



City of Covina/ Covina Redevelopment Agency

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

REGULAR MEETING AGENDA

125 E. College Street, Covina, CA

Council Chambers of City Hall

Tuesday, October 5, 2010

6:30 p.m.

- **The City Council/Redevelopment Agency will meet in closed session from 6:30 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.
- If you challenge in court any discussion or action taken concerning an item on this Agenda, you may be limited to raising only those issues you or someone else raised during the meeting or in written correspondence delivered to the City at or prior to the City's consideration of the item at the meeting.
- The Deputy City Clerk of the Covina City Council hereby declares that the agenda for the **October 5, 2010**, Regular City Council meeting was posted on **September 30, 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.

October 5, 2010

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

6:30 p.m.

CALL TO ORDER

ROLL CALL

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

PUBLIC COMMENTS

The Public is invited to make comment on Closed Session items only at this time. 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. 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 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION
TITLE: City Attorney
- B. G.C. 54956.9(c) – CONFERENCE WITH LEGAL COUNSEL – Initiation Litigation
Number of Cases: One (1)
- C. G.C. 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATOR –
NEGOTIATIONS TO INCLUDE BOTH PRICE AND TERMS:
DESIGNATED REPRESENTATIVE: Robert Neiuber, Comm. Development Director
- 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)
 - Mercy Moreno – 147-151 East College Street (APN: 8445-001-918)
 - Off Citrus – 114 E. Italia Street (APN: 8445-001-905)
 - Charlie Park – 116 E. School Street (APN: 8430-027-009)
 - Pat Fore – 326 N. Citrus Avenue (APN: 8430-027-017)
 - CIT Small Business Lending Corporation – Barranca Investments, Inc. and Antonio Escobar – 504 N. Barranca Avenue (APN: 8429-009-019)

RECESS

CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING—OPEN SESSION
7:30 p.m.

CALL TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Led by Council Member Low.

INVOCATION

Led by the Covina Police Chaplain Jerry Gunderson.

PRESENTATIONS

Proclamation in recognition of Fire Prevention Week
Recognition of Covina Yellow Ribbon 9/11 Event
Presentation by Bob Cruz, Southern California Gas Company regarding pipeline safety.

PUBLIC COMMENTS

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 September 21, 2010 Regular City Council/Redevelopment Agency Meeting.
- CC2. City Council to adopt **Resolution No. 10-6891**, allowing Miscellaneous and Safety Employees of the City of Covina to buy service credit with pre-tax dollars.
- CC 3. City Council to adopt **Resolution No. 10-6892**, requiring Civilian members of the Police Association of Covina (PAC) employee group to pay 3% of the Employer Paid Member Contribution to PERS and adopt **Resolution No. 10-6893**, requiring sworn members of the Police Association of Covina (PAC) hired after January 1, 2011, to pay 3% of the Employer Paid Member Contribution to PERS.
- CC 4. City Council to adopt **Resolution No. 10-6890**, approving the carry over of certain funds from Fiscal Year 09-10 to Fiscal Year 10-11.
- CC 5. City Council to adopt **Resolution No. 10-641**, approving the carry over of certain funds from the Fiscal Year 09-10 to Fiscal Year 10-11.
- CC6. City Council to receive and file 1st quarter 2010 sales tax report.
- CC7. City Council to introduce and waive **Ordinance No. 10-6888**, amending the Covina Municipal Code pertaining to Code Enforcement activities.
- CC8. City Council to renew Business License and Certificate of Public Convenience and Necessity for Southern California Transcorp Incorporated, D.B.A. Yellow Cab Company of San Gabriel Valley.
- CC9. City Council to renew Business License and Certificate of Public Convenience and Necessity for Diversified Transportation, Incorporated, D.B.A. Pomona Yellow Cab.
- CC10. City Council to consider a policy to reinvest Energy Savings in future Energy Efficiency Programs.
- CC11. City Council to approve the Annual Report of the Prospero Park Owners Association Business Area Enhancement District (BAED) and adopt **Resolution No. 10-6889**, declaring its intent to levy an annual assessment for the fiscal year 2010-2011 in the Prospero park Business Area Enhancement District, and establishing the date, time and place for the public hearing.
- CC12. City Council to adopt **Resolution No. 10-6894**, in support of "Business Friendly Principles" as part of SCAG's development of a Southern California Economic Growth Strategy.

CONSENT CALENDAR CONT

- CC13. City Council to consider a recommendation on use of approved funds from the Housing and Community Development 2010-2011 funding allocation for Special Economic Development.
- CC14. City Council to accept a completion of Park Maintenance Shop Restoration Project #F-1008 with contractor John Joseph Mooers Construction.
- CC15. City Council to approve of the Covina Public Library Wireless, Wired Internet, Electronic and Printing Resource Policy.
- CC16. Report on Council Member Kevin Stapleton and City Manager Daryl Parrish attendance at the League of California Cities Annual Conference.

PUBLIC HEARING

JOINT PUBLIC HEARING

NEW BUSINESS

- NB 1. Notification of the Covina Irrigating Company Annual Stockholders Meeting and designation of proxy and alternate proxy.

Staff Recommendation

- a.) Receive notification of Annual Stockholders Meeting; and
- b.) Designate City Attorney as proxy and City Manager Daryl Parrish as alternate proxy.

- NB 2. City Council to adopt **Resolution No. 10-6895**, authorizing City Manager and City Attorney to execute a contract with Tyler Technologies for a Financial, Payroll & Human Resources Software System Solution and amending the Information Technology Budget by \$100,000 for Fiscal Year 2010-2011.

- NB 3. Solid Waste Disposal Options and Alternatives

Staff Recommendation

Receive and file this report and direct staff to return to the City Council with a report on possible alternative disposal opportunities available in partnership with the City's licensed solid waste hauler, Athens Services.

JOINT NEW BUSINESS

CONTINUED BUSINESS

CB 1. Appointments to the Cultural Arts Advisory Commission.

Staff Recommendation

Appoint applicants; Kathryn Ennis, Ann Hall and Andres Hernandez to the Cultural Arts Advisory Commission.

ADJOURNMENT

The Covina City Council/Redevelopment Agency will adjourn to the next Regular Meeting to be held on **Tuesday, October 19, 2010** 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
Executive Assistant to the Police Chief
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

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 SEPTEMBER 21, 2010 REGULAR MEETING OF THE COVINA CITY COUNCIL/REDEVELOPMENT AGENCY HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 125 EAST COLLEGE STREET

CALL TO ORDER

Mayor Delach called the City Council/Redevelopment Agency meeting to order at 7:32 p.m.

ROLL CALL

Council Members Present: Allen, King, Stapleton, Delach, Low

Staff Members Present: City Manager, City Attorney, Police Captain, Fire Chief, Public Works Director, Community Development Director, Finance Director, Human Resources Director, Human Resources Management Analyst, Communications Manager, Redevelopment Manager, City Clerk, Administrative Technician, Deputy City Clerk

**AGENDA
POSTING
DECLARATION**

The Deputy City Clerk of the Covina City Council hereby declares that the agenda for the September 21, 2010 Regular City Council/Redevelopment Agency meeting was posted on September 16, 2010, near the front entrance of City Hall, 125 East College Street, Covina, in accordance with §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:

Unaffiliated Employees
Police Management Group

B. G.C. 54957(b) – PERSONNEL MATTERS
Public Employee Appointment – Title: Finance Director

C. G.C. 54956.8 – CONFERENCE WITH REAL PROPERTY
NEGOTIATOR –NEGOTIATIONS TO INCLUDE BOTH PRICE
AND TERMS:

- 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)
- Mercy Moreno – 147-151 East College Street (APN: 8445-001-918)
- Off Citrus – 114 E. Italia Street (APN: 8445-001-905)
- Charlie Park – 116 E. School Street (APN: 8430-027-009)
- Zenna Morris – 312 N. Citrus Avenue (APN: 8430-027-906)
- Mark Smith – 322 N. Citrus Avenue (APN: 8430-027-017)
- Cristina Wahba – 324 N. Citrus Avenue (APN: 8430-027-017)
- Pat Fore – 326 N. Citrus Avenue (APN: 8430-027-017)
- Ken Manusia – 328 N. Citrus Avenue (APN: 8430-027-017)
- CIT Small Business Lending Corporation – Barranca Investments, Inc. and Antonio Escobar – 504 N. Barranca Avenue (APN: 8429-009-019)

**CITY ATTORNEY
ANNOUNCEMENT**

City Attorney announced that no reportable action was taken in closed session for items A and C. He noted closed session item B was removed from the agenda.

**PLEDGE OF
ALLEGIANCE**

Council Member Stapleton led the Pledge of Allegiance.

INVOCATION

Covina Police Chaplain Patty Venegas gave the invocation.

PRESENTATIONS

Mayor Delach recognized Debbie King, Registrar for the Covina Chapter of the Daughters of the American Revolution, who accepted the proclamation.

Mayor presented a proclamation to Joseph Montoya recognizing the October 9, 2010 commemoration of the Alumni Military Memorial Plaza located at Bishop Amat High School.

PUBLIC COMMENTS

Marcia Enger expressed her pleasure with recent infrastructure improvements throughout the City. She referenced the Olson Citrus Walk project and rumors regarding the closure of businesses; she expressed a concern regarding blight from empty stores.

**COUNCIL/AGENCY
COMMENTS**

Council Member Stapleton stated the thought of businesses being forced out of town is not accurate information. Member Stapleton announced Covina Day at the L.A. County Fair will be held on October 1, 2010. Member Stapleton requested staff provide an update on the Los Angeles Regional Interoperable Communications System (LA RICS) at an upcoming Council Meeting in October.

Council Member Allen inquired if staff could explore the idea of providing certain updates regarding downtown projects. Member Allen expressed his appreciation for the Dare to Care Cut-a-Thon held on September 10, 2010. He noted Tantrum Salon raised \$11,000, along with another \$2,200 raised by 17 other businesses, which will be donated to the Citrus Valley Hospice Facility in West Covina.

Mayor Pro Tem King publicly thanked the Public Works Department for their response to three water main leaks that took place over the weekend. He noted the responding crews were professional and worked quickly to repair and restore the water. Mayor Pro Tem King referenced the Taste of Covina and its success as a first year event.

Council Member Low spoke about his attendance at the Department of Motor Vehicles Regional Office opening in the Arrow Grand Industrial Park. Member Low referenced the Covina Chamber of Commerce 25th Annual Police and Firefighter Awards Luncheon. He commended the Police Officer of the Year on his professionalism.

Mayor Delach expressed her gratitude for the successful Dare to Care Cut-a-Thon event. Mayor Delach congratulated Kay Manning, who

was in the audience, on the successful car show event, which reflected on the September 11, 2001 terrorist attacks. The event was well attended by the public and military. Mayor Delach reminded the community about Covina Day at the L.A. County Fair. She referenced the upcoming Thunderfest Car Show and Musical Festival on Saturday, October 23, 2010. For additional information, contact the Parks and Recreation Department at (626) 384-5340 or the Covina Chamber of Commerce at (626) 967-4191.

**CITY MANAGER
COMMENTS**

City Manager Daryl Parrish reported that the Council meeting was web-casting live this evening. City Manager Parrish stated that staff has prepared an abbreviated budget report, which will be placed at public counters inside City Hall, Library and on the City's website. He reported he and Council Member Stapleton attended the League of California Cities General Conference in San Diego. Council Member Stapleton was the City's voting delegate and voted on the debate regarding AB32 and SB375, two gas-related bills, which are good for the environment, but will have an affect on the economy. The recommendation was to delay the implementation of the Bills until the economy improves.

**CONSENT
CALENDAR**

On a motion by Council Member Stapleton, seconded by Mayor Pro Tem King, the City Council/Redevelopment Agency approved Consent Calendar items CC1, CC2, CC3, CC6, CC8, CC9, CC10 and CC11. Motion carried 5-0. Consent Calendar items CC4, CC5, CC7, CC12, CC13, and CC14 were removed from the Agenda for further discussion.

**REGULAR CITY
COUNCIL/CRA
MEETING MINUTES
CC1**

CC1. City Council approved the Minutes of the September 7, 2010 Regular City Council/Redevelopment Agency Meeting.

**EMPLOYEE AGREEMENT
POLICE CHIEF
CC2**

CC2. City Council approved the employment agreement between the City of Covina and Chief of Police Kim Raney.

**CUSTOMER SERVICE
REPORT
CC3**

CC3. City Council received and filed a report regarding the City of Covina's Employee Customer Services Survey.

**PAYMENT OF DEMANDS
CC4**

CC4. City Council approved Payment of Demands in the amount of \$234,765.47.

**PAYMENT OF DEMANDS
CC5**

CC5. City Council approved Payment of Demands in the amount of \$3,965,182.47.

Consent Calendar items CC4 and CC5 were removed from the Agenda as the Payment of Demands was approved by Council at the September 7, 2010s meeting.

**RECORDATION OF FINAL
TRACT MAP 62086
CC6**

CC6. City Council adopted **Resolution No. 10-6882** approving and allowing recordation of Final Tract Map 62086; southeast corner of Leaf Avenue and Badillo Street.

**AWARD OF BID
SOLAR RADAR SIGNS
CC7**

CC7. City Council adopted **Resolution No. 10-6887**, awarding bid and appropriation of funds for Solar Radar Display Signs – Project No. T-1012, State Project No. SR2SL-5118 (013).

Council Member Allen recused himself from voting on item CC7, noting for the record that one of the solar radar signs will be placed on Sunset Avenue, which is more than 500 feet and less than 1,000 feet from his residence. On a motion by Council Member Stapleton, seconded by Council Member Low, the City Council/Redevelopment Agency approved Consent Calendar item CC7. Motion carried 4-0, with Council Member Allen abstaining.

**REPORT ON PUBLIC
PARKING
CC8**

CC8. City Council received and filed the report on Public Parking Signage at Downtown Parking Structure.

**PUBLIC WORKS
MONTHLY REPORT
CC9**

CC9. City Council received and filed the Public Works Department Monthly Activity Report.

**GRANT FUNDING FROM
DEPARTMENT OF JUSTICE
CC10**

CC10. City Council adopted **Resolution No. 10-6883** accepting grant funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Grant (JAG) Program, FY 2010 for the City of Covina Police Department Youth Accountability Board Program; and adopted **Resolution No. 10-6884**, authorizing an increase to the Police Department 2010-2011 budget in the amount of \$19,424. Authorize the City Manager to execute the agreement of behalf of the City of Covina.

**GRANT FUNDING FROM
STATE HOMELAND
SECURITY
CC11**

CC11. City Council adopted **Resolution No. 10-6885** accepting grant funding from the State Homeland Security Grant Program, 2009 SHSGP for the purchase of an automated license plate reader; and adopted **Resolution No. 10-6886** authorizing an increase to the Police Department 2010-2011 budget in the amount of \$22,550. Authorize the City Manager and Chief of Police to execute the agreement on behalf of the City of Covina.

**GRANT FUNDING FROM
DEPARTMENT OF
JUSTICE
CC12**

CC12. Redevelopment Agency adopted **Resolution No. 10-640** approving the transfer of Land Proceeds Funds and authorizing Executive Director to choose consultant to prepare Request for Proposals (RFP) for demolition of the Olson Citrus Walk

Project Site and enter into an agreement with selected consultant.

CC13. Redevelopment Agency adopted **Resolution No. 10-638** approving the transfer of Land Proceeds Funds for increase in relocation services contracts for the Citrus Walk Project by \$25,000 for an amount not to exceed \$85,000 and authorize Executive Director to execute contracts for said services.

CC14. Redevelopment Agency approved three relocation settlement offers, each exceeding \$50,000 for the Olson Citrus Walk Project.

Mayor Delach reported an amendment to Consent Calendar item CC14, noting the dollar amount should read \$97,500 instead of \$50,000.

Council Member Low communicated an inquiry regarding underwriting mortgages related to mixed-use projects, stating that he was provided an opinion that such financing might be unadvised. Mayor Delach stated that mixed-use mortgages are similar to purchasing a town-home or condominium and that low mod is a requirement for a certain number of units. Mayor Delach added that the banking industry has become extremely stringent in recent years with new mortgages.

On a motion by Council Member Allen, seconded by Council Member Stapleton, the City Council/Redevelopment Agency approved Consent Calendar item CC12, CC13 and CC14, with the noted amendment to item CC14. Motion carried 4-1, with Council Member Low voting no.

**REPORT ON ARROW
HIGHWAY CORRIDOR
PROJECT
JNB1**

Report on Arrow Highway Corridor Project and direct staff to continue to work with the other involved public agencies to study land use and funding possibilities that can lead to the continued revitalization of Arrow Highway.

Community Development Director Robert Neiuber reported the cities of Covina, Glendora, Azusa, Irwindale, and Baldwin Park along with Los Angeles County are working together regarding the Arrow Highway Corridor Project. The County has inquired if the various City Council are interested in pursuing the idea of working together prior to the Council investing additional funding. He reported that staff would like to continue to work on the project to address future land uses and requested Council's consent regarding the project.

On a motion by Council Member Stapleton, seconded by Council Member Allen, City Council/Redevelopment Agency moved to receive and file JNB1. Motion carried 5-0.

ADJOURNMENT

At 8:39 p.m., Mayor Delach adjourned the City Council/Redevelopment Agency meeting in memory of Carlos Jesus, a wrestler at Rio Hondo College, to the next Regular Meeting to be held on **Tuesday, October 5, 2010** at 6:30 p.m.

Catherine M. LaCroix
Deputy City Clerk/Agency Secretary

Approved this 5th day of October, 2010.

Peggy Delach, Mayor

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 2

STAFF SOURCE: Anthony Arroyo, Director of Human Resources *PAH*
Guadalupe Marquez, Human Resources Analyst *GM*

ITEM TITLE: Pre-Tax Payroll Deduction Plan for Service Credit Purchases

STAFF RECOMMENDATION

Adopt **Resolution No. 10-6891**, allowing Miscellaneous and Safety employees of the City of Covina to buy service credit with pre-tax dollars.

FISCAL IMPACT

None.

BACKGROUND

Government Code Section 20909 allows members of CalPERS to purchase up to five years of non-qualified service, sometimes referred to as "airtime" or Additional Retirement Service Credit (ARSC). The program is available to any active CalPERS member who has at least five years of earned service credit.

Internal Revenue Code Section 414(h)(2) provides a special rule for qualified plans established by a State government local agency. Under this rule, contributions, although designated as employee contributions, are nevertheless treated as employer contributions if the contributions are picked up by the employing unit and are tax exempt.

In 2002 the City of Covina approved Resolution no. 02-6194, which allowed for a pre-tax payroll deduction plan for service credit purchases under Internal Revenue Code section 414(h)(2). The Resolution listed a coverage group that, at that time, was non-existent (listed in the 2002 Resolution as "70002 - Miscellaneous"). Because this group did not exist, the city recently became aware that this portion of the 2002 resolution was nullified. Therefore, the Pre-tax option is not currently available for the Miscellaneous employee group.

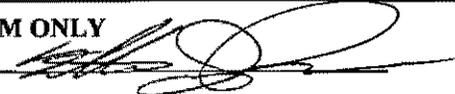
At the request and direction of PERS, the attached resolution refers to "All Miscellaneous and Safety," which will cover all City of Covina employees and any changes to employee groups or coverage in the future and keep the City in compliance with the regulations set by PERS.

RELEVANCE TO THE STRATEGIC PLAN

None

EXHIBITS

- A. Resolution 10-6891
- B. Resolution 02-6194

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

RESOLUTION No. 10-6891

**EMPLOYER PICKUP RESOLUTION
PRE-TAX PAYROLL DEDUCTION PLAN
FOR SERVICE CREDIT PURCHASES
(CONTRIBUTION CODE 14)**

WHEREAS, the Board of Administration of the California Public Employees' Retirement System (CalPERS) at the April 1996 meeting approved a pre-tax payroll deduction plan for service credit purchases under Internal Revenue Code (IRC) section 414(h)(2); and

WHEREAS, the City of Covina has the authority to implement the provisions of IRC section 414(h)(2) and has determined that even though implementation is not required by law, the tax benefit offered by this section should be provided to those employees who are members of CalPERS; and

WHEREAS, the City of Covina elects to participate in the pre-tax payroll deduction plan for all employees in the following CalPERS Coverage Group(s):

All Miscellaneous and all Safety Groups

NOW, THEREFORE, BE IT RESOLVED:

- I. That the City of Covina will implement the provisions of IRC section 414(h)(2) by making employee contributions for service credit purchases pursuant to the California State Government Code on behalf of its employees who are members of CalPERS and who have made a binding irrevocable election to participate in the pre-tax payroll deduction plan. "Employee contributions" shall mean those contributions reported to CalPERS which are deducted from the salary of employees and are credited to individual employee accounts for service credit purchases, thereby resulting in tax deferral of employee contributions.
- II. That the contributions made by the City of Covina to CalPERS, although designated as employee contributions, are being paid by the City of Covina in lieu of contributions by the employees who are members of CalPERS.

- III. That the employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Covina to CalPERS.
- IV. That the City of Covina shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary, thereby resulting in tax deferral of employee contributions.
- V. That the effective date for commencement of the pre-tax payroll deduction plan cannot be any earlier than the date the completed resolution is received and approved by CalPERS.
- VI. That the governing body of the City of Covina shall participate in and adhere to requirements and restrictions of the pre-tax payroll deduction plan by reporting pre-tax payroll deductions when authorized by CalPERS for those employees of the above stated Coverage Group(s) who have elected to participate in this plan.

PASSED AND ADOPTED by the governing body of the City of Covina this 5th day of October, 2010.

BY: _____
Peggy A. Delach, Mayor

ATTEST: _____
Catherine LaCroix, Deputy City Clerk

APPROVED AS TO FORM: _____
City Attorney

RETURN ADDRESS:

City of Covina
125 East College Street
Covina, CA 91723

| |
|--|
| FOR CALPERS USE ONLY |
| Pre-tax payroll deduction plan effective date: _____ |
| Approved By: _____ Title: _____ |
| MEMBER SERVICES DIVISION, Service credit section-Unit 830 |

Resolution No. 02-6194
of the City Council of the City of Covina, California,
Employer Code 0225

Employer Pickup Resolution

Pre Tax Payroll Deduction Plan
For Service Credit Purchases
Contribution Code 14

WHEREAS, the Board of Administration of the California Public Employees' Retirement System (CalPERS) at the April 1996 meeting approved a pre-tax payroll deduction plan for service credit purchases under Internal Revenue Code (IRC) section 414(h)(2); and

WHEREAS, City of Covina, has the authority to implement the provisions of IRC section 414(h)(2) and has determined that even though implementation is not required by law, the tax benefit offered by this section should be provided to those employees who are members of CalPERS; and

WHEREAS, the City of Covina elects to participate in the pre-tax payroll deduction plan for all employees in the following CalPERS coverage group(s):

70001 – Miscellaneous
70002 – Miscellaneous
75002 – Police
75102 – Police

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF COVINA AS FOLLOWS:

SECTION 1. That the City of Covina will implement the provisions of IRC section 414(h)(2) by making employee contributions for service credit purchases pursuant to the California State Government Code on behalf of its employees who are members of CalPERS and who have made a binding irrevocable election to participate in the pre-tax payroll deduction plan. "Employee contributions" shall mean those contributions reported to CalPERS which are deducted from the salary of employees and are credited to individual employee accounts for service credit purchases, thereby resulting in tax deferral of employee contributions.

SECTION 2. That the contributions made by the City of Covina to CalPERS, although designated as employee contributions, are being paid by the City of Covina in lieu of contributions by the employees who are members of CalPERS.

SECTION 3. That the employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Covina to CalPERS.

SECTION 4. That the City of Covina shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary, thereby resulting tax deferral of employee contributions.

SECTION 5. That the effective date for commencement of the pre-tax payroll deduction plan cannot be any earlier than July 1, 1996, or the date the completed resolution is received and approved in CalPERS, whichever is later.

SECTION 6. That the governing body of the City of Covina shall participate in and adhere to requirements and restrictions of the pre-tax payroll deduction plan by reporting pre-tax payroll deductions when authorized by CalPERS for those employees of the above stated Coverage Groups who have elected to participate in this plan.

Adopted at a regular meeting of the City Council of the City of Covina at Covina this 2nd day of April 2002.

