulations" (the "Guidelines"). This document is incorporated into the proposed ordinance by reference but can be updated, edited, or augmented in the future by resolution, if and when the City Council deems appropriate. Forms to be submitted by project applicants related to the Guidelines may be updated by the City Manager, as appropriate, without City Council action.

Implementation of the proposed City Ordinance will be integrated into the existing development review process. This streamlines the process for the applicants to the fullest extent possible while ensuring that projects comply with the new regulations.

#### B. Applicability

The applicability criteria for the City Ordinance and Guidelines are consistent with that required by the Model Ordinance. Projects which are subject to the requirements of the proposed City Ordinance are identified as those which currently would require discretionary approval and/or a ministerial permit and which meet certain size criteria.

Landscape projects which currently require discretionary approvals are generally associated with new development projects and include a landscape plan. While planting of trees, shrubs, and grass do not require any City permits, the irrigation and wiring portion of landscaping projects may require ministerial plumbing and electrical permits.

Below are several examples of projects which would be required to comply with the regulations within the City Ordinance.

- A new commercial shopping center with proposed landscaped areas totaling 2,500 square feet or more.
- A new residential subdivision with proposed landscaped common and private areas of 2,500 square feet or more.
- Re-landscaping of parkways and medians when the area of landscaping is over 2,500 square feet.
- An existing residential subdivision which modifies its approved common area landscape plan in a manner that affects 2,500 or more square feet of landscaped area and is at least 50% of the total landscaped area.

- Construction of a new swimming pool and associated planting area totaling 5,000 square feet or more at a private residence.
- New or re-landscaped private or public parks, parkways, and medians of over 2,500 square feet.
- A re-landscaping project installed by a property owner or renter of residential property which has a landscaped area equal to or greater than 5,000 square feet and is at least 50% of the total landscaped area.

A flowchart to determine project applicability is included as Exhibit D.

#### C. Ordinance Regulations

The goal of the City Ordinance regulations is to ensure that the water usage associated with landscaping for applicable projects does not exceed the Maximum Applied Water Allowance (the "MAWA"). The MAWA is calculated by taking into account a local evapotranspiration rate (the speed at which water evaporates as determined for a specific geographical area) and the size of the proposed landscaped area. The MAWA represents the gallons per year of water that can be used to irrigate landscaping by relating to the pace of evaporation. Theoretically, the MAWA determines the threshold for over-watering.

Landscape projects subject to the City Ordinance will be required to calculate the Estimated Applied Water Use (the "EAWU"), which is the annual amount of water in gallons estimated to keep plants in a healthy state, otherwise known as a "water budget". The EAWU is calculated using the evapotranspiration rate, the size of the proposed landscaped area, plant factors (types of plants and their associated water use) and irrigation efficiency (which rates the amount of water from a sprinkler head type which successfully irrigates the plants). Other factors, such as vegetation mix, and microclimates created by adjacent areas around the proposed landscaped areas, may also affect the calculations.

Landscape projects must have an EAWU that is less than the MAWA to comply with the regulations of the City Ordinance. Setting a limitation on water usage requires landscaped projects to use plants with low water usage and irrigation systems which are higher in efficiency.

The complex nature of the calculations necessitates a trained landscape professional to ensure that a proposed landscape project meets the regulations. The landscape plans are required to be prepared by a landscape professional and the new regulations pertaining to water usage calculations will also be required to be completed by a landscape professional.

#### D. Implementation

The proposed City ordinance does not create a new development review process. Rather, review and certification in compliance with the new regulations will be integrated into the existing development/site plan review and plan check process. Applicants will be required to submit a Landscape Documentation Package. The Landscape Documentation Package is to demonstrate

compliance with the proposed City Ordinance. The required submittal elements are listed in Table 1 below.

**Table 1 – Landscape Documentation Package Items**

Submittal Item	Description	Review Responsibility
Certification of Landscape Design	Certifies that the proposed landscape project complies with ordinance	Landscape Professional
Landscape Submittal Sheet	Includes project information and items required for a complete submittal	City
MAWA Calculation	Worksheet showing calculation and sources	Landscape Professional
EAWU Calculation	Worksheet showing calculation and sources	Landscape Professional
Water Efficient Landscape Worksheet	Worksheet showing MAWA and EAWU calculations	Landscape Professional
Soil Management Report	An analysis of the soil with recommendations to minimize runoff and encourage healthy plant growth	Landscape Professional
Landscape Design Plan	A landscape plan complying with the regulations of the Guidelines	Landscape Professional
Irrigation Design Plan	A plan for irrigation systems complying with the regulations of the Guidelines	Landscape Professional
Grading Design Plan	Demonstrates grading in conjunction with landscape projects	City

Some of the elements of the Landscape Documentation Package, such as landscaping and grading plans, are currently required by City during the existing development review process. For review of the technical components of the submittal relating to the City Ordinance, an additional review process would be required. This is addressed with the proposed self-certification process.

The City Ordinance proposes a self-certification process during which a licensed landscaped professional would sign a Certification of Landscape of Design, which includes his or her license number and/or professional stamp, stating that the landscape design is in conformance with the City regulations and Guidelines. The permit will not be issued unless the Landscape Documentation Package is complete, including this certification. The self-certification process will minimize the cost of implementation for the City and the need for additional staff.

Once construction of the landscape is complete, the installation contractor or designer will sign the Certificate of Completion stating that the installation is complete and is in substantial conformance with the original plan. Once the Certificate of Completion is accepted by the City and all final inspections for the project approved by City inspectors, the project will be considered complete.

The Landscape Installation Certificate of Completion package will include:

1. certification that the project was constructed per the approved plans;
2. irrigation scheduling parameters used to set the controller;
3. landscape and irrigation maintenance schedules;

E. Compliance with State Regulations

1. Justifications for Deviations from the State Model

AB 1881 requires local agencies to include information in the record for any approval that designates the locally-approved alternative to the State's Model Ordinance as "equally effective" in conserving landscaping irrigation water. The appropriate action is suggested to utilize findings to establish the City's position in the record. In preparing the City Ordinance, no essential element of the State's Model Ordinance has been dropped, only re-organized to function more efficiently. An analysis of the City's documenting the differences between the State's Model Ordinance is included as Exhibit E.

If the City Council does not adopt the City Ordinance, AB 1881 makes the updated Model Ordinance automatically applicable within the jurisdiction of the City.

2. Reporting Requirement

AB 1881 requires each city and county to notify the DWR by January 31, 2010, as to whether it is subject to the DWR's updated Model Ordinance and, if not, to submit to the DWR a copy of its local water efficient landscape ordinance, among other documents. Due to the late date, staff will submit the City Ordinance to DWR immediately after the City Council adopts the City Ordinance, assuming it is adopted. AB 1881 attaches no penalties to the City for late submittal to DWR. Rather, this is merely intended to satisfy a DWR reporting requirement. AB 1881 requires DWR, to the extent funds are appropriated, not later than January 31, 2011, to prepare and submit a report to the Legislature relating to the status of water efficient landscape ordinances adopted by cities and counties.

## **ENVIRONMENTAL DOCUMENTATION**

The Ordinance and Guidelines are exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs., § 15307), the Ordinance is covered

by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of the ordinance will result in the enhancement and protection of water resources, and will not result in cumulative adverse environment impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2.

**EXHIBITS**

- A. Planning Commission Staff Report dated December 22, 2009
- B. Ordinance No. 10 - 1979
- C. Ordinance Guidelines
- D. Process Flowchart for Water Efficient Landscape Regulations
- E. Summary of Issues and Justification for Differences Between Proposed Ordinance and State Model Water Efficient Landscape Ordinance

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

**CITY OF COVINA**

**STAFF REPORT**

**DECEMBER 22, 2009**

**ITEM NUMBER 2**

**TO: PLANNING COMMISSION**

**FROM: WILLIAM J. PRIEST, ASSISTANT CITY ATTORNEY  
ROBERT NEIUBER, COMMUNITY DEVELOPMENT DIRECTOR**

**COORDINATOR: SHELBY WILLIAMS, CITY PLANNER**

**SUBJECT: WATER EFFICIENT LANDSCAPE ORDINANCE**

**APPLICANT:**

City of Covina

**REQUEST:**

An ordinance amending Chapter 17.82 of Title 17 of the Covina Municipal Code pertaining to water efficient landscape regulations and adopting guidelines for the implementation of the water efficient landscape regulations

**LOCATION:**

City-wide

**BACKGROUND/ANALYSIS:**

**Summary**

In California, about half of the urban water used is for landscape irrigation. Water waste is common in landscapes that are poorly designed or not well maintained. Water waste (from runoff, overspray, low head drainage, leaks and excessive amounts of applied irrigation water in landscapes) is prohibited by Section 2, Article X of the California Constitution. The State Legislature adopted the Water Conservation in Landscaping Act (California Government Code section 65591 et seq.) (the "Act") in 1990 to improve state water conservation efforts by reducing the waste associated with outdoor landscaping irrigation. The Act required the California Department of Water Resources ("DWR") to develop a model water efficient landscape ordinance more than a decade ago. In 1992, the City Council added Chapter 17.82 to the City's Zoning Code in order to incorporate the Act's standards.

That ordinance is now outdated and fails to reflect contemporary technological developments. As a result, California Assembly Bill 1881 ("AB 1881"), enacted into law on September 28, 2008, modifies and strengthens the Act. A key provision of AB 1881 requires the DWR to update the existing model water efficient landscape ordinance, which then serves as a model ordinance for cities and counties to adopt mandatory local landscape irrigation ordinances. All cities and counties must either (1) adopt the DWR's updated model water efficient landscape ordinance (the "Model Ordinance"), or (2) adopt a customized local water efficient landscape ordinance that is at least as effective in conserving water as the updated Model Ordinance.

The main change in DWR's updated ordinance revolves around the new requirement that jurisdictions must now reduce the "Maximum Applied Water Allowance" (MAWA) rates, resulting in a 30% reduction in water allocations for new landscapes. AB 1881 and the Model Ordinance require the establishment of water budgets for new and rehabilitated landscape projects. The goal of the water budget approach is to ensure that outdoor water use is efficient but sufficient to maintain healthy landscaping.

AB 1881 makes the updated Model Ordinance automatically applicable within the jurisdiction of each city and county that has not adopted its own water efficient landscape ordinance or the updated Model Ordinance by January 1, 2010. As such, it is in the best interest of local jurisdictions to adopt their own water efficient landscape ordinance, in order to ensure the ordinance is adaptable, suitable, and able to be better integrated into existing regulatory documents and practices.

The proposed ordinance and guidelines were prepared with the thought in mind of simplifying and streamlining the State Model while maintaining the requirement of being "at least as effective as" the State Model. The State Model contains 33 pages of both policy issues and technical procedures. The proposed documents separate the policy issues and technical procedures into two documents – the ordinance adopting and establishing the water efficient landscape regulations and the guidelines for implementation, respectively. This resulted in a more concise ordinance supported by the 16-page guidelines that are customized for the City.

Staff notes that this matter is being brought to the Commission now because DWR did not issue the Model Ordinance until late in 2009. That being said, the legal effect of adopting the proposed ordinance after January 1, 2010 will be minimal. AB 1881 does not prevent a city from adopting its own ordinance after January 1. The only effect is that projects submitted between January 1 and the effective date of the City's ordinance will be subject to the Model Ordinance's standards. This is anticipated to be a relatively small time window (approximately 2 months) which will affect only a small group of projects, if any. Further, as discussed in more detail below, while the proposed ordinance is intended to simplify and streamline the Model Ordinance's regulations, the substantive standards are largely the same. Therefore, projects subject to the Model Ordinance will not have to comply with radically different requirements than those subject to the proposed ordinance.

## **Discussion**

### **A. Local Ordinance**

The City Attorney's Office has customized the Model Ordinance in conjunction with the existing Municipal Code provisions governing landscaping and land use and planning and prepared guidelines for implementation of the new regulations. The resulting document, known as the City of Covina Water Efficient Landscape Regulations ("City Ordinance"), will establish water efficient landscape regulations which are as efficient as the Model Ordinance in saving water in compliance with AB 1881 and provide more direct local control than the Model Ordinance.

The proposed City Ordinance will amend the existing landscaping regulations to reflect the Model Ordinance requirements. The technical regulations and submittal requirements are located within a separate document, titled "Guidelines for Implementation of the City of Covina Water Efficient Landscape Regulations" (the "Guidelines"). This document is incorporated into the proposed ordinance by reference but can be updated, edited, or augmented in the future by resolution, if and when the City Council deems appropriate. Forms to be submitted by project applicants related to the Guidelines may be updated by the City Manager, as appropriate, without City Council action.

Implementation of the proposed City Ordinance will be integrated into the existing development review process. This streamlines the process for the applicants to the fullest extent possible while ensuring that projects comply with the new regulations.

### **B. Applicability**

The applicability criteria for the City Ordinance and Guidelines are consistent with that required by the Model Ordinance. Projects which are subject to the requirements of the proposed City Ordinance are identified as those which currently would require discretionary approval and/or a ministerial permit and which meet certain size criteria.

Landscape projects which currently require discretionary approvals are generally associated with new development projects and include a landscape plan. While planting of trees, shrubs, and grass do not require any City permits, the irrigation and wiring portion of landscaping projects may require ministerial plumbing and electrical permits.

Below are several examples of projects which would be required to comply with the regulations within the City Ordinance.

- A new commercial shopping center with proposed landscaped areas totaling 2,500 square feet or more.
- A new residential subdivision with proposed landscaped common and private areas of 2,500 square feet or more.
- Re-landscaping of parkways and medians when the area of landscaping is over 2,500 square feet.

- An existing residential subdivision which modifies its approved common area landscape plan in a manner that affects 2,500 or more square feet of landscaped area and is at least 50% of the total landscaped area.
- Construction of a new swimming pool and associated planting area totaling 5,000 square feet or more at a private residence.
- New or re-landscaped private or public parks, parkways, and medians of over 2,500 square feet.
- A re-landscaping project installed by a property owner or renter of residential property which has a landscaped area equal to or greater than 5,000 square feet and is at least 50% of the total landscaped area.

A flowchart to determine project applicability is included as Exhibit B.

### **C. Ordinance Regulations**

The goal of the City Ordinance regulations is to ensure that the water usage associated with landscaping for applicable projects does not exceed the Maximum Applied Water Allowance (the “MAWA”). The MAWA is calculated by taking into account a local evapotranspiration rate (the speed at which water evaporates as determined for a specific geographical area) and the size of the proposed landscaped area. The MAWA represents the gallons per year of water that can be used to irrigate landscaping by relating to the pace of evaporation. Theoretically, the MAWA determines the threshold for over-watering.

Landscape projects subject to the City Ordinance will be required to calculate the Estimated Applied Water Use (the “EAWU”), which is the annual amount of water in gallons estimated to keep plants in a healthy state, otherwise known as a “water budget”. The EAWU is calculated using the evapotranspiration rate, the size of the proposed landscaped area, plant factors (types of plants and their associated water use) and irrigation efficiency (which rates the amount of water from a sprinkler head type which successfully irrigates the plants). Other factors, such as vegetation mix, and microclimates created by adjacent areas around the proposed landscaped areas, may also affect the calculations.

Landscape projects must have an EAWU that is less than the MAWA to comply with the regulations of the City Ordinance. Setting a limitation on water usage requires landscaped projects to use plants with low water usage and irrigation systems which are higher in efficiency.

The complex nature of the calculations necessitates a trained landscape professional to ensure that a proposed landscape project meets the regulations. The landscape plans are required to be prepared by a landscape professional and the new regulations pertaining to water usage calculations will also be required to be completed by a landscape professional.

### **D. Implementation**

The proposed City ordinance does not create a new development review process. Rather, review and certification in compliance with the new regulations will be integrated into the existing development/site plan review and plan check process. Applicants will be required to submit a Landscape Documentation Package. The Landscape Documentation Package is to demonstrate

compliance with the proposed City Ordinance. The required submittal elements are listed in Table 1 below.

**Table 1 – Landscape Documentation Package Items**

Submittal Item	Description	Review Responsibility
Certification of Landscape Design	Certifies that the proposed landscape project complies with ordinance	Landscape Professional
Landscape Submittal Sheet	Includes project information and items required for a complete submittal	City
MAWA Calculation	Worksheet showing calculation and sources	Landscape Professional
EAWU Calculation	Worksheet showing calculation and sources	Landscape Professional
Water Efficient Landscape Worksheet	Worksheet showing MAWA and EAWU calculations	Landscape Professional
Soil Management Report	An analysis of the soil with recommendations to minimize runoff and encourage healthy plant growth	Landscape Professional
Landscape Design Plan	A landscape plan complying with the regulations of the Guidelines	Landscape Professional
Irrigation Design Plan	A plan for irrigation systems complying with the regulations of the Guidelines	Landscape Professional
Grading Design Plan	Demonstrates grading in conjunction with landscape projects	City

Some of the elements of the Landscape Documentation Package, such as landscaping and grading plans, are currently required by City during the existing development review process. For review of the technical components of the submittal relating to the City Ordinance, an additional review process would be required. This is addressed with the proposed self-certification process.

