



## **CITY OF WEST COVINA**

### **CITY COUNCIL/SUCCESSOR AGENCY**

**FEBRUARY 15, 2022, 7:00 PM  
REGULAR MEETING**

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

**Mayor Dario Castellanos  
Mayor Pro Tem Rosario Diaz  
Councilwoman Letty Lopez-Viado  
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.

Due to the ongoing COVID-19 emergency and pursuant to State and County public health directives, Los Angeles County Department of Health requires that masks be worn indoors regardless of vaccination status

Members of the public may also watch City Council the meeting live on the City's website at: [www.westcovina.org/agendas-meetings](http://www.westcovina.org/agendas-meetings) under the "Watch Live" tab or through the West Covina City YouTube channel at [www.westcovina.org/LIVE](http://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.

#### **EMAILED PUBLIC COMMENT:**

Members of the public can submit public comments to the City Clerk via e-mail at [City\\_Clerk@westcovina.org](mailto:City_Clerk@westcovina.org). The subject line should specify either "Oral Communications or Public Hearing 2/15/2022". 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.

***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](http://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 FEBRUARY 15, 2022, 7:00 PM**  
**REGULAR MEETING**

## **INVOCATION**

Led by Pastor Matt Chavez from One and All Church West Covina

## **PLEDGE OF ALLEGIANCE**

Led by Councilwoman Lopez-Viado

## **ROLL CALL**

## **REPORTING OUT FROM CLOSED SESSION**

## **PRESENTATIONS**

## **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) CONSIDERATION OF APPROVAL OF THE FEBRUARY 1, 2022, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE FEBRUARY 1, 2022, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.**

It is recommended that the City Council approve the February 1, 2022, Closed Session Meeting Minutes and the February 1, 2022 Regular Session Meeting Minutes.

## **FINANCE DEPARTMENT**

- 2) CONSIDERATION OF THE SECOND QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2021-22**

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

1. Receive and file the Second Quarter Financial Report for Fiscal Year 2021-22; and
2. Adopt the following resolution:

**RESOLUTION NO. 2022-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022 (SECOND QUARTER FINANCIAL REPORT)**

#### **HUMAN RESOURCES/RISK MANAGEMENT**

- 3) **CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE CITY OF WEST COVINA FIRE MANAGEMENT ASSOCIATION (WCFMA)**

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

**RESOLUTION NO. 2022-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CITY OF WEST COVINA FIRE MANAGEMENT ASSOCIATION (WCFMA)**

#### **PUBLIC SERVICES**

- 4) **CONSIDERATION OF AGREEMENT WITH BETTER 4 YOU MEALS FOR THE SENIOR MEALS PROGRAM**

It is recommended that the City Council:

1. Ratify the agreement between the City of West Covina and Better 4 You Breakfast, Inc. dba Better 4 You Meals to provide frozen meals for the senior nutrition program;
2. Authorize the City Manager to negotiate and execute future extensions to the agreement, provided that the total compensation under the agreement and any extensions does not exceed \$396,561; and
3. Adopt the following Resolution:

**RESOLUTION NO. 2022-13 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022 (SENIOR MEALS PROGRAM)**

- 5) **CONSIDERATION OF A GRANT APPLICATION TO THE DEPARTMENT OF RESOURCES AND RECYCLING AND RECOVERY (CALRECYCLE)**

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

**RESOLUTION NO. 2022-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF WEST COVINA IS ELIGIBLE**

#### **END OF CONSENT CALENDAR**

#### **HEARINGS**

#### **PUBLIC HEARINGS**

- 6) **CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. 21-03 FOR THE INSTALLATION OF A 60-FOOT FREESTANDING WIRELESS TELECOMMUNICATION FACILITY AT 3540 E. CAMERON AVENUE**

It is recommended that the City Council conduct a public hearing and, following the public hearing, adopt the following Resolution:

**RESOLUTION NO. 2022-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION AND DENYING CONDITIONAL USE PERMIT NO. 21-03 AT 3540 E. CAMERON AVENUE**

## **DEPARTMENTAL REGULAR MATTERS**

### **CITY MANAGER'S OFFICE**

#### **7) CONSIDERATION OF MEASURES TO COMPLY WITH CALIFORNIA SENATE BILL 1383, NPDES STORMWATER REGULATIONS, AND AMENDMENTS TO THE ATHENS SERVICES FRANCHISE AGREEMENT**

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

1. Authorize the City Manager to negotiate and execute an agreement with Arakelian Enterprises, Inc. DBA Athens Services for the collection of solid waste, recyclables, yard waste and other compostables, in such final form as approved by the City Attorney; and
2. Approve, by a majority vote of the entire City Council, dispensing with formal bidding procedures and requirements in connection with the procurement of street sweeping, median maintenance, and graffiti abatement services by finding that it would be uneconomical to comply with such requirements and it would promote the public interest to dispense with such requirements, in accordance with the requirements of Section 2-330(b) of the West Covina Municipal Code; OR
3. Provide alternative direction.

### **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

March 1, 2022

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.



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** 02/15/2022

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: CONSIDERATION OF APPROVAL OF THE FEBRUARY 1, 2022, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE FEBRUARY 1, 2022, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.**

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**RECOMMENDATION:**

It is recommended that the City Council approve the February 1, 2022, Closed Session Meeting Minutes and the February 1, 2022 Regular Session Meeting Minutes.

**DISCUSSION:**

That the City Council adopt the attached minutes.