Signed: 
David Truax, Mayor

ATTEST:


Mary Jo Southall, City Clerk

APPROVED AS TO FORM:


Charles S. Vose, City Attorney

I, **MARY JO SOUTHALL**, City Clerk of the City of Covina, hereby CERTIFY that Resolution No. 02-6194 was adopted by the Covina City Council at a meeting of the City Council held April 2, 2002, and was approved and passed by the following vote:

AYES: COUNCILMEMBERS: ALLEN, HALL, PALMERI, STAPLETON, TRUAX
NOES: COUNCILMEMBERS: NONE
ABSTAIN: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: NONE

A handwritten signature in cursive script, reading "Mary Jo Southall", written over a horizontal line.

Mary Jo Southall, City Clerk

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 3

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

PMA
AM

ITEM TITLE: Employer Paid Member Contributions (EPMC) for Civilian Employees and New Hire Sworn Employees of the Police Association of Covina (PAC).

STAFF RECOMMENDATION

- a. Adopt **Resolution No. 10-6892**, requiring Civilian members of the Police Association of Covina (PAC) employee group to pay 3% of the Employer Paid Member Contribution to PERS.
- b. Adopt **Resolution No. 10-6893**, requiring Sworn members of the Police Association of Covina (PAC) hired after January 1, 2011, to pay 3% of the Employer Paid Member Contribution to PERS.

FISCAL IMPACT

None. There is no cost associated with the EPMC.

BACKGROUND

During recent negotiations, the Police Association of Covina (PAC) agreed that Sworn employees hired after January 1, 2011 pay 3% of the 9% of the Employer Paid Member Contribution to PERS and Civilian employees begin to pay 3% of the 8% towards the employee portion of PERS. This agreement will be acknowledged in the Memorandum of Understanding with PAC, which will be presented to council at a later date.

RELEVANCE TO THE STRATEGIC PLAN

None.

EXHIBITS

- A. Resolution 10-6892
- B. Resolution 10-6893

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

RESOLUTION NO. 10-6892

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, REQUIRING CIVILIAN MEMBERS OF THE POLICE ASSOCIATION (PAC) TO PAY 3% OF THE EMPLOYER PAID MEMBER CONTRIBUTION TO PERS.

WHEREAS, the governing body of the City of Covina has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the City of Covina has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Covina of a Resolution to commence said Employer Paid Member Contributions (EPMC); and

WHEREAS, the governing body of the City of Covina has identified the following conditions for the purpose of its election to pay EMPC:

- This benefit shall apply to Civilian members of the Police Association of Covina .
- This benefit shall consist of the City paying 5% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be September 16, 2010.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Covina elects to pay EPMC, as set forth above.

SECTION 1. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 5th day of October, 2010.

Peggy A. Delach, Mayor

ATTEST:

Catherine LaCroix, Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 10-6893

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, REQUIRING NEW HIRE SWORN MEMBERS OF THE POLICE ASSOCIATION (PAC) HIRED AFTER JANUARY 1, 2011, TO PAY 3% OF THE EMPLOYER PAID MEMBER CONTRIBUTION TO PERS.

WHEREAS, the governing body of the City of Covina has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the City of Covina has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Covina of a Resolution to commence said Employer Paid Member Contributions (EPMC); and

WHEREAS, the governing body of the City of Covina has identified the following conditions for the purpose of its election to pay EMPC:

- This benefit shall apply to sworn members of the Police Association of Covina hired after January 1, 2011.
- This benefit shall consist of the City paying 6% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be January 1, 2011.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Covina elects to pay EPMC, as set forth above.

SECTION 1. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 5th day of October, 2010.

Peggy A. Delach, Mayor

ATTEST:

Catherine LaCroix, Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 4

STAFF SOURCE: Dilu de Alwis, Finance Director 
Steven Smith, Management Analyst

ITEM TITLE: A Resolution Approving the Carry Over of Certain Funds from Fiscal Year 09-10 to Fiscal Year 10-11.

STAFF RECOMMENDATION

Adopt **Resolution #10-6890** approving the carry over of certain funds from Fiscal Year 09-10 to Fiscal Year 10-11.

FISCAL IMPACT

The fiscal impact to each fund is detailed in "Exhibit A" and total \$577,670. The carry over of appropriations from the prior fiscal year will result in the following decrease in fund balances in FY 2010-11; : 1010 - \$447,818; 2600 - \$58,912; 7010 - \$35,940; 7200 - \$35,000. The decrease in fund balance in FY 2010-11 is offset by the increase to fund balance in FY 2009-10 due to savings in each of the funds listed above due to expenditures not being incurred as budgeted.

BACKGROUND

Generally, annual budget appropriations lapse at year end. The exceptions are encumbrances (open purchase orders), life-cycle appropriations (certain grants), and restricted revenues and donations. These are automatically carried forward and reserved in the appropriated fund balance. Additional appropriation carryovers require City Council authorization. Finance staff has reviewed the requests and have verified that the funds are available for carry over from Fiscal Year 09-10.

Certain funds for Capital Improvement Projects (traffic signals) funded by the General Fund which involve other jurisdictions are not included in this carry over. This is primarily due to the lag time in the billing from other agencies and funds will be drawn from fund balance when projects are completed and/or billed.

RELEVANCE TO STRATEGIC PLAN

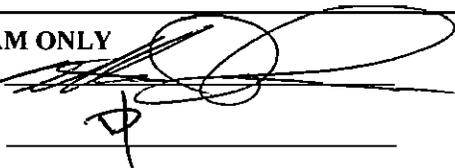
None.

EXHIBITS

- A. Schedule of Requested Carryovers
- B. Resolution #10-6890

REVIEW TEAM ONLY

City Attorney: _____



Finance Director: _____



City Manager: _____



Other: _____

City of Covina
 Carryovers
 FY 10-11

| Fund | Account Number | Activity | Requested Amount | Description |
|--------------------|--------------------|-----------------|------------------|--|
| 1010 | | | | |
| 1010 | 1010-0930-00-55100 | Civic Center | 273,526 | City Hall repairs |
| 1010 | 1010-1300-00-53590 | Parking Control | 2,300 | City of Inglewood |
| 1010 | 1010-1700-00-51005 | Disaster Prep | 4,600 | Consulting |
| 1010 | 1010-2100-00-51530 | Engineering | 30,000 | Engineering studies |
| 1010 | 1010-2100-00-51990 | Engineering | 10,330 | Engineering studies |
| 1010 | 1010-3400-05-52400 | Park Facilities | 10,000 | Hollenbeck office water damage repairs |
| 1010 | 1010-3400-06-55100 | Park Facilities | 15,000 | Restroom repairs at Kahler Russell Park |
| 1010 | 1010-3400-04-55200 | Park Facilities | 23,955 | Covina Park driveway repairs |
| 1010 | 1010-3400-04-52400 | Park Facilities | 3,100 | Covina Park office maintenance - floor |
| 1010 | 1010-3500-00-55100 | Senior Services | 15,937 | Roofing repairs at senior center |
| 1010 | 1010-3900-00-54100 | Library | 16,600 | Books |
| 1010 | 1010-3900-00-54120 | Library | 8,270 | Periodicals |
| 1010 | 1010-3900-00-52400 | Library | 10,000 | Maintenance - building - air conditioner |
| 1010 | 1010-4010-00-50030 | Planning | 3,200 | Costs to complete scanning of microfiche |
| 1010 | 1010-4010-00-51005 | Planning | 21,000 | Completion of housing element |
| 1010 Total | | | 447,818 | |
| 2600 | | | | |
| 2600 | 2600-2800-00-55360 | Public Parking | 58,912 | Sealing & restriping public lots |
| 2600 Total | | | 58,912 | |
| 7010 | | | | |
| 7010 | 7010-6010-00-55550 | CE - Ops | 35,940 | Vehicles |
| 7010 Total | | | 35,940 | |
| 7200 | | | | |
| 7200 | 7200-6210-00-55700 | MIS | 35,000 | Appropriations for Edgesoft System |
| 7200 | 7200-6210-00-55700 | MIS | 19,220 | Transfer Planning Records |
| 7200 | 7200-6250-00-55700 | MIS | 14,086 | Server Upgrade Project |
| 7200 Total | | | 35,000 | |
| Grand Total | | | 577,670 | |

RESOLUTION NO. 10-6890

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
COVINA, CALIFORNIA, APPROVING THE CARRY OVER OF
CERTAIN FUNDS FROM FISCAL YEAR 09-10 TO FISCAL YEAR 10-11**

WHEREAS, the City of Covina has certain operations and projects initiated prior to the fiscal year commencing July 1, 2010, which remain incomplete and will carry over from the previous fiscal year to the current fiscal year; and

WHEREAS, the City Council desires to appropriate the necessary carry over funds for the continuation and completion of certain City operations and projects and to set forth and appropriate certain expenses;

NOW, THEREFORE, the City Council of the City of Covina does hereby resolve that certain funds (listed in Exhibit A) are carried over from Fiscal Year 2009-2010 to Fiscal Year 2010-2011 and the City Manager is authorized to implement the same.

Section 1: The City Clerk shall certify to the passage and adoption of this resolution and the same shall thereupon take effect and is in force.

PASSED, APPROVED AND ADOPTED this 5th day in October, 2010.

Peggy Delach, Mayor

ATTEST:

Toni J. Taber, City Clerk

APPROVED AS TO FORM:

City Attorney

COVINA REDEVELOPMENT AGENCY
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 5

STAFF SOURCE: Dilu de Alwis, Finance Director 
Steven Smith, Management Analyst

ITEM TITLE: A Resolution Approving the Carry Over of Certain Funds from Fiscal Year 09-10 to Fiscal Year 10-11.

STAFF RECOMMENDATION

Adopt **Resolution #10-641** approving the carry over of certain funds from Fiscal Year 08-09 to Fiscal Year 09-10.

FISCAL IMPACT

The fiscal impact to each fund is detailed in "Exhibit A" and totals \$5,982,428. The carry over of appropriations from the prior fiscal year will result in the following decrease in fund balances in FY 2010-11; 2051 - \$70,000; 2055 - \$2,500,000; 5011 - \$194,016; 5012 - \$1,862,750; 5013 - \$250,000; 5022 - \$1,057,000; 5031 - \$48,662. The decrease in fund balance in FY 2010-11 is offset by the increase to fund balance in FY 2009-10 due to savings in each of the funds listed above due to expenditures not being incurred as budgeted.

BACKGROUND

Generally, annual budget appropriations lapse at year end. The exceptions are encumbrances (open purchase orders), life-cycle appropriations (certain grants), and restricted revenues and donations. These are automatically carried forward and reserved in the appropriated fund balance. Additional appropriation carryovers require Agency authorization. Finance staff has reviewed the requests have verified that the funds are available for carry over from Fiscal Year 10-11.

RELEVANCE TO STRATEGIC PLAN

None.

EXHIBITS

- A. Schedule of Requested Carryovers
- B. Resolution #10-641

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

Covina Redvelopment Agency
 Carryovers
 FY 10-11

| Fund | Account Number | Activity | Requested Amount | Description |
|--------------------|--------------------|---------------|------------------|---|
| 2051 | | | | |
| 2051 | 2051-4700-00-51205 | LMIH | 20,000 | McGill House Grant Matching Requirement |
| 2051 | 2051-4700-00-51205 | LMIH | 50,000 | Citrus Walk |
| 2051 Total | | | 70,000 | |
| 2055 | | | | |
| 2055 | 2055-4700-00-53770 | Housing | 2,500,000 | 200 W. Rowland |
| 2055 Total | | | 2,500,000 | |
| 5011 | | | | |
| 5011 | 5011-4650-00-53990 | Redevelopment | 5,000 | McGill House Grant Matching Requirement |
| 5011 | 5011-4650-00-52600 | Redevelopment | 189,016 | |
| 5011 Total | | | 194,016 | |
| 5012 | | | | |
| 5012 | 5012-4650-00-51990 | Redevelopment | 1,862,750 | Citrus Valley Health Partners MOU |
| 5012 Total | | | 1,862,750 | |
| 5013 | | | | |
| 5013 | 5013-4650-00-51005 | Redevelopment | 20,000 | Shopper's Lane |
| 5013 | 5013-4650-00-55200 | Redevelopment | 230,000 | Shopper's Lane |
| 5013 Total | | | 250,000 | |
| 5022 | | | | |
| 5022 | 5022-4650-00-51005 | Redevelopment | 57,000 | Consulting |
| 5022 | 5022-4650-00-55200 | Redevelopment | 1,000,000 | Improvements |
| 5022 Total | | | 1,057,000 | |
| 5031 | | | | |
| 5031 | 5031-4450-00-51205 | Redevelopment | 48,662 | Citrus Walk |
| 5031 Total | | | 48,662 | |
| Grand Total | | | 5,982,428 | |

RESOLUTION NO. 10-641

**A RESOLUTION OF THE COVINA REDEVELOPMENT
AGENCY OF THE CITY OF COVINA, CALIFORNIA, APPROVING THE
CARRY OVER OF CERTAIN FUNDS FROM FISCAL YEAR 09-10 TO
FISCAL YEAR 10-11**

WHEREAS, the Covina Redevelopment Agency has certain operations and projects initiated prior to the fiscal year commencing July 1, 2010, which remain incomplete and will carry over from the previous fiscal year to the current fiscal year; and

WHEREAS, the Covina Redevelopment Agency desires to appropriate the necessary carry over funds for the continuation and completion of certain Agency operations and projects and to set forth and appropriate certain expenses;

NOW, THEREFORE, the Covina Redevelopment Agency of the City of Covina does hereby resolve that certain funds (listed in Exhibit A) are carried over from Fiscal Year 2009-2010 to Fiscal Year 2010-2011 and the Executive Director is authorized to implement the same.

Section 1: The Agency Secretary shall certify to the passage and adoption of this resolution and the same shall thereupon take effect and is in force.

PASSED, APPROVED AND ADOPTED this 5th day in October, 2010.

Peggy Delach, Mayor

ATTEST:

Toni J. Taber, Agency Secretary

APPROVED AS TO FORM:

City Attorney

CITY OF COVINA/REDEVELOPMENT AGENCY
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 6

STAFF SOURCE: Dilu de Alwis, Finance Director 

ITEM TITLE: Receive and File 1st Quarter 2010 Sales Tax Report.

STAFF RECOMMENDATION

City Council to receive and file 1st Quarter 2010 Sales Tax Report.

FISCAL IMPACT

None

BACKGROUND

Sales tax results over the past five quarters have varied significantly. The following table depicts this variation;

| | | |
|------------------------------|------------------------------|---------|
| 1 st Quarter 2008 | 1 st Quarter 2009 | (13%) |
| 2 nd Quarter 2008 | 2 nd Quarter 2009 | (21%) |
| 3 rd Quarter 2008 | 3 rd Quarter 2009 | (17.5%) |
| 4 th Quarter 2008 | 4 th Quarter 2009 | (11.1%) |
| 1 st Quarter 2009 | 1 st Quarter 2010 | (3.6%) |

Even though the 1st quarter 2010 results show a negative 3.6% when compared to 2009, staff is cautiously optimistic that the Covina economy has stabilized. If the new norm shows that we are even with 2009 results, this will be a favorable position to be in. Our hope is that the economy continues to inch forward and the sales tax results return to the 2008 levels. Sales tax which makes up approximately 25% of the General Fund budget is a key funding source for many programs including public safety. Stabilization of this revenue source will enable the City of Covina to continue to maintain the level of services currently in place.

RELEVANCE TO THE STRATEGIC PLAN

This informational item is in-line with the Long-Term Financial Stability component of the Strategic Plan under "Enhance Financial Stability".

EXHIBITS

- A. Covina Sales Tax Report
- B. Major Business Groups 13 Quarter History

REVIEW TEAM ONLY

City Attorney: _____

Finance Director:  _____

City Manager:  _____

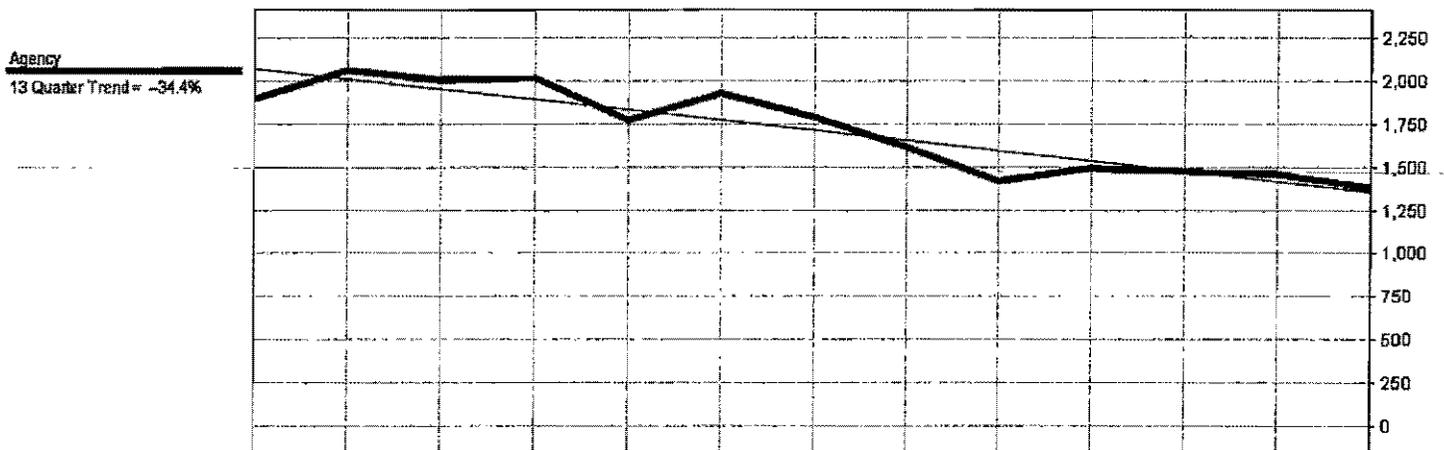
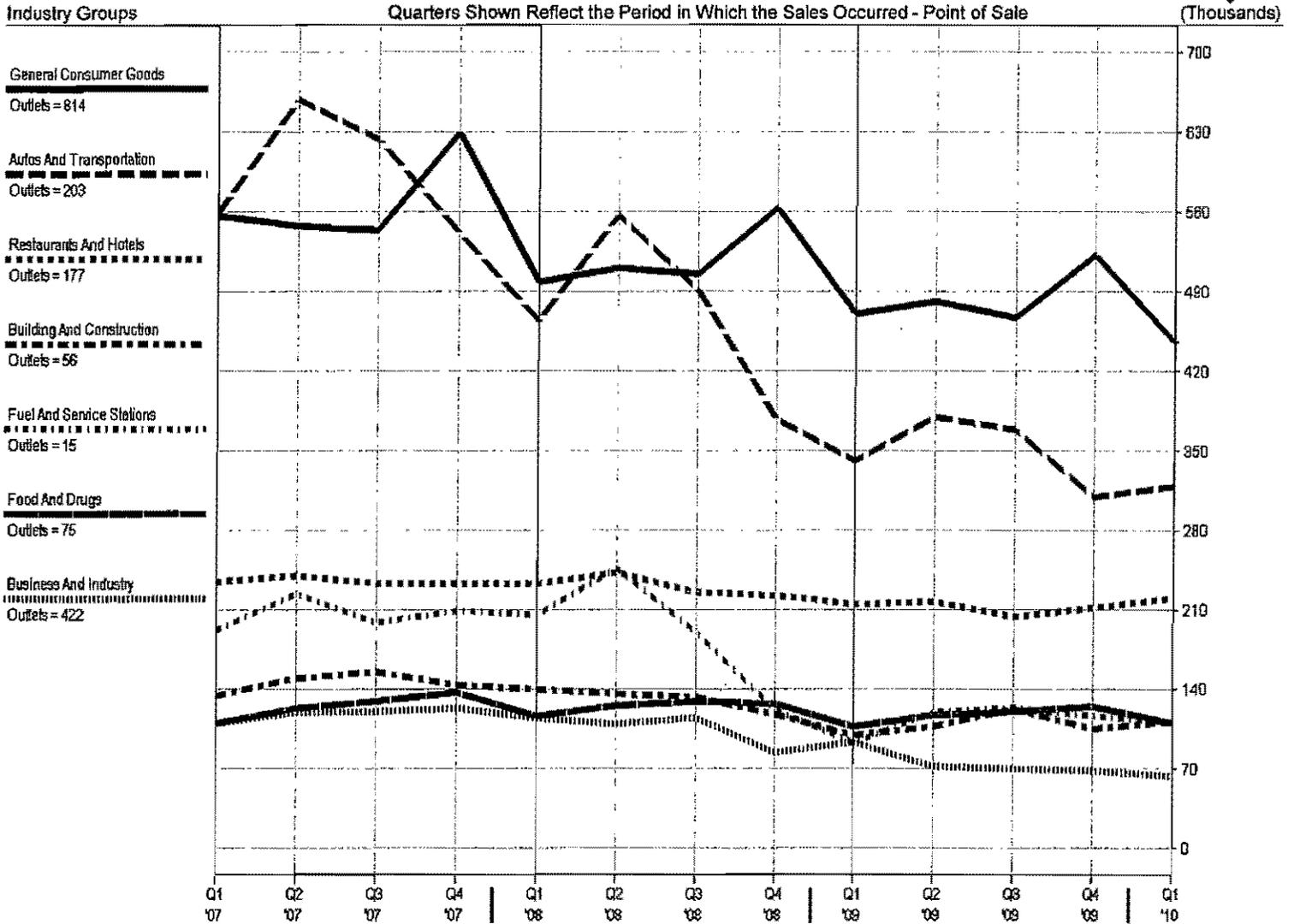
Other: _____



CITY OF COVINA MAJOR INDUSTRY GROUPS - 13 QUARTER HISTORY

Adjusted by moving retroactive payments with an absolute value of \$5,000 or more into the quarter the sale was generated

Chart Description: This chart compares sales tax for the Major Industry Groups. The prior 12 quarters are shown graphically for historical reference purposes. **Allocations have been adjusted to reflect economic data.**



Q1



City of Covina Sales Tax Update

Second Quarter Receipts for First Quarter Sales (Jan-Mar 2010)

Covina In Brief

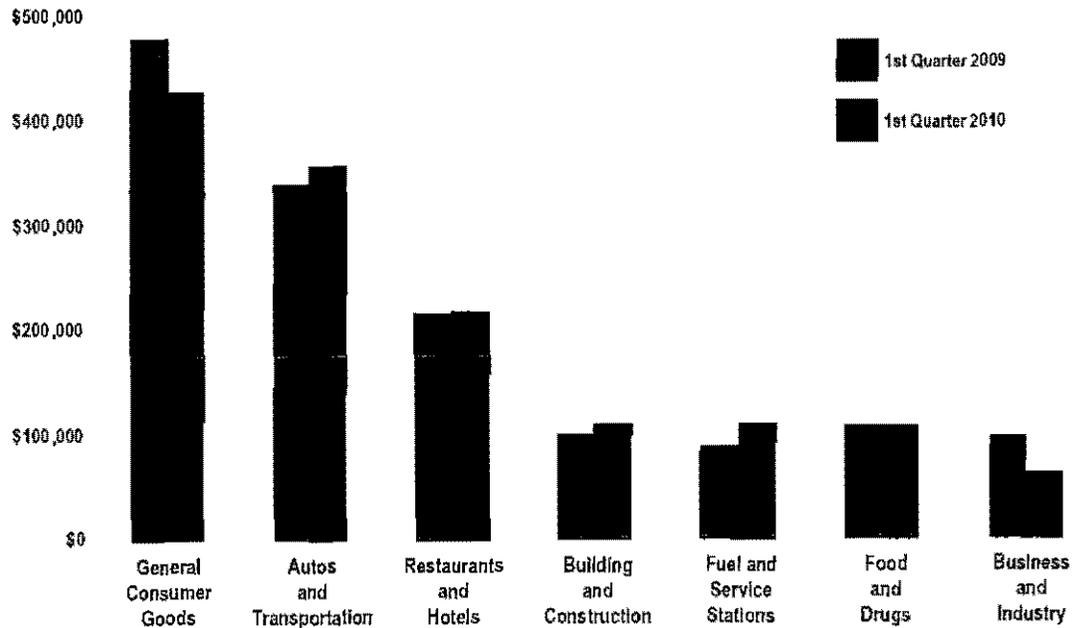
Receipts for Covina's January through March sales were 3.6% lower than the same quarter one year ago. Actual sales activity was down 2.6% when reporting aberrations were factored out.