The City Ordinance proposes a self-certification process during which a licensed landscaped professional would sign a Certification of Landscape of Design, which includes his or her license number and/or professional stamp, stating that the landscape design is in conformance with the City regulations and Guidelines. The permit will not be issued unless the Landscape Documentation Package is complete, including this certification. The self-certification process will minimize the cost of implementation for the City and the need for additional staff.

Once construction of the landscape is complete, the installation contractor or designer will sign the Certificate of Completion stating that the installation is complete and is in substantial conformance with the original plan. Once the Certificate of Completion is accepted by the City

and all final inspections for the project approved by City inspectors, the project will be considered complete.

The Landscape Installation Certificate of Completion package will include:

1. Certification that the project was constructed per the approved plans;
2. Irrigation scheduling parameters used to set the controller; and
3. Landscape and irrigation maintenance schedules.

#### **E. Compliance with State Regulations**

##### **1. Justifications for Deviations from the State Model**

AB 1881 requires local agencies to include information in the record for any approval that designates the locally-approved alternative to the State's Model Ordinance as "equally effective" in conserving landscaping irrigation water. The appropriate action is suggested to utilize findings to establish the City's position in the record. In preparing the City Ordinance, no essential element of the State's Model Ordinance has been dropped, only re-organized to function more efficiently. An analysis of the City's documenting the differences between the State's Model Ordinance is included as Exhibit C.

If the City Council does not adopt the City Ordinance, AB 1881 makes the updated Model Ordinance automatically applicable within the jurisdiction of the City.

##### **2. Reporting Requirement**

AB 1881 requires each city and county to notify the DWR by January 31, 2010, as to whether it is subject to the DWR's updated Model Ordinance and, if not, to submit to the DWR a copy of its local water efficient landscape ordinance, among other documents. Due to the late date, staff will submit the City Ordinance to DWR immediately after the City Council adopts the City Ordinance, assuming it is adopted. AB 1881 attaches no penalties to the City for late submittal to DWR. Rather, this is merely intended to satisfy a DWR reporting requirement. AB 1881 requires DWR, to the extent funds are appropriated, not later than January 31, 2011, to prepare and submit a report to the Legislature relating to the status of water efficient landscape ordinances adopted by cities and counties.

#### **ENVIRONMENTAL DOCUMENTATION**

The Ordinance and Guidelines are exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines Section 15307 (14 Cal. Code Regs., § 15307), the Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of the ordinance will result in the enhancement and protection of water resources, and will not result in cumulative adverse environment impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2.

**STAFF RECOMMENDATION:**

That the Planning Commission:

1. Open the public hearing and receive testimony about the proposed ordinance; and
2. Recommend to the City Council adoption of the proposed ordinance.

**EXHIBITS**

- A. Ordinance No. 2009 - \_\_\_\_\_ (with Guidelines attached)
- B. Process Flowchart for Water Efficient Landscape Regulations
- C. Summary of Issues and Justification for Differences Between Proposed Ordinance and State Model Water Efficient Landscape Ordinance

## **ORDINANCE NO. 10-1979**

### **AN ORDINANCE AMENDING CHAPTER 17.82 OF TITLE 17 OF THE COVINA MUNICIPAL CODE PERTAINING TO WATER EFFICIENT LANDSCAPE REGULATIONS AND ADOPTING GUIDELINES FOR THE IMPLEMENTATION OF THE WATER EFFICIENT LANDSCAPE REGULATIONS**

WHEREAS, California Constitution article X, section 2 and California Water Code section 100 provide that because of conditions prevailing in the state of California (the "State"), it is the declared policy of the State that the general welfare requires that the water resources of the State shall be put to beneficial use to the fullest extent of which they are capable, the waste or unreasonable use of water shall be prevented, and the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and the public welfare; and

WHEREAS, pursuant to California Water Code section 106, it is the declared policy of the State that the use of water for domestic use is the highest use of water and that the next highest use is for irrigation; and

WHEREAS, California Assembly Bill 1881 ("AB 1881"), enacted into law on September 28, 2008, modifies and strengthens the existing "Water Conservation in Landscaping Act" (California Government Code section 65591 et seq.) (the "Act"). The Act's goal is to improve state water conservation efforts by establishing a model water efficient landscape ordinance for local agencies to adopt and use for the purpose of reducing water waste associated with irrigation of outdoor landscaping; and

WHEREAS, AB 1881 requires the State Department of Water Resources ("Department") to update the existing model water efficient landscape ordinance which provides guidelines for cities and counties to adopt local landscape irrigation ordinances as required by the law; and

WHEREAS, all cities and counties are required to either adopt the updated model water efficient landscape ordinance (the "Model Ordinance") or, by January 1, 2010, adopt their own water efficient landscape ordinance that is as effective in conserving water as the Model Ordinance; and

WHEREAS, the City has determined to adopt its own local water efficient landscape ordinance that is as effective in conserving water as the Model Ordinance; and

WHEREAS, this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs., § 15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption

of this ordinance will result in the enhancement and protection of water resources, and will not result in cumulative adverse environment impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2. It is therefore exempt from the provisions of CEQA.

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

**SECTION 1. Findings.**

The City Council hereby finds and determines that the forgoing recitals are true and correct and are incorporated herein.

- (a) all water services within the City are metered;
- (b) all new irrigation controllers installed on or after January 1, 2012, within the City shall be smart controllers;
- (c) the average rainfall in the City is less than 14 inches per year;
- (d) the City has established water conservation pursuant to Chapter 13.06 of the Code; and
- (e) consistent with these findings, the purpose of the City's Water Efficient Landscape Regulations is to establish an alternative model acceptable under AB 1881 as being at least as effective as the Model Ordinance in the context of conditions in the City in order to:
  - (1) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
  - (2) promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
  - (3) establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
  - (4) establish provisions for water management practices and water waste prevention for existing landscapes;
  - (5) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount; and
  - (6) encourage the use of economic incentives that promote the efficient use of water.

**SECTION 2. Amendments to Chapter 17.82 of Title 17.**

Chapter 17.82 of Title 17 of the Covina Municipal Code is hereby amended by repealing the existing text and replacing it with the following:

**"CHAPTER 17.82 – WATER EFFICIENT LANDSCAPE REGULATIONS**

**17.82.010 References to water efficient landscape regulations.**

All references to this chapter shall include Sections 17.82.020 through 17.82.100, as appropriate. The following special regulations and minimum requirements shall apply to landscape projects.

**17.82.020 Definitions.**

Except where the context of such words or phrases clearly indicates a different meaning or construction, the following words, terms, and phrases, whenever used in this chapter or in resolutions of the Council adopted pursuant to the provisions of this chapter, shall have the meanings ascribed to them in this section.

“Applied water” shall mean the portion of water supplied by the irrigation system to the landscape.

“Association” shall mean a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

“Certificate of Completion” shall mean the certificate required to be completed and submitted to the City certifying that the landscape project has complied with the provisions of the water efficient landscape regulations contained in this chapter and the Guidelines.

“Common interest development” shall mean a community apartment project, condominium project, planned development, and stock cooperative pursuant to California Civil Code section 1351.

“Ecological restoration project” shall mean a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

“Enforcement officer” shall mean any employee or agent of the City authorized to enforce the provisions of the Municipal Code as designated in writing by the City.

“Estimated Applied Water Use” shall mean the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscaped area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

“ET adjustment factor or ETAF” shall mean the factor that is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of  $(0.7) = (0.5/0.71)$ , which is the standard of water use efficiency generally required by this chapter and the Guidelines, except that the ETAF for a special landscaped area shall not exceed 1.0.

“Guidelines” shall mean the Guidelines for Implementation of the City of Covina Water Efficient Landscape Regulations, which describe procedures, calculations, and requirements for landscape projects subject to this chapter.

“Hardscape” shall mean any durable material or feature (pervious and impervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscape for purposes of this chapter.

“Homeowner installed” shall mean any landscaping either installed by a private individual for a single-family residence or installed by a landscape professional hired by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns or rents. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under Section 17.82.040(A)(2) to the requirements applicable to developer-installed single-family and multi-family residential landscape projects.

“Hydrozone” shall mean a portion of the landscaped area having plants with similar water needs and typically irrigated by one valve/controller station. A hydrozone may be irrigated or non-irrigated.

“Impervious” shall mean any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

“Irrigation efficiency” shall mean the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this chapter is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

“Landscaped area” shall mean all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscape, and other non-irrigated areas designated

for non-development (e.g., open spaces, artificial turf in compliance with the City's Design Guidelines, and existing native vegetation).

"Landscape Documentation Package" shall mean the package of documents that a project applicant is required to submit to the City for review and approval of landscape projects, as described in the Guidelines.

"Landscape professional" shall mean a licensed landscape architect, licensed landscape professional, or any other person authorized to design a landscape pursuant to Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code.

"Landscape project" shall mean the total area of landscape in a project, as provided in the definition of "landscaped area," meeting the requirements under Section 17.82.040(A).

"Local agency" shall mean a city or county, including a charter city or charter county, that is authorized by the City to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City. The local agency may be responsible for the enforcement or delegation of enforcement of this chapter, including, but not limited to, site plan review, plan check, issuance of permits, and inspection of a landscape project.

"Local water purveyor" shall mean any entity, including a public agency, city, county, or private water company that provides retail water service within the City.

"Maximum Applied Water Allowance or MAWA" shall mean the upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.

"Mined-land reclamation projects" shall mean any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

"Model ordinance" shall mean the Model Water Efficient Landscape Ordinance adopted by the California Department of Water Resources in accordance with California Government Code section 65591 *et seq.*

"New construction" shall mean a new building with landscaping or a landscape-dominated project, such as a park, playground, playing field, or greenbelt or other new landscape, which may or may not have an associated building or structure.

"Pervious" shall mean any surface or material that allows the passage of water through the material and into the underlying soil.

“Permit” shall mean an authorizing document, whether discretionary or ministerial, issued by local agencies for new construction or a rehabilitation project.

“Plant factor or plant water use factor” shall mean a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species.”

“Project applicant” shall mean the person submitting a Landscape Documentation Package pursuant to Section 2.1 of the Guidelines, to request a permit, plan check, or site plan review from the City for the installation of landscape.

“Recycled water or reclaimed water” shall mean treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features, and which is not intended for human consumption.

“Reference evapotranspiration or ETo” shall mean a standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in Appendix B of the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.

“Rehabilitation project” shall mean a landscape project that results in the substantial removal and replacement of, and/or modifications to, existing landscaping and meets the requirements under Section 17.82.040(A)(3) and (5).

“Special landscaped area” shall mean an area of landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and areas where turf provides a playing surface.

“Turf” shall mean a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses. “Turf” does not include artificial turf installed in compliance with the City’s Design Guidelines.

“Valve” shall mean a device used to control the flow of water in an irrigation system.

“Water feature” shall mean a design element where water is artificially supplied and where open water performs an aesthetic or recreational function. Water features include artificial ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools. The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely

for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

“Watering window” shall mean the time of day irrigation is allowed pursuant to any applicable city, regional, state, or local water purveyor water conservation or drought response laws, rules, policies, or regulations.

**17.82.030 Purpose and Intent.**

(A) The purpose of this chapter is to promote the conservation and efficient use of water and to prevent the waste of this valuable resource.

(B) The intent of this chapter is to establish alternative regulations that are at least as effective as the Model Ordinance.

**17.82.040 Applicability of water efficient landscape regulations.**

(A) The water efficient landscape regulations set forth in this chapter shall apply to the following landscape projects:

(1) new construction projects by public agencies or private developers of non-residential projects which have a proposed landscaped area equal to or greater than 2,500 square feet, and are otherwise subject to:

- (a) a discretionary approval of a landscape plan, or
- (b) a ministerial permit for a landscape or water feature;

(2) new construction projects by private developers, associations, or property managers of residential projects which have a proposed landscaped area equal to or greater than 2,500 square feet, and are otherwise subject to:

- (a) a discretionary approval of a landscape plan, or
- (b) a ministerial permit for a landscape or water feature;

(3) landscape rehabilitation projects by public agencies, private developers, associations, or property managers of residential or non-residential projects which:

- (a) have a proposed landscaped area equal to or greater than 2,500 square feet,
- (b) propose to rehabilitate fifty percent (50%) or more of the existing landscaped area,
- (c) will be completed within one year, and
- (d) are otherwise subject to:

- (i) a discretionary approval of a landscape plan, or
- (ii) a ministerial permit for a landscape or water feature;

(4) homeowner installed landscape for new construction of single-family or multiple-family residential property, which have a proposed landscaped area equal to or greater than 5,000 square feet, and are otherwise subject to:

- (a) a discretionary approval of a landscape plan, or
- (b) a ministerial permit for a landscape or water feature;

(5) homeowner installed landscape rehabilitation projects for single-family or multiple-family residential property, which:

- (a) have a proposed landscaped area equal to or greater than 5,000 square feet,
- (b) propose to rehabilitate fifty percent (50%) or more of the existing landscaped area,
- (c) will be completed within one year, and
- (d) are otherwise subject to:
  - (i). a discretionary approval of a landscape plan, or
  - (ii) a ministerial permit for a landscape or water feature.

(B) This chapter does not apply to:

- (1) registered local, State, or federal historical sites;
- (2) ecological restoration projects that do not require a permanent irrigation system;
- (3) mined-land reclamation projects that do not require a permanent irrigation system;
- (4) plant collections, as part of botanical gardens and arboretums open to the public;
- (5) cemeteries; and
- (6) any other new landscape installation project and landscape rehabilitation project not listed in Section 17.82.040(A).

(C) Notwithstanding the provisions of Section 17.82.040(B), Sections 2.8 and 2.9 of the Guidelines shall apply to cemeteries.

(D) A landscape design plan for projects in fire-prone areas and fuel modification zones shall comply with any applicable fire safety requirements. When conflicts between the provisions of applicable fire safety requirements and fire safety design elements exist, the fire safety requirements shall have priority.

**17.82.050 Implementation procedures.**

(A) Prior to the issuance of any permits, a Landscape Documentation Package shall be submitted to the City for review and approval of all landscape projects subject to the provisions of this chapter. Any Landscape Documentation Package submitted to the City shall comply with the provisions of the Guidelines and shall include payment of a plan check fee as set by the City Council by resolution.

(B) The Landscape Documentation Package shall include a certification by a landscape professional appropriately licensed in the State stating that the landscape design and water use calculations have been prepared by or under the supervision of such licensed landscape professional and are certified to be in compliance with the provisions of this chapter and the Guidelines.

(C) Landscape and irrigation plans shall be submitted to the City for review and approval with appropriate water use calculations as set forth in the Guidelines.

(D) Water use calculations shall be consistent with calculations contained in the Guidelines.

(E) Verification of compliance of the landscape installation with the approved plans shall be obtained through a Certificate of Completion as provided in the Guidelines, and where applicable, in conjunction with a certificate of use and occupancy or permit final process.

**17.82.060 Landscape Water Use Standards.**

(A) For new landscape installation or rehabilitated landscape projects subject to Section 17.82.040(A), the Estimated Applied Water Use allowed for the landscaped area shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City; as provided in the Guidelines.

(B) Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules, regulations, and requirements, including any established watering windows, and shall be subject to the penalties and incentives for water conservation and water waste prevention as determined and implemented by the applicable local water purveyors or as mutually agreed by the local water purveyors and the City.

(C) All irrigation controllers installed on or after January 1, 2012, within the City shall be smart controllers.

**17.82.070 Enforcement and administration.**

(A) The City Manager is authorized to administer and enforce the provisions of this chapter and the Guidelines. Any City authorized personnel or enforcement officers may exercise any enforcement powers as set forth in the Municipal Code.

(B) The City may delegate to, or enter into a contract with, a local agency or other person to implement and administer any of the provisions of this chapter on behalf of the City.

**17.82.080 Guidelines for Implementation of the Water Efficient Landscape Regulations.**

The City shall adopt Guidelines for the implementation of this chapter. Such Guidelines may be amended from time to time by resolution of the City Council. Notwithstanding the foregoing, the City Manager may establish any forms or other related documents to administer compliance with the Guidelines as he or she deems appropriate and in furtherance of this chapter.

**17.82.090 Violation.**

This chapter may be enforced by the City through pursuing any and all remedies provided in this Code, at the City's sole discretion, including but not limited to the following:

(A) criminal and administrative enforcement under chapters 1.16, 1.26, or 1.28 of this Code; or

(B) the installation of a flow restrictor device to prevent waste of water, pursuant to Section 13.06.100(B)(5) of this Code; or

(C) the disconnection of a customer's water service for willful violations of the mandatory water efficiency regulations contained within this chapter.