**Prepared by:** Lisa Sherrick; Assistant City Clerk

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**Attachments**

Attachment No. 1 - 2/1/2022 Closed Session Minutes Draft

Attachment No. 2 - 2/1/2022 Regular Session Minutes Draft

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**CITY COUNCIL GOALS & OBJECTIVES:** Enhance City Image and Effectiveness



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** 02/15/2022

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: CONSIDERATION OF THE SECOND QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2021-22**

## RECOMMENDATION:

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

1. Receive and file the Second Quarter Financial Report for Fiscal Year 2021-22; and
2. Adopt the following resolution:

**RESOLUTION NO. 2022-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022 (SECOND QUARTER FINANCIAL REPORT)**

## BACKGROUND:

The City has completed the second quarter of Fiscal Year 2021-22. This report summarizes the overall financial performance of the City for the period of July 1, 2021 through December 31, 2021, but it is not meant to be inclusive of all finance and accounting transactions. While the focus of the report is the General Fund, summary financial information is also provided for the Enterprise Fund and Special Revenue Funds. The information presented is unaudited. This report is intended to provide City Council and the public with an overview of the City's general fiscal condition.

The City will make the Quarterly Financial Report available on the City's website for review by the City's stakeholders.

## DISCUSSION:

The revenue and expenditures per the Budget to Actual comparisons include adjustments for carryovers and any appropriations made as of December 31, 2021. The information presented reports revenues as they are received and expenditures when paid. Revenues and expenditures are only accrued at year end to account for such activity in the correct fiscal year.

Additionally, a budget amendment is proposed with the Quarterly Report to adjust revenue and expenditures based on activity to date.

## LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form.

**Prepared by:** Stephanie Sikkema, Finance Director

## Fiscal Impact

### FISCAL IMPACT:

The original adopted General Fund budget for FY 2021-22 was \$67,814,100 for revenues and expenditures. Council added personnel and crossing guard services increasing expenditures to \$69,859,100 and revenue to \$67,880,100.

After adjusting revenues by \$1,030,000 to \$71,077,100 and expenditures by \$7,674,500 to \$78,448,624, the revised General Fund budget is projected to be negative \$7,371,524 by the end of this fiscal year. However, \$7,087,000 of this is the allocation of unassigned fund balance making the true net revenue and expenditures negative \$284,524.

Proposed General Fund (Fund110) changes are summarized as follows:

General Fund	Original Budget	Current Budget	Requested BA	Amended Budget
<b>Revenue</b>				
Charges for Services	5,336,000	5,446,000	140,000	5,586,000
Cost Recovery	330,000	790,000	510,000	1,300,000
Fines & Forfeitures	608,000	705,000	50,000	755,000
Interdepartmental Charges	1,423,800	1,423,800		1,423,800
Licenses & Permits	1,964,100	1,964,100	330,000	2,294,100
Other Revenues	82,800	82,800		82,800
Other Taxes	8,167,200	8,167,200		8,167,200
Property Tax	28,204,200	28,204,200		28,204,200
Revenue from Other Agencies	4,483,300	4,549,300		4,549,300
Sales Tax	15,900,000	17,400,000		17,400,000
Transfers In	131,100	131,100		131,100
Use of Money & Property	1,183,600	1,183,600		1,183,600
<b>Revenue Total</b>	<b>67,814,100</b>	<b>70,047,100</b>	<b>1,030,000</b>	<b>71,077,100</b>
<b>Expenditures</b>				
Administration	2,535,200	2,615,400	12,000	2,627,400
City Clerk	378,300	462,800	3,000	465,800
Community Development	1,862,900	2,366,900	18,750	2,385,650
Finance	1,996,600	1,996,600	2,386,000	4,382,600
Fire	16,989,200	17,449,200	234,500	17,683,700
Human Resources	666,200	666,200	74,000	740,200
Police	24,010,300	25,287,512	141,000	25,428,512
Public Services	5,593,200	5,733,500	80,250	5,813,750
Transfers Out	13,782,200	14,196,012	4,725,000	18,921,012
<b>Expenditures Total</b>	<b>67,814,100</b>	<b>70,774,124</b>	<b>7,674,500</b>	<b>78,448,624</b>
<b>Revenue Less Expenditures</b>	<b>-</b>	<b>(727,024)</b>	<b>(6,644,500)</b>	<b>(7,371,524)</b>

**Prior General Fund Budget Amendments:**

Resolution No. 2021-089, BA 004, New Employees	(2,010,000)
Resolution No. 2021-088, BA 011, Crossing Guards	31,000
Resolution No. 2021-102, BA 023, Municipal Fee Study	(84,500)
Resolution No. 2021-118, BA 028, 1Q Financial Report	1,336,476
<b>Total GF Budget Amendments</b>	<b>(727,024)</b>

<b>Use of Unassigned Fund Balance</b>	<b>7,087,000</b>	<b>7,087,000</b>
<b>Net Impact to General Fund</b>	<b>442,500</b>	<b>(284,524)</b>

Proposed changes to other funds are summarized below:

Other Funds	Original Budget	Current Budget	Requested BA	Amended Budget
<b>Revenue</b>				
Capital Projects	-	-	4,725,000	4,725,000
ARPA Local Recovery Funds	10,000,000	10,000,000		10,000,000
<b>Revenue Total</b>	<b>10,000,000</b>	<b>10,000,000</b>	<b>4,725,000</b>	<b>14,725,000</b>
<b>Expenditures</b>				
Capital Projects	3,678,100	3,747,331	124,209	3,871,540
ARPA Local Recovery Funds	19,570,000	19,570,000	-	19,570,000
<b>Expenditures Total</b>	<b>23,248,100</b>	<b>23,317,331</b>	<b>124,209</b>	<b>23,441,540</b>

**Attachments**

Attachment No. 1 - Second Quarter Financial Report for Fiscal Year 2021-22  
Attachment No. 2 - Resolution No. 2022-015  
Exhibit A - Budget Amendment No. 034



Maintain Good Intergovernmental Relations  
Achieve Fiscal Sustainability and Financial Stability



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** 02/15/2022

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE CITY OF WEST COVINA FIRE MANAGEMENT ASSOCIATION (WCFMA)**

## RECOMMENDATION:

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

**RESOLUTION NO. 2022-20 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE CITY OF WEST COVINA FIRE MANAGEMENT ASSOCIATION (WCFMA)**

## BACKGROUND:

Under California law, the Meyers-Milias-Brown Act (MMBA) of 1968 established collective bargaining for California municipalities. Collective bargaining is the process by which workers, through their associations, and employers negotiate contracts to determine terms of employment, including pay, benefits, hours, leave, and job health & safety policies. MMBA is a formalized union-management consultation and bargaining procedure.