The city experienced a decline in sales from lumber/building materials, boats/motorcycles, and light industrial/printers. A onetime adjustment to correct for allocations belonging to another jurisdiction significantly contributed to the decrease from home furnishings. A business closure added to the losses from specialty stores. The 13.0% drop in the city's share of the countywide use tax pool allocation was also a factor in the overall decline.

The losses were partially offset by a strong sales quarter from used auto dealers and grocery stores with liquor. Receipts from new autos, contractor supplies, and family apparel were temporarily inflated by the double-up of previously late payments. Higher fuel prices helped boost service station receipts.

Adjusted for aberrations, taxable sales for all of Los Angeles County increased 0.3% over the comparable time period, while the Southern California region as a whole was up 0.5%.

SALES TAX BY MAJOR BUSINESS GROUP



TOP 25 PRODUCERS

In Alphabetical Order

| | |
|-------------------------|--------------------------|
| Albertsons | Michaels |
| Azusa Shell | Petsmart |
| Berts Mega Mall | Reynolds GMC Trucks |
| Bozzani Volkswagen | Smart & Final |
| Cleamans North Woods | Staples |
| DDs Discount | Superior Super Warehouse |
| Enterprise Rent A Car | Thomas Acura |
| Guitar Center | Toys R Us |
| Home Depot | Vincent Arco |
| Ikea | Walgreens |
| K Mart | Walmart |
| Kwik/AJ Sal Oil | World Oil Marketing |
| Los Angeles Engineering | |

REVENUE COMPARISON

Four Quarters - Fiscal Year To Date

| | 2008-09 | 2009-10 |
|-------------------|---------------|---------------|
| Point-of-Sale | \$6,701,717 | \$5,805,697 |
| County Pool | 752,555 | 611,680 |
| State Pool | 3,225 | 5,078 |
| Gross Receipts | \$7,457,498 | \$6,422,454 |
| Less Triple Flip* | \$(1,864,374) | \$(1,605,613) |

*Reimbursed from county compensation fund

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 7

STAFF SOURCE: Steve Henley, Director of Public Works
Kalieh Honish, Assistant Director of Public Works 
Kyle Randall, Building Official
Alex Gonzalez, Senior Management Analyst

ITEM TITLE: Introduction of **Ordinance No. 10-6888** Amending the Covina Municipal Code Pertaining to Code Enforcement Activities

STAFF RECOMMENDATION

Introduce and waive further reading of **Ordinance No. 10-6888** amending the Covina Municipal Code pertaining to code enforcement activities.

FISCAL IMPACT

The recommended action has no fiscal impact.

BACKGROUND

The codified regulations governing the creation and operation of the city's code enforcement activities are embodied predominantly within Titles 1 and 8 of the Covina Municipal Code. As currently written, the Municipal Code makes numerous references to the Community Development Department and/or the Director of Community Development as being responsible for enforcing various provisions of the Municipal Code. However, with the recent transfer of Code Enforcement operational activities from the Community Development Department to the Public Works Department, these various sections of the Code require revision to eliminate any potential legal challenge. To this end, Ordinance No. 10-6888 serves as a housekeeping vehicle to update the Code to address these changes.

As drafted, Ordinance No. 10-6888 eliminates references to a specific department or department head; replacing them with either department-neutral references or references to a designee of the City Manager. This will allow the City Manager the flexibility of assigning code enforcement responsibilities to any department as necessity or efficiency may dictate without the need for any future amendment of the Municipal Code.

RELEVANCE TO THE STRATEGIC PLAN

While Code Enforcement in general performs invaluable activities that are supportive of the City's goals to become an environmentally sustainable community, as well as providing efficient,

visible and responsive public safety, the housekeeping matters contained within the proposed ordinance have no direct relevance to the Strategic Plan.

EXHIBITS

A. Ordinance No. 10-6888

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

ORDINANCE NO. 10-6888

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF COVINA, CALIFORNIA AMENDING THE COVINA
MUNICIPAL CODE PERTAINING TO CODE ENFORCMENT ACTIVITIES**

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

Section 1: Chapter 1.20 of Title 1 of the Covina Municipal Code is hereby amended by amending Subsection "A" of Section 1.20.020 to read as follows:

"A. Personnel designated by job description as being responsible for enforcement of the municipal code;"

Section 2: Chapter 1.26 of Title 1 of the Covina Municipal Code is hereby amended by adding a new subsection "G" to Section 1.26.020 to read as follows:

"G. 'Administrator' means the person or persons designated by the city manager as being responsible for the implementation and enforcement of the provisions of this chapter."

Section 3: Chapter 1.26 of Title 1 of the Covina Municipal Code is hereby amended by amending Subsection "E" of Section 1.26.020 to read as follows:

"E. 'Hearing Officer' means an independent contractor with no conflicts of interest designated by the administrator, or designee thereof, to conduct the administrative citation hearing and make decisions on public nuisances and appeals of administrative citations."

Section 4: Chapter 1.26 of Title 1 of the Covina Municipal Code is hereby amended by amending Section 1.26.080 to read as follows:

1.26.080 Extensions of time to abate. All requests for extensions must be made in writing and present a reasonable hardship. The enforcement officer may grant a one-time extension at his or her discretion after payment of the fine due. The extension shall not exceed 30 days unless the matter is referred to the administrator, or designee thereof, for additional time. The administrator, or designee thereof, may grant additional time as determined in his or her reasonable discretion, considering all relevant facts and circumstances of the hardship. If the case has been referred to the hearing officer, extensions may not be granted."

Section 5: Chapter 1.26 of Title 1 of the Covina Municipal Code is hereby amended by amending Subsection "A" of Section 1.26.100 to read as follows:

"A. A hearing officer shall be designated by the administrator for all appeal hearings under this chapter. The responsible party/appellant may request the administrator refuse a hearing officer for reasons of actual prejudice against the party's cause. The hearing officer shall

conduct an orderly, fair hearing and accept evidence on which persons would commonly rely in the conduct of their ordinary business affairs as follows:

1. A valid citation shall be prima facie evidence of the violation.
2. The hearing officer shall administer oaths and accept testimony by declaration under penalty of perjury relating to the violation and the appropriate means of correcting the violation.
3. The owner, agent, person responsible for the violation, or any other interested person, may present testimony or evidence concerning the violation and the appropriate means of correcting the violation.”

Section 6: Chapter 1.26 of Title 1 of the Covina Municipal Code is hereby amended by amending Subsection “B” of Section 1.26.100 to read as follows:

“B. The administrator shall establish all appropriate administrative regulations for implementing this chapter, conducting hearings and rendering decisions pursuant to this section.”

Section 7: Chapter 1.26 of Title 1 of the Covina Municipal Code is hereby amended by amending Section 1.26.110 to read as follows:

“1.26.110 Hearing Officer. The administrator, or designee thereof, shall designate the hearing officer to conduct the hearing. The hearing officer shall be an independent contractor with no conflicts of interest, ties to the owner, agent, or responsible party that is that is subject of the appeal, or to the property, if applicable, that is the subject of the appeal. All costs associated with the hearing officer shall be paid from the appeal hearing fees and fines collected from administrative citations.”

Section 8: Chapter 1.28 of Title 1 of the Covina Municipal Code is hereby amended by amending Section 1.28.010 to read as follows:

“1.28.010 Enforcement. In addition to those public officers and employees authorized by state law, this code and any other ordinances of the city may be enforced by the police department of the city, city personnel designated by job description as being responsible for enforcement of the municipal code, and the city manager or designee thereof.”

Section 9: Chapter 8.16 of Title 8 of the Covina Municipal Code is hereby amended by adding a new subsection “F” to Section 8.16.020 to read as follows:

“F. ‘Administrator’ means the person or persons designated by the city manager as being responsible for the implementation and enforcement of the provisions contained within this chapter.”

Section 10: Chapter 8.16 of Title 8 of the Covina Municipal Code is hereby amended by amending Section 8.16.050 to read as follows:

“8.16.050 Enforcement. Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the administrator. In the enforcement of this chapter the administrator, or designee thereof, may enter upon private or public property to

examine a vehicle or parts thereof or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.”

Section 11: Chapter 8.16 of Title 8 of the Covina Municipal Code is hereby amended by amending Section 8.16.080 to read as follows:

“8.16.080 Abatement – Authority. Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the city, the administrator or designees thereof shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed in this chapter.”

Section 12: Chapter 8.16 of Title 8 of the Covina Municipal Code is hereby amended by amending Section 8.16.090 to read as follows:

“8.16.090 Abatement. A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED,
WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF
AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner – shown on the last equalized assessment roll of the land located at (address) – you are hereby notified that the under-signed pursuant to the Covina Municipal Code, Chapter 8.16 has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of Covina Municipal Code, Chapter 8.16.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the city and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 calendar days after the mailing of this notice of intention, request a public appeal hearing in writing and if such request is not received by the community development department within such 10-day period, the community development director shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public

C. Hearing shall be open to the public and shall take place once per month at a set time and date, unless the administrator or designee thereof determines it necessary to schedule hearings more or less frequently. Written notice of the time and place for the hearing shall be served by registered mail upon the applicant at the return address indicated on the written appeal or sworn statement, and upon the owner of the land and/or vehicle, if different from the appellant, unless the vehicle is in such condition that identification numbers are not available to determine ownership. Service of the hearing notice must be made at least 10 calendar days prior to the date of the public hearing.

D. Unless as otherwise expressly provided in this chapter, hearings before hearing officers shall be conducted by the same procedures set forth in CMC 1.26.090 through 1.26.110.

E. If a request for hearing is not received within 10 calendar days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicles or parts thereof as a public nuisance without holding a public hearing.”

Section 14: Chapter 8.40 of Title 8 of the Covina Municipal Code is hereby amended by adding new Subsection “H” to Section 8.40.020 to read as follows:

“F. ‘Administrator’ means the person or persons designated by the city manager as being responsible for the implementation and enforcement of the provisions contained within this chapter.”

Section 15: Chapter 8.40 of Title 8 of the Covina Municipal Code is hereby amended by amending Section 8.40.040 to read as follows:

“8.40.040 Commencement of proceeding. When ever the administrator or designee thereof reasonably believes a nuisance exists, the administrator or designee thereof shall commence abatement proceedings as set forth in this chapter.”

Section 16: Chapter 8.40 of Title 8 of the Covina Municipal Code is hereby amended by amending Subsection “A” of Section 8.40.050 to read as follows:

“A. Where the administrator or designee thereof has a reasonable belief that a nuisance exists, written notice shall be given to the owners of the affected properties, as shown on the latest equalized tax assessment roll by mailing the same to the owner’s address as indicated thereon, and further, by conspicuously posting on the affected premises a copy of the notice.”

Section 17: Chapter 8.40 of Title 8 of the Covina Municipal Code is hereby amended by amending Subsection “D” of Section 8.40.090 to read as follows:

“D. If the nuisance is not abated within the 30-day period, or such period as the council may provide, the administrator or designee thereof is expressly authorized and directed to enter upon the premises for abatement of the nuisance. Entry onto premises shall be in accordance with applicable state law.”

Section 18: Chapter 8.40 of Title 8 of the Covina Municipal Code is hereby amended by amending Section 8.40.110 to read as follows:

“8.40.110 Cost of Abatement. Where the administrator or designee thereof is required to cause the abatement of a public nuisance pursuant to the provisions of this chapter, he or she shall keep an accounting of the cost thereof, including incidental expenses for the abatement. The term “incidental expenses” includes but is not limited to the actual expenses and costs of the city in the abatement of the nuisance, the preparation of notices, specifications and contracts, inspection of the work, and the costs of printing and mailings required under this chapter. Upon conclusion of the abatement, the administrator or designee thereof shall submit an itemized statement of costs to the city, and set the same for a noticed hearing before the city manager. The administrator or designee thereof shall cause notice of the time and place of the hearing to be given to the owners of the subject property, and to any other interested person(s) requesting the same, by United States mail, postage prepaid, addressed to the above at their last-known address(es) at least 10 calendar days in advance of the hearing.”

Section 19: Chapter 8.40 of Title 8 of the Covina Municipal Code is hereby amended by amending Section 8.40.120 to read as follows:

“8.40.120 Report -- Hearing and proceeding. At the time and place fixed for receiving and considering the report, the city manager shall hear and pass upon the report of the administrator or designee thereof together with any objections or protests raised by any of the persons liable to be assessed for the cost of abating the nuisance. Thereupon, the city manager shall make such revision, correction and modification to the report as he or she may deem just, after which the report as submitted, or as revised, corrected or modified shall be confirmed. The hearing may be continued from time to time. The decision of the city manager shall be subject to an appeal to the city council in the time and manner set forth in CMC 8.40.070 and 8.40.080.”

Section 20: Chapter 8.40 of Title 8 of the Covina Municipal Code is hereby amended by amending Section 8.40.150 to read as follows:

“8.40.150 Emergency abatement. Notwithstanding any other provision of this chapter with reference to the abatement of public nuisances, whenever the city manager, administrator, or designee thereof determines that property, a building or structure is unsafe, or constitutes a fire hazard, or is otherwise dangerous to human life, and such condition constitutes an immediate hazard or danger, the city manager or administrator or designee thereof shall, in accordance with the provisions of this chapter, immediately and forthwith abate the existing public nuisance.”

Section 21: Chapter 8.42 of Title 8 of the Covina Municipal Code is hereby amended by adding a new definition to Section 8.42.020 to read as follows:

“ ‘Administrator’ means the person or persons designated by the city manager as being responsible for the implementation and enforcement of the provisions contained within this chapter.”

Section 22: Chapter 8.42 of Title 8 of the Covina Municipal Code is hereby amended by amending Subsections “A”, “B”, and “D” of Section 8.42.040 to read as follows:

"A. Any beneficiary and trustee under a deed of trust, or their designees, on abandoned residential property located within the city of Covina shall perform an inspection of the property that is the security for the deed of trust, upon default by the trustor, prior to recording a notice of default with the Los Angeles County recorder's office. If the property is vacant, or shows evidence of vacancy, it is, by this chapter, deemed abandoned, and the beneficiary and trustee shall, within 10 calendar days following the inspection, register the abandoned property with the administrator on forms provided by the city."

"B. Any distressed property shall be inspected by the beneficiary and trustee, or their designees, at least monthly until either: (1) the trustor or other party remedies the default, or (2) it is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned, and the trustee shall within 10 calendar days following the required inspection register the property with the administrator on forms provided by the city."

"D. An annual registration fee for the beneficiary and trustee shall accompany the registration form. Registration fees will not be prorated. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was originally required. Subsequent registrations and fees are due January 1st of each year and must be received by the administrator no later than January 31st of the year due."

Section 23: Chapter 8.42 of Title 8 of the Covina Municipal Code is hereby amended by amending Section 8.42.070 to read as follows:

"8.42.070 Additional authority. In addition to the enforcement remedies established by this code, the administrator shall have the authority to require the beneficiary, trustee or owner, or any combination thereof, to implement additional maintenance and security measures, including but not limited to securing any and all doors, windows, or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard, or other measures as may be reasonably required to arrest the decline of the abandoned or distressed property."

Section 24: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional or void.

Section 25: Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is designated for that purpose.

ORDINANCE PASSED AND APPROVED on this ____ day of _____, 2010.

Peggy Delach
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 8

STAFF SOURCE: Steve Henley, Public Works Director 
Lieutenant David Povero, Covina Police Department
Alex Gonzalez, Senior Management Analyst

ITEM TITLE: Renew Business License and Certificate of Public Convenience and Necessity for Southern California Transcorp Incorporated, D.B.A. Yellow Cab Company of San Gabriel Valley

STAFF RECOMMENDATION

Direct the Finance Department to issue a Business License and renew Certificate of Public Convenience and Necessity in accordance with Chapter 5.44 of the Covina Municipal Code to Southern California Transcorp Incorporated, D.B.A. Yellow Cab Company of San Gabriel Valley.

FISCAL IMPACT

None.

BACKGROUND

Southern California Transcorp, operating as Yellow Cab Company of San Gabriel Valley, has continuously served the residents of Covina since February of 2009. The company provided all necessary documents for annual renewal of its license, as detailed in the Covina Municipal Code Chapter 5.44, in less than sixty days and has met all conditions for licensing as stipulated in the Covina Municipal Code. The company is based in Hacienda Heights and maintains a maintenance facility at 14920 E. Clark Avenue in Hacienda Heights.

As part of the Certificate of Public Convenience and Necessity, Yellow Cab Company of San Gabriel Valley has completed vehicle inspections for six vehicles and background investigations for six drivers through the Covina Police Department. Yellow Cab Company of San Gabriel Valley has also presented proof of insurance and driver drug testing with their application.

It is recommended that the Finance Department issue a Business License and renew Certificate of Public Convenience and Necessity to Southern California Transcorp Incorporated, D.B.A. Yellow Cab Company of San Gabriel Valley pursuant to Resolution Number 09-6733 and the following provisions:

- Payment of City of Covina Business License Fees.
- Any changes in fee schedules, drivers, or vehicles, must be approved according to the provisions of Covina Municipal Code Chapter 5.44.

RELEVANCE TO THE STRATEGIC PLAN

This matter has no direct relevance to the strategic plan.

EXHIBITS

None.

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

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 9

STAFF SOURCE: Steve Henley, Public Works Director 
Lieutenant David Povero, Covina Police Department
Alex Gonzalez, Senior Management Analyst

ITEM TITLE: Renew Business License and Certificate of Public Convenience and Necessity for Diversified Transportation, Incorporated, D.B.A. Pomona Yellow Cab

STAFF RECOMMENDATION

Direct the Finance Department to issue a Business License and renew Certificate of Public Convenience and Necessity in accordance with Chapter 5.44 of the Covina Municipal Code to Diversified Transportation, Incorporated, D.B.A. Pomona Yellow Cab.

FISCAL IMPACT

None.

BACKGROUND

Diversified Transportation, operating as Pomona Yellow Cab, has continuously served the residents of Covina since 1999. The company provided all necessary documents for annual renewal of its license, as detailed in the Covina Municipal Code Chapter 5.44, in less than sixty days and has met all conditions for licensing as stipulated in the Covina Municipal Code. The company is based in Pomona and maintains a maintenance facility at 1400 E. Mission Boulevard in Pomona.

As part of the Certificate of Public Convenience and Necessity, Diversified Transportation has completed vehicle inspections for two vehicles and background investigations for two drivers through the Covina Police Department. Diversified Transportation has also presented proof of insurance and driver drug testing with their application.

It is recommended that the Finance Department issue a Business License and renew Certificate of Public Convenience and Necessity to Diversified Transportation, Incorporated, D.B.A. Pomona Yellow Cab pursuant to Resolution Number 08-6637 and the following provisions:

- Payment of City of Covina Business License Fees.

- Any changes in fee schedules, drivers, or vehicles, must be approved according to the provisions of Covina Municipal Code Chapter 5.44.

RELEVANCE TO THE STRATEGIC PLAN

This matter has no direct relevance to the strategic plan.

EXHIBITS

None.

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

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 10

STAFF SOURCE: Steve Henley, Director of Public Works
Kalieh Honish, Assistant Director of Public Works
Vivian Castro, Environmental Services Manager

SH

ITEM TITLE: Consideration of a Policy to Reinvest Energy Savings in Future Energy Efficiency Projects

STAFF RECOMMENDATION

Receive and file this report and consider the adoption of a policy to reinvest energy savings in future energy efficiency projects during the Fiscal Year 2012 budget deliberations.

FISCAL IMPACT

In general, a policy of utilizing funds from energy savings achieved under one energy efficiency project to finance future energy efficiency projects would have a short term negative impact on the General Fund by diverting the savings to other energy efficiency projects, but a potentially long-term savings to the General Fund by reducing future on-going operational costs. However, as the recommendation is solely to consider the adoption of such a policy during next fiscal year's budget deliberations, the recommended action has no current fiscal impact.

BACKGROUND

During the most recent strategic planning workshop conducted by the City, it was agreed that an energy savings reinvestment policy would be developed and presented to the City Council for consideration as a means of meeting the City's goal of becoming an environmentally sustainable community. Energy savings reinvestment programs operate under the concept of pre-programming funds saved via reduced energy bills derived from the implementation of an energy reduction project or program to finance future energy reduction projects or programs. In theory, this concept has each successive project being funded by the energy savings of a prior project. However, in certain instances, such a policy can also establish an automatic increase in General Fund obligations to the program. This result is possible when the energy savings were originally intended to pay back loans or other financing measures for funding the original project. Under that scenario, as the energy savings would be committed to a new project, the pay-back of the original project financing would potentially fall to the General Fund. Conversely, projects funded with grants or otherwise restricted funds could readily make energy savings available for future projects without impacting General Fund expenditures.

Considering the above, the City's proposed energy savings reinvestment policy would be as follows:

1. Whenever fiscally practicable as determined by the City Manager, energy savings realized by the implementation of energy reduction programs or projects shall be reinvested in additional energy savings programs and/or projects.
2. For purposes of this policy, an energy reduction program or project must be in effect and operating for a minimum of one calendar year to verify and determine the actual cost savings generated by the program. Estimated savings may not be used for purposes of this policy.
3. For purposes of this policy, energy cost savings must reflect a "net savings"; not simply a reduced expenditure. By way of example, if an energy reduction program or project netted a 5% reduction in utility consumption, but the utility rate increased by 12.5%, there would be no net savings and, therefore, no funds available for reinvestment.
4. The primary use for funds saved through the implementation of an energy reduction program or project shall be to repay financing mechanisms that may be utilized to secure the capital funds necessary to implement said program or project.
5. If said funds are not required to meet the needs of #4 above, the primary use for funds saved through the implementation of an energy reduction program or project shall be to provide capital financing for additional energy reduction programs or projects.

Given the extremely tight Fiscal Year 2011 General Fund budget and continuing economic uncertainty within the region, a policy that would prevent General Fund energy bill reductions from returning to strengthen the General Fund reserves may not be prudent at this time. Therefore, staff is recommending that any decision on an energy savings reinvestment policy be deferred until it may be deliberated in context with the development of the Fiscal Year 2012 budget.

RELEVANCE TO THE STRATEGIC PLAN

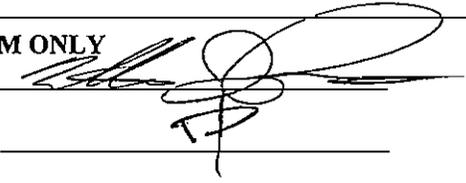
Establishing a policy to require the reinvestment of funds saved through the energy efficiency of one project into future energy efficiency projects would be a bold and aggressive step towards achieving the goal of becoming an environmentally sustainable community as well as enhancing the long-term financial stability of the city. Additionally, the consideration of an energy savings reinvestment policy is a specifically identified objective within the Strategic Plan.

EXHIBITS

- A. None

REVIEW TEAM ONLY

City Attorney:



Finance Director:



City Manager:

Other:

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 11

STAFF SOURCE: Robert Neiuber, Director of Community Development *RN*

ITEM TITLE: Annual assessment of the Prospero Park Owners Association Business Area Enhancement District (BAED).

STAFF RECOMMENDATION

- a. Approve the Annual Report of the Prospero Park Owners Association Business Area Enhancement District (BAED).
- b. Adopt **Resolution No. 10-6889**, declaring its intent to levy an annual assessment for the fiscal year 2010-11 in the Prospero Park Business Area Enhancement District, and establishing the date, time and place for the public hearing.

GENERAL FUND IMPACT

None.

BACKGROUND

In February 2001, the City of Covina, in cooperation with the Prospero Park Owners Association (PPOA), established a Prospero Park Business Area Enhancement District (Ordinance No. 01-1875) pursuant to the Parking and Business Improvement Area Law of 1989. Each business in the BAED has been assessed a fee of \$125 per year, through the City's business license fee collection process, to be used to provide maintenance and upkeep to the common areas. The total assessments for 2010 have been \$7,900.

The PPOA Advisory Board has completed the annual report, which is attached as an exhibit.

Legal requirements for the continuation of this agreement obligate the City to:

- 1) Approve the Annual Report
- 2) Adopt a resolution of intention to levy an annual assessment
- 3) Hold a public hearing on this assessment
- 4) Adopt a resolution confirming the Annual Report

This meeting will satisfy the first two of these requirements. The second two items will be addressed at the November 2, 2010 Council Meeting. Council may make changes to the Annual Report after the public hearing.