**17.82.100 Conflicting provisions.**

If provisions of this chapter are in conflict with each other, other provisions of the Municipal Code, the City's general plan, any City adopted specific plan or master plan, any resolution or ordinance of the City, or any State law or regulation, the more restrictive provisions shall apply."

**SECTION 3: Adoption of Guidelines for Implementation.**

The City Council hereby approves and adopts the Guidelines for Implementation of the City of Covina Water Efficient Landscape Ordinance (the "Guidelines"), attached hereto as Exhibit "A" to this Ordinance and by this reference incorporated herein, for implementation of this Ordinance and Title 17, Chapter 17.82 of the Municipal Code. The Guidelines describe the procedures, calculations, design requirements, and

verification process for landscape projects subject to Title 17, Chapter 17.82. Any amendments, modifications or any other type of change to Guidelines may be adopted and effectuated by Resolution of the City Council. Notwithstanding the foregoing, the City Manager is hereby authorized to establish any forms or other related documents to administer compliance with the Guidelines as he or she deems appropriate and in furtherance of Title 17, Chapter 17.82 of the Municipal Code.

**SECTION 4: Exemption from California Environmental Quality Act.**

The City Council hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs., § 15307), this Ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this Ordinance will result in the enhancement and protection of water resources, and will not result in cumulative adverse environment impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2. It is therefore exempt from the provisions of CEQA. The City Council hereby directs the City Manager or his designee to prepare and file a Notice of Exemption within five business days following adoption of this Ordinance.

**SECTION 5: Severability.**

The provisions of this Ordinance are severable, and the invalidity of any section, paragraph, phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

**SECTION 6: Conflicting Provisions.**

If provisions of this Ordinance are in conflict with each other, other provisions of the Code, the City's general plan, any City adopted specific plan or master plan, any other resolution or ordinance of the City, or any State law or regulation, requirements pertaining to fire-prone areas and fuel modification zones, the more restrictive provisions shall apply.

**SECTION 7: City Clerk Certification.**

The City Clerk shall certify to the passage and adoption of this Ordinance and cause the same or a summary thereof to be published and/or posted in the manner required by law.

[signatures on following page]

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Covina on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Walter Allen III, Mayor

**ATTEST:**

\_\_\_\_\_  
Toni Taber, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Edward W. Lee, City Attorney

ORANGE\WPRIEST\62923.1

I, Toni Taber, City Clerk, City of Covina, California, certify that the foregoing Ordinance was adopted by the City Council at a regular meeting of the City Council held on the \_\_\_\_\_, of \_\_\_\_\_, 20\_\_\_\_, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

City Clerk

**EXHIBIT "A"**

**Guidelines for Implementation of the City of Covina  
Water Efficient Landscape Ordinance**

[attached behind this page]

# EXHIBIT A

**GUIDELINES  
FOR IMPLEMENTATION OF THE  
CITY OF COVINA  
WATER EFFICIENT LANDSCAPE  
REGULATIONS**

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## 1. Purpose and Applicability

### 1.1 Purpose

(a) The primary purpose of these *Guidelines* is to provide procedural and design guidance for *project applicants* proposing landscape installation or landscape *rehabilitation projects* that are subject to the requirements of the *Water Efficient Landscape Regulations*. This document is also intended for use and reference by *City* staff and/or consultants in reviewing and approving designs and verifying compliance with the *Water Efficient Landscape Regulations*. The general purposes of the *Water Efficient Landscape Regulations* are to (i) promote the design, installation, and maintenance of landscaping in a manner that conserves regional water resources, by ensuring that landscape projects are not unduly water-needy and that irrigation systems are appropriately implemented to minimize water waste; and (ii) establish alternative regulations that are at least as effective as the *Model Ordinance*.

(b) Other regulations affecting landscape design, installation, and maintenance practices are potentially applicable and should be consulted for additional requirements. These regulations include but may not be limited to:

- (1) *City* specific plans, master plans, general plan, or similar land use and planning documents;
- (2) *City's* Planning and Zoning Code;
- (3) California Government Code sections 65591 *et seq.*;
- (4) National Pollutant Discharge Elimination System Permit for the *City's* Municipal Separate Storm Sewer System;
- (5) any applicable fire safety regulations pertaining to fire-prone areas and fuel modification zones;
- (6) water conservation and drought response regulations of the *City* and *local water purveyor*;
- (7) regulations of the *local water purveyor* governing use of *recycled water*;
- (8) California Building, Electrical, Fire and related Codes as codified in Title 14 of the *Code*; and
- (9) any conditions of approval for a specific project.

### 1.2 Applicability

(a) These *Guidelines* shall apply to all of the following *landscape projects*:

(1) *new construction* projects by public agencies or private developers of non-residential projects which have a proposed *landscaped area* equal to or greater than 2,500 square feet, and are otherwise subject to:

- (A) a discretionary approval of a landscape plan, or
- (B) a ministerial permit for a landscape or *water feature*;

(2) *new construction* projects by private developers, *associations*, or property managers of residential projects which have a proposed *landscaped area* equal to or greater than 2,500 square feet, and are otherwise subject to:

- (A) a discretionary approval of a landscape plan, or
- (B) a ministerial permit for a landscape or *water feature*;

(3) *landscape rehabilitation projects* by public agencies, private developers, *associations*, or property managers of residential or non-residential projects which:

- (A) have a proposed *landscaped area* equal to or greater than 2,500 square feet,
- (B) propose to rehabilitate fifty percent (50%) or more of the existing *landscaped area*,
- (C) will be completed within one year, and
- (D) are otherwise subject to:

- (i) a discretionary approval of a landscape plan,
- (ii) a ministerial permit for a landscape or *water feature*;

(4) homeowner installed landscape for *new construction* of single-family or multiple-family residential property, which have a proposed *landscaped area* equal to or greater than 5,000 square feet, and are otherwise subject to:

- (A) a discretionary approval of a landscape plan, or

(B) a ministerial permit for a landscape or *water feature*;

(5) *homeowner installed landscape rehabilitation projects* for single-family or multiple-family residential property, which:

(A) have a proposed *landscaped area* equal to or greater than 5,000 square feet,

(B) propose to rehabilitate fifty percent (50%) or more of the existing *landscaped area*,

(C) will be completed within one year, and

(D) are otherwise subject to:

(i) a discretionary approval of a landscape plan,  
or

(ii) a ministerial permit for a landscape or *water feature*.

(b) These *Guidelines* do not apply to:

(1) registered local, *State*, or federal historical sites;

(2) *ecological restoration projects* that do not require a permanent irrigation system;

(3) *mined-land reclamation projects* that do not require a permanent irrigation system;

(4) plant collections, as part of botanical gardens and arboretums open to the public;

(5) cemeteries; and

(6) any other new landscape installation project and landscape rehabilitation project not listed in Code section 6-12.04(a) and Section 1.2(a) hereof.

(c) Notwithstanding the provisions of Section 1.2(b) hereof, Sections 2.8 and 2.9 of these *Guidelines* shall apply to cemeteries.

## **2. Submittal Requirements for New Landscape Installations or Landscape Rehabilitation Projects**

## 2.1 Elements of the Landscape Documentation Package and Landscape Submittal Sheet

A *Landscape Documentation Package* and *Landscape Submittal Sheet* are required to be submitted by the *project applicant* for review and approval prior to the issuance of discretionary or ministerial permits by the *City* for *landscape projects* or *water features*, and prior to start of construction. Unless otherwise directed by the *City*, the *Landscape Documentation Package* shall include the following elements, either on plan sheets or supplemental pages as directed by the *City*:

(a) project information, including, but not limited to, the following: date; project name (if applicable); project address, parcel, tract, and/or lot number(s);

(b) total *landscaped area* (square feet) and *landscaped area* of the *rehabilitation project* (if applicable); project type (e.g., *new construction, rehabilitation project*, public, private, cemetery, *homeowner installed*, commercial, industrial, business, single-family, multi-family); water supply type (e.g., potable, recycled, or well) and identify the *local water purveyor* if the *project applicant* is not served by a private well;

(c) the *Checklist of Landscape Documentation Package* in accordance with **Appendix G** hereof;

(d) project contacts, including contact information for the *project applicant* and *owner*;

(e) a *Certification of Landscape Design* in accordance with **Appendix E** hereof that includes a *landscape professional's* professional stamp, as applicable, signature, contact information (including email and telephone number), license number, and date, certifying the statement that, "The design of this project complies with the requirements of the *City's Water Efficient Landscape Regulations*" and shall bear the signature of such *landscape professional* as required by law;

(f) a *Landscape Submittal Sheet* in accordance with **Appendix D** of these *Guidelines*;

(g) *Maximum Applied Water Allowance (MAWA)* and *Estimated Applied Water Use (EAWU)* calculations, expressed as annual totals, including, but not limited to, the following: a *Water Efficient Landscape Worksheet* (optional at discretion of the *City*) for the *landscape project*; *hydrozone* information table (optional at the discretion of the *City*) for the *landscape project*; and water budget calculations (optional at the discretion of the *City*) for the *landscape project*;

(h) a soil management report or specifications, or specification provision requiring soil testing and amendment recommendations and implementation to be accomplished during construction of the *landscape project*;

(i) a landscape design plan for the *landscape project*, including identification of the plant material to be installed;

(j) an irrigation design plan for the *landscape project*;

(k) a grading design plan, unless grading information is included in the landscape design plan for the *landscape project*, or unless the *landscape project* is limited to replacement planting and/or irrigation to rehabilitate an existing *landscaped area*. The grading design plan shall conform to the provisions of the *Planning and Zoning Code* and any other applicable provisions of the *Code*; and

(l) any other information the *City* or the *project applicant* deems relevant for determining whether the *landscape project* complies with the *Water Efficient Landscape Regulations* and these *Guidelines*.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

## 2.2 Water Efficient Landscape Calculations and Alternatives

(a) The *project applicant* shall provide the calculated *Maximum Applied Water Allowance (MAWA)* and *Estimated Applied Water Use (EAWU)* for the *landscaped area* as part of the *Landscape Documentation Package* submitted to the *City*.

(b) The *project applicant* shall complete the *Water Efficient Landscape Worksheets* in accordance with the sample worksheets in **Appendix C** hereof and shall comply with the following provisions:

(1) The *EAWU* allowable for the *landscaped area* shall not exceed the *MAWA*. The *MAWA* shall be calculated using an *Evapotranspiration Adjustment Factor (ETAF)* of 0.7, except for the portion of the *MAWA* applicable to any *special landscaped areas* within the *landscape project*, which shall be calculated using an *ETAF* of 1.0. Where the design of the *landscaped area* can otherwise be shown to be equivalently water-efficient, the *project applicant* may submit alternative or abbreviated information supporting the demonstration that the annual *EAWU* is less than the *MAWA*, at the discretion of and for the review and approval of the *City*.

(2) Water budget calculations shall adhere to the following requirements:

(A) The *MAWA* shall be calculated using the *Water Efficient Landscape Worksheets* and equation presented in **Appendix C** on page C-4. The example calculation on page B-1 thereof is a hypothetical example to demonstrate proper use of the equation.

(B) The *Estimated Applied Water Use* shall be calculated using the *Water Efficient Landscape Worksheets* and equation presented in **Appendix C** on page C-5. The example calculation on page C-2 thereof is a hypothetical example.

(C) For the calculation of the *MAWA* and *EAWU*, a *project applicant* shall use the *ETo* values from the Reference Evapotranspiration (*ETo*) Table in **Appendix B**.

(D) For calculation of the *EAWU*, the *plant water use factor* shall be determined as appropriate to the project location from the *Water Use Classification of Landscape Species (WUCOLS)* species evaluation list. The *plant factor* is 0.1 for very low water use plants, 0.2 to 0.3 for low water use plants, 0.4 to 0.6 for moderate water use plants, and 0.7 to 1.0 for high water use plants.

(E) For calculating the *EAWU*, the *plant water use factor* shall be determined for each *valve hydrozone* based on the highest-water-use plant species within the *hydrozone*. At the option of the *project applicant* or the *City*, the *plant factor* for each *hydrozone* may be required to be further refined as a “landscape coefficient” according to protocols defined in detail in the *WUCOLS* document, to reflect planting density and microclimate effects on water needs.

(F) For calculation of the *EAWU*, the area of a *water feature* shall be defined as a high water use *hydrozone* with a *plant factor* of 1.0.

(G) For calculation of the *EAWU*, a temporarily irrigated *hydrozone* area, such as an area of highly drought-tolerant native plants that are not intended to be irrigated after they are fully established, shall be defined as a very low water use *hydrozone* with a *plant factor* of 0.1.

(H) For calculation of the *MAWA*, the *ETAF* for *special landscaped areas* shall be set at 1.0. For calculation of the *EAWU*, the *ETAF* for *special landscaped areas* shall be calculated as the *special landscaped area (SLA) plant factor* divided by the *SLA irrigation efficiency factor*.

(I) *Irrigation efficiency* shall be calculated using the worksheet and equation presented in **Appendix C** on page C-5.

(3) The *MAWA* shall adhere to the following requirements:

(A) The *MAWA* shall be calculated using the equation presented in **Appendix C** on page C-4. The example calculation in **Appendix C** on page C-1 is a hypothetical to demonstrate proper use of the equation and does not represent an existing and/or planned *landscape project*. The *reference evapotranspiration (ETo)* values used in this calculation are from the Reference Evapotranspiration (*ETo*) Table in **Appendix B**, and are for planning purposes only.

(B) For actual irrigation scheduling, automatic irrigation controllers are required and shall use current *ETo* data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

### 2.3 Soil Management Report

(a) In order to reduce *runoff* and encourage healthy plant growth, a soil management report shall be completed by the *project applicant*, or his/her designee, as follows:

(1) Submit soil samples to a certified agronomic soils laboratory for analysis and recommendations.

(2) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

(b) The soil analysis may include, but is not limited to:

- (1) soil texture;
- (2) infiltration rate determined by laboratory test or soil texture infiltration rate table;
- (3) pH;
- (4) total soluble salts;
- (5) sodium;
- (6) percent organic matter; and
- (7) recommendations.

(c) The *project applicant*, or his/her designee, shall comply with one of the following:

(1) if significant mass grading is not planned, the soil analysis report shall be submitted to the *City* as part of the *Landscape Documentation Package*; or

(2) if significant mass grading is planned, the soil analysis report shall be submitted to the *City* as part of the *Certificate of Completion*.

(d) The soil analysis report shall be made available, in a timely manner, to the *landscape professional* preparing the landscape design plans and irrigation design plans to make any necessary adjustments to such design plans.

(e) The *project applicant*, or his/her designee, shall submit documentation verifying implementation of the soil analysis report recommendations to the *City* with the *Certificate of Completion*.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

## 2.4 Landscape Design Plan

For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the *Landscape Documentation Package*:

(a) Plant material may be selected for the *landscaped area*, provided the *EAWU* in the *landscaped area* does not exceed the *MAWA*. To encourage the efficient use of water, the following is highly recommended:

- (1) protect and preserve non-invasive *water-conserving plant species* and *water-conserving turf*;
- (2) select *water-conserving plant species* and *water-conserving turf*;
- (3) select plants based on disease and pest resistance; and
- (4) select trees based on applicable *City* tree requirements and tree shading guidelines.

(b) Each *hydrozone* shall have plant materials with similar water use, with the exception of *hydrozones* with plants of mixed water use, as specified in Section 2.5(f) of these *Guidelines*.

(c) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following is highly recommended for the landscape design plan: use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate; recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, and power lines); and consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(d) *Turf* is discouraged on slopes greater than 25% where the toe of the slope is adjacent to an *impervious hardscape* and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(e) A landscape design plan for projects in fire-prone areas and fuel modification zones shall comply with any applicable fire safety requirements. When conflicts between water conservation and fire safety design elements exist, the fire safety requirements shall have priority.

(f) The use of *invasive plant species* and/or *noxious plant species* is strongly discouraged.

(g) The architectural guidelines of a *common interest development* shall not prohibit or otherwise include conditions that have the effect of prohibiting the use of *water efficient plant species* as a group.

(h) *Water features* shall comply with the following:

(1) Recirculating water systems shall be used for any *water feature*.

(2) Where available and consistent with public health guidelines, *recycled water* shall be used as a source for decorative *water features*.

(3) The surface area of a *water feature* shall be included in the high water use *hydrozone* area of the water budget calculation.

(4) Approved safety pool covers are highly recommended for pools, hot tubs, spas, portable spas, and nonportable wading pools.

(i) *Mulch* and other soil amendments shall be required in the following circumstances and be applied in compliance with following:

(1) A minimum two inch (2") layer of *mulch* shall be applied on all exposed soil surfaces of planting areas; it shall not be applied in *turf* areas, creeping or rooting groundcovers, or direct seeding applications where *mulch* is contraindicated.

(2) Stabilizing mulching products shall be used on slopes.

(3) The mulching portion of the seed/*mulch* slurry in hydro-seeded applications shall meet the mulching requirement.

(4) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 2.3 of these *Guidelines*).