The Memorandum of Understanding between the City and the City of West Covina Fire Management Association (WCFMA) expired on June 30, 2016. The City and representatives for the West Covina Middle Management Employees' Association met and conferred on six (6) occasions and have reached an agreement.

## DISCUSSION:

The City and the West Covina Fire Management Association have met and conferred in accordance with the MMBA and Government Code § 3500 regarding terms and conditions of employment, including wages, benefits, and hours. After having met and conferred during a total of six (6) session, the City and the Fire Management Association have memorialized an agreement regarding wages, benefits, hours, and other terms and conditions of employment in a Memorandum of Understanding (MOU) for the period of July 1, 2021 through June 30, 2024, which is attached to this report as Attachment No. 2.

The following changes to the existing labor agreement are agreed upon to be incorporated into the successor agreement and would become effective upon ratification of the MOU by the City Council. All other provisions from the existing agreement are proposed to remain in the agreement without changes.

1. **Term** – 3 years (July 1, 2021 through June 30, 2024).
2. **Salary Increase** – Effective the first full pay period following ratification of the MOU and not earlier, the base salary will increase by 8%; effective the first full pay period following July 1, 2022, the base salary will increase by 4%; effective the first full pay period following July 1, 2023, the base salary will increase by 4%.
3. **One-time NonPERSable Pay** – Within 45 days after ratification of the MOU, employees will receive a one-time non-PERSable pay of \$5,000.
4. **CalPERS Employee Contribution** – Effective the first full pay period following ratification of the MOU, classic members' employee contribution will be 15%; New members' employee contribution will be 50% of the normal cost or 15%, whichever is more.
5. **Administrative Leave** – Effective January 1, 2022, members receive a total of 120 hours of administrative leave each January. There will be no roll-over and no cash-out.
6. **Certification Pay** – Effective upon ratification, Executive Fire Officer Certification will be replaced with California State Fire Marshall Chief Officer Certification. The pay for this certification will remain the same at \$100 per

month.

**LEGAL REVIEW:**

The City Attorney's Office has reviewed the resolution and approved it as to form.

**Prepared by:** Helen Tran, Director of Human Resources/Risk Management Department

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**Fiscal Impact**

**FISCAL IMPACT:**

The overall estimated fiscal impact is \$202,100 over the three years. The \$15,000 for one-time Essential Worker pay is proposed to be funded by the COVID Recovery Funds and, if approved, will be included in a future budget amendment. The remaining \$13,500 can be absorbed within the department's FY2021-22 Budget.

<b>Fiscal Year</b>	<b>One-Time Pay</b>	<b>Salaries &amp; Benefits</b>	<b>Total Estimated Fiscal Impact</b>
FY2021-22	15,000	13,500	28,500
FY2022-23		71,700	71,700
FY2023-24		101,900	101,900
<b>Total</b>	<b>\$15,000</b>	<b>\$187,100</b>	<b>\$202,100</b>

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**Attachments**

Attachment No. 1 - Resolution No. 2022-20 (WCFMA MOU)

Attachment No. 2 - Exhibit A (WCFMA MOU 2021-2024)

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**CITY COUNCIL GOALS & OBJECTIVES:** Protect Public Safety  
Enhance City Image and Effectiveness  
Achieve Fiscal Sustainability and Financial Stability



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** 02/15/2022

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: CONSIDERATION OF AGREEMENT WITH BETTER 4 YOU MEALS FOR THE SENIOR MEALS PROGRAM**

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## RECOMMENDATION:

It is recommended that the City Council:

1. Ratify the agreement between the City of West Covina and Better 4 You Breakfast, Inc. dba Better 4 You Meals to provide frozen meals for the senior nutrition program;
2. Authorize the City Manager to negotiate and execute future extensions to the agreement, provided that the total compensation under the agreement and any extensions does not exceed \$396,561; and
3. Adopt the following Resolution:

**RESOLUTION NO. 2022-13 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022 (SENIOR MEALS PROGRAM)**

## DISCUSSION:

Prior to the COVID-19 pandemic, the Cortez Park Community and Senior Center offered daily hot meals to seniors 60+ years of age. On average, the Senior Center served an average of 150 meals per day. Once the City was required to close the Senior Center due to the pandemic and the Safer at Home Orders issued by Los Angeles County, the Senior Center was converted to an emergency meal program providing frozen meals both via drive-thru and home delivery for LA County residents.

When the program was converted to frozen meals, Los Angeles County provided Langlois Food as an approved contractor. As the demand for service grew drastically, Langlois Food could no longer meet the City's needs. The City was able to contract with Better 4 You Meals, an alternate vendor provided by the County to provide frozen meals. Better 4 You Meals is a sole source vendor that meets all nutritional guidelines as well as being able to meet the City's weekly needs of providing approximately 2,800 meals per week.

Currently, the West Covina Senior Meals Program is providing meals Monday - Friday to approximately 300 seniors on a weekly basis. Better 4 You Meals provides the City the ability to increase the number of meals as the community needs. This request is to increase the budgeted amount of the contract in order to continue the Senior Meals Program. At the time the contract was executed, staff anticipated returning to the hot meal program which is sourced by a different vendor. At this time, the program is expected to continue to operate with frozen meal service through the end of the fiscal year. Once the City receives authorization from the Area Agency on Aging to transition to in-person dining, the Senior Center will return to normal operations, offering daily hot meals prepared by the City's Head Cook. Due to the evolving situations around COVID-19, the Area Agency on Aging has not yet provided a timeframe for authorization.

## LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form.

## OPTIONS:

The City Council has the following options:

1. Approve Staff's recommendation or
2. Provide alternative direction.

**Prepared by:** Kelly McDonald, Public Services Manager

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#### **Fiscal Impact**

##### **FISCAL IMPACT:**

In Fiscal Year 2021-2022, \$154,800 was included in the approved budget for meals, as follows: \$94,800 in 146.61.5186.6158 - Los Angeles County Area Agency on Aging (AAA) and \$60,000 in 131.61.5121.6120 - Community Development Block Grant (CDBG). A total of \$120,000 - \$60,000 from each AAA and CDBG - is allocated for frozen meals from Better 4 You Meals. The City will receive additional one-time funds from Los Angeles County as part of a reallocation of unspent 2020-2021 CARES Act Funds. The additional funding in the amount \$276,561 is to be expended by June 30, 2022. The attached budget amendment appropriates these funds. There are no General Funds used for the purchase of frozen food for the Senior Center.

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#### **Attachments**

Attachment No. 1 - Resolution No. 2022-13 - Budget Amendment  
Attachment No. 2 - B4YM Food Service Agreement

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**CITY COUNCIL GOALS & OBJECTIVES:** Maintain Good Intergovernmental Relations



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** 02/15/2022

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: CONSIDERATION OF A GRANT APPLICATION TO THE DEPARTMENT OF RESOURCES AND RECYCLING AND RECOVERY (CALRECYCLE)**

## RECOMMENDATION:

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

**RESOLUTION NO. 2022-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF WEST COVINA IS ELIGIBLE**

## BACKGROUND:

California's Short-Lived Climate Pollutant Reduction law, often called SB 1383, establishes methane reduction targets for California. California SB 1383 is a bill that sets goals to reduce disposal of organic waste in landfills, including edible food. The bill's purpose is to reduce greenhouse gas emissions, such as methane, and address food insecurity in California. Aspects of this law ensure that food scraps are composted, and compost is purchased by cities. Composting, industrial uses, and animal feed are good environmental uses for inedible food or other organic material. Landfilling organic waste is a significant source of local air quality pollutants, which can cause respiratory issues and hospitalizations for community members. Beyond this, we are seeing the effects of climate change in California with more severe and lengthy droughts, warmer temperatures that contribute to the increasing number of wildfires (also impacting air quality), bigger storms, and coastal erosion due to rising sea levels.

To address the environmental and health concerns of surplus edible food, SB 1383 requires 20% of edible food that would otherwise be disposed of in the garbage or compost be recovered for human consumption by 2025. This means surplus edible food will help feed Californians in need instead of decomposing in a landfill while emitting harmful greenhouse gases. The EPA recognizes feeding hungry people as one of the most preferred avenues to prevent food waste and benefit the environment, society, and economy.

## DISCUSSION:

The Department of Resources Recycling and Recovery (CalRecycle) is administering a one-time non-competitive grant program providing \$57,000,000 of funding to local jurisdictions to assist with the implementation of regulations associated with SB 1383. SB 1383 regulations require that jurisdictions conduct education and outreach on organics recycling to all residents, businesses (including those that generate edible food that can be donated) haulers, solid waste facilities, and local food banks and other food recovery organizations.

Grantees may incur eligible costs only during the grant term, which starts on April 1, 2022 and ends April 2, 2024. All grant expenditures must be for activities, products, and costs specifically included in the approved budget. All services must be provided and goods received during this period in order to be eligible costs. Eligible costs include:

- Capacity Planning
- Collection
- Edible Food Recovery
- Education and Outreach (includes organic waste & edible food recovery)
- Enforcement and Inspection
- Program Evaluation/Gap Analysis

- Procurement Requirements
- Record Keeping

The grant application deadline was February 1, 2022. West Covina has submitted a funding request of \$130,000, as shown in the table below. An approved resolution authorizing the submittal of the application is required to complete the package. The approved resolution is due by March 1, 2022. The resolution is not limited to the application for the SB 1383 grant. It provides authorization for the City to apply for all CalRecycle grants for which the City is eligible for a period of five years.

<b>West Covina's Grant Proposal</b>	
<b>Amount</b>	<b>Category Name</b>
\$50,000	Equipment
\$30,000	Education
\$20,000	Marketing/Promotion/Outreach
\$10,000	Personnel
\$10,000	Admin Costs
\$10,000	Indirect Costs

**LEGAL REVIEW:**

The City Attorney's Office has reviewed the resolution and approved it as to form.

**OPTIONS:**

The City Council has the following options:

1. Approve the recommendation or
2. Provide alternative direction.

**Prepared by:** Mira Roberts

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**Fiscal Impact**

**FISCAL IMPACT:**

The City is requesting \$130,000 in one-time grant funding to aid in the implementation of regulations adopted by CalRecycle pursuant to Chapter 395, Statutes of 2016 and SB170 Budget Act of 2021. A cash match is not required; therefore, there is not an impact to the City's General Fund. If awarded, staff will present a budget amendment for the grant award for City Council consideration at a future meeting.

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**Attachments**

Attachment No. 1 - Resolution No. 2022-19

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**CITY COUNCIL GOALS & OBJECTIVES:** Enhance City Image and Effectiveness  
 Maintain Good Intergovernmental Relations  
 Achieve Fiscal Sustainability and Financial Stability



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** 02/15/2022

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT NO. 21-03 FOR THE INSTALLATION OF A 60-FOOT FREESTANDING WIRELESS TELECOMMUNICATION FACILITY AT 3540 E. CAMERON AVENUE**

## RECOMMENDATION:

It is recommended that the City Council conduct a public hearing and, following the public hearing, adopt the following Resolution:

**RESOLUTION NO. 2022-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION AND DENYING CONDITIONAL USE PERMIT NO. 21-03 AT 3540 E. CAMERON AVENUE**

## BACKGROUND:

### Request

The applicant, Jessica Grevin on behalf of AT&T, submitted an application for a Conditional Use Permit (CUP) to allow for the installation of a 60-foot wireless telecommunication facility designed as a mono-eucalyptus tree and equipment cabinets screened with an 8-foot high concrete masonry unit block wall enclosure within an 817-square foot leased area on the Valencia Height Water District property at 3540 E. Cameron Avenue.