Proposed changes from Advisory Board. There are no proposed changes this year.

RELEVENCE TO THE STRATEGIC PLAN

Providing maintenance and upkeep to the common public areas of the Prospero Park area helps to “Enhances the City’s Financial Stability” in that it helps to maintain property values and reduces additional general fund costs that might have to be expended to provide clean-up services.

EXHIBITS

- A. Business Area Enhancement District Annual Report
- B. Resolution No. 10-6889

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

PROSPERO PARK OWNER'S ASSOCIATION, INC.

ANNUAL REPORT 2010 – PROSPERO PARK OWNER'S ASSOCIATION Business Area Enhancement District

1. Boundary Changes

The Board of Directors will request no changes to the boundaries of the Prospero Park Area.

2. 2009 Activities

The Board of directors plans a similar distribution of funds for the 2011 fiscal year. The funds are currently being used for bulk item pickup by Covina Disposal, the Covina Night Out Against Crime block party, monthly newsletter, eradicating graffiti and liability insurance.

To further help in the eradication of graffiti in the Prospero Park area the association has contracted with Urban Graffiti Enterprises to canvas the area on a bi-weekly basis and remove tagging on all properties that have given permission to enter the premise to do work.

A web page has been designed to advertise apartment vacancies in the Prospero Park area. It is now available to Prospero Park Owners.

3. Projected Costs for 2011

Presently we do not know the exact number of owners that will participate in the association. With the information we have we estimate our budget for the year 2011 to be \$9,000.00 plus approximately \$11,500.00 to be carried over from year 2010. A copy of the proposed budget is enclosed.

4. Method of levying assessment

The 2011 assessment will be \$125.00 per business in the BAED district. This is the same assessment as in 2010..

5. Surplus/Deficit

Currently we project \$11,500.00 to be left in the Association fund through December 31, 2010. All budgeted expenses are covered prior to our receiving new owner's dues for 2011.

6. Outside funding

The Apartment Owners Association Board should receive approximately \$1,000.00 from vendors advertising in our monthly newsletter. We have also changed our checking account to an interest bearing account which should produce an additional \$100.00 annually. The only other source of income would be possible matching funds from the City of Covina.

On behalf of the owners in the Prospero Park Owner's Association, Inc we thank you for all your support and look forward to a strong relationship with the City of Covina.

Respectfully submitted,



Mercedes Garrett
President

Prospero Park Owner's Association, Inc.
City of Covina Letter 2011 BAED

PROSPERO PARK OWNER'S ASSOCIATION, INC

**PROPOSED BUDGET FOR FISCAL YEAR 2011
JULY 1, 2010 TO JUNE 30, 2011**

| | | |
|---------------|--------------------------------------|-------------------|
| INCOME | Owner's Dues | \$7,900.00 |
| | Vendor advertising in newsletter | 1,000.00 |
| | Monthly interest on checking account | <u>100.00</u> |
| | | \$9,000.00 |

EXPENSES

| | |
|--------------------------------|-----------|
| Postage (Monthly mailer) | \$ 500.00 |
| Stationary | 400.00 |
| P.O. Box 4632 | 45.00 |
| Insurance | 1,155.00 |
| Accountant | 250.00 |
| Legal fees | 300.00 |
| Bulk item pick-up | 2,500.00 |
| Covina Night out against crime | 750.00 |
| Urban Graffiti Enterprise | 3,000.00 |
| Web page maintenance | 100.00 |

TOTAL EXPENSES \$9,000.00

RESOLUTION NO. 10-6889

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA DECLARING ITS INTENT TO LEVY AN ANNUAL ASSESSMENT FOR THE FISCAL YEAR 2010-2011 IN THE PROSPERO PARK BUSINESS AREA ENHANCEMENT DISTRICT, AND ESTABLISHING THE DATE, TIME AND PLACE FOR THE PUBLIC HEARING.

WHEREAS, the City Council has previously established the Prospero Park Business Area Enhancement District (the "BAED"), created pursuant to the Parking and Business Improvement Area Law of 1989 (California Streets and Highways Code, Sections 36500 et seq.), and;

WHEREAS, the City Council desires to continue the BAED by levying the annual assessment permitted by the Ordinance, which established the BAED.

NOW, THEREFORE, the City Council of the City of Covina, California, does hereby resolve as follows:

SECTION 1. The City Council of the City of Covina does hereby declare its intent to levy and collect assessments in the BAED for fiscal year 2010-2011 in the time and manner specified in the ordinance, which established the BAED.

SECTION 2. The boundaries of the BAED shall remain as established.

SECTION 3. The type of improvements and activities to be funded by the levy of assessments on the businesses in the BAED include, but are not limited to, the following:

- (a) traffic control
- (b) trash receptacles
- (c) street lighting
- (d) landscape pockets
- (e) neighborhood promotion
- (f) other improvements and activities which confer special benefits upon the businesses for which the improvements and activities are provided

No substantial changes will be made to this list of improvements and activities.

SECTION 4. The name of the Parking and Business Improvement Area under which this levy and collection is carried out is the Covina Prospero Park Business Area Enhancement District ("BAED"). The boundaries of the Prospero Park BAED are set forth on the map attached hereto as Exhibit "A."

SECTION 5. A full and detailed description of the improvements and activities to be provided for fiscal year 2010-2011, the boundaries of the BAED and any benefit zones within it, and the proposed assessments to be levied upon the businesses within the BAED for that fiscal year can be found in the Advisory Board's report on file with the City Clerk.

SECTION 6. The City Council hereby establishes the date of November 2, 2010 as the time and place for a public hearing on the levy of the proposed assessments for fiscal year 2010-2011. At this public hearing, protests may be made orally or in writing by any interested person. Any protest pertaining to the regularity or sufficiency of these proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection may be made. Any protest made must comply with the provisions of California Streets and Highways Code section 36524 and 36525.

SECTION 7. The City Clerk shall give notice of the public hearing by causing this Resolution of Intention to be published once in a newspaper of general circulation in the City at least seven days before the public hearing.

SECTION 8. The City Clerk shall certify as to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

APPROVED AND ADOPTED this 5th day of October, 2010.

CITY OF COVINA

Peggy Delach, Mayor

Attest:

Toni Taber, City Clerk

Approved as to form:

City Attorney

**CITY OF COVINA/
AGENDA ITEM COMMENTARY**

MEETING DATE: October 5, 2010

ITEM NO.: CC 12

STAFF SOURCE: Robert Neiuber, Director of Community Development *RN*
Nuala Gasser, Senior Redevelopment Manager

ITEM TITLE: Resolution in support of the Southern California Association of Government's (SCAG's) efforts to establish Business Friendly Principles as part of the development of the Southern California Economic Growth Strategy

STAFF RECOMMENDATION

Adopt City **Resolution No. 10-6894** in support of "Business Friendly Principles" as part of SCAG's development of a Southern California Economic Growth Strategy.

FISCAL IMPACT

No impact to City budget. SCAG has determined that a maximum budget of \$450,000 will be needed to accomplish the strategy. The funds will come from a combination of federal planning grant funds, state planning grant funds and local funds, including TDA and general funds. The initial tasks for data collection and analysis are included in SCAG's current approved Overall Work Program for 2010-2011. Subsequent tasks will be issued and funded by SCAG in accordance with the scope of work.

BACKGROUND

Historically, the Southern California Association of Governments (SCAG) has studied and tracked the economic conditions of the SCAG region, which includes Los Angeles, Riverside, San Bernardino, Ventura, Orange and Imperial Counties. SCAG is the designated Metropolitan Planning Organization for the 19 million people who live in the six counties, and is mandated by the federal government to research and draw up plans for transportation, growth management, hazardous waste management, and air quality.

At the May 6, 2010, General Assembly SCAG meeting, a panel discussion on "Jobs and the Economy" revealed a dim prospect for regional economic growth unless there was a concerted leadership effort to reduce impediments for creating jobs and stimulating economic investments through incentives. At the subsequent May 7th Regional Council retreat meeting, there was concurrence that SCAG should partner with others to reduce impediments to regional economic growth and develop a better understanding of the common regional economic objectives established by the cities and counties in the SCAG region, as well as in Kern and San Diego counties due to their connectivity to the Southern California economy. SCAG believes that understanding the economic drivers and trends of Southern California are important and intrinsically linked to developing a successful Regional Transportation Plan, as all of the industries of Southern California depend on an efficient transportation system.

A workplan for economic growth strategy was provided to the SCAG Regional Council in June, and SCAG issued a Request for Qualifications from regional economic experts to assist their staff on the tasks identified in the proposed workplan. Jack Kyser, SCAG Chief Economic Advisor, will coordinate the data collection and findings with the regional economic experts.

The project is divided into two phases. The first phase focuses on collecting economic data and existing economic development plans at the county and city levels, and preparing a proposed regional action plan to bring to the Regional Council for approval which identifies areas where SCAG can partner with member cities, counties, other agencies, business leaders and other key stakeholders to reduce or remove high priority economic challenges to Southern California economic recovery, and which compiles the best thinking within the region regarding how to improve our economic situation. The second phase will suggest ways to better “brand” and understand the Southern California economy, in order to increase investments in business opportunities from outside the region.

On December 2, 2010, SCAG will hold a summit, the *Southern California Road to Economic Recovery*, at the Wilshire Grand Hotel in Los Angeles from 9 a.m. to 1 p.m. The Governor-elect, state legislative leaders, cities, counties and business leaders will be invited to discuss preliminary findings of the Southern California Regional Economic Growth Strategy with the Regional Council. It is anticipated that the Summit would result in identifying key economic impediments whereby all parties can work together to remove impediments to spur economic growth and recovery and strengthen the upcoming analysis for development of the 2010 Regional Transportation Plan (RTP). A similar federal economic summit is planned for later in the fiscal year with the same goal.

In order to demonstrate Southern California’s commitment to economic recovery, SCAG is proposing that the cities and counties in Southern California consider adopting “Business Friendly Principles” by resolution, attached as Exhibit A. It is intended that the compendium of resolutions would be presented to the Governor-elect and the state legislative leaders at the December summit. SCAG understands that many local jurisdictions are currently following these Principles as part of their regular practices (and doing more).

The Business Friendly Principles outlined below and in the attached resolution are in line with the goals of the Covina Business Retention and expansion Program (BRE). One of the primary goals of the BRE is to attract and retain commercial, office and industrial activity to enhance Covina’s economic base and eliminate blight. The Covina BRE is attached as Exhibit B.

The Principles outlined in the Resolution are:

Principle One – Economic Development as a Priority

The City of Covina strives to demonstrate commitment to economic development as a priority.

Principle Two - Business Partnership

The City of Covina strives to provide quality municipal services to attract and retain businesses and employees.

Principle Three-Business Responsive Processes

The City of Covina strives to communicate effectively with businesses including processes to increase its responsiveness to businesses that are seeking or doing business within its jurisdiction (commitments include responding to business inquiries within an established time period and offering an expedited permitting process for new businesses).

Principle Four – Attractiveness to Business Investment

The City of Covina strives to streamline operations for efficient and responsive business assistance in areas of licensing, permitting, inspections and other municipal services and will seek to improve its attractiveness to new and existing businesses within its jurisdiction (commitments include striving to maintain competitive taxes and fees and establishing good communications with business base via newsletter or website).

Having a compendium of the 189 cities and counties resolutions of support for the December 2nd Summit is intended to demonstrate to state leaders that municipalities and SCAG’s Regional Council are serious about working together in the next legislative session to find ways together to increase economic growth.

RELEVANCE TO THE STRATEGIC PLAN

The business friendly principles contribute to the City strategic plan objectives of improving and promoting customer service and enhancing financial stability.

EXHIBITS

- A. Resolution No. 10-6894
- B. Covina Business Retention and expansion Program (BRE).

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

ATTACHMENT A

RESOLUTION NO. 10-6894

**A RESOLUTION OF THE CITY OF COVINA
IN SUPPORT OF "BUSINESS FRIENDLY PRINCIPLES"
AS PART OF SCAG'S DEVELOPMENT
OF A SOUTHERN CALIFORNIA ECONOMIC GROWTH STRATEGY.**

WHEREAS, the CITY OF COVINA is a member of the Southern California Association of Governments (SCAG) who is engaged in the development of a Southern California Economic Growth Strategy;

WHEREAS, the CITY OF COVINA supports working with SCAG and other key economic stakeholders to improve the Southern California economy, and

WHEREAS, the CITY OF COVINA is a business friendly municipality and has numerous practices in place to encourage economic growth within its community.

NOW, THEREFORE BE IT RESOLVED, BY THE GOVERNING BOARD OF THE CITY OF COVINA AS FOLLOWS:

SECTION 1. That the CITY OF COVINA supports the following "Business Friendly Principles" as part of SCAG's development of a Southern California Economic Growth Strategy:

Principle One – Economic Development as a Priority

The CITY OF COVINA strives to demonstrate commitment to economic development as a priority.

Principle Two - Business Partnership

The CITY OF COVINA strives to provide quality municipal services to attract and retain businesses and employees.

Principle Three-Business Responsive Processes

The CITY OF COVINA strives to communicate effectively with businesses including processes to increase its responsiveness to businesses that are seeking or doing business within its jurisdiction (commitments include responding to business inquiries within an established time period and offering an expedited permitting process for new businesses).

Principle Four – Attractiveness to Business Investment

The CITY OF COVINA strives to streamline operations for efficient and responsive business assistance in areas of licensing, permitting, inspections and other municipal services and will seek to improve its attractiveness to new and existing businesses within

its jurisdiction (commitments include striving to maintain competitive taxes and fees and establishing good communications with business base via newsletter or website).

SECTION 2. That the CITY OF COVINA authorizes its staff to submit a copy of this resolution to SCAG in time for SCAG's Regional Economic Summit currently scheduled for December 2, 2010.

PASSED, APPROVED AND ADOPTED this 5th day of October, 2010.

Mayor

ATTEST:

City Clerk

City of Covina Redevelopment Agency Business Retention and Expansion Program

One of the primary goals of the City of Covina's Redevelopment Agency and its Five-Year Implementation Plan is to attract and retain commercial, office, and industrial activity to enhance Covina's economic base and eliminate blight. A key program that seeks to implement this goal is Covina's Business Retention and Expansion Program.

The Covina Redevelopment Agency's (Agency) Business Retention and Expansion Program is a multi-faceted approach designed to preserve and enhance the City's business environment. The City and Agency recognize the value and importance of a strong and varied business community. We appreciate our businesses as corporate partners with long-term investments in our community. The following statements reflect the specific goals of the Business Retention and Expansion Program (BRE).

- The City and Agency will maintain and enhance the positive entrepreneurial pro-business approach of City staff as it assists current businesses and new businesses seeking to locate or relocate in Covina.
- The City and Agency will seek to enhance communication with the business community regarding areas of interest and concern to their ongoing operations.
- The City and Agency will assist and encourage the relocation of strong positive new businesses and retain existing businesses.
- The City and Agency will work with the SGV Council of Governments, the SGV Economic Partnership, the Los Angeles County Economic Development Corporation, LA Works, and other regional associations to further the economic development of Covina and the San Gabriel Valley.
- The City and Agency will assist businesses in efforts to influence legislation and other factors to make Covina, Los Angeles County and California a more attractive place to do business.
- The City and Agency will strengthen our competitive economic environment by developing programs and providing financial assistance for new construction and rehabilitation of a range of housing opportunities in the City.
- The Agency will consider providing financial assistance to business expansion and relocation where City costs or requirements create a non-competitive building or site condition when compared to surrounding communities or where it furthers the Agency's Implementation Plan.

**Covina Redevelopment Agency
Business Retention and Expansion Program**

A. The City and Agency will maintain and enhance the positive entrepreneurial pro-business approach of City staff as it assists current businesses and new businesses seeking to locate or relocate in Covina.

1. Develop a user-friendly Development Manual that outlines the entire City's permitting processes in an easy-to-follow format.
2. Work to streamline the development process for simple or repetitive permits.
3. Develop user-friendly one-page handouts on reoccurring business-related permits.
4. Develop ongoing customer care training programs for appropriate City staff.
5. Continue our "development ombudsman program" that offers such services as site selection assistance (helping entrepreneurs select an appropriate site for business expansion or relocation) preliminary fee estimates, and assembles staff from other city departments to focus on the project. The program also provides technical assistance and works with staff from other city departments to make sure that the project moves through the development process as smoothly as possible. Finally, the ombudsman can act as mediator and help build consensus if disputes arise in the development process.
6. Encourage the use of an "Initial Development Review" process for initial plans to assist in expediting planning reviews and save applicant costs with early Redevelopment, Community Development, and Public Works input.
7. Continue to work on improving our team approach to the Development Review Process (Agency, Community Development, Public Works, Police, and LA County Fire)
8. Provide as much BRE content as possible through the City and the Agency websites.

B. The City and Agency will seek to enhance communication with the business community regarding areas of interest and concern to their ongoing operations.

1. Continue a team approach regarding the City's communications with the business community
 - Make sure that correspondence is shared with all team members
 - Make sure to gather input from all team members
 - Make sure that requirements are clear, concise, and consistent
2. Involve residents and business representatives in an annual Planning and Building Code informational meeting to seek their input on our codes. Report the findings from the meeting to the City Council for direction.
3. Work to provide businesses with continued access to water and energy efficient information and rebate programs through our local water, gas, and electric providers.
4. Continue to use and refine the use of our computerized tracking system for plan check and building permit applications and submissions so that the information on where an applicant is in the process is easily accessible.
5. Send correspondence to applicants during their initial application process to welcome their interest in locating their businesses in the City.
6. Send correspondence and evaluation surveys to applicants once the planning and building process is finalized in order to obtain a continued evaluation of the effectiveness of the City's programs.

**Covina Redevelopment Agency
Business Retention and Expansion Program**

7. City staff to conduct weekly calls/visits of random City businesses engaged in the permit process to find out how they're doing, assist if necessary, and receive feedback whether the service we are providing meets their expectations.
8. Continue the periodic Agency staff visits to various community businesses. Develop a plan to make sure that the top one hundred employers and top one hundred sales tax producers are contacted by the Agency on a yearly basis.
9. Work with the Covina Chamber of Commerce (Chamber) the Chamber's Economic Development Committee (EDC) and established Business Area Enhancement Districts to hold quarterly meetings to provide a forum for training, input, and networking opportunities

C. The City and Agency will assist and encourage the relocation of strong positive new businesses and work to retain existing businesses.

1. Participate in joint marketing meetings with key Covina businesses coordinated through the Agency and the EDC. These meetings would be to provide City staff with important information regarding various markets, help identify any potential impediments the City might have to successful leasing strategies, provide direction for the content of or areas towards which the City should direct its advertising campaign, and provide the brokerage community with key City information.
2. Continue to update and improve the Agency's Marketing Program including marketing materials, website, and programs.
3. Maintain a City inventory of significant commercial, office, and industrial vacant properties, buildings, or space in the City, including the key real estate broker or salesperson involved through use of the Internet. This information is accessible through the Agency website (www.covinaopportunity.com).
4. Direct potential buyers or tenants for retail, commercial, or industrial space to appropriate brokers or owners.
5. Generate a quarterly report for staff reference regarding industrial and commercial markets.
6. Create a referral database of key real estate contacts from the various real estate offices involved in leasing and selling retail, commercial and industrial space in Covina.
7. Work with various business expansion consultants and periodicals to determine what incentives could and should be offered to help businesses choose to relocate in a manner that is mutually beneficial. Availability of incentives will be based on objective significant measures of community-wide benefit.
8. Agency staff will facilitate, when appropriate, planning and permitting processes for businesses that are trying to relocate.
9. The City and Agency will utilize the services of real estate agents, brokers, and relocation consultants to assist businesses to relocate.
10. The City and Agency will participate in area trade shows that focus on marketing Covina as a good location for business.

**Covina Redevelopment Agency
Business Retention and Expansion Program**

D. Work with the SGV Council of Governments, the SGV Economic Partnership, the Los Angeles County Economic Development Corporation, LA Works, and other regional associations to further the economic development of Covina and the San Gabriel Valley.

1. Meet on a regular basis to gain information on current programs and opportunities and discuss mutual issues.
2. Implement key recommendations and make available the regional resources for all of Covina's businesses

E. The City and Agency will assist businesses in efforts to influence legislation and other factors to make Covina, Los Angeles County and California a more attractive place to do business.

1. Integrate the business community's legislative advocacy agenda in the City's legislative advocacy work.
2. Inform the Chamber and the EDC regarding legislative efforts that will negatively impact the City's and Agency's' ability to pursue and finance economic development efforts.
3. Establish a system to distribute key business legislative and regulatory revisions to affected businesses.

F. The City and Agency will strengthen our competitive economic environment by developing programs and providing financial assistance for new construction and rehabilitation of a range of housing opportunities in the City.

1. The City and Agency will encourage community-supported affordable housing efforts.
2. The Agency will provide financial assistance to assist in the construction of new workforce housing affordable for families whose incomes are low to moderate.
3. The City through our Community Development Block Grant Programs and Low-Moderate Income Housing Program will help finance residential rehabilitation for qualified property owners of single-family houses, apartment complexes, and mobile homes.
4. The City will continue to incorporate the construction of new transit-oriented, transit-proximate, and mixed-use housing in its long-range housing plans.

G. The Agency will consider providing financial assistance to business expansion and relocation where City costs or requirements create a non-competitive building or site condition when compared to surrounding communities or where it furthers the Agency's Implementation Plan.

1. On a case by case basis examine if providing financial assistance assists with creating a competitive market environment or furthers the Agency's Five-Year Implementation Plan.

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 13

STAFF SOURCE: Robert Neiuber, Director of Community Development *DN*
Dilu De Alwis, Director of Finance
Nuala Gasser, Senior Redevelopment Manager

ITEM TITLE: Consideration of recommendation on use of approved funds from the Housing and Community Development 2010-2011 funding allocation for Special Economic Development.

STAFF RECOMMENDATION:

Approve a CDBG Special Economic Development grant of \$50,000 to Citrus Valley Florist Inc., a California Corporation, and authorize the City Manager or his designee to execute the documents necessary to complete the grant transactions when all conditions are met.

FISCAL IMPACT:

Sufficient funds are available and budgeted under the CDBG Economic Development program number 600525-10, Account No. 2100-4750-07-53751.

BACKGROUND:

The Economic Development Loan/Grant Program ("Program") is funded through the federally funded Community Development Block Grant (CDBG) program. The Program provides financial assistance to for-profit entities to carry out economic development and job creation or job retention activities in our community.

Most businesses approved for participation in the program to date have been approved under the job creation criteria, which follows the federal regulations of CFR 570.203 and CFR 570.209. (Special Economic Development Activities) combined with city requirements, as outlined in the *City of Covina Economic Development Loan/Grant Policy (Policy)*.

This application is a request for funding under the job retention criteria, which is not discussed in the *Policy*. For each activity determined to benefit low- and moderate-income persons based on the retention of jobs, the federal regulations at CFR 570.506 (*Records to be Maintained*) will apply:

- There must be evidence that in the absence of CDBG assistance jobs would be lost.
- For each business assisted, a listing by job title of permanent jobs retained, indicating which of those jobs are part-time and (where it is known) which are held by low- and moderate-income persons at the time of the CDBG assistance is provided. Where applicable, identify any of the retained jobs (other than those known to be held by low-

and moderate-income persons) which are projected to become available to low- and moderate-income persons through job turnover within two years of the time CDBG assistance is provided.

- For each retained job claimed to be held by a low-and moderate-income person, information on the size and annual income of the person's family must be provided.

Participant businesses qualifying for this program are required to comply with the following provisions which include City requirements:

- For the life of the loan/grant, participant businesses must retain or make available one full-time equivalent low-to moderate-income job for every \$25,000 approved under the program.
- The loan/grant will accrue interest at the current Local Agency Investment Fund Rate. After meeting all program criteria for a period of one year, including low- to moderate-income employment criteria, the loan will be completely forgiven.

Proposed Loan/Grant

Citrus Valley Florist, Inc., has been in operation in Covina under owners Don Waters and Albert Perez since 2003, at their current location at 143 S. Citrus Avenue. Citrus Florist is known for its support for and contributions to community activities. With the downturn in the economic climate, business has declined and Citrus Valley Florist is considering closing their Covina location, which would cause a loss of six jobs, at a minimum.