(j) The landscape design plan, at a minimum, shall:

(1) delineate and label each *hydrozone* by number, letter, or other method;

- (2) identify each *hydrozone* as low, moderate, high water or mixed water use. Temporarily irrigated areas of the *landscaped area* shall be included in the low water use *hydrozone* for the water budget calculation;
- (3) identify recreational areas; identify areas permanently and solely dedicated to edible plants;
- (4) identify areas irrigated with *recycled water*; identify type of *mulch* and application depth;
- (5) identify soil amendments, type, and quantity; identify type and surface area of *water features*;
- (6) identify *hardscapes* (*pervious* and *impervious*);
- (7) identify location and installation details of any applicable storm water best management practices that encourage on-site retention and infiltration of storm water. Storm water best management practices are encouraged in the landscape design plan. Examples include, but are not limited to:
  - (A) infiltration beds, swales, and basins that allow water to collect and soak into the ground;
  - (B) constructed wetlands and retention ponds that retain water, handle excess flow and filter pollutants; and
  - (C) *pervious* or porous surfaces (e.g., permeable pavers or blocks, *pervious* or porous concrete, etc.) that minimize *runoff*;
- (8) identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
- (9) contain the following statement: “I have complied with the criteria of the *Water Efficient Landscape Regulations* and applied them for the efficient use of water in the landscape design plan;” and
- (10) bear the signature of a California licensed *landscape professional*.

[Note: Authority Cited: Section 65595, Reference: Section 65596, Government Code and Section 1351, Civil Code.]

## 2.5 Irrigation Design Plan

For the efficient use of water, an irrigation system shall meet all of the requirements listed in this section and the manufacturer’s recommendations. The irrigation system and its related components shall be planned and designed to allow for proper

installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the *Landscape Documentation Package*:

(a) Dedicated landscape water meters are highly recommended on *landscaped areas* smaller than 5,000 square feet to facilitate water management.

(b) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

(c) The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(d) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(e) *Static water pressure*, dynamic or *operating pressure* and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(f) *Sensors* (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(g) Manual shut-off *valves* (such as a *gate valve*, *ball valve*, or *butterfly valve*) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a *main line break*) or routine repair.

(h) *Backflow prevention devices* shall be required to protect the water supply from contamination by the irrigation system. A *project applicant* shall refer to the applicable *City Code* provisions (i.e., public health) for additional backflow prevention requirements.

(i) High flow sensors that detect and report high flow conditions created by system damage or malfunction are recommended.

(j) The irrigation system shall be designed to prevent *runoff*, low head drainage, *overspray*, or other similar conditions where irrigation water flows onto

non-targeted areas, such as adjacent property, non-irrigated areas, *hardscapes*, roadways or structures.

(k) Relevant information from the soil management plan, such as soil type and *infiltration rate*, shall be utilized when designing irrigation systems.

(l) The design of the irrigation system shall conform to the *hydrozones* of the landscape design plan.

(m) Average *irrigation efficiency* for the project shall be determined in accordance with the *EAUW* calculation sheet in **Appendix C** on page C-5. Unless otherwise indicated by the irrigation equipment manufacturer's specifications or demonstrated by the *project applicant*, the *irrigation efficiency* of the *sprinkler heads* used within each *hydrozone* shall be assumed to be: pop-up stream rotator heads = 75%; stream rotor heads = 75%; microspray = 75%; bubbler = 80%; drip emitter = 85%; and subsurface irrigation = 90% .

(n) In mulched planting areas, the use of *low volume irrigation* is required to maximize water infiltration into the root zone.

(o) *Sprinkler heads* and other emission devices shall have matched *precipitation rates*, unless otherwise directed by the manufacturer's recommendations.

(p) *Swing joints* or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.

(q) *Check valves* or *anti-drain valves* shall be installed for all irrigation systems.

(r) Narrow, or irregularly shaped areas, including turf, less than eight (8) feet in width in any direction shall be irrigated with subsurface irrigation or *low volume irrigation* system.

(s) Overhead irrigation shall not be permitted within 24 inches of any *impervious* surface. Allowable irrigation within the setback from *impervious* surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be *mulch*, gravel, or other porous material. These restrictions may be modified if:

(1) the *landscaped area* is adjacent to permeable surfacing and no *runoff* occurs; or

(2) the adjacent *impervious* surfaces are designed and constructed to drain entirely to landscaping; or

(3) the irrigation designer for the *landscape project* specifies an alternative design or technology, as part of the *Landscape Documentation Package*

and clearly demonstrates strict adherence to irrigation system design criteria in Section 2.5(b)(3) hereof. Prevention of *overspray* and runoff must be confirmed during an *irrigation audit* performed by the *City*.

(t) Slopes greater than 25% shall not be irrigated with an irrigation system with a *precipitation rate* exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer of the *landscape project* specifies an alternative design or technology, as part of the *Landscape Documentation Package*, and clearly demonstrates no *runoff* or erosion will occur. Prevention of *runoff* and erosion must be confirmed during the *irrigation audit*.

(u) All new irrigation controllers installed within the *City* after January 1, 2012, shall be *smart automatic irrigation controllers*.

(v) In preparing an irrigation design plan, it is highly recommended that:

(1) the *project applicant* inquire with the *local water purveyor* about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system;

(2) the design plan includes *sprinkler head to sprinkler head* coverage. However, sprinkler spacing shall be designed to achieve the highest possible *distribution uniformity* using the manufacturer's recommendations.

(w) For each *hydrozone*, the irrigation design plan shall comply with the following requirements:

(1) Each *valve* shall irrigate a *hydrozone* with similar site, slope, sun exposure, soil conditions and plant materials with similar water use.

(2) *Sprinkler heads* and other emission devices shall be selected based on what is appropriate for the plant type within that *hydrozone*.

(x) Where feasible, trees shall be placed on separate *valves* from shrubs, groundcovers, and *turf*.

(y) Individual *hydrozones* that mix plants of moderate and low water use or moderate and high water use, may be allowed if:

(1) the *plant factor* calculation is based on the proportions of the respective plant water uses and their respective *plant factors*; or

(2) the *plant factor* of the higher water using plant is used for the calculations.

(z) Individual *hydrozones* that mix high and low water use plants shall not be permitted.

(aa) On the landscape design plan and irrigation design plan, *hydrozone* areas shall be designated by number, letter or other designation. On the irrigation design plan, the areas irrigated by each *valve* shall be designated and assigned a number to each *valve*.

(bb) The irrigation design plan, at a minimum, shall contain:

(1) the location and size of separate water meters for landscape;

(2) the location, type and size of all components of the irrigation system, including controllers, main and *lateral lines*, *valves*, *sprinkler heads*, moisture sensing devices, rain switches, quick couplers, pressure regulators, and *backflow prevention devices*;

(3) *static water pressure* at the point of connection to the public water supply;

(4) *flow rate* (gallons per minute), application rate (inches per hour) and design *operating pressure* (pressure per square inch) for each *station*;

(5) irrigation schedule parameters necessary to program *smart automatic irrigation controllers* specified in the landscape design;

(6) the following statement: "I have complied with the criteria of the *Water Efficient Landscape Regulations* and applied them accordingly for the efficient use of water in the irrigation design plan;" and

(7) the signature of a licensed *landscape professional*.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

## 2.6 Grading Design Plan

(a) For the efficient use of water, grading of a *landscape project* site shall be designed to minimize soil erosion, *runoff* and water waste. The finished grading configuration of the *landscaped area*, including pads, slopes, drainage, post-construction erosion control and storm water control Best Management Practices as applicable, shall be shown on the landscape plan unless this information is fully included in separate grading plans for the project; or unless the project is limited to replacement planting and/or irrigation to rehabilitate an existing *landscaped area*. In addition to the provisions contained herein, the grading design plan shall comply with any applicable provisions of the *Building Code* and *Planning and Zoning Code*.

(b) The *project applicant* shall submit a landscape grading plan that indicates finished configurations and elevations of the *landscaped area* including, but

limited to: height of graded slopes; drainage patterns; pad elevations; finish grade; and storm water retention improvements, if applicable.

(c) To prevent excessive erosion and *runoff*, it is highly recommended that the *project applicant*: grade so that all irrigation and normal rainfall remains within property lines and does not drain on to *impervious hardscapes*; avoid disruption of natural drainage patterns and undisturbed soil; and avoid soil compaction in *landscaped areas*.

(d) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of the *landscape professional* for the *landscape project*.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

## 2.7 Certificate of Completion

(a) Landscape project installation shall not proceed until (i) the *project applicant* has deposited with the *City* all applicable permit fees in accordance with the *City's* applicable fee schedule; (ii) the *Landscape Documentation Package* has been approved by the *City*; and (iii) any discretionary or ministerial permits required are issued.

(b) The *project applicant* shall notify the *City* at the beginning of the installation work and at intervals as necessary for the duration of the *landscape project* work, to schedule all required inspections.

(c) A *Certificate of Completion* for the *landscape project* shall be obtained through a Certificate of Use and Occupancy or a Permit Final issued by the *City*. The requirements for the final inspection and *permit* closure shall include the following:

(1) The *project applicant* shall submit to the *City* a *Certificate of Completion* in the form included as **Appendix F** of these *Guidelines*, which shall include: (i) certification by a *landscape professional* that the *landscape project* has been installed per the approved *Landscape Documentation Package*; and (ii) the following statement: "The landscaping has been installed in substantial conformance to the design plans, and complies with the provisions of the *Water Efficient Landscape Regulations* for the efficient use of water in the landscape."

(2) The *project applicant* shall provide documentation of the irrigation scheduling parameters used to set the irrigation controller(s).

(3) At the option of the *City*, the *project applicant* may be required to submit one or more of the following: (i) an *irrigation audit* report from a *Certified Landscape Irrigation Auditor*; (ii) documentation of enrollment in a *City*, state, regional or *local water purveyor* sponsored water conservation and/or drought response and/or water conservation program; and/or (iii) documentation that the *MAWA* and *EAWU* information for the *landscape project* has been submitted to the *local water purveyor*.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

## **2.8 Post-Installation Irrigation Scheduling**

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

(1) Irrigation schedules shall be regulated by automatic irrigation controllers.

(2) Irrigation schedules and overhead irrigation shall be scheduled and/or adjusted in compliance with any applicable *city*, *State*, regional, or local water conservation and/or drought response laws, rules, policies, and regulations. Operation of the irrigation system outside the normal *watering window* is allowed for auditing and system maintenance.

[Note: Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

## **2.9 Post-Installation Landscape and Irrigation Maintenance**

Landscapes shall be maintained to ensure water use efficiency in accordance with the *Code* and any applicable *City*, *State*, regional, or *local water purveyor* water conservation and/or drought response laws, rules, policies, or regulations.

## **3. Provisions for Existing Landscapes**

(a) Irrigation of all *landscaped areas* shall be conducted in a manner conforming to the rules, regulations, and requirements, and shall be subject to the penalties and incentives for water conservation and water waste prevention, as determined and implemented by the *local water purveyor* and/or the *City*.

(b) The *City* may administer programs such as irrigation water use analyses, irrigation surveys, and/or *irrigation audits*, tiered water rate structures, water budgeting by parcel or other approaches to achieve landscape water use efficiency community-wide to a level equivalent to or less than would be achieved by applying a

*MAWA* calculated with an *ETAF* of 0.8 to all *landscaped areas* in the *City* over one acre in size. The *City* may, pursuant to a contract or other agreement, elect to have a *local water purveyor*, contractor, or other local agency administer such programs.

(c) The architectural guidelines of a *common interest development* shall not prohibit or otherwise include conditions that have the effect of prohibiting the use of low-water use plants or *water-conserving plant species* as a group.

#### **4. Conflicting Provisions.**

The provisions of these *Guidelines* are in addition to any other requirements, laws, rules, policies, or regulations imposed or adopted by the *City*. If the provisions of these *Guidelines* are in conflict with each other, other provisions of the *Code*, the *City's* general plan, any *City* adopted specific plan or master plan, any resolution or ordinance of the *City*, or any *State* law or regulation, any applicable *City*, *State*, regional, or *local water purveyor* water conservation or drought response requirements, laws, rules, policies, or regulations, or requirements pertaining to fire-prone areas and fuel modification zones, the more restrictive provisions shall apply.

## **APPENDIX A – DEFINITIONS**

## DEFINITIONS

Unless the context otherwise requires, the italicized terms used in these *Guidelines* shall have the meanings set forth below:

"*Association*" means a nonprofit corporation or unincorporated association created for the purpose of managing a *common interest development*.

"*Backflow prevention device*" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

"*Building Code*" means Title 8 of the *Code*.

"*Certificate of Completion*" means the certificate included in **Appendix F** hereof and required to be completed and submitted to the *City* pursuant to Section 2.7(a)(1) of hereof, and certifying that the *landscape project* has been installed in substantial conformance with the approved *Landscape Documentation Package* and complies with the provisions of the *Water Efficient Landscape Regulations* and these *Guidelines*.

"*Certification of Landscape Design*" means the certification included as **Appendix E** of these *Guidelines* that must be included in the *Landscape Documentation Package* pursuant to Section 2.1 of these *Guidelines*.

"*Certified Landscape Irrigation Auditor*" means a *person* designated by the *City* to conduct an *irrigation audit*.

"*Check valve*" or "*anti-drain valve*" means a valve located under a *sprinkler head*, or other location in the irrigation system, to hold water in the system to prevent drainage from *sprinkler heads* when the sprinkler is off.

"*Checklist of Landscape Documentation Package*" means the checklist or index of all documents in the *Landscape Documentation Package* similar in form to the checklist included in **Appendix G** hereof.

"*City*" means the City of Covina, or its authorized designee.

"*Code*" means the City of Covina Municipal Code.

"*Common interest development*" means a community apartment project, condominium project, planned development, and stock cooperative per Civil Code Section 1351.

"*Conversion factor*" means the number that converts acre-inches per acre per year to gallons per square foot per year.

"*Distribution uniformity*" or "*DU*" is a measure of how uniformly an irrigation head applies water to a specific target area and theoretically ranges from zero to 100 percent.

“*Drip irrigation*” means any non-spray *low volume irrigation* system utilizing emission devices with a *flow rate* measured in gallons per hour. *Low volume irrigation* systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“*Ecological restoration project*” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

“*Emitter*” means a *drip irrigation* emission device that delivers water slowly from the system to the soil.

“*Estimated Applied Water Use*” or “*EAWU*” means the annual total amount of water estimated to keep plants in a healthy state. It is based on factors such as *reference evapotranspiration*, the size of the *landscaped area*, *plant water use factors*, and the *irrigation efficiency* within each *hydrozone*.

“*Evapotranspiration Adjustment Factor*” or “*ETAF*” means the factor that is equal to the *plant factor* divided by the *irrigation efficiency* factor for a *landscape project*, as described in the *Guidelines*. The *ETAF* is calculated in the context of local *reference evapotranspiration*, using site-specific *plant factors* and *irrigation efficiency* factors that influence the amount of water that needs to be applied to the specific *landscaped area*. A combined plant mix with a site-wide average *plant factor* of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an *ET adjustment factor* of  $(0.7) = (0.5/0.71)$ , which is the standard of water use efficiency generally required by the *Water Efficient Landscape Regulations* and these *Guidelines*, except that the *ETAF* for a *special landscaped area* shall not exceed 1.0.

“*Evapotranspiration rate*” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

“*Flow rate*” means the rate at which water flows through pipes, *valves* and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

“*Hardscapes*” means any durable material or feature (*pervious* and *impervious*) installed in or around a *landscaped area*, such as pavements or walls. Pools and other water features are considered part of the *landscaped area* and not considered *hardscapes* for purposes of these *Guidelines*.

“*Homeowner installed*” means any landscaping either installed by a private individual for a single family residence or installed by a landscape professional hired by a homeowner. A homeowner, for purposes of this ordinance, is a *person* who occupies the dwelling he or she owns or rents. This definition excludes speculative homes, which are not *owner-occupied dwellings* and which are subject under Section 17.82.040(A)(2) to the requirements applicable to developer-installed single-family and multi-family residential landscape projects.

“*Hydrozone*” means a portion of the *landscaped area* having plants with similar water needs and typically irrigated by one *valve/controller station*. A *hydrozone* may be irrigated or non-irrigated.

“*Impervious*” means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

“*Infiltration rate*” means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

“*Invasive plant species*” or “*noxious plant species*” means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. *Invasive plant species* may be regulated by county agricultural agencies as *noxious species*. Lists of invasive plants are maintained at the California Invasive Plant Inventory and United States Department of Agriculture invasive and noxious weed database.

“*Irrigation audit*” means an in-depth evaluation of the performance of an irrigation system conducted by a *Certified Landscape Irrigation Auditor*. An *irrigation audit* includes, but is not limited to: inspection, system tune-up, system test with *distribution uniformity* or emission uniformity, reporting *overspray* or *runoff* that causes overland flow, and preparation of an irrigation schedule.