### Planning Commission Review

The project was reviewed by the Planning Commission on October 26, 2021 and December 14, 2021. During both public hearings several nearby residents spoke in opposition of the project with concerns regarding a wireless facility being located in residential zoning, clarifying what the applicant meant by "dead zones," the proposed equipment not being vaulted, the potential height increase of the cell tower in the future, and the change of the neighborhood aesthetics. The Planning Commission initially continued the project from the October 26th meeting to December 14th and provided the applicant direction to provide additional photo simulations taken from the backyards of homes along Hillside Drive, the feasibility of vaulting the equipment underground, and providing information on "dropped calls." The applicant provided updated LTE Justification Plots, Radio Frequency Statement/LTE Plot Plans, and photo simulations. The applicant also provided a letter from an engineer explaining why the proposed facility equipment can not be vaulted underground.

### Planning Commission Decision

On December 14, 2021, the Planning Commission held a continued public hearing to consider the request and voted 3-2 to deny the project because they felt that sufficient evidence was not provided to demonstrate that the project is necessary or desirable to provide a service that will contribute to the general well-being of the neighborhood and that the proposed mono-eucalyptus design does not accomplish reasonable "stealth" that will allow it to blend with the existing natural environment (the Planning Commission Denial Resolution is included in the staff report as Attachment No. 2).

### Appeal

On January 3, 2022, the applicant filed an appeal of the Planning Commission's denial of the CUP (appeal letter/statement is included as Attachment No. 3).



## **DISCUSSION:**

The project plans that are being presented to the City Council for review and consideration are the same plans that were reviewed and denied by the Planning Commission.

The proposal consists of a conditional use permit to allow the installation of a wireless communications facility designed as a 60-foot tall eucalyptus tree at the Valencia Heights Water Towers. The tree would be located on the south-west side of the grounds, adjacent to Heritage Park. The mono-eucalyptus tree would include 12 panel antennas arranged on three arrays (four antennas per array). The lease area would be 817 square feet. In addition to the panel antennas, the wireless facility includes additional equipment: 1 dish antenna, 36 remote radio units, 6 DC surge suppressors, 3 DC12 surge suppressors, an equipment structure, 1 20kw AC Generac generator with a diesel fuel tank, and one GPS antenna.

The proposed wireless facility would be located on the Valencia Heights Water District property. The property is surrounded by single-family residences and Heritage Park to the west. South Hills High School is also located to the north of the project site. The property is approximately 1.26 acres in size and has two existing water tanks with a small storage building.

### Wireless Facility Design

The proposed wireless facility is designed as a 60-foot tall eucalyptus tree. The mono-eucalyptus would have three "limbs" that extend from the main pole. Each limb would have four antennas each, located at 56 feet 9 inches feet at centerline. An additional carrier would be able to co-locate at this facility at a height of 41 feet at the centerline. Faux branches and leaves stealth the antennas and arrays and provide the appearance of a eucalyptus tree, in an effort to substantially reduce the visual and aesthetic impacts from the surrounding public-rights-of-way and adjacent properties. High-quality "sock" covers would be required as a condition of approval to provide additional stealthing on the antennas. The antenna layout indicates the foliage of the tree would extend past the proposed antenna arrays.

The proposed mono-eucalyptus is surrounded by several mature trees, including weeping willow trees. As a condition of approval, two (2) new 24-inch box eucalyptus trees will be planted along the west fence adjacent to Heritage Park to provide additional screening. With the installation of the new eucalyptus trees, the proposed mono-eucalyptus would fit within the existing landscape.

### Wireless Facility Location

The centerline of the mono-eucalyptus pole will be located 155 feet 4 inches from the front property line, 176 feet 5 inches feet from the east property line, 94 feet 8 inches feet from the south property line, and 533 feet 4 inches from the west property line.

The Zoning Code requires that freestanding wireless telecommunications facilities be located a minimum of one-half mile (2,640 feet) away from any other freestanding wireless telecommunication facility. The nearest existing wireless telecommunications facility, located at Temple Ami-Shalom/Lighthouse Church addressed at 3508 E Temple Way, is approximately 5,808 feet away from the proposed mono-eucalyptus.

The applicant is proposing a 12-foot wide non-exclusive access from a private street to the site. The site is surrounded by an existing chain link fence, which will remain. No trees will be removed as part of this request.

### Separation from Residential Uses

The Zoning Code requires that antenna support structures be at least 100 feet away from residential uses. The property on which the telecommunications facility is to be located is adjacent to residential zoned properties to the north, east, south, and west. The proposed wireless facility would be located to the far southwest side of Valencia Heights Water District property. The residential uses are more than 100 feet away from the antenna supporting structure. Specifically, the nearest residential property, located on a private street in unincorporated LA County on the east side of the proposed property, is located approximately 176 feet from the proposed wireless facility. The proposed wireless facility is located approximately 211 feet from the house itself. Therefore, the proposed wireless facility is in compliance with the municipal code separation requirement of 100 feet.

### Equipment Enclosure

The proposed mono-eucalyptus wireless facility will be located within a 358-square foot equipment enclosure. The enclosure will feature 8-foot high solid concrete masonry block walls. The installation of new climbing vines will surround the west fence adjacent to Heritage Park for additional security and screening. The finished structure, including the tower element, will match the existing buildings in materials and color, and will also provide security by separating the tower from public access.