Citrus Valley has asked for a CDBG Economic Development job retention loan grant in order to keep the Covina business viable. In Fiscal Year 2006-2007, the business was provided a \$25,000 grant, and met all requirements. The current request for \$50,000 is a job retention grant. The Economic Development Loan/Grant Policy requires a ten year period between grant awards, with exceptions allowed in emergency situations. An exception in this case would allow the funding of this \$50,000 request, which when coupled with the first funding, still falls under the program limit of \$100,000 total.

Funding Request

Funding would be used for working capital, for expenses such as advertising, purchase of inventory, and payroll. Citrus Valley has indicated it has a locational gap whereby it might be more profitable to operate elsewhere, but to retain Covina's jobs and tax base will need a financial incentive to stay in Covina.

Job Creation Requirement

Citrus Valley Florist is required to retain/make available one full-time equivalent position (40 hours per week) for every \$25,000 granted. Under the retention program, if \$50,000 is awarded, two (2) full-time equivalent positions filled by persons from low-to moderate-income households would be maintained.

Citrus Valley Florist, has provided documentation that of the two full-time positions to be retained, two will be held by persons from low-to moderate-income households.

Staff Review/Collateral

The *Policy* sets criteria for approval of economic development programs. However, the *Policy* was established for businesses qualifying for assistance under job creation. The Citrus Valley Florist application is for a loan/grant under job retention, and the circumstances differ from a business applying under the job creation criteria. Staff supports this application for the following reasons:

Citrus Valley Florist, Inc.,

- Operates a business which has been in the same location for 46 years, serving the community, and providing jobs in the community.
- Has stated that without this assistance, they will locate elsewhere.
- With assistance, the business will continue to provide jobs which will be lost if the business must close.

To retain Citrus Valley Florist as a viable business in the City, and to retain the jobs provided by the business, staff recommends awarding the loan/grant of \$50,000, which would incur the requirement to retain/employ two full-time equivalent positions.

Collateral for the loan will be provided by a UCC-1 on lienable equipment, furnishings and inventory and a lien on vehicles, as well as personal guarantee of the business owners.

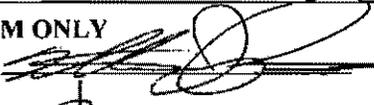
Underwriting guidelines reveal that the project proposed above is a financially viable project, meeting the requirements as outlined in Appendix A to Part 570 of the Code of Federal Regulations.

RELEVANCE TO THE STRATEGIC PLAN

The granting of this CDBG Economic Development loan/grant to a for-profit business will contribute to the City strategic plan objectives of and enhancing financial stability.

EXHIBITS:

- A. Letter from Citrus Valley Florist
- B. Grant Agreements and attachments (on file)
- C. Confidential application information is on file in the CDBG office and is available for review by City Council members.

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



September 7, 2010

City of Covina, Redevelopment Department

Reference: Potential Closing of Citrus Valley Florist, Inc.

To the City of Covina Redevelopment Department and City Council, Citrus Valley Florist has been located at 143 S. Citrus Ave. since 1964. As many of you are aware we purchased Citrus Valley Florist in April of 2003. In April of 2007 we opened our second location in Rowland Heights and in January of 2008 we opened our third location in Glendora.

We have always dedicated ourselves to giving back to our community. However as with most business's we have experienced a lack of business since the economic down turn. As most everyone knows when we opened our location in Glendora we did so with the understanding that we would be the exclusive florist for Custer Christiansen Mortuary Covina and West Covina, Oakdale Mortuary in Glendora, Stones Funeral Home in Upland and Drapers in Ontario. Since then Custer Christiansen closed their location in West Covina and as a result of the recession families are requesting a cremation service vs. a burial service. When requesting a burial service the family would order anywhere from 3 to 5 floral arrangements with a cremation we are lucking if the family orders flowers at all. We have done a four month comparison with the sales from 2009 to sales from 2010 for just mortuary sales and found that sales were down \$60,000.00+; this represents only a portion of the lack of sales we have experienced.

As a result of the lack of sales and the increase in almost every other aspect of doing business we are currently looking at the least to close our business here in Covina and consolidate it with the business in Glendora, the location in Glendora is much larger and we have contractual agreements for the next 12 years that we must honor. If we are forced to close and move to our Glendora location we would be forced to lay off at the minimum of 6 employees.

While we love having a business here in Covina without assistance from the City of Covina we will be left with no choice but to close this location.

Sincerely,


Don Waters, CEO


Albert Perez, CEO

143 S. Citrus Ave. • Covina, CA 91723

(626) 331-0551 • Fax (626) 331-0552

www.citrusvalleyflorist.com

1601 S. Grand Ave. • Glendora, CA 91740
(626) 963-7511 • Fax (626) 963-7513

2161 S. Fullerton Rd. • Rowland Heights, CA 91748
(626) 839-3029 • Fax (626) 964-0393

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 14

STAFF SOURCE: Amy Hall-McGrade, Parks & Recreation Director 

ITEM TITLE: Completion of Park Maintenance Shop Restoration Project #F-1008 with Contractor John Joseph Mooers Construction.

STAFF RECOMMENDATION

It is recommended that the City Council accept the work performed by John Joseph Mooers Construction, 2456 Buenos Aires Drive, Covina, California, 91724, and authorize the staff to file the Notice of Completion and release the remaining retention monies 35 days after the Notice of Completion filing date.

FISCAL IMPACT

The project construction cost was covered by the General Fund in the amount of \$3,100 and the Liability Fund in the amount of \$79,969.15.

BACKGROUND

In 2009, the 1,000 sq. ft. Covina Park Maintenance Shop was damaged by fire. The interior of the building was gutted, mainly due to smoke damage from the small fire. Since the fire, the Park Maintenance staff has been operating out of a garage at Covina Park. Restoration to the building included new flooring, drywall, painting, ceiling repairs, lighting and electrical repairs, window and door replacement, and heating and air conditioning replacement.

The original bid for the project was \$58,898.05. The Building Department required electrical upgrades, insulation, termite repairs, replacement and the construction of a handicap ramp to the entrance of the building, which were not included in the original bid. The final project construction cost was \$83,069.15.

John Joseph Mooers Construction has completed all work in a satisfactory manner, and there are no Stop Notices filed against the monies due at this time.

RELEVANCE TO THE STRATEGIC PLAN

None.

EXHIBITS

A. Notice of Completion

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

RECORDING REQUESTED BY

City of Covina
125 E. College Street
Covina, CA 91723-2199

AND WHEN RECORDED MAIL TO

Name City Clerk - City of Covina
Street
Address 125 E. College Street
City & Covina
State CA 91723-2199

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Notice of Completion

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

Notice is hereby given that:

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the owner is the City of Covina.
3. The full address of the owner is 125 E. College Street, Covina CA 91723
4. The nature of the interest or estate of the owner is in fee.
5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

| Names | Addresses |
|-------------|-----------|
| NONE | |

6. The full names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work of improvement herein referred to:

| Names | Addresses |
|-------------|-----------|
| NONE | |

7. A work of improvement on the property hereinafter described was completed on 9/13/2010
The work done was: Park Maintenance Shop Restoration Project, F-1008

8. The name of the contractor, if any, for such work of improvement was John Joseph Mooers Construction

9. The property on which said work of improvement was completed is in the City of Covina, County of Los Angeles, State of California, and is described as follows:
Covina Park

10. The Street address of said property is None
(If no street address has been officially assigned, insert "none".)

Dated 10/05/10

Amy Hall-McGrade
Parks & Recreation Director

Signature of
owner named
in paragraph 2

(Seal)

Executed on _____

By Martha Heaviside, City Clerk

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 15

STAFF SOURCE: Amy Hall-McGrade, Parks & Recreation Director 

ITEM TITLE: Approval of the Covina Public Library Wireless, Wired Internet, Electronic and Printing Resource Policy.

STAFF RECOMMENDATION

Approve the Covina Public Library Wireless, Wired Internet, Electronic and Printing Resource Policy.

FISCAL IMPACT

Five thousand copies will be printed initially at a cost of \$600, which will be covered within the operating budget of the Library.

BACKGROUND

The Covina Public Library Wireless, Wired Internet, Electronic and Printing Resources Policy was developed by a committee comprised of four library staff, two members of the Library Board, the Parks & Recreation Director and the City Attorney. The final draft was approved by the Library Board of Trustees at the August 14, 2010 annual meeting.

The staff will be finalizing the steps involved in obtaining the patron signatures. This process will include use of volunteers from The Friends of the Covina Public Library, as well as various other key Library volunteers.

RELEVANCE TO THE STRATEGIC PLAN

This is one of the improvements in updating Library policies as noted in the June 7, 2010 Strategic Plan.

EXHIBITS

A. Covina Public Library Wireless, Wired Internet, Electronic and Printing Resource Policy.

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

City of Covina
Parks & Recreation Department
Covina Public Library
Wireless, Wired Internet, Electronic & Printing
Resource Policy

General Policies & Access to Internet Resources

Recognizing that the Internet represents an important and vital electronic resource that allows access to ideas, information and commentary from around the world, the Public Library is pleased to provide Internet, wireless access and printing to Library users as part of its collection and resources.

The Covina Public Library is committed to providing access to informational, educational, recreational and cultural resources for library users of all ages and backgrounds. The Library's computer system provides the opportunity to integrate electronic resources from information networks around the world with the Library's other resources. The Library strives to balance the rights of users to access information resources with the rights of users to work in a public environment free from sounds and images intended to harass other library users or library staff.

Authority

- Due to the emerging nature of Internet and other electronic resource services, policies are subject to change without notice and are at the Library's discretion.
- Library staff are authorized to take prompt actions to enforce the Library's policies including the termination of a user's access.

Computer Assistance

- Staff may provide general assistance with these resources as time and personnel allow at public library stations. Librarians will not provide assistance entering data of any kind, including but not limited to personal, confidential or financial information.
- Library staff cannot provide detailed help or individual instruction on the use of the computer, wireless network, Internet or other electronic resources the customer may be accessing.

Computer Training and Guidance

- Ask at the Information/Reference desk for information about training offered through the library, computer classes offered locally and various computer guides that have been developed by Library staff to assist customers.

Internet Computer Stations available to the Public

- Adult Computer Centers - Adults (18 years and older), who hold a Covina Library Card, may use these computers. These sections are Adult Internet, Publishing Center, and Handicap (ADA).
- Teen Computers - Teens (ages 13-17), who hold a Covina Library Card, may use the computers located in the teen area.
- Children's Computers - Children (ages 12 and under), who hold a Covina Library Card, may use the children's computers located in the children's area.

Public Catalog Computers

- Public Catalog Computers contain a database of the Library collections. These computers are exclusively for searching the Library's holdings and selected databases.

Fifteen (15) Minute Computer Stations

- Adults (18 years and older) may use the 15-minute computers with or without a Library Card.
- The computers are available on a first come, first serve basis.

Internet Computers

- Provide information beyond the confines of the library's collection.
- Offer a full range of the most popular Internet browser plug-ins for searching the Internet, displaying files, and viewing multimedia content.
- Provide access to word processing (No station provides support for all file types, browser plug-ins, or Internet technologies).

Internet Filtering

The Internet offers access to a wealth of material that is personally, professionally and culturally enriching to individuals of all ages. However, it also enables access to some material that may be offensive, disturbing, illegal, inaccurate or incomplete. Users are encouraged to evaluate the validity and appropriateness of information accessed via the Internet.

The filters are designed to prevent access to information that is obscene, pornographic or harmful to minors. As Internet filters may, in some instances, filter information not included in one of these categories, filters can be turned off by staff at the request of library users 18 years and older upon completion of a Website Access Request form.

- The Website Access Request forms are located at the Circulation Desk, Reference Desk and at the Children's Reference Desk. Forms are available to library patrons upon request.
- If a Form is requested by a library customer not 18 years of age or older, the legally responsible adult must complete the request form.
- Website Access Request Forms will be processed within a reasonable time period and the patron will be notified of the decision. Best efforts will be made to process requests received Tuesday or Wednesday within 48 hours of the request. Requests received Thursday through Saturday will be processed within 48 hours of the subsequent Tuesday.
- If a page is determined to have been inadvertently blocked, the block will be permanently removed.
- Information that is deemed obscene, pornographic, or harmful to minors will not be unblocked.
- If a Patron becomes aware of a site that is obscene, pornographic or harmful to minors that has not been blocked, those sites should be reported to Library staff. Librarians will evaluate the site and it may be blocked at their discretion.

Children and Teens Section

Internet content in the Children's area is subject to stricter internet filtering than content in the Adult section. In accordance with federal law and the NCIPA Internet Safety Policy, the Public Library has adopted the following guidelines for Internet access by minors under 18 years of age:

- Minors shall not access material that is obscene, pornographic, child pornography, "harmful to minors" or otherwise inappropriate for educational use.
- Minors shall not use Library resources to engage in "hacking" or other attempts to compromise system security.

- Minors shall not engage in any illegal activities on the Internet.
- Minors should use caution in their use of electronic mail, chat rooms, and other forms of direct electronic communications, as these forms of communications can expose minors to dangerous situations. Access to social networking sites is limited in the Covina Public Library Children's section.
- Minors should never disclose personal information, such as name, school, address, and telephone numbers to strangers on the Internet.

Minors are expected to use the Internet in a responsible manner. Any violation of the above Library policy and rules may result in loss of Library privileges. These policies are deemed necessary and are in keeping with existing procedures and policies regarding inappropriate language or behavior. When and where applicable, law enforcement agencies may be involved. Libraries and Library Computers offer a wealth of material that is personally and culturally fulfilling to children and the Library encourages active participation from minors. Parents are, however, strongly encouraged to monitor the library use of their children.

Wireless Filtered Access

Free Wireless Internet access is available throughout the Library building. Wireless Access is subject to the same internet filtering standards as permanent computer stations.

By choosing to use this free wireless service library patrons agree to abide by the Public Library's Internet & Electronic Resource Acceptable Use Agreement. As such, the Public Library reserves the right to require individuals to discontinue the display of information and/or images in violation of said policy.

Wireless Statement

The Public Library's wireless network is not secure. Library staff cannot provide technical assistance. The Library assumes no responsibility for the safety of personal equipment resulting from connection to the Library's wireless network.

Printing Services

- Documents may be printed from any library computer workstation and are sent to the public printer.
- Printing costs are established through City Council Fee resolution and are subject to change.

Copyright Policies

U.S. copyright law (Title 17, U.S. Code) prohibits the unauthorized reproduction or distribution of copyrighted materials, except as permitted by the principles of "fair use". Users may not copy or distribute electronic materials (including email, text, images, programs or data) without the explicit permission of the holder of the copyright. Any responsibility for any consequences of copyright infringement lies with the user; the Public Library expressly disclaims any liability or responsibility resulting from such use.

In accordance with 17 USC Section 512 (i)(1)(A), the library may terminate a patron's access to the system or network for disrespect of the intellectual property rights of others, or for repeat infringements of copyright. The library has adopted this policy and will make all reasonable effort to enforce it in the appropriate circumstances.

Disclaimer

The Covina Public Library expressly disclaims any liability or responsibility arising from access to or use of information obtained through its Internet access, electronic resources, and operation of computers or any consequences thereof.

Internet & Electronic Resource Acceptable Use Agreement

In conjunction with the General Policy, the following also applies to Internet use. Failure to comply with the following rules may result in loss of computer privileges, loss of library privileges and prosecution.

Rules governing use of Library Computers

- Library Patrons are required to sign a Users Agreement to obtain a Library Card.
- Library cards CANNOT be shared with other people. If you are discovered using another person's card, your computer privileges will be taken away. The first infraction will result in a one (1) month suspension. The second infraction will result in a three (3) month suspension. The third infraction will result in a one (1) year suspension after which time a Patron may reapply for a Library Card. A minor's card may be reactivated following a first offense at the request of the responsible adult. Any further infractions will be subject to the aforementioned penalties.
- Users shall be required to log-in using their own Public Library card bar code number at each Internet session. After log-in is complete, users must agree to comply with the computer use agreement statement on the screen. In order to enable the maximum number of people to access library Internet workstations, computer use is limited to three one-hour noncontiguous sessions per patron per day.
- Reservations for computers must be made at the Reservation Station.
- Patrons must promptly vacate the computer station when requested by staff.
- Patrons must not misuse computer equipment or software.
- Patrons should log off completely when their session is completed. This also protects patron privacy.
- Downloading of Software programs is prohibited.
- All information is deleted at the end of the session. This includes passwords and saved documents. If patrons have saved a document on a computer, it will not be there the next day.
- Patrons must use headphones when listening to audio content.
- Patrons must not view any site that creates a hostile environment for other library users and staff. If a staff member requests a patron to stop viewing a site the patron must comply immediately.
- A maximum of two persons are allowed at a single computer.
- Users who do not have a library card are permitted to use one of the guest Internet workstations for 15 minutes only.
- Users are responsible for their own printing costs. Printing should be completed by the end of the user's allotted time limit or ten minutes prior to the closing of the Library.
- Technical difficulties with any of the computer equipment should be reported to staff. Do not shut off the computer or interfere in any way with its operation.
- The Public Library is **not** liable for costs incurred through use of fee-based services.

Misuse. The Following shall constitute misuse and may result in the termination of library access.

- Use of the Internet or Library computers for activities that violate federal, state or local laws or regulations, including those regarding accessing, viewing, printing and distributing obscenity or child pornography will result in the immediate permanent revocation of library privileges.
- Fraud, spreading slander and hacking into the library's computer system or any other computer system will result in the immediate permanent revocation of library privileges.
- Mishandling, damaging or attempting to damage computer equipment or software; or tampering with computer settings will result in the immediate permanent revocation of library privileges.
- Interfering with system operations, integrity or security will result in the immediate permanent revocation of library privileges.
- Attempting to gain or gaining access to another person's files or authorization codes and passwords will result in the immediate permanent revocation of library privileges.
- Displaying or printing materials that violate the City of Covina's policy on sexual harassment will result in the immediate permanent revocation of library privileges.
- Engaging in any activity that is deliberately offensive or creates an intimidating or hostile environment will result in the immediate suspension of library privileges for a time period of not less than six months and may result in permanent revocation of library privileges.
- Violating copyright laws and software licensing agreements or the policies of the individual websites that you view will result in the immediate suspension of library privileges for a time period of not less than six months and may result in permanent revocation of library privileges.
- Failing to pay for printing will result in the immediate suspension of library privileges. The first infraction will result in a one (1) month suspension. The second infraction will result in a three (3) month suspension. The third infraction will result in a one (1) year suspension after which time a Patron may reapply for a Library Card. A minor's card may be reactivated following a first offense at the request of the responsible adult. Any further infractions will be subject to the aforementioned penalties.
- Refusing or ignoring a staff person's request to give up a computer will result in the immediate suspension of library privileges. The first infraction will result in a one (1) month suspension. The second infraction will result in a three (3) month suspension. The third infraction will result in a one (1) year suspension after which time a Patron may reapply for a Library Card. A minor's card may be reactivated following a first offense at the request of the responsible adult. Any further infractions will be subject to the aforementioned penalties.
- Failing to sign up for an Internet computer; failing to log in using your own Library card bar code number or guest card number will result in the immediate suspension of library privileges. The first infraction will result in a one (1) month suspension. The second infraction will result in a three (3) month suspension. The third infraction will result in a one (1) year suspension after which time a Patron may reapply for a Library Card. A minor's card may be reactivated following a first offense at the request of the responsible adult. Any further infractions will be subject to the aforementioned penalties.
- Failing to comply with time limits will result in the immediate suspension of library privileges. The first infraction will result in a one (1) month suspension. The second infraction will result in a three (3) month suspension. The third infraction will result in a one (1) year suspension after which time a Patron may reapply for a Library Card. A minor's card may be reactivated following a first offense at the request of the responsible adult. Any further infractions will be subject to the aforementioned penalties.

- Any other violation of the Acceptable Use of the Covina Public Library Wireless, Wired Internet, Electronic & Printing Resource Policy may result in the temporary or permanent loss of library privileges.

In consideration of the City of Covina furnishing facilities, supervisors, equipment or expenses, I agree to hold harmless and release the City, its officers and employees, on behalf of myself, my child(ren), my heirs, assignees, administrators and executors, any and all rights and claims for damages or injuries to property and/or person which the undersigned or participant may sustain or incur as a result of use of, or participation in the activities, events, or property by the City. All participants in City programs are subject to being photographed/videotaped for publication. I further agree that if I am signing on behalf of my minor child I have shared the contents of this policy with him or her and represent that I have full legal authority to sign on his or her behalf.

Signature: _____ Date: _____ Printed Name: _____ Card # _____

I am in agreement and accept the Covina Public Library Wireless, Wired Internet, Electronic & Printing Resource Policy and agree to uphold the policies at all time while I am using the computers, printers and services at the Library.

Signature: _____ Date: _____ Printed Name: _____ Card # _____

If signing for a minor, (ages 13-17) their signature is also required below.

Minor's Signature: _____ Date: _____ Printed Name: _____ Card # _____

Minor's Signature: _____ Date: _____ Printed Name: _____ Card # _____

Minor's Signature: _____ Date: _____ Printed Name: _____ Card # _____

Minor's Signature: _____ Date: _____ Printed Name: _____ Card # _____

POLICIES ARE SUBJECT TO CHANGE

THIS DOCUMENT WILL BE REVIEWED TWO YEARS FROM THE DATE OF ADOPTION

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CC 16

STAFF SOURCE: Daryl Parrish, City Manager 

ITEM TITLE: Report on 2010 League of California Cities Annual Conference

STAFF RECOMMENDATION

Receive and file the report on the 2010 League of California Cities Annual Conference

FISCAL IMPACT

A total of \$2,291.00 was spent for the participants to attend the conference (including conference registration fees, lodging, transportation and meals). Those finds are budgeted in the City Council and City Manager Departmental budgets under the following accounts:

1010-0010-00-53200 - \$1,100.00 City council Conference and Meetings

1010-0010-00-53400 - \$150.00 City Council Travel Expense

1010-0300-00-53200 – \$1,041.00 City Manager Conference and Meetings

BACKGROUND

Council Member Stapleton and the City Manager attended the annual League of California Cities Conference in San Diego held between the 15th and 17th of September 2010. The conference was attended by elected officials and staff members from member cities of the League of California Cities throughout the State. Council Member Stapleton was appointed by the City Council in August to serve as the voting delegate to represent the City of Covina and vote on six general resolutions that came before the membership. Council Member Stapleton cast his vote on Friday, September 17 at the concluding annual business meeting of the general assembly. The City Manager attended the conference and attended a number of breakout educational and participative sessions.

One of the resolutions on the agenda for the annual business meeting facilitated spirited debate among the membership that lasted approximately two hours. The debate centered on AB 32 and SB 375 two bills already passed into law which were implemented to address greenhouse gas issues and whether or not to make certain requests of the Governor to delay certain deadlines associated with these bills to a date after the economy improves.

The following sessions were attended by Council Member Stapleton and/or the City Manager:

Opening General Session, Local Government 2.0

General Session – Keynote Address
City Manager’s Department Meeting
Mayor and Council Members Department Meeting
The Dog Whisperer; Mastering Leadership
Los Angeles County Regional Networking Breakfast
Top Ten Things About City Finances
Concluding Annual Business Meeting

RELEVANCE TO THE STRATEGIC PLAN

The City of Covina Strategic Plan contains five separate facets including improving and promoting customer service, enhancing financial stability, enhancing parks & recreation and library services, becoming an environmentally sustainable community and to promote efficient, visible and responsive public safety. By attending the 2010 League of California Cities Annual Conference we had the opportunity to network with our colleagues from cities throughout the State, to attend workshops on salient issues such as matters related to finance, leadership, and community, such as combating childhood obesity (by promoting nutrition and recreation), to understanding and planning for the future where we are facing challenges and/or challenges are developing with regards to pending and future environmental legislation, funding deteriorating infrastructure and facing rising employment and pension costs.

EXHIBITS

None

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

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: NB 1

STAFF SOURCE: Daryl Parrish, City Manager ϕ

ITEM TITLE: Notification of the Covina Irrigating Company Annual Stockholders Meeting and Designation of Proxy and Alternate Proxy.

STAFF RECOMMENDATION

- a) Receive notification of Annual Stockholders Meeting;
- b) Designate City Attorney as Proxy and City Manager Daryl Parrish as Alternate Proxy.

FISCAL IMPACT

There is no fiscal impact to nomination process.

BACKGROUND

Each year the City of Covina is notified of the Annual Stockholders Meeting of the Covina Irrigating Company (CIC) to be held at the office at 146 E. College Street. The Annual Stockholders Meeting has been scheduled for October 21, 2010.