“*Irrigation efficiency*” or “*IE*” means the measurement of the amount of water beneficially used divided by the amount of water applied to a *landscaped area*. *Irrigation efficiency* is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average *irrigation efficiency* for purposes of these *Guidelines* is 0.71. Greater *irrigation efficiency* can be expected from well designed and maintained systems. The following irrigation efficiency may be obtained for the listed irrigation heads with an IME of 90%:

- (a) Pop-up stream rotator heads = 75%
- (b) Stream rotor heads = 75%
- (c) Microspray = 75%
- (d) Bubbler = 80%
- (e) Drip emitter = 85%
- (f) Subsurface irrigation = 90%

“*Irrigation Management Efficiency*” or “*IME*” means the measurement used to calculate the *irrigation efficiency* of the irrigation system for a *landscape project*. A 90% *IME* can be achieved by using evapotranspiration controllers, soil moisture sensors, and other methods that will adjust irrigation run times to meet plant water needs.

“*Landscape coefficient*” ( $K_L$ ) is the product of a *plant factor* multiplied by a density factor and a *microclimate* factor. The *landscape coefficient* is derived to estimate water loss from irrigated *landscaped areas* and *special landscaped areas*.

“*Landscape Documentation Package*” means the package of documents that a *project applicant* is required to submit to the *City* pursuant to Section 2.1 of these *Guidelines*.

“*Landscape professional*” means a licensed landscape architect, licensed landscape contractor, or any other *person* authorized to design a landscape pursuant to Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code.

“*Landscape project*” means the total area of landscape in a project as provided in the definition of “*landscaped area*” meeting the requirements under section 6-12.04(a) of the *Code*.

“*Landscape Submittal Sheet*” means the form that a *project applicant* is required to submit to the *City* pursuant to Section 2.1 of these *Guidelines* and included as **Appendix D** of these *Guidelines*.

“*Landscaped area*” means all the planting areas, *turf* areas, and *water features* in a landscape design plan subject to the *Maximum Applied Water Allowance* and *Estimated Applied Water Use* calculations. The *landscaped area* does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other *pervious* or *impervious hardscapes*, and other non-irrigated areas designated for non-development (e.g., open spaces, artificial turf in compliance with the *City’s* Design Guidelines, and existing native vegetation).

“*Lateral line*” means the water delivery pipeline that supplies water to the *emitters* or sprinklers from the *valve*.

“*Local water purveyor*” means any entity, including a public agency, city, county, or private water company that provides retail water service within the *City*.

“*Low volume irrigation*” means the application of irrigation water at low pressure through a system of tubing or *lateral lines* and low-volume *emitters* such as drip, drip lines and bubblers. *Low volume irrigation* systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“*Main line*” means the pressurized pipeline that delivers water from the water source to the *valve* or outlet.

“*Maximum Applied Water Allowance*” or “*MAWA*” means, the upper limit of annual applied water for the established *landscaped area* as specified in Section 2.2 of these *Guidelines*. It is based upon the area’s *reference evapotranspiration*, the *ETAF*, and the

size of the *landscaped area*. The *Estimated Applied Water Use* shall not exceed the *Maximum Applied Water Allowance*.

“*Microclimate*” means the climate of a small, specific area that may contrast with the climate of the overall landscaped area due to factors such as wind, sun exposure, plant density or proximity to reflective surfaces.

“*Mined-land reclamation projects*” means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

“*Model Ordinance*” means the Model Water Efficient Landscape Ordinance which was adopted by the California Department of Water Resources in accordance with California Government Code section 65591 *et seq.*

“*Mulch*” means any organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature and preventing soil erosion.

“*New construction*” means a new building with landscaping or a landscape-dominated project, such as a park, playground, playing field, or greenbelt or other new landscape, which may or may not have an associated building or structure.

“*Operating pressure*” means the pressure at which the parts of an irrigation system of sprinklers are designed by the manufacturer

“*Overspray*” means the irrigation water which is delivered beyond the target irrigation area.

“*Owner*” means the record owner of real property as shown on the most recently issued equalized assessment roll.

“*Person*” means any natural person, firm, joint venture, joint stock company, partnership, public or private *association*, club, company, corporation, business trust, organization, public or private agency, government agency or institution, school district, college, university, any other user of water provided by the *City* or the *local water purveyor*, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

“*Pervious*” means any surface or material that allows the passage of water through the material and into the underlying soil.

“*Planning and Zoning Code*” means Title 17 of the *Code*.

“*Plant factor*” or “*plant water use factor*” is a factor, when multiplied by *ET<sub>o</sub>*, estimates the amount of water needed by plants. For purposes of this *Water Efficient Landscape*

*Regulations*, the *plant factor* range for low water use plants is 0 to 0.3, the *plant factor* range for moderate water use plants is 0.4 to 0.6, and the *plant factor* range for high water use plants is 0.7 to 1.0. *Plant factors* cited in these *Guidelines* are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species.”

“*Precipitation rate*” means the rate of application of water measured in inches per hour.

“*Project applicant*” means the *person* submitting a *Landscape Documentation Package* pursuant to Section 2.1 of these *Guidelines*, to request a permit, plan check or site plan review from the *City* for the installation of landscape.

“*Recycled water*” means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and *water features*, and which is not intended for human consumption.

“*Reference evapotranspiration*” or “*ET<sub>o</sub>*” means a standard measurement of environmental parameters which affect the water use of plants. *ET<sub>o</sub>* is given expressed in inches per day, month, or year as represented in **Appendix B** of these *Guidelines*, and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool-season grass that is well watered. *Reference evapotranspiration* is used as the basis of determining the *Maximum Applied Water Allowances*.

“*Rehabilitation project*” means a *landscape project* that results in the substantial removal and replacement of, and/or modifications to, existing landscaping and meets the requirements under Section 17.82.040(A)(3) and (5).

“*Runoff*” means water which is not absorbed by the soil or landscape to which it is applied and flows from the *landscaped area*. For example, *runoff* may result from water that is applied at too great a rate (application rate exceeds *infiltration rate*) or when there is a slope.

“*Smart automatic irrigation controller*” means an automatic timing device used to remotely control *valves* that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

“*Special landscaped area*” or “*SLA*” means an area of landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with *recycled water*, *water features* using *recycled water*, and areas dedicated to active play such as parks, sports fields, golf courses, and areas where *turf* provides a playing surface.

“*Sprinkler head*” means a device which delivers water through a nozzle.

“*Static water pressure*” means the pipeline or municipal water supply pressure when water is not flowing.

“*State*” means the State of California.

“*Station*” means an area served by one *valve* or by a set of *valves* that operate simultaneously.

“*Swing joint*” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

“*Turf*” means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses. “*Turf*” does not include artificial turf installed in compliance with the City’s Design Guidelines.

“*Valve*” means a device used to control the flow of water in an irrigation system.

“*Water-conserving plant species*” means a plant species identified as having a low *plant factor*.

“*Water Efficient Landscape Regulations*” means those regulations established in Title 17, Chapter 17.82 of the *Code*.

“*Water Efficient Landscape Worksheets*” means the worksheets required and selected to be completed by the *project applicant* pursuant to Section 2.2 of these *Guidelines* and which are included in **Appendix C** hereof.

“*Water feature*” means a design element where water is artificially supplied and where open water performs an aesthetic or recreational function. *Water features* include artificial ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools. The surface area of *water features* is included in the high water use *hydrozone* of the *landscaped area*. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not *water features* and, therefore, are not subject to the water budget calculation.

“*Water Use Classification of Landscape Species*” or “*WUCOLS*” means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000, and available at [www.owue.water.ca.gov/docs/wucols00.pdf](http://www.owue.water.ca.gov/docs/wucols00.pdf).

“*Watering window*” means the time of day irrigation is allowed pursuant to any applicable *City*, regional, *State*, or *local water purveyor* water conservation or drought response laws, rules, policies, or regulations.

**APPENDIX B - REFERENCE  
EVAPOTRANSPIRATION (ETO) TABLE**

## REFERENCE EVAPOTRANSPIRATION (ETO) TABLE

<b>Appendix B - Reference Evapotranspiration (ETo) Table*</b>													
City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
Glendora	2.0	2.5	3.6	4.9	5.4	6.1	7.3	6.8	5.7	4.2	2.6	2.0	53.1
* The values in this table were derived from: (1) California Irrigation Management Information System (CIMIS); (2) Reference EvapoTranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999;													
(3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources													
(1987) Bulletin 1922 4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of													
Agriculture and Natural Resources (1987), Publication Leaflet 21426													

**APPENDIX C – WATER EFFICIENT  
LANDSCAPE WORKSHEET**

## EXAMPLE WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the *project applicant* for each Point of Connection. Please complete all sections of the worksheet.

### Point of Connection # 1

#### Maximum Applied Water Allowance (MAWA)

$$\text{Total MAWA} = (\text{ETo} \times 0.7 \times \text{LA in Sq. Ft.} \times 0.62) + (\text{ETo} \times 1.0 \times \text{SLA in Sq. Ft.} \times 0.62) = \text{Gallons per year for LA+SLA}$$

where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration **Appendix B** (inches per year)
- 0.7 = Evapotranspiration Adjustment Factor (ETAF)
- 1.0 = ETAF for Special Landscaped Area
- LA = Landscaped Area (square feet)
- 0.62 = Conversion Factor (to gallons per square foot)
- SLA = Special Landscaped Area (square feet)

Example Calculation: a hypothetical landscape project in Santa Ana, CA with an irrigated landscaped area of 40,000 square feet with 10,000 square feet of Special Landscaped Area. To calculate MAWA, the annual reference evapotranspiration value for Santa Ana is 48.2 inches as listed in the Reference Evapotranspiration (ETo) Table in **Appendix B**.

	ETo	ETAF	LA or SLA (ft <sup>2</sup> )	Conversion	MAWA (Gallons Per Year)
MAWA for LA =	53.1	x 0.7	x 40,000	x 0.62	= 921,816
MAWA for SLA =	53.1	x 1.0	x 10,000	x 0.62	= 329,220
Total MAWA =			50,000		1,251,036 Gallons per year for LA+SLA

#### Estimated Applied Water Use

$$\text{EAWU} = \text{ETo} \times \text{KL} \times \text{LA} \times 0.62 \div \text{IE} = \text{Gallons per year}$$

where:

$EAWU = \text{Estimated Applied Water Use (gallons per year)}$   
 $ETo = \text{Reference Evapotranspiration Appendix B (inches per year)}$   
 $K_L = \text{Landscape Coefficient}$   
 $LA = \text{Landscaped Area (square feet)}$   
 $0.62 = \text{Conversion factor (to gallons per square foot)}$   
 $IE = \text{Irrigation Efficiency} = IME \times DU$  (See definitions of *Appendix A* for example *IE* percentages)  
 $IME = \text{Irrigation Management Efficiency (90\%)}$   
 $DU = \text{Distribution Uniformity of irrigation head}$

**Example Calculation:**

$K_L = K_s \times K_d \times K_{mc}$

$K_s = \text{species factor (range = 0.1-0.9)}$  (see *WUCOLS* list for values)  
 $K_d = \text{density factor (range = 0.5-1.3)}$  (see *WUCOLS* for density value ranges)  
 $K_{mc} = \text{microclimate factor (range = 0.5-1.4)}$  (see *WUCOLS*)

[www.owue.water.ca.gov/docs/wucols00.pdf](http://www.owue.water.ca.gov/docs/wucols00.pdf)

	<i>ETo</i>	$K_L$	$LA$	Conversion	<i>IE</i>	<i>EAWU (Gallons per year)</i>
Special Landscaped Area	53.1	x 1.00	x 10,000	x 0.62	÷ 0.75	= 438,960
Cool Season Turf	53.1	x 1.00	x 0	x 0.62	÷ 0.71	= 0
Warm Season Turf	53.1	x 0.65	x 0	x 0.62	÷ 0.71	= 0
High Water Using Shrub	53.1	x 0.70	x 0	x 0.62	÷ 0.71	= 0
Medium Water Using Shrub	53.1	x 0.50	x 15,000	x 0.62	÷ 0.65	= 379,869
Low Water Using Shrub	53.1	x 0.30	x 25,000	x 0.62	÷ 0.75	= 329,220
Very Low Water Using Shrub	53.1	x 0.20	x 0	x 0.62	÷ 0.71	= 0
Other	53.1	x 0.50	x 0	x 0.62	÷ 0.71	= 0
Other	53.1	x 0.50	x 0	x 0.62	÷ 0.71	= 0
<b>Total <i>EAWU</i> =</b>			<b>50,000</b>			<b>1,148,049 Gallons per year</b>

Compare *EAWU* with *MAWA*.  
The *EAWU* (1,148,049 gallons per year) is less than *MAWA* (1,251,036 gallons per year). For this example, the water budget complies with the *MAWA*.

List *sprinkler heads*, *microspray* and *drip emitters* here along with average *precipitation rate* and *distribution uniformity* of irrigation head.

<u>Sprinkler Head Types</u>	<u>Average Precipitation Rate</u>	<u>Distribution Uniformity of Irrigation Head</u>
Drip		
Microspray		
Bubbler		
Low precipitation rotating nozzles		
Stream rotors		

## WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the *project applicant* for each Point of Connection. Please complete all sections of the worksheet.

<b>Point of Connection #</b> _____						
<b><u>Maximum Applied Water Allowance (MAWA)</u></b>						
Total MAWA = $(ETo \times 0.7 \times LA \text{ in Sq. Ft.} \times 0.62) + (ETo \times 1.0 \times SLA \text{ in Sq. Ft.} \times 0.62) = \text{Gallons per year for LA+SLA}$						
where:						
MAWA = Maximum Applied Water Allowance (gallons per year)						
ETo = Reference Evapotranspiration Appendix B (inches per year)						
0.7 = Evapotranspiration Adjustment Factor (ETAF)						
1.0 = ETAF for Special Landscaped Area						
LA = Landscaped Area (square feet)						
0.62 = Conversion factor (to gallons per square foot)						
SLA = Special Landscaped Area (square feet)						
<b>MAWA Calculation:</b>						
MAWA for LA =	ETo	ETAF	LA or SLA (ft <sup>2</sup> )	Conversion	MAWA (Gallons Per Year)	
	x	0.7	x	0.62	=	
MAWA for SLA =	x	1.0	x	0.62	=	
Total MAWA =						

**Estimated Applied Water Use**

$$EAWU = ETo \times KL \times LA \times 0.62 \div IE = \text{Gallons per year}$$

where:

*EAWU* = Estimated Applied Water Use (gallons per year)

*ETo* = Reference Evapotranspiration **Appendix B** (inches per year)

*KL* = Landscape Coefficient

*LA* = Landscaped Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

*IE* = Irrigation Efficiency = *IME* x *DU*

*IME* = Irrigation Management Efficiency (90%)

*DU* = distribution uniformity of irrigation head

*EAWU* Calculation:

$$K_L = K_s \times K_d \times K_{mc}$$

*K<sub>s</sub>* = species factor (range = 0.1-0.9) (see *WUCOLS* list for values)

*K<sub>d</sub>* = density factor (range = 0.5-1.3) (see *WUCOLS* for density value ranges)

*K<sub>mc</sub>* = microclimate factor (range = 0.5-1.4) (see *WUCOLS*)

*WUCOLS* – [www.owue.water.ca.gov/docs/wucols00.pdf](http://www.owue.water.ca.gov/docs/wucols00.pdf)

	ETo	KL	LA	Conversion	IE	EAWU (Gallons Per Year)
Special Landscaped Area	x		x	0.62	÷	=
Cool Season Turf	x		x	0.62	÷	=
Warm Season Turf	x		x	0.62	÷	=
High Water Using Shrub	x		x	0.62	÷	=
Medium Water Using Shrub	x		x	0.62	÷	=
Low Water Using Shrub	x		x	0.62	÷	=
Very Low Water Using Shrubs	x		x	0.62	÷	=
	x		x	0.62	÷	=
	x		x	0.62	÷	=
	x		x	0.62	÷	=
	x		x	0.62	÷	=
	x		x	0.62	÷	=
	x		x	0.62	÷	=
	x		x	0.62	÷	=
	x		x	0.62	÷	=
Other	x		x	0.62	÷	=
Total <i>EAWU</i> =						

List sprinkler heads, microspray and drip emitters here along with average precipitation rate and distribution uniformity of irrigation head.