## Justification Study

Section 26-685.997(2) of the Municipal Code requires that prior to siting a new wireless communication facility, a justification study be prepared to identify alternatives that reduce visual impacts and number of structures. The applicant prepared an analysis evaluating the wireless carrier requirements for the installation of a cell site to close a "significant gap." Radio signals need adequate signal strength to achieve consistent, sustainable, and reliable service to customers at a level that is sufficient for outdoor, in-vehicle and in-building penetration with good voice and data quality. In addition, a greater gap is created when other nearby sites become overloaded due to wireless voice and data service usage.

## Community Outreach

The applicant held a community meeting on August 23, 2021, via Zoom. Notices of the meeting were mailed to 18 property owners and occupants within 300 feet of the property. No members of the community attended the meeting.

## **FINDINGS:**

The following findings are required to be supported/made in order for the decision-making body to approve a Conditional Use Permit application:

*a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.*

*b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*

*c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.*

*d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and the street patterns of such a nature exist as to guarantee that such generation will not be channeled through residential areas on local residential streets.*

*e. That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.*

*Section 26-685.998 of the Municipal Code requires the following additional findings for approval of a wireless telecommunications facility:*

*f. The facility structures and equipment are located, designed, and screened to blend with the existing natural environment or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunications service and the need to be compatible with neighboring residents and the character of the community.*

*g. The facility is designed to blend with any existing supporting structures and does not substantially alter the character of the structure or local area.*

The Planning Commission was unable to make Finding "a" because the applicant was not able to provide quantifiable data that demonstrated that the proposed telecommunication facility is necessary or desirable to provide a service that will contribute to the general well-being of the neighborhood. The Planning Commission was also unable to make Finding "f" because they felt that the wireless telecommunication facility's mono-eucalyptus design will not accomplish reasonable "stealth" that will allow the facility to be screened and blend with the existing natural environment or built surroundings since it will be taller than any of the mature trees on the site and adjacent areas as demonstrated by the applicant's "balloon test" and will be noticeably dissimilar in appearance in comparison to the other trees in the area.

Pursuant to Section 26-212(g) of the Municipal Code, consideration of the appeal is a de novo hearing. Following the hearing, the City Council may approve, deny or modify the matter appealed. Staff recommends that the City Council uphold the Planning Commission's decision and deny Conditional Use Permit No. 21-03.

## **LEGAL REVIEW:**

The City Attorney's Office has reviewed the resolution and approved it as to form.

## **OPTIONS:**

The City Council has the following options:

1. Deny the appeal and uphold the Planning Commission's denial of Conditional Use Permit No. 21-03; or
2. Approve the appeal and overturn the Planning Commission's denial of Conditional Use Permit No. 21-03; or
3. Provide alternative direction.

**ENVIRONMENTAL REVIEW:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Class 3 (Section 15303 - New Construction or Conversion of Small Structures) in that it consists of the installation a new wireless facility with equipment enclosed within a small structure.

**LARGE ATTACHMENTS:**

Plans - Plans are available for review with a scheduled appointment at the Planning Division counter. Please contact the Planning Division at (626) 939-8422 to schedule an appointment. You may also review the plans and agenda packet at the City Clerk's Office.

**Prepared by:** Jo-Anne Burns

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**Fiscal Impact**

**FISCAL IMPACT:**

There is no fiscal impact associated with this item.

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**Attachments**

Attachment No. 1 - Resolution No. 2022-17

Attachment No. 2 - Planning Commission Denial Resolution

Attachment No. 3 - Appeal Letter

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**CITY COUNCIL GOALS & OBJECTIVES:** Enhance City Image and Effectiveness  
A Well-Planned Community



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** 02/15/2022

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: CONSIDERATION OF MEASURES TO COMPLY WITH CALIFORNIA SENATE BILL 1383, NPDES STORMWATER REGULATIONS, AND AMENDMENTS TO THE ATHENS SERVICES FRANCHISE AGREEMENT**

## RECOMMENDATION:

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

1. Authorize the City Manager to negotiate and execute an agreement with Arakelian Enterprises, Inc. DBA Athens Services for the collection of solid waste, recyclables, yard waste and other compostables, in such final form as approved by the City Attorney; and
2. Approve, by a majority vote of the entire City Council, dispensing with formal bidding procedures and requirements in connection with the procurement of street sweeping, median maintenance, and graffiti abatement services by finding that it would be uneconomical to comply with such requirements and it would promote the public interest to dispense with such requirements, in accordance with the requirements of Section 2-330(b) of the West Covina Municipal Code; OR
3. Provide alternative direction.

## BACKGROUND:

### SB 1383

California's Short-Lived Climate Pollutant Reduction law, often called SB 1383, establishes methane reduction targets for California. SB 1383 is an unfunded State mandate that sets goals to reduce disposal of organic waste in landfills, including edible food. The bill's purpose is to reduce greenhouse gas emissions, such as methane, and address food insecurity in California. Aspects of this law ensure that food scraps are composted and compost is purchased by cities. Composting, industrial uses, and animal feed are good environmental uses for inedible food or other organic material. Disposing of organic waste in landfills is considered a significant source of local air quality pollutants, which can cause respiratory issues and hospitalizations for community members.

To address the environmental and health concerns of surplus edible food, SB 1383 requires 20% of edible food that would otherwise be disposed of in the garbage or compost be recovered for human consumption by 2025. This means surplus edible food will help feed Californians in need instead of decomposing in a landfill while emitting harmful greenhouse gases. The EPA recognizes feeding hungry people as one of the most preferred avenues to prevent food waste and benefit the environment, society, and economy.

### NPDES

In addition to compliance with SB 1383, compliance with National Pollutant Discharge Elimination System (NPDES) permits is critical to protecting our nation's waters. The objective of the NPDES initiative is to improve surface water quality by assuring that all NPDES permittees are complying with their permits. Improving surface water quality protects public health and reduces potential pollution impacts on drinking water supplies, aquatic life and public enjoyment of fishable and swimmable waters. Violations of NPDES Stormwater Permits can result in legal actions and fines against the City.