The meeting is held to receive annual reports and biennially to elect board members to serve for the following two years. To serve on the Board, an individual must have a shareholder interest. In addition at this meeting a person is selected to vote the City Shares and assign a proxy.

EXHIBITS

- A. Notice of Annual Stockholders Meeting.

| | |
|--|---|
| REVIEW TEAM ONLY | |
| City Attorney:  | Finance Director:  |
| City Manager: ϕ | Other: _____ |

COVINA IRRIGATING COMPANY

146 E. College St. P.O. Box 306 Covina, Calif. 91723
626.332-1502 626.967-5942 Fax
e-mail - cic@cich2o.com

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

September 16, 2010

Record Holder :
City of Covina

Shares Held : 4214.00

Notice of Annual Stockholders Meeting

DIRECTORS

RON F. CAPOTOSTO
GEOFFREY H. COBBETT
JOHN B. FIELDING

RICHARD J. JETT
ANDREW M. MCINTYRE
WILLIAM L. MCINTYRE JR.

HENRY M. MORGAN
MICHAEL O. QUINN
STEVEN N. REENDERS

Notice is hereby given that the Annual Stockholders Meeting of Covina Irrigating Company will be held at,

The Offices of Covina Irrigating Company
146 E. College St.
Covina, CA 91723
12:00 P.M. Thursday - October 21, 2010
Refreshments will be served at 11:30 P.M.

for the purpose of electing Directors, and for the transaction of such other business as may properly come before the meeting.

Please read the enclosed Proxy Card carefully. **You are urged to mark, sign and promptly return the card so that your shares may be voted in accordance with your wishes and to assure the presence of a quorum at the meeting.** The prompt return of your signed proxy, regardless of the number of shares that you hold, will aid the Company in reducing the expense of additional proxy solicitation.

The giving of your proxy does not affect your right to vote in person in the event that you attend the Annual Stockholders meeting.

Henry Morgan
Secretary

EXHIBIT A

CITY OF COVINA/REDEVELOPMENT AGENCY
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: NB 2

STAFF SOURCE: Dilu de Alwis, Finance Director 

ITEM TITLE: Authorize City Manager and City Attorney to Negotiate and Execute a Software Services and Support Agreement with Tyler Technologies for a Financial, Payroll & Human Resources Software System and Support Solutions and Approve Resolution #10-6895 Increasing the Information Technology Budget by \$100,000 for Fiscal Year 2010-2011

STAFF RECOMMENDATION

A. Authorize the City Manager and City Attorney to negotiate and execute a Software Services and Support Agreement with Tyler Technologies for the MUNIS software system covering Financial, Payroll, Human Resources, General Billing, Work Orders & Fleet Management; and

B. Approve Resolution #10-6895 increasing the Information Technology Fiscal Year 2010-2011 budget fiscal in the amount of \$100,000 to cover first year costs.

FISCAL IMPACT

This proposed software and services agreement covers a seven year term with an annual fee not to exceed \$200,000 (to be determined by the final number of modules to be implemented) and a one-time charge not to exceed \$85,000. The annual payment covers the cost of the software application services, hosting, database administration and disaster recovery services. The one-time, \$85,000 charge includes training, project planning, document configuration and a third-party software purchase. Staff also recommends that a 10% contingency be added for the first year cost in the event that customization is required.

Because the Information Technology budget did not include the cost of new software and support services, Staff recommends amending the fiscal year 2010-11 budget by \$100,000 to cover the prorated first year cost of the system and services. This budget request also includes a 10% contingency amount. The 2011-12 budget, and every budget thereafter, will have to include funds to pay for the annual fees for the continued use of the system and services. The total cost for the system and services over seven years is anticipated to be an amount not to exceed

\$1,500,000. In comparison the current IFAS product cost approximately \$1.724 million dollars over 10 years.

BACKGROUND

The City of Covina has used an Integrated Financial Administrative Solution (IFAS) software system developed by SunGuard Public Sector since 2001. The cost of that system, at the time it was installed, was \$1,124,703. Additionally the City has been paying close to \$60,000 per year in license fees as well as database administration. The IFAS software has had no major upgrades, is no longer a productive tool for the City's financial needs, and has outgrown its useful life. There are many functions currently being maintained either manually or on spreadsheets because of the IFAS system cannot support these functions. These manual tasks are time consuming and create an additional workload for City staff. In this age of technology, there is a need to look into more robust systems that can provide an integrated software solution that enables real-time reporting and many other features that staff has been requesting.

The IFAS purchase was financed by borrowing from the Risk Management Fund and the Information Technology Fund at an annual cost that ranged from \$168,000 to \$125,000 per year (excluding the ongoing license and database administration costs). The loans were paid off in fiscal year 2009-10 with a final payment of \$125,000.

Review of New Systems & Services

In May & June 2010, staff invited SunGuard Public Sector, Tyler Technologies, New World Systems and Springbrook to demonstrate their software systems to the Finance & Human Resources staff. The demonstrations were followed by an evaluation of each system by the staff. Tyler Technologies and New World Systems were subsequently invited to present a full-day's demonstration to key users from many City departments.

This full-day's demonstration was followed up with another round of evaluations completed by staff attendees. The evaluations reviewed the functionality of each module, first impressions, menu structure, input screens, reports, documentation, superior features, missing features, mitigating factors, unanswered questions and culture match. Additional consideration was given to software that did not require the client (City) to host the system which would involve hardware costs over and above the software costs.

The feedback received from key users clearly showed that the solutions offered by Tyler Technologies' MUNIS software were best suited to the City's needs. We find ourselves in an era when software solutions are web enabled and run for twenty four hours a day, seven days a week (98% - 99% of the time) is the norm. This would put a tremendous burden on our IT staff and having this responsibility outsourced is a prudent way of conducting business. Tyler Technology has a model and system where the City would pay an annual fee to use the MUNIS system that they would host and maintain with a high level of up time. This model known as "Application Service Provider" (ASP) enables the City to lock-in the annual cost of the software service for seven years. This model of software as a service is not available with New World Systems who

informed the City that their system can be hosted by a third party, but would require the City to procure the software. Even though the purchase of the software can be financed over the same timeframe as the MUNIS system, New World's model of not providing their own hosting and software as a service is not the preferred model that staff recommends.

As described in the beginning of this section, the ASP system will cost around the same amount that the City paid for the IFAS system. Since the recommended model is a service provided by Tyler Technologies, they will continue to upgrade the software at no cost to the City. This will ensure that the City will continue to have a system that is cutting edge and will meet the needs of the City during the term of this agreement.

Covina Municipal Code, Section 2.20.175 provides that purchases of professional and specialized services:

"...shall be made on the basis of demonstrated competence and experience of the service provider and on the professional qualifications necessary for the satisfactory performance of the services required. The purchasing supervisor shall attempt to obtain information relating to prices and availability of such professional or specialized services from different sources prior to making the purchase; however, neither formal nor informal bidding shall be required prior to the purchase of professional or specialized services."

As noted above, staff did seek proposals from multiple vendors and conducted due diligence to assure that the City procures the services and software best suited to the City's needs.

RELEVANCE TO THE STRATEGIC PLAN

Detailed discussions have taken place as part of the strategic plan to upgrade the information technology infrastructure to enhance tracking and reporting capabilities through out the organization. This tool will enable the effective use of time and remove cumbersome manual processes currently used by staff.

EXHIBITS

- A. Tyler Technologies Application Service Provider Agreement
- B. Resolution #10-6895

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

Application Service Provider Agreement

between

**Tyler Technologies, Inc.
370 U.S. Route 1
Falmouth, Maine 04105**

and

**[INSERT CLIENT NAME]
[INSERT CLIENT ADDRESS]**

Section A - Investment Summary

[To be Inserted]

b) Tyler warrants that it is authorized by the manufacturer of all software included with or used by the Tyler Software Products, listed in the Investment Summary, to grant licenses or sublicenses to such software.

c) Tyler represents and warrants that the Tyler Software Products(s) and/or services for this Agreement are Year 2000 compliant. Year 2000 compliant means information technology that accurately processes date/time data (including, but not limited to, calculating, comparing, and sequencing) from, into and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations. Furthermore, Year 2000 compliant information technology, when used in combination with other information technology, shall accurately process date/time data if other information technology properly exchanges date/time data with it.

d) Tyler warrants that the Tyler Software Products do not infringe any United States patents or copyright held by any other person or entity.

e) Tyler shall defend, indemnify and hold harmless the Client and its officers, agents, and employees from any claim or proceedings brought against the Client, and from any cost damages and expenses finally awarded against the Client, which arise as a result of any claim that is based on an assertion that the Client's use of the Tyler Software Products under this Agreement constitutes an infringement of any United States or other patent, copyright, trademark, provided that the Client notifies Tyler promptly of any such claim or proceeding and gives Tyler full and complete authority, information, and assistance to defend such claim or proceeding and further provided that Tyler shall have sole control of the defense of any claim or proceeding and all negotiations for its compromise or settlement, provided that Tyler shall consult with the Client regarding such defense. In the event that the Tyler Software products are finally held to be infringing and its use by the Client is enjoined, Tyler shall, at its election; (1) procure for the Client the right to continue use of the Tyler Software Products; (2) modify or replace the Tyler Software Products so that it becomes non-infringing or (3) if procurement of the right to use or modification or replacement can not be completed by Tyler, terminate the access to the infringing Tyler Software Product, and upon termination, refund the ASP fees paid for the infringing software product as depreciated on a straight-line basis over a period of three (3) years with such depreciation to commence on the execution of this Agreement. Tyler shall have no liability hereunder if the Client modified the Tyler Software Products in any manner without the prior written consent of Tyler and such modification is determined by a court of competent jurisdiction to be a contributing cause of the infringement. The foregoing states Tyler's entire liability, and the Client's exclusive remedy, with respect to any claims of infringement of any copyright, patent, trademark or other property interest rights by the Tyler Software Products, or any part thereof, or use thereof.

f) Tyler's obligation for breach of warranty shall include correction or replacement of the Tyler Software Product which fails to conform to such warranty. In no event shall Tyler be liable for special, incidental, or consequential damages including any damages resulting from loss of use or access, or loss of data arising out of or in connection with the use of the Tyler Software Products or hardware products. In no event shall Tyler be liable for any breach of warranty unless notice thereof is given to Tyler within the period covered by an active ASP Agreement or extension thereof.

g) THE WARRANTIES CONTAINED IN THIS SECTION ARE IN LIEU OF ALL OTHER WARRANTIES EXPRESSED, IMPLIED OR STATUTORY, INCLUDING WITHOUT LIMITATION THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND SYSTEM INTEGRATION. THE EXPRESSED WARRANTIES SHALL NOT BE ENLARGED, DIMINISHED OR AFFECTED BY, AND NO OBLIGATIONS OR LIABILITIES SHALL ARISE OUT OF, THE RENDERING OF TECHNICAL OR OTHER ADVICE OR SERVICE IN CONNECTION WITH THE TYLER SOFTWARE PRODUCTS LISTED IN THE INVESTMENT SUMMARY.

TERMS AND CONDITIONS

products listed in the Investment Summary of this Agreement may directly involve personnel of both parties, therefore any initial meeting to discuss complaints resulting from the performance of the products covered in this Agreement will occur in a closed session.

The confidentiality covenants contained herein shall survive the termination or cancellation of this Agreement.

6. RESOLUTION OF DISPUTES

In the event of disputes pertaining to performance levels, upon Tyler's failure to meet mutually agreed upon performance levels for three consecutive months, each party shall appoint an authorized representative to cooperate in developing a mutually agreeable problem resolution plan which shall include a description of internal diagnostic procedures. Tyler shall perform according to the problem resolution plan and shall be responsible for updating any hardware on Tyler's site or taking additional action within Tyler's control to reach the agreed upon performance level. In the event of a dispute between the parties under this Agreement pertaining to pecuniary damages or losses, the matter shall be settled in accordance with the then prevailing rules of the American Arbitration Association.

7. TERMINATION, CANCELLATION OR MODIFICATION

This Agreement may not be terminated, canceled or modified except by the written mutual consent of both parties or as otherwise provided in this Agreement. Upon termination, cancellation or non-renewal of this Agreement, any licenses for the versions of the applications that Client licensed prior to this Agreement shall remain with Client under the terms of prior license Agreements. Upon termination, cancellation, or non-renewal of this Agreement, the licenses provided under this Agreement shall be automatically terminated, and Client's access to the licensed applications shall be denied.

In the event of termination or cancellation, Client will be responsible for payments made by Tyler, or payments due from Tyler, to any third parties for the purchase of Systems software, other third party software or hardware delivered to Client's site as of the date of termination or cancellation. In the event of termination or cancellation prior to the expiration of the term of this Agreement, Client shall make a payment to Tyler equal to Tyler's daily rate for implementation, consulting and conversion services delivered by Tyler prior to termination or cancellation.

8. SEVERABILITY

If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

9. NOTICES

All notices required or permitted to be given hereunder shall be in writing and shall be delivered in hand or sent by first class mail, postage prepaid, to the parties at the following addresses or other such address or addresses as to which a party shall have notified the other party in accordance with this Section:

If to Tyler Technologies, Inc.:

Tyler Technologies, Inc
370 U.S. Route One
Falmouth, ME 04105
Attention: Contracts Manager

If to Client:

[INSERT CLIENT NAME]
[INSERT CLIENT ADDRESS]

Attention: [INSERT CLIENT TITLE]

10. NO INTENDED THIRD PARTY BENEFICIARIES

ADDENDUM A

The following are clarifications and/or modifications to the Agreement. In the event of a conflict between Addendum A and the Agreement, Addendum A shall prevail.

1. The term of this Application Service Provider ("ASP") Agreement shall be XXX through XXX ("Term").

2. The financial obligation of the Client to Tyler for the software products and services listed in the Investment Summary herein (\$XXX) shall be payable as follows:

VPN Device Installation Fee (\$XXX.XX) will be due as provided.

On or before XXX and on or before the first day in each subsequent quarter through the end of the Term, Client will remit to Tyler quarterly ASP fees in the amount of \$XXX.XX, for a XXX (X)-year total of \$XXX.XX.

3. Prices do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy. Tyler's current Business Travel Policy is attached hereto as Exhibit 2.

4. Prices include test, training, and production databases.

5. The ASP fees are based on XXX (XX) concurrent users. Should the number of concurrent users be exceeded, Tyler reserves the right to re-negotiate the Application Service Provider Fees based upon any resulting changes in the pricing categories.

6. Tyler will provide ASP Services in accordance with the Service Level Agreement attached hereto as Exhibit 1.

7. Unused services will expire at the end of the initial Term.

8. The Tyler Software module "Tyler Forms Processing" must be used in conjunction with a Hewlett Packard printer supported by Tyler for printing checks.

SUMMARY CHART

| Service Type | Time | Attainment |
|--|--|----------------------------|
| Application Availability - Green | 6:00 a.m. to 9:00 p.m. EST Mon-Fri 6:00 a.m. to 3:00 p.m. EST Sat | 99% |
| Application Availability – Yellow | 9:00 p.m. to 5:00 a.m. EST Mon – Fri 3:00 p.m. EST Sat to 5:00 a.m. EST Sun 6:00 a.m. EST Sun to 5:00 a.m. EST Mon | No SLA |
| Application Availability – Red | 5:00 a.m. to 6:00 a.m. EST Mon – Sun | No SLA |
| Adding/Changing User Access or Printer | Request by noon: same day before 9:00 p.m. Request by noon: by noon next business day Request after noon; by noon next business day Request by noon: next business day before 9:00 p.m. | 90% 100% 90% 100% |
| Data or File Restoration | Next Business Day Second Business Day | 95% 100% |
| Synchronization of “live” and “test” and/or “training” databases | Next Business Day | 95% |
| New Release/Update Testing Period | 10 Business Days | 95% |
| VPN Appliance Repair | Next Business Day | 95% |
| Support Call Response | By Severity Level Level 1 2 Business Hours Level 2 4 Business Hours Level 3 8 Business Hours Level 4 12 Business Hours | 80% |
| Support Call Response for Escalated Issues | By Severity Level Level 1 1 Business Hours Level 1 2 Business Hours | 90% 100% |

Explanations

1. Application Availability:

Green Time: Guaranteed system availability. SLA applies to green time only.

Yellow Time: User access permitted. Tyler reserves the right to use this time for scheduled or unscheduled maintenance, repairs that require a longer window of downtime, and scheduled testing. 24-hour advance user notification will be given when possible.

Red time: System is not available. Reserved for routine daily maintenance.

Measurement: A log is kept to report any system issues including down time. Total minutes down will be compared to total green minutes in a quarter to determine % of goal in the above summary chart. All percentage calculations shall be rounded to the lowest whole number.

Exclusions: Red Time. Yellow time.

Target is 99% attainment.

If actual attainment is 98-97%, Tyler shall include in its quarterly report descriptions of the failure to reach the target and the remedial action that has been or will be taken.

If actual attainment is 96-94%, a credit of 4% of the quarterly payment due shall be posted to the next quarterly payment.

If actual attainment is less than 94%, a credit of 5% of the quarterly payment due shall be posted to the next quarterly payment.

Notwithstanding the above, the total of all credits that would be due under this SLA shall not exceed 5% of the quarterly fee for any one quarter. Issuing of such credit does not relieve Tyler of its obligations under the ASP Agreement to correct the problem which created the service to fall below the agreed upon levels in the above summary chart. However, the Client acknowledges that correction may occur in the following quarter, and, because of the time reasonably needed to perform any such correction, the quarter in which the correction occurs may also fall below the agreed upon service levels. If Tyler does not perform the correction within the quarter immediately following the quarter that contained the unattained service levels, or if Tyler does not attain that service level in the quarter immediately following the correction, the credits that would normally be due will be doubled.

2. Adding/Changing User Access or Printer:

A request to add or change a user or printer must be made through the Tyler support department. All requests / issues should be logged by calling the ASP team in support at 800.772.2260 and following the recorded instructions. Support hours are 8:00 AM to 6:00 PM EST. Messages may be left after hours. After initial call is made to support for logging purposes, email may be

of its obligations under the ASP Agreement to correct the problem which created the service to fall below the agreed upon levels in the above summary chart. However, the Client acknowledges that correction may occur in the following quarter, and, because of the time reasonably needed to perform any such correction, the quarter in which the correction occurs may also fall below the agreed upon service levels. If Tyler does not perform the correction within the quarter immediately following the quarter that contained the unattained service levels, or if Tyler does not attain that service level in the quarter immediately following the correction, the credits that would normally be due will be doubled.

3. Data or File Restoration:

Data that may be restored include the complete database, files in the user's home directory and spool files.

A request to restore spool file must be made through the Tyler support department and must include the user name, exact file name and date when file may be found. A request to restore a database must be made through the Tyler Support Department and must be made only by the Client's authorized personnel. A list of such will be provided by the Client signed by the Comptroller or Director of Information Technology Department. All requests / issues should be logged by calling the ASP team in support at 800.772.2260 and following the recorded instructions. Support hours are 8:00 AM to 6:00 PM EST. Messages may be left after hours. After initial call is made to support for logging purposes, email may be used to provide needed information. If Tyler subsequently creates an internal logging system that utilizes email to log calls, the Client will be notified of such and may use such to log calls. A list of personnel with authority to make specific requests, other than relating to the database, will also be provided by the Client's authorized representative.

Measurements: Support logs include time request was made and time request closed. Each call for which response does not meet the agreed upon levels in the above summary chart will be compared against total calls to determine attainment.

Exclusions: Service levels exclude files that are older than 20 business days. Requests that are not made through the ASP team will not be counted toward the SLA. Calls that are left on a personal voicemail box or e-mailed will not be counted toward the SLA.

Where target is 95% attainment:

If actual attainment is 94-93%, Tyler shall include in its quarterly report descriptions of the failure to reach the target and the remedial action that has been or will be taken.

If actual attainment is 92-90%, a credit of 2% of the quarterly payment due shall be posted to the next quarterly payment.

If actual attainment is less than 90%, a credit of 3% of the quarterly payment due shall be posted to the next quarterly payment.

logging system that utilizes email to log calls, the Client will be notified of such and may use such to log calls.

Measurement: Support logs include time request was made and time request closed. Each call for which response does not meet the agreed upon levels in the above summary chart will be compared against total calls to determine attainment.

Exclusions: Requests that are not made through the ASP team will not be counted toward the SLA. Calls that are left on a personal voicemail box or e-mailed will not be counted toward the SLA.

Target is 95% attainment.

If actual attainment is 94-93%, Tyler shall include in its quarterly report descriptions of the failure to reach the target and the remedial action that has been or will be taken.

If actual attainment is 92-90%, a credit of 2% of the quarterly payment due shall be posted to the next quarterly payment.

If actual attainment is less than 90%, a credit of 3% of the quarterly payment due shall be posted to the next quarterly payment.

Notwithstanding the above, the total of all credits that would be due under this SLA shall not exceed 5% of the quarterly fee for any one quarter. Issuing of such credit does not relieve Tyler of its obligations under the ASP Agreement to correct the problem which created the service to fall below the agreed upon levels in the above summary chart. However, the Client acknowledges that correction may occur in the following quarter, and, because of the time reasonably needed to perform any such correction, the quarter in which the correction occurs may also fall below the agreed upon service levels. If Tyler does not perform the correction within the quarter immediately following the quarter that contained the unattained service levels, or if Tyler does not attain that service level in the quarter immediately following the correction, the credits that would normally be due will be doubled.

5. New Release/Update Testing Period:

New releases of Tyler will be loaded into the training database prior to Production. These releases will remain in the training environment for a minimum of ten business days. A migration plan should be developed and published for each release for each site. Changes to the plan should be discussed with both parties.

Client agrees to devote time and resources to testing new release to remain no more than two releases behind.

Measurement: A date stamp is created when the program directory for training is updated. This will be compared to the requested date for migration to production.

Exclusions: Requests that are not made through the ASP team will not be counted toward the SLA. Calls that are left on a personal voicemail box or e-mailed will not be counted toward the SLA.

Target is 95% attainment.

If actual attainment is 94-93%, Tyler shall include in its quarterly report descriptions of the failure to reach the target and the remedial action that has been or will be taken.

If actual attainment is 92-90%, a credit of 2% of the quarterly payment due shall be posted to the next quarterly payment.

If actual attainment is less than 90%, a credit of 4% of the quarterly payment due shall be posted to the next quarterly payment.

Notwithstanding the above, the total of all credits that would be due under this SLA shall not exceed 5% of the quarterly fee for any one quarter. Issuing of such credit does not relieve Tyler of its obligations under the ASP Agreement to correct the problem which created the service to fall below the agreed upon levels in the above summary chart. However, the Client acknowledges that correction may occur in the following quarter, and, because of the time reasonably needed to perform any such correction, the quarter in which the correction occurs may also fall below the agreed upon service levels. If Tyler does not perform the correction within the quarter immediately following the quarter that contained the unattained service levels, or if Tyler does not attain that service level in the quarter immediately following the correction, the credits that would normally be due will be doubled.

7. Support Call Response:

Definition of Severities:

- 1 Critical Issue – Tyler is down
- 2 Severe issue, but there is a work around
- 3 Important issue – not severe
- 4 Lowest priority

All requests / issues should be logged by calling support at 800.772.2260 and following the recorded instructions. Support hours are 8:00 AM to 6:00 PM EST, except as noted below. Messages may be left after hours. After initial call is made to support for logging purposes, email may be used to provide needed information. If Tyler subsequently creates an internal logging system that utilizes email to log calls, the Client will be notified of such and may use such to log calls.

Currently you would press 3 for support, then you would press one of the following numbers based on Client's need:

Thanksgiving Day
Day after Thanksgiving
Christmas

Measurement: Support logs include time request was made and time request closed. Each call for which response does not meet the agreed upon levels in the above summary chart will be compared against total calls to determine attainment.

Target is 80% within guidelines specified above.

If actual attainment is 79-78%, Tyler shall include in its quarterly report descriptions of the failure to reach the target and the remedial action that has been or will be taken.

If actual attainment is 77-75%, a credit of 4% of the quarterly payment due shall be posted to the next quarterly payment.

If actual attainment is less than 75%, a credit of 5% of the quarterly payment due shall be posted to the next quarterly payment.