<u><i>Sprinkler Head Types</i></u>	<u><i>Average Precipitation Rate</i></u>	<u><i>Distribution Uniformity of Irrigation Head</i></u>
Drip		
Microspray		
Bubbler		
Low precipitation rotating nozzles		
Stream rotors		

**APPENDIX D – LANDSCAPE SUBMITTAL  
SHEET**

**LANDSCAPE SUBMITTAL SHEET**

PROJECT NAME: \_\_\_\_\_  
 TRACT/PARCEL/LOT: \_\_\_\_\_  
 SUBMITTED BY: \_\_\_\_\_  
 COMPANY: \_\_\_\_\_  
 TELEPHONE: \_\_\_\_\_  
 CONTACT: \_\_\_\_\_  
 RETURNED TO: \_\_\_\_\_

PERMIT NO: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_  
 DATE RECEIVED: \_\_\_\_\_  
 RECEIVED BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 DATE RETURNED: \_\_\_\_\_

**THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLETE SUBMITTAL:**

**FIRST CHECK**

- 5 Sets of plans 24" x 36
- 1 Copy of Planning 'Conditions of Approval'
- 1 Copy of approval from other agencies (if applicable)
- Plan check fee of \$            See fee schedule
- Other \_\_\_\_\_
- Other \_\_\_\_\_
- Other \_\_\_\_\_

**DUE AT PERMIT ISSUANCE**

- 1 set of signed mylars (by landscape architect and City engineer)
- 1 set of full size plans
- 2 sets of half-size plans
- Inspection Deposit \$ \_\_\_\_\_ (see fee schedule)
- Surety (100% of estimate)
- CD of .Piffle (see attached specifications)
- Other \_\_\_\_\_

**ALL PLAN REVISION SUBMITTALS**

- 3 sets of revised blue lines
- Previous check print
- Additional plan check deposit (if required) \$ \_\_\_\_\_
- Other \_\_\_\_\_
- Other \_\_\_\_\_

**DUE AT PROJECT CLOSE OUT**

- Redline as-builts
- CD of signed redline as-builts
- Other \_\_\_\_\_

**FINAL SUBMITTAL FOR CITY APPROVAL**

- Original mylars (all sheets must be 24" x 36" maximum, stamped & signed by landscape architect)
- Previous Check Print

**APPENDIX E – CERTIFICATION OF  
LANDSCAPE DESIGN**

## CERTIFICATION OF LANDSCAPE DESIGN

I hereby certify that:

- (1) I am a professional appropriately licensed in the State of California to provide professional landscape design services.
- (2) The landscape design and water use calculations for the landscape project located at \_\_\_\_\_  
\_\_\_\_\_ (provide street address or parcel, tract, or lot number(s)) were prepared by me or under my supervision. (Attach additional sheets as necessary.)
- (3) The landscape design and water use calculations for the identified property comply with the requirements of the City of Covina Water Efficient Landscape Regulations and the Guidelines for Implementation of the City of Covina Water Efficient Landscape Regulations.
- (4) The information I have provided in this Certification of Landscape Design is true and correct and is hereby submitted in compliance with the Guidelines for Implementation of the City of Covina Water Efficient Landscape Regulations.

Print Name	Title	Date
Signature	License Number	
Company	Address	
Telephone	Fax	E-mail Address

For City Use only.

_____ Date received
_____ Name
_____ Signature

Landscape Design Professional's Stamp  
(if applicable)

--

**APPENDIX F – CERTIFICATE OF  
COMPLETION**

## CERTIFICATE OF COMPLETION

I hereby certify that:

(1) I am a professional appropriately licensed in the State of California to provide professional landscape design services.

(2) The landscape project for the landscape project located at \_\_\_\_\_

(provide street address or parcel, tract, or lot number(s)) was installed by me or under my supervision. (Attached additional sheets as necessary.)

(3) The landscaping for the identified landscape project has been installed in substantial conformance with the approved Landscape Documentation Package, and complies with the requirements of the City of Covina Water Efficient Landscape Regulations (Title 17, Chapter 17.82 of the Covina Municipal Code) and the Guidelines for Implementation of the City of Covina Water Efficient Landscape Regulations for the efficient use of water in the landscape.

(4) The information I have provided in this Certificate of Completion is true and correct and is hereby submitted in compliance with the Guidelines for Implementation of the City of Covina Water Efficient Landscape Regulations.

Print Name	Title	Date
------------	-------	------

Signature	License Number
-----------	----------------

Company	Address
---------	---------

Telephone	Fax	E-mail Address
-----------	-----	----------------

For City use only.

Landscape Design Professional's Stamp  
(If Appropriate)

<input type="checkbox"/> Project Approved <input type="checkbox"/> Project Not Approved	
_____ Name	_____ Title
_____ Signature	_____ Date
Reasons for denial included in attached sheet(s).	

**APPENDIX G – CHECKLIST OF LANDSCAPE  
DOCUMENTATION PACKAGE**

## CHECKLIST OF LANDSCAPE DOCUMENTATION PACKAGE

### 1. Project Information

Date	Project Name
Project Applicant	Title
Company	Telephone/Fax/E-mail
Company Street Address	City/State/Zip Code
Project Street Address	Project Parcel, Tract or Lot Number(s), if available.
Project Type	Total Landscaped Area (Square Feet)
Water Supply Type	Additional Project Information (may attach additional sheets)

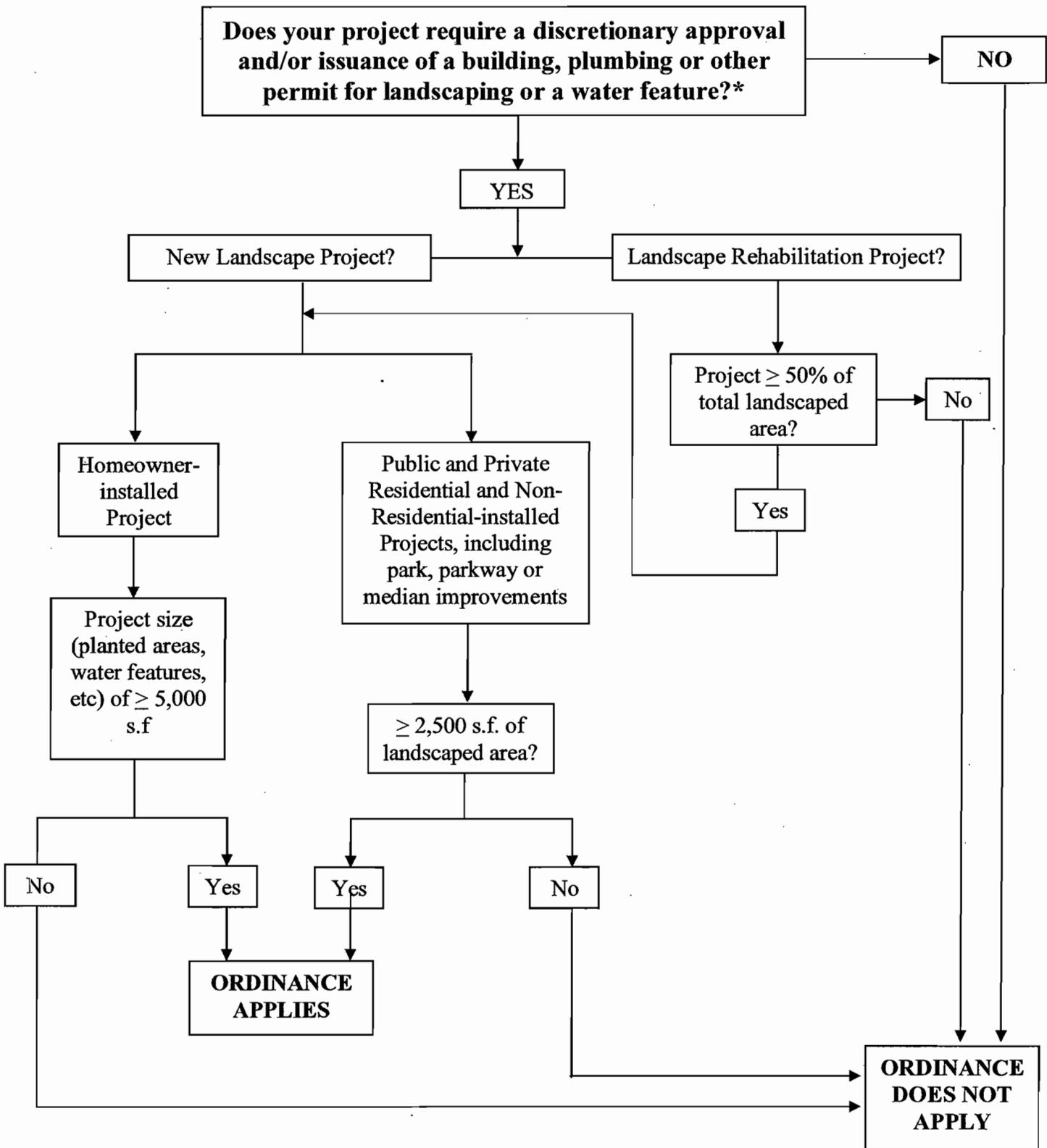
### 2. Property Owner Information

Name(s)	Street Address
City/State/Zip code	Telephone/Fax/E-mail
Title (if applicable)	Company (if applicable)
Company Address (if applicable)	City/State/Zip

### 3. Elements of Landscape Documentation Package Submitted:

- Certification of Landscape Design
- Landscape Submittal Sheet
- Maximum Applied Water Allowance (MAWA) Calculation
- Estimated Applied Water Use (EAWU) Calculation
- Water Efficient Landscape Worksheet
- Hydrozone Information Table
- Water Budget Calculations
- Soil Management Report
- Landscape Design Plan
- Irrigation Design Plan
- Grading Design Plan (if applicable)
- Additional Landscape Project Information (see attached sheets)

**DOES THE WATER EFFICIENT LANDSCAPE ORDINANCE  
APPLY TO MY PROJECT?**



*\*The following uses are exempt from the Ordinance requirements pursuant to Covina Municipal Code section 17.82.040(B): Registered historical sites; plant collections as part of public botanical gardens or arboretums; ecological restoration projects that do not require permanent irrigation; mined-land reclamation sites that do not require permanent irrigation; cemeteries; and any other new landscape installation project not listed in section 17.82.040(A).*

## **Issues and Justifications for the differences between the City's Ordinance establishing Water Efficient Landscape Regulations and the State Model Water Efficient Landscape Ordinance**

AB 1881 requires local agencies to include information in the record for any approval that designates the locally-approved alternative to the State's Model Water Efficient Landscape Ordinance ("Model Ordinance") as "equally effective" in conserving landscaping irrigation water. The appropriate action is suggested to utilize findings to establish the City's position in the record. In preparing the City ordinance establishing Water Efficient Landscape regulations (the "City Ordinance"), no essential element of the Model Ordinance has been eliminated, only re-organized to function more efficiently. The City Ordinance was based fully on the State Model Ordinance, with minor revisions throughout for clarification.

The following represents the findings and provides justification for how the City Ordinance is "at least as effective" as the State's Model Ordinance.

### Issue 1: Maximum Applied Water Allowance Calculation

The calculation is simplified while still achieving "at least as effective" criteria. The State Model requires MAWA and Estimated Applied Water Use (EAWU) calculations for each valve installed in a landscape area. This requirement causes a significant amount of paperwork and labor and does not increase water efficiency in the landscape. By requiring the MAWA and EAWU calculations for each meter rather than each valve, the calculation process is simplified while maintaining the "at least as effective" criteria of AB-1881.

### Issue 2: Self Certification

*(Guidelines - 2.4 - Landscape Design Plan, subsection (j)(10); 2.5 - Irrigation Design Plan, subsection (bb)(7); 2.6 - Grading Design Plan, subsection (d))*

Self certification is performed by a licensed landscape professional that is authorized to perform the tasks required in the Landscape Documentation Package. The licensed professional certifies he or she has professional expertise necessary to ensure the project is "at least as effective" as the Model Ordinance. Self certification provides a cost effective method for the city to review plans without increasing the need for in-house technical expertise.

### Issue 3: Separation of Ordinance and Guidelines

Implementing a new ordinance or updating an old one is an involved process. The City Ordinance is streamlined, succinct, and "at least as effective" as the State Model. The City Ordinance was formatted into a document that describes the essential components of AB 1881, while placing the more process-oriented elements, equations, and technology-related components in the Guidelines for implementation of the City Ordinance. The City Ordinance reflects this format, as the Ordinance text can more easily be incorporated into the existing Municipal Code and updating the Guidelines in the future can be accomplished through a City Council resolution.

Issue 4: 492.10 (from the State Model Ordinance) from the Irrigation Scheduling

Prescriptive elements for parameters used to set the automatic controller are removed in order to defer to irrigation controller manufacturer specifications.

Issue 5: 492.11 (from the State Model Ordinance) Landscape and Irrigation Maintenance Schedule

Prescriptive elements are incorporated by reference to the City's Municipal Code.

Issue 6: Removal of 492.14 (from the State Model Ordinance) Recycled Water

This Section is incorporated by reference to defer to existing State and County recycled water and health code provisions.

Issue 7: Removal of 492.15 (from the State Model Ordinance) Stormwater Management

This Section incorporated by reference to defer to the City's existing National Pollutant Discharge Elimination System (NPDES) permit and local stormwater management regulations.

Issue 8: Removal of 493.2 (from the State Model Ordinance) Water Waste Prevention

This Section is incorporated by reference to defer to the City's existing Municipal Code water waste conservation regulations.

Issue 9: Removal of 494 (from the State Model Ordinance) Effective Precipitation

This section was considered optional in the State Model and was removed because annual effective precipitation of 14" in the City of Covina is not considered adequate for MAWA adjustment.

Issue 10: Guidelines – 2.7 - Certificate of Completion (Now in Guidelines)

The City may work with the local water purveyor in fulfilling the irrigation system audit report criteria. Such water budgeting programs are generally an in-depth and ongoing irrigation monitoring process that is "at least as effective" as a one time irrigation system audit report.

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

**MEETING DATE:** February 2, 2010

**ITEM NO.:** PH 2

**STAFF SOURCE:** Anthony Arroyo, Human Resources Director *AA*

**ITEM TITLE:** Resolution of the City Council of the City of Covina Authorizing the Establishment of a Public Agency Retirement System (PARS) Supplemental Retirement Plan to be Administered by Phase II Systems (PARS Trust Administrator) and Approval of the Administrative Services Agreement

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**STAFF RECOMMENDATION**

Adopt **Resolution No. 10-6818**, authorizing the establishment of a Public Agency Retirement System (PARS) supplemental retirement plan to be administered by Phase II Systems, PARS Trust Administrator.

**FISCAL IMPACT**

The cost for the plan will be \$16,605 for the current fiscal year. In addition, there will be a \$1000 set-up fee and a \$400 monthly fee paid to PARS, which is the administrator for the supplemental retirement plan. The projected annual cost for future years will be \$15,860. The cost for the current fiscal year is higher due to interest being added to the \$15,860 amount.

The above funds were not included in the adopted budget for the City Manager department due to his employment contract negotiations being concluded after budget deliberations. However, it is anticipated that at year-end there would be sufficient savings within the department's budget to cover the aforementioned costs.

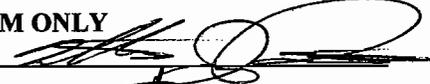
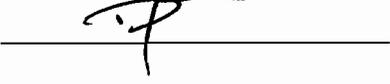
**BACKGROUND**

At the January 19, 2010 Council meeting, this item was introduced for information purposes. Two weeks after said meeting, the Council can formally consider adoption of the change, which is what is taking place with tonight's action. As a result of this staff report, the City Council will consider adopting a resolution for the establishment of a supplemental retirement plan for the City Manager.

California Government Code Section 7507 requires the City of Covina to secure the services of an enrolled actuary to determine the future annual cost of providing the supplemental plan benefits and making the results of the study available for public review. A copy of the report is with the City Clerk and is available for review during business hours.

**EXHIBITS**

- A. Resolution No.10-6818
- B. Administrative Services Agreement

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

RESOLUTION NO. 10-6818

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AUTHORIZING THE ESTABLISHMENT OF A PUBLIC AGENCY RETIREMENT SYSTEM (PARS) SUPPLEMENTAL RETIREMENT PLAN TO BE ADMINISTERED BY PHASE II SYSTEMS, PARS TRUST ADMINISTRATOR

WHEREAS, the City of Covina ("City") is a member of the Public Agency Retirement System (PARS) for the purpose of providing tax qualified retirement benefits; and

WHEREAS, it is determined to be in the best interest of the City to provide an enhanced retirement program to the current City Manager; and

WHEREAS, the PARS Trust has made available a Retirement Enhancement Plan supplementing CalPERS and qualifying under the relevant sections of the Internal Revenue Code and the California Government Code.

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

SECTION 1. The City Council, being a member of the PARS Trust, does hereby adopt the PARS Retirement Enhancement Plan as part of the City Retirement Program, effective June 1, 2009.

SECTION 2. The City Council hereby appoints the Human Resources Director, or his/her successor or his/her designee as the City's Plan Administrator for the Public Agency Retirement System.

SECTION 3. The City's PARS Plan Administrator is hereby authorized to execute the PARS legal and administrative service documents on behalf of the City to implement a PARS supplemental plan to CalPERS and to take whatever additional actions as necessary to maintain the City's participation in PARS and to maintain PARS compliance of any relevant regulation issued or as may be issued. In addition, if the City's PARS Plan Administrator finds that the PARS supplemental plan benefit must be limited under Section 415 of Internal Revenue Code, then the Plan Administrator will implement replacement benefit programs at no additional cost to the City

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

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of February, 2010.

