



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**MARCH 16, 2021, 7:00 PM
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBERS
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

**Mayor Letty Lopez-Viado
Mayor Pro Tem Dario Castellanos
Councilwoman Rosario Diaz
Councilmember Brian Tabatabai
Councilman Tony Wu**

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, suspending certain requirements of the Brown Act relating to the conduct of public meetings. Pursuant to the Executive Orders, Council Members may attend City Council meetings telephonically and the City Council is not required to make available a physical location from which members of the public may observe the meeting and offer public comment.

On June 18, 2020, the California Department of Public Health issued guidance mandating that people in California wear cloth face coverings in specified circumstances, including when they are inside of, or in line to enter, any indoor public space. Due to the ongoing COVID-19 emergency and pursuant to State and County public health directives, the City Council Chambers will have limited seating available on a first-come, first-served basis for members of the public to attend and participate in the City Council meeting in person. All persons attending the meeting are required to wear cloth face coverings and observe social distancing protocols. Members of the public may also watch City Council the meeting live on the City's website at: <https://www.westcovina.org/departments/city-clerk/agendas-and-meetings/current-meetings-and-agendas> under the "Watch Live" tab or through the West Covina City YouTube channel at www.westcovina.org/LIVE. If you are experiencing symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, or sore throat, the City requests that you participate in the meeting from home by watching the meeting live via the links set forth above.

REMOTE PUBLIC PARTICIPATION:

In lieu of attending the meeting in person, members of the public can submit public comments via email or address the City Council by telephone using the methods described below.

EMAILED PUBLIC COMMENT:

Members of the public can submit public comments to the City Clerk via e-mail at City_Clerk@westcovina.org. The subject line should specify "Oral Communications – 3/16/2021". Please include your full name and address in your e-mail. All emails received by 5:00 P.M. on the day of the Council meeting will be posted to the City's website under "Current Meetings and Agendas" and provided to the City Council prior to the meeting. No comments will be read out loud during the meeting. All comments received by the start of the meeting will be made part of the official public record of the meeting.

TELEPHONIC ACCESSIBILITY:

Members of the public that wish to address the Council by telephone during Oral Communications may contact the City Clerk by email City_Clerk@westcovina.org or by telephone (626) 939-8433 by 5:30 P.M. on the day of the Council meeting for

instructions regarding addressing the City Council by telephone during the meeting.

Please turn off all cell phones and other electronic devices prior to entering the Council Chambers

AMERICANS WITH DISABILITIES ACT

The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at Council meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Do call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Council meetings, please request no less than four working days prior to the meeting.

AGENDA MATERIAL

Agenda material is available for review at the City Clerk's Office, Room 317 in City Hall, 1444 W. Garvey Avenue South, West Covina and at www.westcovina.org. Any writings or documents regarding any item on this agenda, not exempt from public disclosure, provided to a majority of the City Council that is distributed less than 72 hours before the meeting, will be made available for public inspection in the City Clerk's Office, Room 317 of City Hall located at 1444 W. Garvey Avenue South, West Covina, during normal business hours.

NOTICE

The City Council will regularly convene on the first and third Tuesday of the month. The West Covina Community Development Commission, West Covina Public Financing Authority and the West Covina Community Services Foundation are agencies on which the City Council serves as members. Agendas may contain items for these boards, as necessary.

PUBLIC COMMENTS
ADDRESSING THE CITY COUNCIL
(Per WCMC 2-48, Ordinance No. 2150)

Any person wishing to address the City Council on any matter listed on the agenda or on any other matter within their jurisdiction should complete a speaker card that is provided at the entrance to the Council Chambers and submit the card to the City Clerk.

Please identify on the speaker card whether you are speaking on an agenda item or non-agenda. Requests to speak on agenda items will be heard prior to requests to speak on non-agenda items. All comments are limited to five (5) minutes per speaker.

Oral Communications may be limited to thirty (30) minutes, unless speakers addressing agenda items have not concluded.

Any testimony or comments regarding a matter set for a Public Hearing will be heard during the hearing.

RULES OF DECORUM

Excerpts from the West Covina Municipal Code and Penal Code pertaining to the Rules of Decorum will be found at the end of agenda.