Notwithstanding the above, the total of all credits that would be due under this SLA shall not exceed 5% of the quarterly fee for any one quarter. Issuing of such credit does not relieve Tyler of its obligations under the ASP Agreement to correct the problem which created the service to fall below the agreed upon levels in the above summary chart. However, the Client acknowledges that correction may occur in the following quarter, and, because of the time reasonably needed to perform any such correction, the quarter in which the correction occurs may also fall below the agreed upon service levels. If Tyler does not perform the correction within the quarter immediately following the quarter that contained the unattained service levels, or if Tyler does not attain that service level in the quarter immediately following the correction, the credits that would normally be due will be doubled.

8. Support Call Response for Escalated Issues:

After call is placed according to the procedures described in service level 7. Support Call Response, the Client may make an additional call to Tyler' receptionist to have the receptionist page the ASP department.

Measurement: Support logs include time request was made and time request closed. Each call for which response does not meet the agreed upon levels in the above summary chart will be compared against total calls to determine attainment.

Where target is 90%:

If actual attainment is 89-88%, Tyler shall include in its quarterly report descriptions of the failure to reach the target and the remedial action that has been or will be taken.

If actual attainment is 87-85%, a credit of 4% of the quarterly payment due shall be posted to the next quarterly payment.

If actual attainment is 94-93%, Tyler shall include in its quarterly report descriptions of the failure to reach the target and the remedial action that has been or will be taken.

If actual attainment is 92-90%, a credit of 2% of the quarterly payment due shall be posted to the next quarterly payment.

If actual attainment is less than 90%, a credit of 4% of the quarterly payment due shall be posted to the next quarterly payment.

Notwithstanding the above, the total of all credits that would be due under this SLA shall not exceed 5% of the quarterly fee for any one quarter. Issuing of such credit does not relieve Tyler of its obligations under the ASP Agreement to correct the problem which created the service to fall below the agreed upon levels in the above summary chart. However, the Client acknowledges that correction may occur in the following quarter, and, because of the time reasonably needed to perform any such correction, the quarter in which the correction occurs may also fall below the agreed upon service levels. If Tyler does not perform the correction within the quarter immediately following the quarter that contained the unattained service levels, or if Tyler does not attain that service level in the quarter immediately following the correction, the credits that would normally be due will be doubled.

C. Telecommunications

Tyler is constantly measuring the speed of its network to ensure the highest level of data delivery and efficiency. At the time of execution of this Agreement, the levels in this section can not be provided by Tyler because the commitments of the Client's ISP are not known. If the Client were able to receive commitments regarding such levels from an ISP provider, Tyler and the Client will mutually agree upon the service levels in this section which shall be inserted herein and initialed by the parties.

| Service | Level | Goal |
|-----------------|----------------------------------|------|
| Latency | Xms or less (Site specific) | 90% |
| Packet Delivery | X% or greater (Site specific) | 90% |

1. Latency:

Speed is measured from the ASP network through the encryption equipment to the CLIENT VPN device.

Measurement: Data will be collected every 10 minutes during green time. Quarterly statistics will be derived from all readings taken during the quarter.

Exhibit 2

Business Travel Policy

1. Air Travel

A. Reservations & Tickets

Tyler's Travel Agent will provide an employee with the lowest available airfare within two hours before or after the requested departure time. If a net savings of \$100 or more is possible through an alternate flight with not more than one stop, the flight with the lower fare should be accepted. Employees are encouraged to make reservations far enough in advance to take full advantage of discount opportunities.

B. Baggage Fees

Fees for checking up to two pieces of baggage will be fully reimbursed, provided they are directly related to Tyler business. Baggage fees for sports equipment are not reimbursable.

2. Ground Transportation

A. Private Automobile

Business use of an employee's private automobile will be reimbursed at a rate of \$.50 per mile plus out of pocket costs for tolls and parking. Mileage will be calculated by using the employee's office as the starting and ending point, in compliance with IRS regulations. Employees who have been designated a home office should calculate miles from their home.

B. Rental Car

Employees are authorized to rent cars only in conjunction with air travel when cost, convenience and the specific situation require their use.

C. Public Transportation

Taxi or airport limousine services should be considered when traveling in and around cities or to and from airports. The Company will reimburse the actual fare plus a reasonable tip (15-18%). In the case of a free hotel shuttle to the airport, a \$1 tip per bag is reimbursable.

3. Lodging

Tyler's Travel Agent will select hotel chains that are well established, reasonable in price and conveniently located in relation to the traveler's work assignment. Typical hotel chains include Fairfield Inn, Hampton Inn and Holiday Inn Express. If the customer has a discount rate with a local hotel, notify Tyler's Travel Agent as soon as possible to ensure that all employees can take advantage of the rate.

4. Meals

Employee meals while on travel status are reimbursable in the form of a flat per diem rate. The reimbursement rates for individual meals are as follows:

Exhibit 3

Adobe End User License Agreement

**ADOBE SYSTEMS INCORPORATED
ADOBE CENTRAL OUTPUT SOFTWARE
Software License Agreement**

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LICENSEE'S RIGHTS UNDER THIS AGREEMENT MAY BE SUBJECT TO ADDITIONAL TERMS AND CONDITIONS IN A SEPARATE WRITTEN AGREEMENT WITH ADOBE THAT SUPPLEMENTS OR SUPERSEDES ALL OR PORTIONS OF THIS AGREEMENT.

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1.1 "Adobe" means Adobe Systems Incorporated, a Delaware corporation, 345 Park Avenue, San Jose, California 95110, if subsection 9(a) of this Agreement applies; otherwise it means Adobe Systems Software Ireland Limited, 4-6 Riverwalk, Citywest Business Campus, Saggart, Dublin 24, Ireland, a company organized under the laws of Ireland and an affiliate and licensee of Adobe Systems Incorporated.

1.2 "Authorized Users" means employees and individual contractors (i.e., temporary employees) of Licensee.

1.3 "Computer" means one or more central processing units ("CPU") in a hardware device (including hardware devices accessed by multiple users through a network ("Server")) that accepts information in digital or similar form and manipulates it for a specific result based on a sequence of instructions.

1.4 "Deliver" means to transmit data directly or indirectly over a network to a printing device or any other device for the purpose of printing.

1.5 "Development Software" means Software licensed for use in a technical environment solely for internal development and testing and not for use as Production Software.

1.6 "Disaster Recovery Environment" means Licensee's technical environment designed solely to allow Licensee to respond to an interruption in service due to an event beyond Licensee's control that creates an inability on Licensee's part to provide critical business functions for a material period of time.

2.2 SDK Components. Licensee's Authorized Users may install and use the SDK Components for purposes of facilitating use of the Software in accordance with this Agreement. Licensee agrees that Licensee will treat the API Information with the same degree of care to prevent unauthorized disclosure to anyone other than Authorized Users as Licensee accords to Licensee's own confidential information, but in no event less than reasonable care. Licensee's obligations under this Section 2.2 with respect to the API Information shall terminate when Licensee can document that the API Information was in the public domain at or subsequent to the time it was communicated to Licensee by Adobe through no fault of Licensee's. Licensee may also disclose the API Information in response to a valid order by a court or other governmental body, when otherwise required by law, or when necessary to establish the rights of either party under this Agreement, provided Licensee gives Adobe advance written notice thereof.

2.3 Backup and Disaster Recover. Licensee may make and install a reasonable number of copies of the Software for backup and archival purposes and use such copies solely in the event that the primary copy has failed or is destroyed, but in no event may Licensee use such copies concurrently with Production Software or Development Software. Licensee may also install copies of the Software in a Disaster Recovery Environment for use solely in disaster recovery and nor for production, development, evaluation or testing purposes other than to ensure that the Software is capable of replacing the primary usage of the Software in case of a disaster.

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13. **Third-Party Beneficiary.** Licensee acknowledges and agrees that Adobe's licensors (and/or Adobe if Licensee obtained the Software from any party other than Adobe) are third party beneficiaries of this Agreement, with the right to enforce the obligations set forth herein with respect to the respective technology of such licensors and/or Adobe.

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates set forth below.

**Tyler Technologies, Inc.
ERP and School Division**

[INSERT CLIENT NAME]

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

RESOLUTION NO. 10-6895

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF COVINA, CALIFORNIA, TO AMEND THE
FISCAL YEAR 2010-2011 MANAGEMENT
INFORMATION SYSTEMS BUDGET TO REFLECT AN
INCREASE OF \$100,000 FROM MIS FUND BALANCE

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

WHEREAS, the budget for the City of Covina for fiscal year commencing July 1, 2010 and ending June 30, 2011 was approved on June 15, 2010; and

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

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

WHEREAS, the City of Covina desires to enter into a contract with Tyler Technologies to provide a comprehensive financial software solution;

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

SECTION 1. Amend the fiscal year 2010-2011 Management Information Systems operating budget as follows: designate \$100,000 from fund balance (7200-0000-00-33000) to MIS – Financial Systems – Software Lease Fees (7200-6260-00-51795).

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

PASSED, APPROVED AND ADOPTED this 5th day of October, 2009.

Peggy Delach, Mayor

ATTEST:

Toni Taber, Chief Deputy City Clerk

APPROVED AS TO FORM;

City Attorney

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: NB 3

STAFF SOURCE: Steve Henley, Director of Public Works
Kalieh Honish, Assistant Director of Public Works
Vivian Castro, Environmental Services Manager



ITEM TITLE: Solid Waste Disposal Options and Alternatives

STAFF RECOMMENDATION

Receive and file this report and direct staff to return to the City Council with a report on possible alternative disposal opportunities available in partnership with the City's licensed solid waste hauler, Athens Services.

FISCAL IMPACT

The closure of the Puente Hills Landfill creates the potential for significant increases in the cost of transporting and disposing of the city's municipal waste, green waste, and construction and demolition debris. If not controlled or quasi-stabilized, these increased costs could have a negative fiscal impact on the City and the community. Conversely, developing or partnering with other agencies or entities to develop cost-controlled or stabilized alternative disposal methodologies may enhance the community's fiscal stability and provide economic advantages for local businesses in the future.

BACKGROUND

A primary component of the City's current refuse rate schedule is the tipping fee charged by the Sanitation Districts of Los Angeles County (SanDistrict) to dispose of solid waste at their Puente Hills Landfill. This fee is currently a relatively inexpensive \$38.26 per ton. However, on October 31, 2013, the Puente Hills Landfill is scheduled to close; eliminating the City's access to Los Angeles County's last low-cost solid waste disposal facility. As the City will therefore need to find alternative sites and/or methodologies for the disposal of its municipal solid waste, this report reviews the City's current disposal and diversion needs, projected needs given existing and anticipated State mandates, and the projected costs of various disposal and diversion options that may be available to the City.

Covina's Current Disposal and Diversion Needs

Annually, approximately 47,000 tons of waste from Covina is landfilled. In 2009-10, the Puente Hills Landfill accepted the following from Covina:

- 7,894 tons of green waste as Alternative Daily Cover (ADC)
- 2,022 tons of construction and demolition debris (C&D) as beneficial use
- 37,155 tons of municipal solid waste

When the Puente Hills Landfill closes, these materials will have to be taken to other locations. Currently neither the green waste that is used as ADC nor the C&D debris that is put to beneficial use count towards the City's disposal tonnage. In addition, at the City's direction, Athens takes approximately 208 tons per month, or 2,496 tons per year, to the Commerce Refuse-to-Energy Facility in order to ensure compliance with state diversion mandates as specified in the Integrated Waste Management Act of 1989 (AB 939, Sher) and SB 1016 (Wiggins, 2008).

Primarily as a result of employing these diversion options available at Puente Hills (in addition to implementing other diversion programs), the City managed to achieve a 57% diversion rate in 2006 (the last year that a diversion percentage for jurisdictions was calculated, at which time the state average was 58%) and currently has a 4.4 pounds per resident per day disposal rate, which is slightly better than the State average. The City's per employee disposal rate of 10.0 pounds per employee, per day is also lower than the state average:

| 2009 Disposal Rate | Per Employee Disposal (lbs/employee/day) | Per Resident Disposal (lbs/resident/day) |
|---------------------------|---|---|
| State Average | 11.8 | 4.5 |
| Covina | 10.0 | 4.4 |

The City's disposal rate, like that of most local jurisdictions, has declined since 2007. However, CalRecycle, the state agency that oversees the State's recycling and waste reduction efforts, expects disposal rates to increase when the economy improves. It warns jurisdictions that,

“As the economy rebounds, businesses will produce more, consumers will consume more, and more materials will be generated from residential and commercial construction. Although jurisdictions are facing severe budgetary problems, now is the time to plan for, and prepare to implement, diversion programs to handle these materials. If these increased flows of materials are not planned for, they may end up in landfills rather than being recycled back into the economy.”

Covina's existing compliance with the State's diversion mandate hinges on the City's ability to divert its green waste and construction and demolition waste from counting towards its landfilled tonnage. With the closure of Puente Hills, the City will lose approximately 10,000 tons of waste diversion a year. Unless alternative diversion options are identified for green waste and C&D debris, the City would be out of compliance and may be subject to compliance orders and fines of up to \$10,000 per day.

More importantly, when the Puente Hills landfill closes, the City will lose the ability to take its waste to a nearby, relatively inexpensive facility. It will need to identify and plan for disposal at the landfill or landfills that provide the lowest total cost for combined transportation and tipping fees. Therefore, in order for Covina to be prepared to meet its refuse needs after October 31,

2013, the City must actively seek low-cost disposal and diversion options now that will ensure future compliance with existing and potential state waste mandates.

Options for Solid Waste Disposal

There are a number of alternative means for the City to dispose of the 47,000 tons of municipal solid waste it generates annually. The available capacity of landfills, accepted materials, and maximum allowable tonnage, transportation costs and other logistical considerations, tipping fees and the impact on the City's diversion rates are all factors that must be weighed when considering these alternatives. In order to meet the City's disposal and diversion needs at the lowest possible cost, it is likely that some combination of alternatives will have to be pursued.

Landfills

Exhibit A shows the landfills in the region; with Exhibit B depicting the current tipping fees for these facilities. While an analysis of the overall costs of disposal at the various landfills that takes into account the aforementioned factors would need to be conducted, it is easy to see that travel times (and therefore operating costs) and tipping fees to utilize these facilities will be substantially increased over the City's current costs.

Waste-By-Rail

The SanDistrict's Waste-by-Rail project was developed to address the projected shortfall in local solid waste disposal capacity when the Puente Hills landfill closes. It consists of an integrated system of local and remote infrastructure to transport refuse via rail to two remote disposal sites. One of these sites alone, the Mesquite Landfill in Imperial County, has the capacity for 600 million tons of solid waste. The system is designed to haul 8,000 tons per day via rail. To fund this infrastructure, composed of local Material Recovery Facilities (MRFs) and transfer stations (including the construction of a MRF at Puente Hills) and the construction of local and remote intermodal facilities and operation of the landfills, the Sanitation Districts developed a cost transition program that incorporates the costs of the system into the Puente Hills tipping fee beginning in 2005 to prevent a large jump in the disposal rate for Waste-By-Rail once the landfill closes in 2013. At that point, the SanDistrict's project the tipping fee of Waste-By-Rail disposal to be just under \$60 per ton; climbing to \$120 per ton by the year 2025. Exhibit C shows the projected cost of Waste-By-Rail disposal.

Conversion Technologies

Conversion technologies are processes capable of converting post-recycling residual solid waste into useful products and chemicals, green fuels like ethanol and biodiesel, and clean, renewable energy. They have the potential of achieving significant diversion of MRF residue and post-recycled municipal solid waste from landfill disposal, ranging from approximately 87 percent to 100 percent by weight of the waste received. An analysis of the conversion technologies estimates that "tipping fees needed to support a conversion technology project range from approximately \$50 to \$70 per ton" (Los Angeles County Conversion Technology Evaluation Report, Phase II – Assessment, October 2007). Adjusted for inflation by the Municipal Cost Index, the revised estimated tipping fees would be approximately \$60 to \$84 per ton.

It is critical that waste processed via conversion technologies be defined within the context of beneficial uses rather than disposal. At present, Covina processes and receives diversion credit for approximately 2,500 tons of commercial MRF residual waste sent to the Commerce Waste-to-Energy facility at a cost of \$61 per ton. Although Los Angeles County has made significant progress in developing a conversion technology demonstration program to be co-located with a MRF facility, it is unlikely that facilities that can handle the region's needs will be available by the end of 2013.

Green Waste Diversion Alternatives

There are several green waste disposal and diversion alternatives, but some may be infeasible or cost prohibitive.

Reduce Green Waste Generated in the City

The City can more aggressively promote grasscycling, backyard composting, and replacement of turf with drought-tolerant native plants in order to reduce the amount of green waste collected. A major obstacle is Californian's love of turf, but as water rates continue to climb, it is possible that the amount of green waste generated will decrease. Even if the amount generated decreases by as much as 1,000 or 2,000 tons, the City will still need to find diversion capacity for the remainder of its green waste.

Transport Green Waste to Other Landfills for Use as ADC

Currently there are few nearby landfills that accept green waste as ADC. Others, such as the Calabasas landfill, accept only waste from their "washed". Other cities that currently send their green waste to Puente Hills will also be looking to divert green waste to ADC at nearby landfills. It does not appear that there is sufficient capacity at existing landfills that accept green waste as ADC to handle the green waste generated in the region.

Transport Green Waste to Composting Facilities

The SanDistrict's Inland Empire Regional Composting Facility in Rancho Cucamonga is only 25 miles from Covina, but the facility is highly selective of the green waste material it accepts. While it only charges a tipping fee of \$2 per ton, this rate is low in order to attract the highest quality stock of biosolids, manure, and woody green waste. The facility is currently operating at capacity and is unlikely to accept the volume of "lower quality" green waste from curbside programs. The SanDistrict is also developing the Westlake Farms Composting Facility in Kings County. However, the cost of transporting green waste to this facility would be cost-prohibitive.

Athens Services owns the American Organics composting facility in Victorville. This fully permitted facility accepts green waste and has ample capacity to accept the approximately 8,000 tons that are generated by Covina each year. This facility has been designed and permitted to accept food and wet or soiled organic waste in the future in anticipation of the need to divert these waste streams from the landfill.

Additional Factors for Consideration

In addition to the significant changes that will occur when Puente Hills closes, there are several legislative and regulatory mandates that will also impact the City's waste disposal needs.

Beginning January 1, 2011, the California Green Building Standards Code 2010 will require residential projects to divert at least 50% of C&D and submit a waste management plan. Commercial projects must meet the same requirements and must additionally divert 100% of excavated soil and land clearing debris. This will help reduce the amount of material currently being landfilled, but will necessitate additional capacity at facilities that process and accept C&D recyclables.

Potential Increase in the Mandated Minimum Diversion Rate

Diversion is the percentage of total waste that a jurisdiction diverts from disposal at State-permitted landfills and transformation facilities through reduction, reuse, recycling programs, and composting programs. Jurisdictions are required by law to achieve 50 percent diversion. Every year for the past several years, at least one piece of legislation has been introduced that would increase the mandated minimum diversion rate. The most recent of these, AB 737 (Chesbro), does not mandate a higher rate outright, but requires CalRecycle, by March 1, 2013, to report to the Legislature on the current diversion rate in the state and potential strategies to increase the diversion rate to 75%.

As noted earlier, the most recent diversion rate reported to the state for Covina was 57%. If replacements for the diversion “credit” achieved through ADC and beneficial reuse at Puente Hills are not identified, the City may not be able to achieve the existing minimum, let alone a mandated minimum of 75%

Summary

The closure of the Puente Hills Landfill in 2013 will bring an end to relatively low-cost solid waste disposal in Los Angeles County and, as things currently stand, will significantly increase the cost of solid waste disposal services for the community. Taking the foregoing into consideration there are few, if any, viable alternatives available to accommodate the city’s entire waste stream in a cost-controlled or cost-stabilized manner. However, the City’s licensed waste hauler, Athens Services, as evidenced by their acquisition of the green waste facility in Victorville, has been working to develop a variety of disposal alternatives with which the City may wish to partner. Given the information presented within this report and as reflected within the table below, these alternatives may be the best opportunities for the City to secure long-term cost-stabilized waste disposal.

| FACILITY | LOCATION | CURRENT TIPPING FEE | PROPOSED TIPPING FEE |
|----------------------|-------------|---------------------|----------------------|
| Puente Hills | Whittier | \$38.26 per ton | Closed |
| Lancaster Landfill | Palmdale | \$45 - \$51 per ton | Unknown |
| Simi Valley Landfill | Simi Valley | \$50 per ton | Unknown |
| Sunshine Canyon | Sylmar | \$54 per ton | Unknown |
| Waste-by-Rail | Industry | \$60 per ton | \$120 per ton |

RELEVENCE TO THE STRATEGIC PLAN

Developing or partnering with others agencies or entities to develop alternative, cost-controlled solid waste disposal and diversion capabilities supports the City's goals of enhancing financial stability and becoming an environmentally sustainable community.