---

Walter Allen III, Mayor

ATTEST:

---

Toni Taber, City Clerk

APPROVED AS TO FORM;

---

Edward W. Lee, City Attorney

## AGREEMENT FOR ADMINISTRATIVE SERVICES

This agreement ("Agreement") is made this 1<sup>st</sup> day of June, 2009, between Phase II Systems, a corporation organized and existing under the laws of the State of California, doing business as Public Agency Retirement Services (hereinafter "PARS") and the City of Covina ("Agency").

WHEREAS, Agency is desirous of retaining PARS, as Trust Administrator to the PARS Trust, to provide administrative and consulting services with respect to the qualified and non-qualified City of Covina PARS Retirement Enhancement Plan (the "Plan");

NOW THEREFORE, THE PARTIES AGREE:

1. **Services.** PARS will provide the services pertaining to the Plan as described in the exhibit attached hereto as "Exhibit 1A" ("Services") in a timely manner, subject to the further provisions of this Agreement.
2. **Fees for Services.** PARS will be compensated for performance of the Services as described in the exhibit attached hereto as "Exhibit 1B".
3. **Payment Terms.** Payment for Services will be remitted directly from Plan assets unless otherwise stated in Exhibit 1B. In the event that the Agency chooses to make payment directly to PARS, it shall be the responsibility of the Agency to remit payment directly to PARS based upon an invoice prepared by PARS and delivered to the Agency. If payment is not received by PARS within thirty (30) days of the invoice delivery date, the balance due shall bear interest at the rate of 1.5% per month. If payment is not received from the Agency within sixty (60) days of the invoice delivery date, payment plus accrued interest will be remitted directly from Plan assets, unless PARS has previously received written communication disputing the subject invoice that is signed by a duly authorized representative of the Agency.
4. **Fees for Services beyond Scope.** Fees for services beyond those specified in this Agreement will be billed to the Agency at the rates indicated in the PARS' standard fee schedule in effect at the time the services are provided and shall be payable as described in Section 3 of this Agreement. Before any such services are performed, PARS will provide the Agency with written notice of the subject services, terms, and an estimate of the fees therefore.
5. **Information Furnished to PARS.** PARS will provide the Services contingent upon the Agency's providing PARS the information specified in the exhibit attached hereto as "Exhibit 1C" ("Data"). It shall be the responsibility of the Agency to certify the accuracy, content and completeness of the Data so that PARS may rely on such information without further audit. It shall further be the responsibility of the Agency to deliver the Data to PARS in such a manner that allows for a reasonable amount of time for the Services to be performed. Unless specified in Exhibit 1A, PARS shall be under no duty to question Data received from the Agency, to compute contributions made to the Plan, to determine or inquire whether contributions are adequate to meet and discharge liabilities under the Plan, or to determine or inquire whether contributions made to the

Plan are in compliance with the Plan or applicable law. In addition, PARS shall not be liable for non-performance of Services if such non-performance is caused by or results from erroneous and/or late delivery of Data from the Agency. In the event that the Agency fails to provide Data in a complete, accurate and timely manner, and pursuant to the specifications in Exhibit 1C, PARS reserves the right, notwithstanding the further provisions of this Agreement, to terminate this Agreement upon no less than ninety (90) days written notice to the Agency.

6. **Suspension of Contributions.** In the event contributions are suspended, either temporarily or permanently, prior to the complete discharge of PARS' obligations under this Agreement, PARS reserves the right to bill the Agency for Services under this Agreement at the rates indicated in PARS' standard fee schedule in effect at the time the Services are provided, subject to the terms established in Section 3 of this Agreement. Before any such Services are performed, PARS will provide the Agency with written notice of the subject Services, terms, and an estimate of the fees therefore.
7. **Records.** During the term of this Agreement, and for a period of five (5) years after termination of this Agreement, PARS shall provide duly authorized representatives of the Agency access to all records and material relating to the calculation of PARS' fees under this Agreement. Such access shall include the right to inspect, audit and reproduce such records and material and to verify reports furnished in compliance with the provisions of this Agreement. All information so obtained shall be accorded confidential treatment as provided under applicable law.
8. **Confidentiality.** Without the Agency's consent, PARS shall not disclose any information relating to the Plan except to duly authorized officials of the Agency and to parties retained by PARS to perform specific services within this Agreement. The Agency shall not disclose any information relating to the Plan to individuals not employed by the Agency without the prior written consent of PARS, except as such disclosures may be required by applicable law.
9. **Independent Contractor.** PARS is and at all times hereunder shall be an independent contractor. As such, neither the Agency nor any of its officers, employees or agents shall have the power to control the conduct of PARS, its officers, employees or agents, except as specifically set forth and provided for herein. PARS shall pay all wages, salaries and other amounts due its employees in connection with this Agreement and shall be responsible for all reports and obligations respecting them, such as social security, income tax withholding, unemployment compensation, workers' compensation and similar matters.
10. **Indemnification.** PARS and Agency hereby indemnify each other and hold the other harmless, including their respective officers, directors, employees, agents and attorneys, from any claim, loss, demand, liability, or expense, including reasonable attorneys' fees and costs, incurred by the other as a consequence of PARS or Agency's, as the case may be, acts, errors or omissions with respect to the performance of their respective duties hereunder.

11. **Compliance with Applicable Law.** The Agency shall observe and comply with federal, state and local laws in effect when this Agreement is executed, or which may come into effect during the term of this Agreement, regarding the administration of the Plan. PARS shall observe and comply with federal, state and local laws in effect when this Agreement is executed, or which may come into effect during the term of this Agreement, regarding Plan administrative services provided under this Agreement.
12. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California. In the event any party institutes legal proceedings to enforce or interpret this Agreement, venue and jurisdiction shall be in any state court of competent jurisdiction.
13. **Force Majeure.** When a party's nonperformance hereunder was beyond the control and not due to the fault of the party not performing, a party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by such cause, including but not limited to: any incidence of fire, flood, acts of God, acts of terrorism or war, commandeering of material, products, plants or facilities by the federal, state or local government, or a material act or omission by the other party.
14. **Ownership of Reports and Documents.** The originals of all letters, documents, reports, and data produced for the purposes of this Agreement shall be delivered to, and become the property of the Agency. Copies may be made for PARS but shall not be furnished to others without written authorization from Agency.
15. **Designees.** The Plan Administrator of the Agency, or their designee, shall have the authority to act for and exercise any of the rights of the Agency as set forth in this Agreement, subsequent to and in accordance with the written authority granted by the Governing Board of the Agency, a copy of which writing shall be delivered to PARS. Any officer of PARS, or his or her designees, shall have the authority to act for and exercise any of the rights of PARS as set forth in this Agreement.
16. **Notices.** All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of the notices in person or by depositing the notices in the U.S. Mail, registered or certified mail, return receipt requested, postage prepaid and addressed as follows:
  - (A) To PARS: PARS; 5141 California Avenue, Suite 150, Irvine, CA 92617-3069; Attention: President
  - (B) To Agency: City of Covina; 125 East College Street, Covina, CA 91723; Attention: Anthony Arroyo, Human Resources DirectorNotices shall be deemed given on the date received by the addressee.
17. **Term of Agreement.** This Agreement shall remain in effect for the period beginning June 1, 2009 and ending June 30, 2012 ("Term"). This Agreement will continue unchanged for successive twelve-month periods following the Term unless either party gives written notice to the other party of the intent to terminate prior to ninety (90) days before the end of the Term.

18. **Amendment.** This Agreement may not be amended orally, but only by a written instrument executed by the parties hereto.
19. **Entire Agreement.** This Agreement, including exhibits, contains the entire understanding of the parties with respect to the subject matter set forth in this Agreement. In the event a conflict arises between the parties with respect to any term, condition or provision of this Agreement, the remaining terms, conditions and provisions shall remain in full force and legal effect. No waiver of any term or condition of this Agreement by any party shall be construed by the other as a continuing waiver of such term or condition.
20. **Attorneys Fees.** In the event any action is taken by a party hereto to enforce the terms of this Agreement, the prevailing party therein shall be entitled to receive its reasonable attorney's fees.
21. **Counterparts.** This Agreement may be executed in any number of counterparts, and in that event, each counterpart shall be deemed a complete original and be enforceable without reference to any other counterpart.
22. **Headings.** Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.
23. **Effective Date.** This Agreement shall be effective on the date first above written, and also shall be the date the Agreement is executed.

**AGENCY:**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_ [Plan Administrator]

DATE: \_\_\_\_\_

**PARS:**

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

## EXHIBIT 1A

### SERVICES

PARS will provide the following services for the City of Covina:

1. Plan Installation Services:

- (A) Assisting appropriate Agency personnel to finalize Plan provisions, implementation timelines, benefit communication strategies, data reporting and contribution submission requirements;
- (B) Providing the necessary analysis and advisory services to finalize these elements of the Plan;
- (C) Providing the documentation needed to establish the Plan for review by Agency legal counsel;
- (D) Upon Agency authorization, preparing and submitting application to the Internal Revenue Service for a determination that the Plan is qualified (the application fee for which shall be paid by the Agency).

2. Plan Administration Services:

- (A) Monitoring the receipt of Plan contributions made by the Agency to the trustee of the PARS Trust Program ("Trustee"), based upon information received from the Agency and the Trustee;
- (B) Performing periodic accounting of Plan assets, including the allocation of employer contributions, distributions, investment activity and expenses (if applicable), based upon information received from the Agency and/or Trustee;
- (C) Acting as ongoing liaison between the Participant and the Agency in regard to distribution payments, which shall include use by the Participants of toll-free telephone communication to PARS;
- (D) Producing benefit illustrations and processing enrollments;
- (E) Coordinating the processing of Participant distribution payments pursuant to authorized written Agency certification of distribution eligibility, authorized direction by the Agency, and the provisions of the Plan, and, to the extent possible, based upon Agency-provided Data;
- (F) Directing Trustee to liquidate Plan assets (if necessary) and make Participant distribution payments, and providing required tax filings regarding said distribution payments;
- (G) Notifying the Trustee of the amount of Plan assets available for further investment and management, or, the amount of Plan assets necessary to be liquidated in order to fund Participant distribution payments;
- (H) Coordinating actions with the Trustee as directed by the Plan Administrator within the scope of this Agreement;

- (I) Preparing and submitting a monthly report of Plan activity to the Agency, unless directed by the Agency otherwise;
  - (J) Preparing and submitting an annual report of Plan activity to participants and to the Agency;
  - (K) Coordinating and selecting a licensed actuary to perform actuarial valuation on a periodic basis to comply with state and federal laws (the actuarial certification fee for which shall be paid by the Agency);
  - (L) Preparing and submitting the Annual Report of Financial Transactions to the California State Controller, as required by law, for the PARS Trust Program, including the required certified audit of the PARS Trust.
3. Plan Compliance Services: Coordinating and preparing changes to the Trust, Plan and other associated legal documents required by federal and state agencies in order to maintain the Plan in compliance.
4. PARS is not licensed to provide and does not offer tax, accounting, legal, investment or actuarial advice. In providing the services specified above, PARS will retain qualified professional service providers at its cost as it deems necessary if the service lies outside its area of expertise.

## EXHIBIT 1B

### FEES FOR SERVICES

PARS will be compensated for performance of Services, as described in Exhibit 1A based upon the following schedule:

- (A) An optional IRS Letter of Determination fee payable directly to the Internal Revenue Service (IRS) based on current IRS rates at the time of filing;
- (B) A one-time set-up fee upon implementation of Plan of \$1000.00 ("Set-up Fee"), which shall be paid directly by the Agency to PARS;
- (C) A monthly fee of \$400.00 ("Monthly Fee") commencing on January 1, 2010 which shall be paid directly by the Agency to PARS, and subject to an annual 3% increase every January 1<sup>st</sup> beginning in 2011;
- (D) A fee equal to actuarial expenses charged to PARS by an outside contractor for an actuarial valuation of the Agency's Plan ("Actuarial Valuation Fee").
- (E) A fee equal to the stated IRS application fees and legal fees related to any ongoing federal and/or state required Plan compliance changes. Such fees will not be charged to the Agency without prior authorization by the Plan Administrator.

EXHIBIT 1C

DATA REQUIREMENTS

PARS will provide the Services under this Agreement contingent upon receiving the following information:

1. Participant Data (Submitted By Agency)
  - (A) Participant's Legal Name
  - (B) Participant's Position
  - (C) Participant's Birth Date
  - (D) Participant's Hire Date
  - (E) Participant's Salary
  - (F) Years of Agency Service
  - (G) Retirement Date
2. Executed Legal Documents (Submitted by Agency)
  - (A) Certified Resolution
  - (B) PARS Trust Adoption Agreement
  - (C) Plan Document
  - (D) Trustee Investment Forms
3. Application for PARS Benefit Form (Submitted by Agency)
4. Completed Enrollment Forms (Submitted by Participant)
  - (A) Enrollment Form
  - (B) Beneficiary Designation Form
  - (C) Tax Withholding Request Form
  - (D) Proof of Age
5. Other information requested by PARS

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

**MEETING DATE:** February 2, 2010

**ITEM NO.:** NB 1

**STAFF SOURCE:** Daryl Parrish, City Manager   
Karen Gallivan, Assistant City Manager   
Dilu DeAlwis, Finance Director

**ITEM TITLE:** Approval of Amendment Number Three to the Agreement for Services By and Between the Consolidated Fire Protection District of Los Angeles County and the City of Covina

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**STAFF RECOMMENDATION**

Approve Amendment Number Three to the Agreement for Services By and Between the Consolidated Fire Protection District of Los Angeles County and the City of Covina.

**FISCAL IMPACT**

The FY2009-10 adopted budget of \$7,706,370 for the fire protection contract with Los Angeles County is under account 1010-1600-51420. The actual estimate from the County, received after the budget had been prepared, is \$7,777,631. The full year cost savings of this proposed change are estimated at \$321,780. Upon execution of the contract amendment the fees changes will be prorated. It is estimated that amendment will reduce the impact to the General Fund by approximately \$93,850 for the remainder of this fiscal year.

**BACKGROUND**

On October 15, 2009, the City Manager and staff met with Chief Freeman and Planning Division Chief Debbie Aguirre to discuss options for reducing the costs of the fire contract given the current economic constraints that the City is facing and the necessity to make cuts in all service areas to achieve a balanced budget. The discussion focused on options that would not compromise safety yet provide financial relief to the City.

The most viable option for immediate implementation is presented to Council in the attached amendment. This amendment will result in a modification of the cost share for Quint 153. Other cost saving alternatives included 1) elimination of the paramedic assessment component to the contract and 2) combining two stations at a new, central location. These options were not considered viable at this time. It is staff intent to continue discussions with the County on this matter.

Once approved by the City Council, this amendment will be sent to the County Board of Supervisors for their approval at a meeting in March.

**EXHIBITS**

- A. LA County Fire Department Annual Fee Schedule
- B. Amendment Number Three to Agreement for Services

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

**LOS ANGELES COUNTY FIRE DEPARTMENT  
FEE-FOR-SERVICE CITIES ANNUAL FEE SCHEDULE**

**\* CITY OF COVINA \***

		<u>Staffing (a)</u>	<u>Resource Cost</u>	<u>Annual Rate (b)</u>
<b><u>ESTIMATE FISCAL YEAR 2009-10</u></b>				
<i>Station Operations:</i>				
Fire Station 152	Assessment Engine	3	\$1,840,926	\$1,355,742 (c)
Fire Station 153	Assessment Quint	4	2,326,110	1,840,926 (c)
Fire Station 154	Assessment Engine	3	1,776,867	1,776,867 (d)
Fire Station 154	Squad	2	1,162,545	775,030 (e)
			<b>\$</b>	<b>5,748,565</b>
<i>Fire Prevention:</i>				
Area Inspector	Fire Fighter Specialist	1	\$164,335	\$ 115,035 (f)
			<b>\$</b>	<b>115,035</b>
			<b>Subtotal</b>	<b>\$ 5,863,600</b>
District Overhead	32.6426%			1,914,031
			<b>\$</b>	<b>7,777,631</b>
<b><u>ESTIMATE FEE FY 2009-10</u></b>				

(a) Station Operations staffing numbers reflect post positions (3 person staff each post position through a 56-hr work week). Station Operations include overtime required to maintain 24-hour constant staffing. Fire Prevention positions do not include overtime since constant staffing is not required.

(b) Rates for Squad staffing include paramedic bonuses, plus an additional paramedic bonus for the firefighter on the engine.

(c) District funds one firefighter post position - net city cost reflected.

(d) The cost reflected is for an Engine, because the PM bonus is on the squad.

(e) District funds one-third of the resource cost - net city cost reflected.

(f) District funds 30% of the Area Inspector position - net city cost reflected.