AGENDA

CITY OF WEST COVINA
CITY COUNCIL/SUCCESSOR AGENCY

TUESDAY MARCH 16, 2021, 7:00 PM
REGULAR MEETING

INVOCATION

Led by Pastor Kelly DuPee from Faith Community Church

PLEDGE OF ALLEGIANCE

Led by Councilman Tabatabai

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- Certificate of Recognition to Brian Gutierrez for donating the publication of 500 "West Covina Police Department Annual Review" Books
- Certificate of Recognition to Brian Gutierrez for his efforts with CVS Health Corporation in bringing vaccination sites to West Covina
- Recognition of CVS Health Corporation for bringing vaccination sites to West Covina

ORAL COMMUNICATIONS - Five (5) minutes per speaker

Please step forward to the podium and state your name and city of residence for the record when recognized by the Mayor.

CITY MANAGER'S REPORT

City Manager's report on current City projects.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the City Council/Community Development Commission request specific items to be removed from the Consent Calendar for separate discussion or action.

APPROVAL OF MEETING MINUTES

- 1) **MARCH 2, 2021, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES
MARCH 2, 2021, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES**

It is recommended that the City Council approve the March 2, 2021, Closed Session Meeting Minutes, and the March 2, 2021, Regular Session Meeting Minutes.

CITY MANAGER'S OFFICE

- 2) **CONSIDERATION OF RESOLUTION NO. 2021-17 DETERMINING THERE IS A NEED TO CONTINUE THE LOCAL EMERGENCY**

It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2021-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THE NEED TO FURTHER CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON MARCH 16, 2020, AND PREVIOUSLY CONTINUED ON APRIL 7, 2020, MAY 5, 2020, JUNE 2, 2020, JUNE 23, 2020, JULY 21, 2020, AUGUST 18, 2020, SEPTEMBER 15, 2020, OCTOBER 6, 2020, OCTOBER 20, 2020, NOVEMBER 17, 2020, DECEMBER 1, 2020, JANUARY 19, 2021 AND FEBRUARY 16, 2021

- 3) **APPOINTMENT OF CITY COMMUNITY AND SENIOR SERVICES COMMISSIONER**

It is recommended that the City Council receive and file this informational report.

- 4) **CONSIDERATION OF ORDINANCES RELATED TO ESTABLISHING LOCAL HEALTH DEPARTMENT**

To move forward with the establishment of a local health department, the City Council would take the following actions:

1. Introduce for first reading, by title only, further reading waived, the following ordinance:

ORDINANCE NO. 2478 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 2-236 (EXEMPT POSITIONS) OF DIVISION 3 (PERSONNEL SYSTEM) OF ARTICLE V (EMPLOYEES) OF CHAPTER 2 (ADMINISTRATION) OF THE WEST COVINA MUNICIPAL CODE

2. Introduce for first reading, by title only, further reading waived, the following ordinance, and schedule a public hearing for April 6, 2021 regarding the adoption thereof in accordance with the provisions of Government Code section 50022.1 et seq.:

ORDINANCE NO. 2479 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING AND REPLACING ARTICLE II (HEALTH CODE) OF CHAPTER 13 (HEALTH AND SANITATION) OF THE WEST COVINA MUNICIPAL CODE TO

ADOPT BY REFERENCE DIVISION 1 (PUBLIC HEALTH) OF TITLE 11 (HEALTH AND SAFETY), INCLUDING THE RULES AND REGULATIONS APPENDED THERETO, AND DIVISION 1 (PUBLIC HEALTH LICENSES) OF TITLE 8 (CONSUMER PROTECTION, BUSINESS AND WAGE REGULATIONS) OF THE LOS ANGELES COUNTY CODE

COMMUNITY DEVELOPMENT

5) CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT FOR COMPREHENSIVE DEVELOPMENT CODE UPDATE

It is recommended that the City Council take the following actions:

1. Award the contract for the Comprehensive Development Code Update to KTG Group, Inc.; and
2. Authorize the City Manager to negotiate and execute a Professional Services Agreement with KTG Group, Inc., in an amount not to exceed \$490,429, for a term ending March 31, 2024.

6) CONSIDERATION FOR GENERAL PLAN ANNUAL REPORT FOR 2020

It is recommended that City Council take the following actions:

1. Direct staff to transmit a copy of the Housing Element Annual Report to the California Department of Housing and Community Development; and
2. Direct staff to transmit a copy of the Policy Chart to the State Office of Planning and Research.

HUMAN RESOURCES/RISK MANAGEMENT

7) SUMMARY OF ACTIONS FOR THE HUMAN RESOURCES COMMISSION MEETING OF JANUARY 6, 2021

It is recommended that the City Council receive and file the Summary of Actions for the January 6, 2021 special meeting of the Human Resources Commission.