City of West Covina streets are currently not swept weekly. State of California Regional Water Quality Control Board guidance presents the best management practices "BMPs" or good housekeeping practices addressing the discharge of

pollutants to the storm drain system from municipal facilities. These facilities include streets, roads, and highways. Pollutants of concern include metals, oil & grease, fertilizer, pesticides & herbicides, chemical products, and gasoline & radiator fluid.

### ATHENS CONTRACT

Over the years, the City of West Covina approved multiple amendments to its contract with Athens Services, a waste collection company and valued community partner. Athens Services has developed programs that have kept West Covina on the cutting edge of environmental sustainability and in compliance with state laws relating to integrated waste management. West Covina's waste collection contract is a franchise agreement that establishes the waste collection company's exclusive right to engage in the business of collecting solid waste, recyclables, and other waste within the boundaries of the City. In exchange for this right, the waste collection company pays the City a franchise fee of 10 percent of its gross receipts resulting from the agreement. The contract also specifies the rates that the waste collection company can charge to residents and businesses for its services and authorizes the company to request an annual rate increase in accordance with the Consumer Price Index (CPI). This type of arrangement is common among similar cities in Los Angeles County.

West Covina initially contracted with the waste collection company in 1992. That contract contained a clause that annually extended the contract's duration by one year, thereby ensuring it maintained an ongoing service period of eight years (known as an evergreen period). In other words, in 1997 the expiration date for the contract was 2005, while by 1999 the expiration had extended to 2007. In March 2001, the City Council adopted the first of 11 amendments to that contract, which extended its evergreen period from eight to 12 years, while in October 2012, the City Council approved another amendment that extended the evergreen period to 25 years. That amendment also stipulated that either party's notification to terminate the contract would result in the contract terminating 25 years from the date of that notification. In addition, the waste collection company agreed to make a one-time payment of \$2 million to the City and annual recurring payments of \$100,000 in addition to the franchise fee. Over the years, the City approved other amendments to its waste collection contract that pertained to rate adjustments but did not modify the length of the contract.

In November 2016, the City Council approved an amendment to the same contract for a series of rate increases to customers for waste collection services. That amendment also increased the annual recurring payments from the waste collection company to \$300,000 but stipulated that the City's notification of contract termination would void that payment clause. Finally, the City approved another amendment in October 2018 that included a clause preventing the city from exercising its annual option to terminate the contract until October 2023. As a result of its amendments, the earliest the City could contract with another vendor would be October 2048. Given the long term relationship between West Covina and Athens Services, the City asked Athens Services to enter into negotiations to implement changes to the existing agreement recognizing changes in new laws pertaining to solid waste handling and the need for the diversion of solid waste from landfills. As it complies with SB 1383, West Covina is able to seek the best value for its residents and community and renegotiate certain terms of the contract with the waste collection company.

### **DISCUSSION:**

Due to SB 1383, West Covina's trash and green waste collection services are going to change beginning July 1, 2022. SB 1383 was signed into law in 2016 to gradually reduce organic waste disposal by 75% and increase edible food recovery by 20%, by the year 2025. Starting July 1, 2022, residents living in a single-family home or apartment/condo will be required to separate food waste and food-soiled paper from the trash. These materials will no longer go into the trash container but will instead go into the green organics (green) container, along with yard waste. To handle the processing of organics, rather than taking organic waste to a landfill, beginning on July 1, 2022, the standard residential service rate will increase.

By negotiating with Athens Services, West Covina seeks to maximize its long-term contract position by amortizing the substantial costs associated with the operational and infrastructure investments necessary for the City to comply with SB 1383. The proposed changes, including SB 1383 compliance, will ensure that West Covina remains in compliance with state environmental laws. Athens Services would provide waste stream analyses, education and outreach, contamination monitoring, data management, procurement support, food recovery support, and new technologies to support the cutting edge processing or disposal of organic waste.

Under the terms of the draft agreement with Athens Services (Attachment No. 1), the standard residential service rate would initially increase by approximately \$3 per month. Athens Services would collect and recycle organic waste into compost that can be used to grow plants and vegetables. This compost would be made available to all residents at the City's compost giveaway events. Athens has offered to provide these services at a competitive price and crosswalk any associated rate changes over several years to mitigate the cost impact on rate payers and avoid a one-time increase. Residents having service questions are encouraged to call Athens at (888) 336-6100.

Athens has also offered to provide street sweeping service as part of its overall service offerings to the City. In this way, the City can integrate solid waste management with a crucial service necessary for City beautification with a vendor competent to do so.

SB 1383 and NPDES compliance are the impetus of the proposed changes to the City's refuse and recycling agreement. The proposed contract represents a modification of the existing waste collection contract with Athens Services. It integrates the original contract and all 11 amendments into a single document. The length of time remaining before the contract expires is unchanged. Following is a summary of key provisions of the attached draft agreement:

#### Proposed Provisions by Athens due to Unfunded Mandate

1. Implement a comprehensive program to ensure compliance with State laws (Attachment No. 2).
2. The possible service addition of a Residential and/or Commercial Blue Barrel, at the discretion of Athens, at no additional cost.
3. Enhance the City's ability to combat illegal solid waste haulers and ensure proper franchise enforcement. Fees are collected from West Covina-generated waste.
4. A change in the Consumer Price Index formula from "All items in Los Angeles-Long Beach-Anaheim, CA" to "Garbage and trash collection in U.S. city average" plus 1% ("Trash CPI"). The Trash CPI rate reflects the average change of costs common to the waste industry. The additional one percent covers the increase in capital costs expended by Athens to implement additional programs (e.g. cost of new trucks).
5. A 3% extraordinary residential rate increase in the first year plus CPI formula, a 2.5% extraordinary increase in year two plus CPI formula, and a CPI formula only increase in subsequent years.
6. A 7% extraordinary commercial rate increase in the first year plus CPI formula, a 5% extraordinary increase in years two and three plus CPI formula, and a CPI formula only increase in subsequent years.
7. Incorporate an additional 5 year "cooling off" period during which termination of the franchise agreement cannot be triggered.