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE  
LOS ANGELES, CALIFORNIA 90063-3294  
(323) 881-2401

P. MICHAEL FREEMAN  
FIRE CHIEF  
FORESTER & FIRE WARDEN

January 22, 2010

Daryl Parrish, City Manager  
City of Covina  
125 East College Street  
Covina, CA 91723

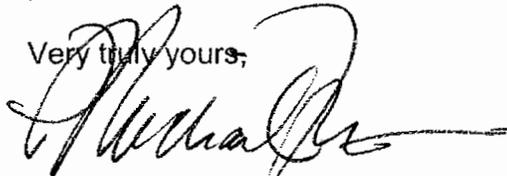
Dear Mr. Parrish:

Pursuant to your letter on December 10<sup>th</sup>, 2009, we have prepared the requested amendment (Amendment Number Three) to the Agreement for Services between the Consolidated Fire Protection District of Los Angeles County (District) and the City of Covina to increase the District's cost share for Quint 153. The modified staffing schedule will increase funding of Quint 153 from one firefighter to one and a half firefighter positions.

Enclosed are two originals of Amendment Number Three for your review and City Council's approval. If changes are needed, please contact Debbie Aguirre at (323) 881-2404. If the City has no changes, please have the agreement executed in duplicate by your City Council and return both executed originals to me so that they can be submitted to the Board of Supervisors (Board) for their approval. Upon execution by the Board, I will have one originally executed copy returned to you for your records.

If you have any questions, you may contact Ms. Aguirre, Planning Division Chief, at the phone number above.

Very truly yours,



P. MICHAEL FREEMAN

PMF:ju

Enclosure

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  
ARTESIA  
AZUSA  
BALDWIN PARK  
BELL  
BELL GARDENS  
BELLFLOWER  
BRADBURY

CALABASAS  
CARSON  
CERRITOS  
CLAREMONT  
COMMERCE  
COVINA  
CUDAHY

DIAMOND BAR  
DUARTE  
EL MONTE  
GARDENA  
GLEN DORA  
HAWAIIAN GARDENS  
HAWTHORNE

HIDDEN HILLS  
HUNTINGTON PARK  
INDUSTRY  
INGLEWOOD  
IRWINDALE  
LA CANADA FLINTRIDGE  
LA HABRA

LA MIRADA  
LA PUENTE  
LAKEWOOD  
LANCASTER  
LAWDALE  
LOMITA  
LYNWOOD

MALIBU  
MAYWOOD  
NORWALK  
PALMDALE  
PALOS VERDES ESTATES  
PARAMOUNT  
PICO RIVERA

POMONA  
RANCHO PALOS VERDES  
ROLLING HILLS  
ROLLING HILLS ESTATES  
ROSEMEAD  
SAN DIMAS  
SANTA CLARITA

SIGNAL HILL  
SOUTH EL MONTE  
SOUTH GATE  
TEMPLE CITY  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

**Exhibit B-1**



- 1 1. Schedule 1 – Amendment Number Two of the Agreement for Services, Operation by  
2 District, shall be replaced with Schedule 1 – Amendment Number Three, attached  
3 hereto and made a part hereof.
- 4 2. The Agreement for Services is hereby amended by modifying the following provisions:
- 5 A. SECTION II, paragraph (L), of the Agreement for Services shall be amended as  
6 follows:
- 7 (L) The CITY COUNCIL and DISTRICT FIRE CHIEF may mutually agree  
8 on modifications to the staffing levels and/or cost apportionment in the CITY.  
9 Any agreed-upon modifications may necessitate adjustments in the  
10 determination of the Annual Fee, and would be specified in an amended  
11 Schedule 1, approved by the DISTRICT FIRE CHIEF and the CITY COUNCIL.
- 12 B. SECTION III, paragraph (A) shall be amended to add the following two  
13 paragraphs:
- 14 (A) (1) Upon the effective date of this Amendment Number Three, the  
15 date first written above, which is the date of approval by the last signatory to this  
16 Amendment, the Annual Fee calculation method shall be modified as specified  
17 in Schedule 1 – Amended Number Three, attached hereto and made a part  
18 hereof. The modifications to the Annual Fee calculation as indicated on  
19 Schedule 1 – Amendment Number Three reflect additional funding by the  
20 DISTRICT of 50% of the annual cost of one (1) Firefighter post position on the  
21 Assessment Quint company ("Firefighter").
- 22 (A) (2) Changes in the Annual Fee set forth in Schedule 1 – Amendment  
23 Number Three related to the 2<sup>nd</sup> Firefighter on the Assessment Quint shall be  
24 prorated commencing with the effective date of this Amendment Number Three  
25 through the remainder of the 2009 – 2010 fiscal year, as follows:
- 26 DISTRICT'S cost share of the 2<sup>nd</sup> Firefighter on the  
27 Assessment Quint shall be determined by dividing the  
28 Annual Fee by 365 days (daily rate) and multiplying

1 the daily rate by the number of days remaining in the  
2 fiscal year as of the effective date of this Amendment  
3 Number Three.

4 C. Section XI is amended to read as follows:

5 (A) With the exception of Schedule 1, all schedules attached hereto and  
6 incorporated herein by reference will be subject to modification by mutual  
7 agreement of the CITY MANAGER and DISTRICT FIRE CHIEF as needed after  
8 the effective date of this Amendment Number Three to the Agreement by both  
9 parties.

10 (B) Schedule 1 – Amendment Number Three, attached hereto and  
11 incorporated herein by reference may be subject to modification in staffing level  
12 by mutual agreement of CITY COUNCIL and DISTRICT FIRE CHIEF as needed  
13 after the effective date of this Amendment Number Three to the Agreement for  
14 Services.

15 3. All other terms and conditions of the Agreement for Services shall remain the same and  
16 in full force and effect.

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1       **IN WITNESS WHEREOF**, CITY, by Resolution adopted by its City Council, has caused  
2 this Agreement to be executed by its Mayor and attested to by its Clerk; pursuant to action by  
3 a majority vote of the Board of Supervisors, as governing body of the DISTRICT, the Chair has  
4 executed this Agreement on behalf of DISTRICT and which execution has been attested to by  
5 its Clerk.

**CONSOLIDATED FIRE PROTECTION  
DISTRICT OF LOS ANGELES COUNTY**

**CITY OF COVINA**

By \_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Mayor

ATTEST:

ATTEST:

SACHI A. HAMAI, Executive Officer  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy

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

(SEAL)

(SEAL)

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Andrea S. Ordin  
County Counsel

By \_\_\_\_\_  
Deputy

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

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Rev. 1-19-10

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

**MEETING DATE:** February 2, 2010

**ITEM NO.:** NB 2

**STAFF SOURCE:** Daryl Parrish, City Manager *DP*

**ITEM TITLE:** The City of Covina 2010 Federal Legislative Year Appropriations Platform

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**STAFF RECOMMENDATION**

Adopt the 2010 City of Covina 2010 Federal Legislative Platform.

**ALTERNATIVES**

Amend the proposed platform as desired.

Provide alternative direction to staff.

**FISCAL IMPACT**

The City's Federal Legislative Platform will be coordinated from the City Manager's Office. The primary costs shall be associated with the staff time needed to coordinate this effort. Costs for the City's Legislative Advocate as well as any travel and expenses by Council Members or staff shall be come before the City Council during the standard budget appropriations process or if necessary on an as needed basis.

**BACKGROUND**

In 2009 the City of Covina adopted its Legislative Platform to provide the policy framework for City staff to respond to legislative issues in an appropriate and timely manner and in such a way that matters of importance to Covina are heard. Examples include matters supporting local control, strategies that promote stable revenue for local governments, fair and equitable allocations of regional transportation funding, a jobs vs. housing balance concept with the provision that funds are available for the necessary infrastructure, legislation supporting new funding sources to meet the infrastructure needs of our community in a sustainable way for water supply, wastewater treatment, public transit, streets and storm water management, legislation that supports strong local law enforcement efforts and that allows local governments to revitalize communities, provide affordable housing, generate good jobs and enhance local economies etc. On the contrary, legislative actions that create unfunded State or County mandates, that provide disincentives for the private sector to invest and create jobs in the community or the region, legislation that is anti-business or that takes or negatively effects City revenue streams are vehemently opposed.

The City of Covina 2010 Federal Legislative Platform is an effort to tap into Federal resources to provide much needed funding for a plethora of projects that are detailed on the following attachments. The list has been reviewed by the City's Federal advocates and by the City's

Executive Team. After approval by the City Council, staff shall move the advocacy platform forward as identified and we shall also develop a high quality graphical presentation document to make use of in our advocacy efforts.

Specifically the types of projects and programs for which we are pursuing Federal Funding include funding for technology enhancements for the Covina Police Department, equipment to provide secure backup of city communications, water and wastewater systems in the event of an emergency or major disaster, funding for downtown revitalization projects and parks, transit station amenities, and funds to seismically retrofit the public library building and to provide funding for library materials and to protect historic documents.

The Federal deadlines for submitting funding requests for new and continuing projects is during the first half of February 2010. As such the approval of this staff report shall provide the necessary policy guidance for staff to complete the necessarily Congressional request forms which this year are to be submitted over the internet.

**EXHIBITS**

Exhibit A: City of Covina Legislative Year 2010 Program Appropriation Goals

Exhibit B: List of Prospective Authorizing Legislation and Accounts

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

**City of Covina  
Legislative Year 2010 Program  
Appropriation Goals**

Subject to City Council adoption of the following appropriations goals, the City Council and staff in conjunction with our Federal Advocates shall pursue these Federal funding priorities.

**CAD/RMS System**

The Covina Police Department's **Computer Aided Dispatch and Records Management System** is antiquated and lacks interoperability, rendering it a closed and isolated system. With no significant upgrades since 1997 and a limited number of staffed police dispatchers and records clerks, the police department and its citizens would benefit from a newer system that supports regional interfacing and data sharing. The newer Computer Aided Dispatch and Records Management System will improve overall efficiency providing an open platform and the ability to interface with on-line crime reporting. Finally, the upgrade will allow for timely and accurate crime analysis required to place patrol officers in the geographical areas that represent the highest probability of criminal activity. The total cost of the system is approximately \$1,000,000.

**Community Resource Vehicle (Emergency Operations Center EOC Back-up)**

The Covina Police Department has experienced a need to respond quickly and efficiently to critical incidents and natural disasters. A **Community Resource Vehicle** would offer the citizens of Covina a mobile and practical solution to such calamities. The vehicle would also include the ability to operate as a mobile Emergency Operations Center, equipped with effective communication systems between fire and police on a regional level. The total cost of the vehicle is approximately \$500,000.

**Optical Imaging System**

An **Optical Disk Imaging System** provides more efficient storage and retrieval of information. Documents are scanned into the computer system and then stored on optical disk. This process eliminates the need to maintain a large volume of original records that take up storage space. Our current

system has had two upgrades, one in 1993 and the second in 1995 and by today' standards would be considered "Old Technology". The software is not expeditious and the hardware is outdated. Replacement parts are more expensive since the hardware is outdated. The purchase of new equipment will bring us into current technology. A newer system can be designed to work with an existing and/or improved Records Management System. It is also possible that a new system will interface with patrol car computers, evidence software, and on-line reporting. New equipment can also improve storage and retrieval at the City Clerks Office. The total cost of the system is approximately \$350,000.

### **Police Department Technology and Tactical Equipment Enhancements**

The Covina Police Department is an active member of Area D, a mutual aid group comprised of several local law enforcement agencies. Our Special Response Team trains monthly for many different scenarios in the event of a regional mutual aid activation. It is critical that they have the tactical tools and equipment necessary to handle the types of crimes many agencies are encountering. Tactical equipment such as M-4 rifles, tactical entry ballistic vests, tactical ballistic helmets, hostage negotiation equipment, night vision goggles, and covert camera equipment would greatly enhance these types of operations. The estimated cost of this tactical equipment is approximately \$250,000.

### **Emergency Generators for City Emergency Operations Center (EOC), Corporate Yard Fueling Stations and Sewer Lift Stations**

For the purchase and installation of emergency generators at the Covina Police Station that meets current air quality management district regulations, at the City Corporate Yard which operates as the city's back-up emergency operations center (EOC) and houses fueling stations, emergency response equipment and fabrication shops and to also purchase units that would provide emergency electrical power to water pumping stations and sewer lift stations. The level of funding needed to acquire and install these needed sources of emergency power generation is \$800,000.

### **Citrus Avenue Gateway Renovation Project**

Renovation of the Citrus Avenue corridor from the southerly city limit to Badillo Street to include the rehabilitation of the existing roadway,

installation of decorative median islands, pedestrian enhancements and streetscape. The necessary level of funding for this important downtown renovation project is \$800,000.

### **Intermodal Facilities Improvements**

Funding to design and construct LEED Certified restroom facilities for the City's existing Intermodal Facility (the Metrolink Commuter Rail Station). The estimated cost to construct environmentally compliant restroom facilities at this heavily used facility is approximately \$400,000.

### **Kahler Russell Park Community/Interpretive Center Project**

The Creation of an interpretative/sports center will provide space for historical and ecological displays, educational signage and interpretive nature exhibits. The importance of water and water savings will be on display throughout the center. The community will also be equipped with a gymnasium that can be used for leisure lifestyle classes, educational classes, educational classes, group workshops, indoor sports and special events. The city has an available local match for this project in the amount of \$877,000 from various grant awards. The level of Federal funding need to move this important project forward is approximately \$950,000.

### **Historic Downtown Building Structural Integrity Project**

To assist property owners in Covina with the cost of engineering reports and assessments needed prior to being able to perform a seismic retrofit of their buildings.

### **Library Seismic Retrofit Project**

The Covina Public Library is a vibrant resource for the community. The library provides a place for residents to obtain access to books, reference materials and the internet. It is also a place where stories are told, songs are sung and musical instruments are played and authors and painters proudly present their masterpieces to our citizens. The Covina Public Library built in 1962 would be well served by being retrofitted to bring the building more into compliance with current building codes and to make it better withstand any potential seismic activity. The estimated cost of this project is \$500,000. The Library facility could also benefit from an add-on to create

additional space to accommodate the expanded use that has occurred as the community has grown over the years. Any additional space would be used to accommodate existing Library programming.

### **Library Resources**

The City of Covina is proud to have and operate a viable public library for the citizens of the community and residents of the surrounding unincorporated areas of Covina. Because of recent budgetary constraints and economic trends library books and other library resources have been not been replaced or augmented at the levels desired. The City is in great need of the financial resources to replace books and library resources on an annual basis.

### **Historic Document Preservation & Conversion to Electronic Media**

The city has several historic books and documents that range from 40 to in excess of 100 years old. These paper and ink documents are subject to deterioration due to climatic conditions from which they need to be protected. This project includes a request for capital improvement funds to provide a space in which to protect such documents and alter climatic conditions so they are protected and preserved for future generations. Furthermore the project includes the acquisition of an electronic data conversion system capable of converting older historic documents into a modern digital format.

**List of Prospective Federal Authorizing Legislation and Accounts**

**DEPARTMENT**

<b>Police</b>	<b>Project</b>	<b>Authorizing Legislation/ Account</b>	<b>Request</b>	<b>Dept Rank</b>
	CAD/RMS System			
		Commerce-Justice-Science Appropriations COPS Technology	\$750,000	#1
	Optical Imaging System			
		Commerce-Justice-Science Appropriations COPS Technology	\$350,000	#2
	Community Resource Vehicle*			
		Commerce-Justice-Science Appropriations COPS Byrne Grant	\$500,000	#1
	<i>* Emergency Operations Center Backup</i>			
	Police Equipment Enhancements			
		Commerce-Justice-Science Appropriations COPS Byrne Grant	\$250,000	#2
<b>Parks &amp; Recreation</b>				
	Kahler Russell Park Community/Interpretive Center Project*			
		Interior Environment Appropriations EPA State and Tribal Assistance Program	\$950,000	#1
	<i>*Local match = \$877,000</i>			
<b>Public Works</b>				
	Emergency Generators for Emergency Operations Center, Corporate Yard and Sewer Lift Stations		\$800,000	#1
		Homeland Security Appropriations HS/EOC		
	Citrus Avenue Gateway Renovation Project		\$800,000	#2
		Transportation/HUD Appropriations TCSP		

**Public Works (Cont.)**

Intermodal Facilities Improvements \$400,000 #3

Transportation/HUD Appropriations  
Bus and Bus Facilities

**Covina Redevelopment Agency**

Historic Downtown Building Structural Integrity \$200,000 #1

Homeland Security Appropriations  
FEMA/Pre-disaster Mitigation  
(subordinate to Library request)

**Covina Public Library**

Library Seismic Retrofit Project \$500,000 #1

Homeland Security Appropriations  
FEMA/ Pre-disaster Mitigation

Library Resources \$300,000 #2

Labor/HHS Education  
Institute of Library and Museum Services

Historic Document Preservation / Conversion to Electronic Media \$250,000 #3

Labor/HHS/Education  
Institute of Library and Museum Services