POLICE DEPARTMENT

8) CONSIDERATION OF 2019 STATE HOMELAND SECURITY PROGRAM GRANT

It is recommended that the City Council take the following actions:

1. Accept and appropriate the reimbursable 2019 State Homeland Security Grant totaling \$71,789 in expenditures and revenues, and authorize the City Manager to execute all related agreements; and
2. In accordance with West Covina Municipal Code Chapter 2, Article VII, Division 2, Sec. 2-333(i)(2), and the findings of the West Covina Finance Department, find that the Los Angeles County purchase contract # MA-IS-1740313-3 satisfies West Covina's bidding process, and authorize the purchase of a total of 5 (five) APX 8500 vehicle-mounted radios with accessories, directly from Motorola Solutions, for a total of \$40,606.41, from account 218.31.3156.7160.
3. Adopt the attached resolution authorizing the necessary budget amendment:

RESOLUTION NO. 2021-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2020 AND ENDING JUNE 30, 2021 (2019 STATE HOMELAND SECURITY PROGRAM GRANT)

END OF CONSENT CALENDAR

DEPARTMENTAL REGULAR MATTERS

POLICE DEPARTMENT

9) CONSIDERATION OF LEASE PURCHASE OF AUTOMATED LICENSE PLATE READER (ALPR) CAMERA SYSTEM

It is recommended that the City Council take the following action:

1. In accordance with West Covina Municipal Code Chapter 2, Article VII, Division 2, Sec. 2-330(b), which states that bidding may be dispensed with when the commodity can be obtained from only one (1) vendor, authorize the lease purchase of an Automated License Plate Reader (ALPR) camera system, directly from Flock Group Inc. (Flock Safety) of Atlanta, GA, for a total of \$157,500, using previously appropriated federal asset forfeiture funds.
2. Authorize the City Manager to negotiate and execute an agreement with Flock Safety, in a form approved by the City Attorney.

MAYOR/COUNCILMEMBERS REPORTS

AB 1234 Conference and Meeting Report (verbal, if any)

(In accordance with AB 1234, Councilmembers shall make a brief report or file a written report on any meeting/event/conference attended at City expense.)

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

(Per City of West Covina Standing Rules 4.f - Requests for reports, studies, or investigations that are not readily available must be placed on the City Council/Successor Agency agenda as items of business and must be approved by a majority of the City Council/Successor Agency Board.)

CITY COUNCIL COMMENTS

ADJOURNMENT

Next Tentative City Council Meeting

Regular Meeting

April 6, 2021

7:00 PM

RULES OF DECORUM

The following are excerpts from the West Covina Municipal Code:

Sec. 2-48. Manner of addressing council; time limit; persons addressing may be sworn.

- a. Each person addressing the council shall step up to the rostrum, shall give his or her name and city of residence in an audible tone of voice for the record and unless further time is granted by the council, shall limit his or her address to five (5) minutes.
- b. The city council may establish a limit on the duration of oral communications.
- c. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a councilmember except through the presiding officer.
- d. The presiding officer may require any person to be sworn as a witness before addressing the council on any subject. Any such person who, having taken an oath that he or she will testify truthfully, willfully and contrary to such oath states as true any material matter which he knows to be false may be held to answer criminally and subject to the penalty prescribed for perjury by the provisions of the Penal Code of the state.

Sec. 2-50. Decorum--Required.

- a. While the council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
- b. Members of the public shall not willfully disrupt the meeting or act in a manner that actually impairs the orderly conduct of the meeting. For the purposes of this code, "willfully disrupt" includes, but is not limited to, continuing to do any of the following after being warned by the Mayor that continuing to do so will be a violation of the law:
 - a. Addressing the Mayor and City Council without first being recognized.
 - b. Persisting in addressing a subject or subjects, other than that before the Mayor and City Council.

- c. Repetitiously addressing the same subject.
- d. Failing to relinquish the podium when directed to do so.
- e. From the audience, interrupting or attempting to interrupt, a speaker, the Mayor, a council member, or a staff member or shouting or attempting to shout over a speaker, the Mayor, a council member or a staff member.
- f. As a speaker, interrupting or attempting to interrupt the Mayor, a council member, or a staff member, or shouting over or attempting to shout over the Mayor, a council member, or a staff member. Nothing in this section or any rules of the council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City or of the acts or omissions of the City Council. It shall be unlawful to violate the provisions of this Section.

If any subsection, sentence, clause, or phrase or word of this Section 2-50 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases or words had been declared invalid or unconstitutional.

Sec. 2-52. Persons authorized to be within council area.

No person, except city officials, their representatives and members of the news media shall be permitted within the rail in front of the council chamber without the express consent of the council.

The following are excerpts from the Penal Code

148(a) (1) Every Person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

403 Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 303 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.