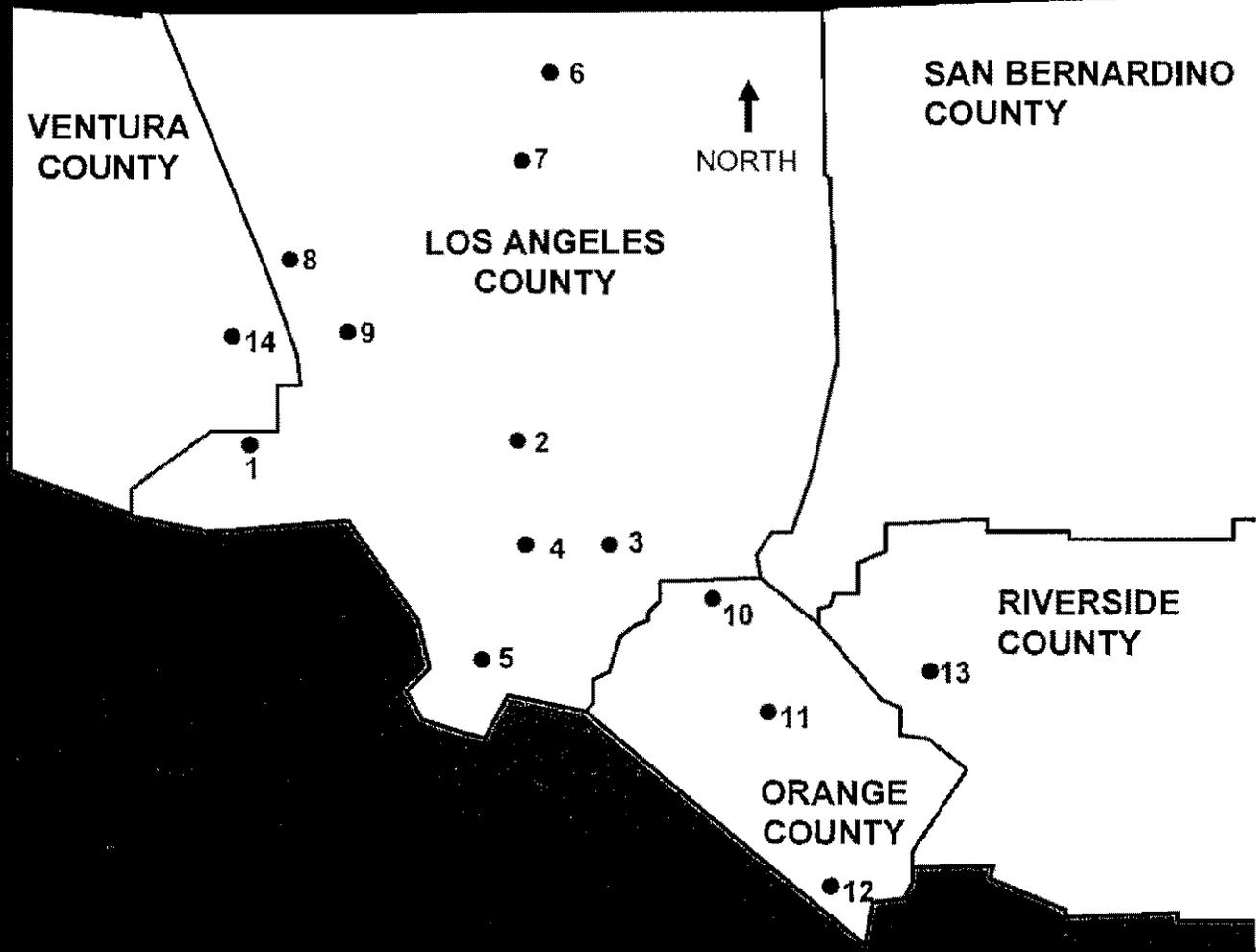
EXHIBITS

- A. Solid Waste Facilities Map
- B. Solid Waste Facilities Tonnage Rates Chart
- C. Waste-By-Rail Cost Transition Estimate

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

Solid Waste Facilities

1. Calabasas
2. Scholl Canyon
3. Puente Hills
4. Commerce
5. SERRF
6. Lancaster
7. Antelope Valley
8. Chiquita
9. Sunshine Canyon
10. Olinda Alpha
11. Bowerman
12. Prima Deshecha
13. El Sobrante
14. Simi Valley



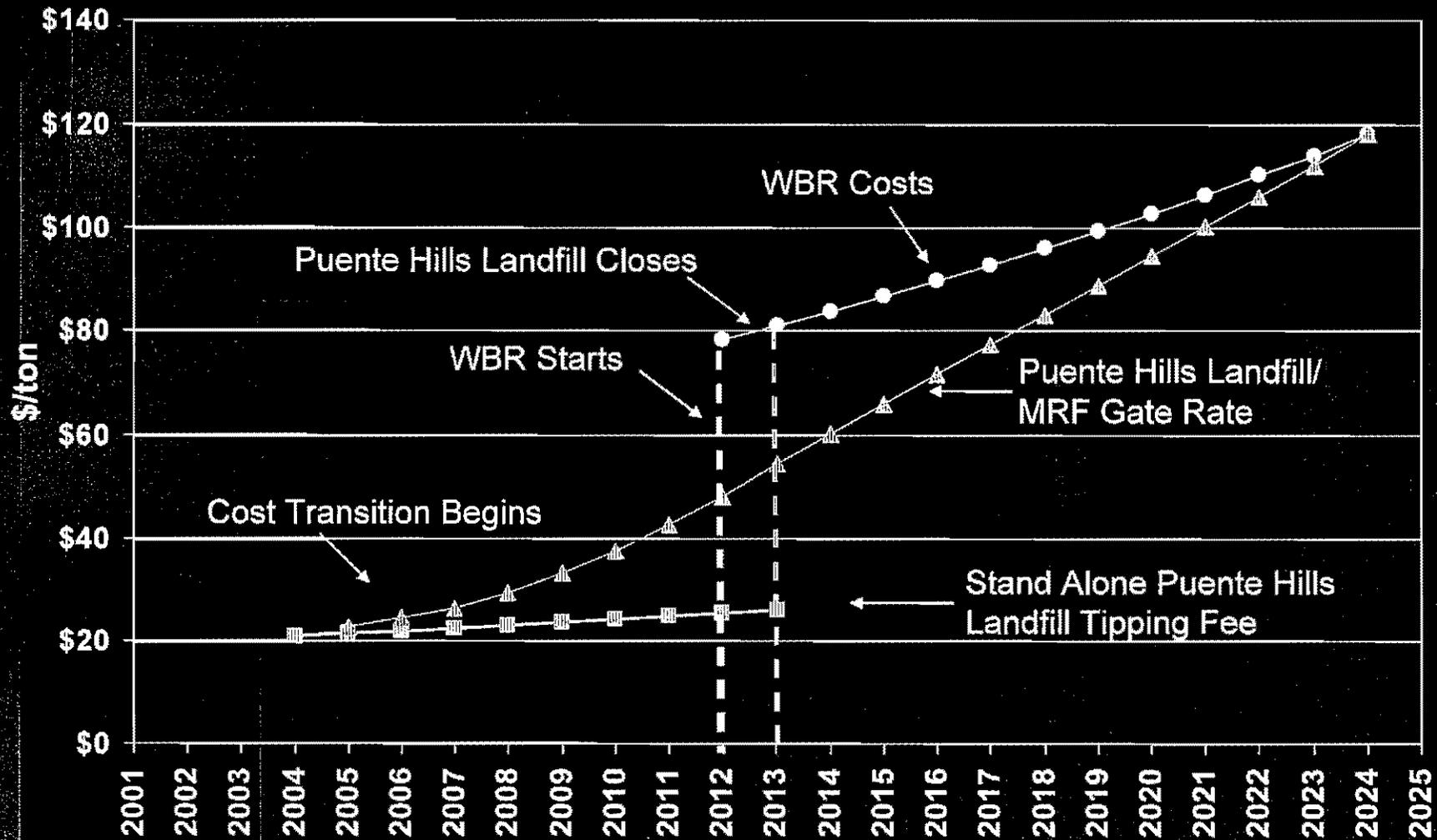
Source: Sanitation Districts of Los Angeles County, presentation to the South Bay Council of Governments, September 18, 2008.

SOLID WASTE FACILITIES

| Destination Facility | Location City | Mileage from Covina | Locations they accept waste from | Type of materials accepted | Cost per ton for MSW | Cost per ton for C&D | Cost per ton for Greenwaste | Miscellaneous waste - cost per ton |
|---------------------------------|---------------|---------------------|---|--|----------------------|----------------------|-----------------------------|------------------------------------|
| Azusa Land Reclamation | Azusa | 2 | | MSW, C&D, green waste, tires | | | | |
| Bakersfield Metropolitan (Bena) | Bakersfield | 133 | Only Kern County, unless special permit approved by KC wasteboard | MSW, C&D, treated wood, and non-fryable asbestos | \$40.00 | \$50.00 | N/A | Asbestos-\$50 & treated wood-\$50 |
| Chiquita Canyon Landfill | Castaic | 57 | Santa Clarita Valley and surrounding LA communities | MSW, C&D and greenwaste | \$57.00 | \$22.40 | \$25.00 | |
| Colton Sanitary Landfill | Colton | 37 | | MSW, C&D, green waste, tires | | | | |
| Commerce RTE Facility | Commerce | 23 | | Refuse, metal recycling, high-energy refuse: dry scrap wood, textile waste, unrecyclable paper/cardboard, non-recycled materials | \$61.00 | | | High-energy refuse - \$42 |
| El Sobrante Landfill | Corona | 38 | Accepts waste from Riverside County | Non-hazardous solid waste | \$34.37 | | | |
| Frank R. Bowerman Landfill | Irvine | 39 | No public access, commercial haulers only. Accepts MSW from outside Orange County cities. | MSW only | \$53.95 | N/A | N/A | N/A |

| | | | | | | | | | |
|---------------------------------------|-------------|----|---|---|--|---------|--|---------|---|
| Lancaster Landfill & Recycling Ctr. | Palmdale | 90 | Accepts waste from all municipalities | Treated wood waste | \$45.00 for 0-1,000 tons/\$51.00 p/t for 1,001 tons & up | | | \$30.00 | |
| Mid-Valley Sanitary Landfill | Rialto | 34 | San Bernardino County Public access only to OC residents, accepts MSW from non-OC commercial haulers. | MSW, C&D, green waste, tires | \$55.89 | | | | |
| Olinda Alpha Sanitary Landfill | Brea | 20 | | MSW, treated wood waste | \$53.95 | N/A | | N/A | N/A |
| Peck Road Gravel Pit | Irwindale | 8 | | Construction sand and gravel | | | | | |
| Puente Hills Landfill | Whittier | 10 | Does not accept waste from the City of Los Angeles or County of Orange | MSW, C&D, green waste, tires | \$38.26 | | | | Tires - \$82.26 |
| San Timoteo Sanitary Landfill | Redlands | 43 | Does not accept any type of waste from outside San Bernardino County cities. | N/A | N/A | N/A | | N/A | N/A |
| Simi Valley Landfill & Recycling Ctr. | Simi Valley | 61 | Accepts waste from all municipalities | MSW, C&D, greenwaste, non-fryable asbestos, treated wood and telephone poles | \$50.00 | \$50.00 | | \$36.00 | Asbestos-\$100, treated wood & telephone poles-\$60 |
| Southeast Resource Recovery Fac. | Long Beach | 37 | Not open to public; only pre-registered licensed haulers | MSW, metals recycling, and narcotics | \$45.00 | | | | |
| Sunshine Canyon Landfill | Sylmar | 44 | Accepts waste from City of Los Angeles, County of Los Angeles | Non-hazardous solid waste, on site recycling/buy back, tires, C&D, wood waste | \$54.00 | | | \$36.64 | |

Cost Transition Program



Source: Sanitation Districts of Los Angeles County, presentation to the South Bay Council of Governments, September 18, 2008.

CITY OF COVINA
AGENDA ITEM COMMENTARY

MEETING DATE: October 5, 2010

ITEM NO.: CB 1

STAFF SOURCE: Martha Heaviside, Deputy City Clerk *MH*

ITEM TITLE: Appointments to the Cultural Arts Advisory Commission

STAFF RECOMMENDATION

Appoint applicants; Kathryn Ennis, Ann Hall and Andres Hernandez, to the Cultural Arts Advisory Commission.

FISCAL IMPACT

None.

BACKGROUND

The purpose of the Cultural Arts Advisory Commission is to establish programs that provide a rich arts experience in all disciplines to a diverse audience. Provide cultural opportunities and encourage artistic and economic growth in the City of Covina. To expand and enhance arts education in our schools and our community at large and to engage all members of the community in the discussion, support and participation in the arts.

The Cultural Arts Advisory Commission currently has three vacancies.

RELEVENCE TO THE STRATEGIC PLAN

This item has no direct relevance to the strategic plan.

EXHIBITS

- A. List of terms expiring and qualifications for appointment
- B. 2010 recruitment advertisement
- C. Cultural Arts Advisory Commission applications

Updated 9/8/10

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

**Boards and Commissions
Term Appointments and Expirations
2010-2011**

| Last Name | First Name | First Appointed | Term Begins | Term Ends | LG 101 |
|--|------------------|-----------------|-------------|-----------|------------|
| <i>Member of the Planning Commission to hear administrative appeals of building official decisions Ord No. 05-1921.</i> | | | | | |
| Hodapp | Charles | 01-Nov-05 | 01-Jul-09 | 30-Jun-11 | Completed |
| McMeekin | Dan | 01-Nov-05 | 17-Nov-09 | 30-Jun-11 | No |
| Patterson | Win | 21-Aug-07 | 01-Jul-09 | 30-Jun-11 | Completed |
| <i>One Council Representative, and One Boards & Commissions Representative</i> | | | | | |
| White | Anita C. | 03-Nov-09 | 03-Nov-09 | 30-Jun-11 | Completed |
| <i>Dedication, advocacy and promotion of the arts, and to nurturing educational, social and economic growth of the City's cultural environment; support / encourage the arts, heritage and creativity of all citizens. No residency requirement.</i> | | | | | |
| Castillo | Gary | 19-Jun-07 | 01-Jul-07 | 30-Jun-10 | Completed |
| Feldheim | Fred | 05-Mar-02 | 01-Jul-09 | 30-Jun-12 | Completed |
| Lopez-Martinez | Aydee | 06-Jul-10 | 01-Jul-10 | 30-Jun-13 | |
| Orso | Robert | 01-Sep-09 | 01-Sep-09 | 30-Jun-12 | |
| Santana | Stuart | 19-Jun-07 | 01-Jul-07 | 30-Jun-10 | Completed |
| Tucker | Jared | 01-Jul-08 | 01-Jul-08 | 30-Jun-11 | Registered |
| VACANT | | | 01-Jul-10 | 30-Jun-13 | |
| VACANT | | | 01-Jul-10 | 30-Jun-13 | |
| VACANT | | | 01-Jul-10 | 30-Jun-13 | |
| <i>Special knowledge of architecture, historic preservation, planning, contracting, building restoration. (*5 Planning Commissioners)</i> | | | | | |
| Chadwick * | George | 19-Jun-07 | 01-Jul-07 | 30-Jun-11 | No |
| Conners* | John | 02-Sep-08 | 02-Sep-08 | 30-Jun-12 | |
| Hodapp * | Charles | 02-May-00 | 01-Jul-09 | 30-Jun-13 | Completed |
| McMeekin * | Daniel | 03-Oct-06 | 01-Jul-07 | 30-Jun-11 | No |
| Patterson * | Win | 01-Jul-05 | 01-Jul-09 | 30-Jun-13 | Completed |
| VACANT | | | 01-Jul-10 | 30-Jun-14 | |
| VACANT | | | 01-Jul-10 | 30-Jun-14 | |
| <i>No residency requirement. Reasonable representative of Covina's demographic patterns (age, gender, race, income, etc.)</i> | | | | | |
| Castro | Don | 19-Aug-03 | 01-Jul-10 | 30-Jun-14 | No |
| Dolfi | Kimberley | 16-Sep-08 | 16-Sep-08 | 30-Jun-12 | |
| Fern | Charles "Mike" | 06-Sep-05 | 16-Sep-08 | 30-Jun-12 | Completed |
| Fox | Marilyn "Mickey" | 19-Aug-06 | 01-Jul-10 | 30-Jun-14 | |
| Hernandez | Jennifer | 16-Sep-08 | 16-Sep-08 | 30-Jun-12 | |
| King | Marian | 06-Jun-00 | 16-Sep-08 | 30-Jun-12 | No |
| Manning | Kay | 06-Jun-06 | 01-Jul-10 | 30-Jun-14 | Completed |
| VACANT | | | 01-Jul-10 | 01-Jul-14 | |
| VACANT | | | 01-Jul-10 | 01-Jul-14 | |

**Boards and Commissions
Term Appointments and Expirations
2010-2011**

| Last Name | First Name | First Appointed | Term Begins | Term Ends | LG 101 |
|---|------------|-----------------|-------------|-----------|------------|
| <i>Covina resident; Library or educational; experience desirable.</i> | | | | | |
| Feldheim | Fred | 01-Jul-95 | 01-Jul-10 | 30-Jun-13 | Completed |
| Gainor | Eugenia | 06-Jun-06 | 01-Jul-09 | 30-Jun-12 | Completed |
| Gainor | Michael | 15-Jun-04 | 01-Jul-09 | 30-Jun-12 | Completed |
| Lewis | Alvin | 19-Aug-03 | 01-Jul-08 | 30-Jun-11 | No |
| Kemp | Charles M. | 06-Jul-10 | 01-Jul-10 | 30-Jun-13 | |
| <i>Owner or lessee of property within the District or an officer, employee or agent leasing within the District.</i> | | | | | |
| Johnson | Jeffrey | 01-Jul-99 | 01-Jul-08 | 30-Jun-11 | Completed |
| Rajcic | Valerie | 07-Sep-99 | 01-Jul-07 | 30-Jun-10 | No |
| VACANT | | | 01-Jul-10 | 30-Jun-13 | |
| <i>Covina resident that does not hold a salaried position with the City.</i> | | | | | |
| Cobbett | Geoffrey | 02-Sep-08 | 01-Jul-09 | 13-Jun-13 | Completed |
| Lanza | Carmine R. | 01-Jul-96 | 02-Sep-08 | 30-Jun-12 | Completed |
| Martinez | Leona | 19-Aug-03 | 01-Jul-07 | 30-Jun-11 | Completed |
| Pierce | Glen | 16-Jan-96 | 02-Sep-08 | 30-Jun-12 | Completed |
| Rader | Kevin F. | 03-Oct-06 | 01-Jul-07 | 30-Jun-11 | Registered |
| <i>Covina resident - Land use development and/or architectural background desirable.</i> | | | | | |
| Chadwick | George | 01-Jul-07 | 01-Jul-07 | 30-Jun-11 | No |
| Connors | John | 02-Sep-08 | 02-Sep-08 | 30-Jun-12 | Completed |
| Hodapp | Charles | 02-May-00 | 01-Jul-09 | 30-Jun-13 | Completed |
| McMeekin | Dan | 03-Oct-06 | 01-Jul-07 | 30-Jun-11 | No |
| Patterson | Win | 01-Jul-05 | 01-Jul-09 | 30-Jun-13 | Completed |
| <i>3 Covina Residents at large (a); 1 Business Community Rep (b); 1 COUSD rep (c); 1 CYUSD rep (d); 1 Covina Resident/Engineer (e)</i> | | | | | |
| Cobbett (a) | Geoffrey | 06-Jun-88 | 01-Jul-08 | 30-Jun-11 | Completed |
| Conner (a) | Audrey | 20-Jun-00 | 01-Jul-09 | 30-Jun-12 | |
| Johnson (?) | Jeffrey | 02-Jun-09 | 01-Jul-09 | 30-Jun-12 | Completed |
| Manning (a) | Kay | 06-Jun-06 | 01-Jul-09 | 30-Jun-12 | Completed |
| McMeekin (d) | Dan | 16-Jan-96 | 01-Jul-07 | 30-Jun-10 | No |
| Melendrez (c) | Thomas | 21-May-92 | 01-Jul-09 | 30-Jun-12 | Completed |
| Prescott (b) | Bill | 21-Jun-04 | 01-Jul-08 | 30-Jun-11 | No |
| VACANT (e) | | | 01-Jul-10 | 30-Jun-13 | |
| <i>No residency requirement; intervention into behavior & activities of first-time juvenile offenders who have committed a minor offense.</i> | | | | | |
| Butterworth | John | 01-Jul-08 | 01-Jul-10 | 30-Jun-12 | Completed |
| Manning | Kay | 19-Jun-07 | 01-Jul-09 | 30-Jun-11 | Completed |
| Medina | Henry | 19-Jun-07 | 01-Jul-09 | 30-Jun-11 | Completed |
| Medina | Roxanne | 03-Oct-06 | 01-Jul-09 | 30-Jun-11 | Completed |
| Nichols | Barbara | 19-Jun-07 | 01-Jul-09 | 30-Jun-11 | Completed |
| White | Anita C. | 01-Mar-05 | 01-Jul-09 | 30-Jun-11 | Completed |
| VACANT | | | 01-Jul-10 | 30-Jun-12 | |
| VACANT | | | 01-Jul-10 | 30-Jun-12 | |
| VACANT (alt.) | | | 01-Jul-10 | 30-Jun-12 | |
| VACANT (alt.) | | | 01-Jul-10 | 30-Jun-12 | |



COMMUNITY INVOLVEMENT OPPORTUNITIES
ANNUAL MEMBERSHIP RECRUITMENT
CITY BOARDS, COMMISSIONS AND COMMITTEES

NOTICE IS GIVEN that the City of Covina is currently accepting applications from interested Covina citizens to serve as volunteers on the following City boards, commissions and committees which have membership terms expiring on June 30, 2010:

CULTURAL ARTS ADVISORY COMMISSION
HISTORIC PRESERVATION BOARD
HOUSING & COMMUNITY DEVELOPMENT ADVISORY COMMITTEE
PARKING PLACE COMMISSION
TRAFFIC ADVISORY COMMITTEE
YOUTH ACCOUNTABILITY BOARD

Information regarding the qualifications for appointment and application procedures can be obtained by interested citizens in the City Clerk's office at City Hall, 125 East College Street, Covina, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Thursday, or you may telephone the City Clerk's office at (626) 384-5430 during business hours.

The City Clerk's office will accept applications until the positions have been filled. Applications received will be submitted to the City Council and/or Mayor for consideration.

Martha Heaviside
Deputy City Clerk

Publish: July 29, 2010, August 5, 2010, August 12, 2010 and August 19, 2010
in the San Gabriel Valley Examiner

CITY OF COVINA

BOARD, COMMISSION AND COMMITTEE MEMBER
CANDIDATE APPLICATION

RECEIVED

COVINA CITY CLERK

10 SEP 9 PM 12:18

INSTRUCTIONS: Complete this application and return it to the City Clerk's Department, 125 East College Street, Covina, CA 91723,
NO LATER THAN: ~~Thursday, May 13, 2010~~ (IGNORE DATE!)

If you have any questions, please telephone the City Clerk Department at (626) 384-5430. Please TYPE or PRINT clearly in ink.

BOARD, COMMISSION OR COMMITTEE: CULTURAL ARTS ADVISORY COMMISSION

Your Name: Kathryn A. Ennis

Home Address: 534 E. Groverdale St., Covina CA 91722

Business Address: _____

Home Telephone No.: (626) 339-8959 Business Telephone No.: () _____

Occupation: Covina Valley Unified School District - Part time Instructional Aide

Why do you wish to serve the City? Cultural Art adds aesthetic enrichment to the lives of Covina citizens and life to the community, I want to contribute and support for the Arts in this changing community.

What experience or education have you had relative to this field of concern? AA degree in '87 Graphic Art & Commercial Design. Free lance Artist/muralist Passion to Visual arts.

What other City boards, commissions or committees have you served? NONE

To what civic service organizations do you belong? NONE

How did you become interested in this field of concern? Always had a passion for Art and want to continue to learn and grow in the community that I live in, to enhance my quality of life with other

Will you be able to attend all meetings of the City Council? Yes No
(If NO, please explain) I am taking evening college classes this fall and Wed. evenings, starting Sept. 22, 2010, at Citizens Academy at Glendora, PD.

Are you a registered voter? Yes No

Are you willing to file a State financial disclosure statement as required? Yes No

Are you able and willing to complete the Local Government 101 requirements? Yes No

(If NO, please explain) _____

Is an application for a re-appointment? Yes No

Kathryn A. Ennis
Signature of Applicant

Dated: 9/8/10

CITY OF COVINA

BOARD, COMMISSION AND COMMITTEE MEMBER
CANDIDATE APPLICATION

RECEIVED

COVINA CITY CLERK
10 SEP 13 PM 1:16

INSTRUCTIONS: Complete this application and return it to the City Clerk's Department, 125 East College Street, Covina, CA 91723,
NO LATER THAN: ~~Thursday, May 13, 2010~~

If you have any questions, please telephone the City Clerk Department at (626) 384-5430. Please TYPE or PRINT clearly in ink.

BOARD, COMMISSION OR COMMITTEE: CULTURAL ARTS ADVISORY COMMISSION

Your Name: ANN HALL

Home Address: 1884 E BENBOW ST, Cov. 91724

Business Address:

Home Telephone No: (626) 966-8788 Business Telephone No: ()

Occupation: RETIRED

Why do you wish to serve the City? Volunteer on behalf of City

What experience or education have you had ^{relative} to this field of concern? Life time activities outside City purview

What other City boards, commissions or committees have you served? None at this time

To what civic service organizations do you belong? None at this time

How did you become interested in this field of concern? Discussions with others so involved

Will you be able to attend all meetings of the City Council? Yes No
(If NO, please explain)

Are you a registered voter? Yes No

Are you willing to file a State financial disclosure statement as required? Yes No

Are you able and willing to complete the Local Government 101 requirements? Yes No
(If NO, please explain)

Is an application for a re-appointment? Yes No

Ann Hall
Signature of Applicant

Dated: 9/9/2010

CITY OF COVINA

BOARD, COMMISSION AND COMMITTEE MEMBER
CANDIDATE APPLICATION

INSTRUCTIONS: Complete this application and return it to the City Clerk's Department, 125 East College Street, Covina, CA 91723,
NO LATER THAN: ~~Thursday, May 13, 2010~~

If you have any questions, please telephone the City Clerk Department at (626) 384-5430. Please TYPE or PRINT clearly in ink.

BOARD, COMMISSION OR COMMITTEE: CULTURAL ARTS ADVISORY COMMISSION

Your Name: Andres Hernandez (Andy)

Home Address: 311 W. Tudor St.

Business Address: _____

Home Telephone No: (626) 332-6766 Business Telephone No: (626) 675-0185

Occupation: Teacher (Music) + Musician

Why do you wish to serve the City? _____

I've lived in the City of Covina for over 30 years. I regularly attend city events and would like to help facilitate and plan with the commission.

What experience or education have you had relative to this field of concern? _____

I have experience in performing as an artist and also planning events for company functions. I am trained classically as a musician and hold a B.A. in Liberal Arts.

What other City boards, commissions or committees have you served? _____

none

To what civic service organizations do you belong? _____

none

How did you become interested in this field of concern? _____

I became interested when approached by a commission member who told me what he does for the city.

Will you be able to attend all meetings of the City Council? Yes ___ No X

(If NO, please explain) Most likely I would, but I also watch my children while my wife works. Time conflict may occur but all efforts to attend would

Are you a registered voter? Yes ___ No ___

Are you willing to file a State financial disclosure statement as required? Yes ___ No ___

Are you able and willing to complete the Local Government 101 requirements? Yes ___ No ___

(If NO, please explain) _____

Is an application for a re-appointment? Yes ___ No X

Andy Hernandez
Signature of Applicant

Dated: 09/21/2010