#### City Negotiated Terms

8. Updated insurance, and indemnification provisions following the risk management requirements of the California Joint Powers Insurance Authority.
9. Contractor to provide weekly street sweeping services per the current contracted number of curb miles being swept (\$1,200,000). Additional curb miles can be provided at hourly rates. The current budget to pay for this service can be reallocated by the City for an alternative public benefit.
10. Provide servicing of the City's street center medians per the current contract (\$480,000). The current budget to pay for this service can be reallocated by the City for an alternative public benefit.
11. Provide graffiti removal services using two full-time Athens Services employees who will provide 55 hours a week with this service (\$547,873). Any services over 55 hours in a week will be provided at an hourly rate of \$150. The current budget to pay for this service can be reallocated by the City for an alternative public benefit.
12. No contract term extension.

Section 2-330(b) of the West Covina Municipal Code states that the City Council, by a majority vote of the entire City Council, may dispense with the formal bidding procedures and requirements of Division 2 (Purchasing System) of Article VII (Purchases and Sales) of Chapter 2 (Administration) of the West Covina Municipal Code upon a finding that "it would be impracticable, useless or uneconomical...to follow such procedures and...the public welfare would be promoted by dispensing with the same." Staff believes it would be uneconomical and would not promote the public welfare to follow formal bidding requirements in connection with the procurement of the street sweeping, median maintenance and graffiti abatement services that will be provided by Athens pursuant to the Amended and Restated Agreement, as Athens will provide a significant amount of such services at no cost to the City. Therefore, staff is recommending that the City Council, by a majority vote of the entire City Council, approve dispensing with formal bidding requirements and procedures in connection with the procurement of the street sweeping, median maintenance and graffiti abatement services that will be provided by Athens by finding that it would be uneconomical to comply with such requirements and the public welfare would be promoted by dispensing with such requirements for the street sweeping, median maintenance and graffiti abatement services.

Staff will continue to negotiate the agreement with Athens Services based upon the City Council's direction at the February 15, 2022 meeting.

#### **LEGAL REVIEW:**

The City Attorney's Office will review and approve the agreement as to form prior to execution.

**Prepared by:** Stephanie Sikkema, Finance Director

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## Fiscal Impact

### FISCAL IMPACT:

With the current proposed terms, the City would receive public benefits totaling over \$2.2 million annually for street sweeping (\$1,200,000), medians (\$480,000), and graffiti removal services (\$547,873).

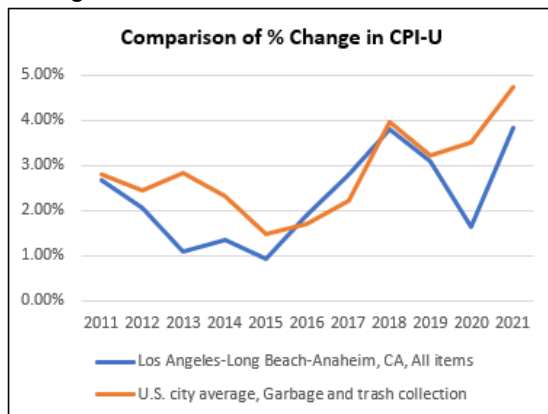
Below is a comparison of the current commercial and residential rates by City. In addition to West Covina, several other cities will see an increase due to the implementation of SB 1383.

Commercial		Residential	
City	Gross Rate	City	Gross Rate
Azusa	\$171.62	San Dimas	\$31.78
Covina	\$215.92	Irwindale	\$34.10
San Dimas	\$222.15	Azusa	\$36.14
Diamond Bar	\$224.22	Diamond Bar	\$36.55
Glendora	\$235.24	Covina	\$37.31
<b>West Covina</b>	<b>\$262.60</b>	<b>West Covina</b>	<b>\$38.62</b>
San Gabriel	\$262.70	Glendora	\$39.93
Temple City	\$268.27	Claremont	\$40.05
Irwindale	\$273.67	San Gabriel	\$41.31
Claremont	\$485.33	Temple City	\$42.44

Below is a comparison of the estimated impact of the proposed rate increases on the consumer. These estimates are based on the annual average CPI increases over the past 10 years (LA region 2.28%, US Trash 2.83%).

	Proposed	Current	Monthly	Annual		Proposed	Current	Monthly	Annual
Residential	Contract	Contract	Impact	Impact	Commercial	Contract	Contract	Impact	Impact
Current Rate	\$39	\$39			Current Rate	\$263	\$263		
Year 1	\$43	\$39	\$3	\$40	Year 1	\$291	\$269	\$22	\$270
Year 2	\$46	\$40	\$5	\$61	Year 2	\$317	\$275	\$42	\$505
Year 3	\$48	\$41	\$7	\$85	Year 3	\$345	\$281	\$64	\$765
Year 4	\$50	\$42	\$8	\$96	Year 4	\$358	\$287	\$71	\$847

Additionally, the chart provides historical data in regard to the Consumer Price Index for All Urban Consumers (CPI-U) for the current CPI used (Los Angeles-Long Beach-Anaheim, CA, All items) versus the proposed (U.S. city average, Garbage and trash collection). Over a ten-year period, the annual average for the LA region is 2.28% and the US average for trash is 2.83%.



## Attachments

Attachment No. 1 - DRAFT Amended and Restated Franchise Agreement

Attachment No. 2 - Athens Services SB 1383 Proposal

**CITY COUNCIL GOALS & OBJECTIVES:** Protect Public Safety  
Enhance City Image and Effectiveness  
Achieve Fiscal Sustainability and Financial Stability