

**CITY OF WEST COVINA****CITY COUNCIL/SUCCESSOR AGENCY**

**JULY 19, 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**

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 JULY 19, 2022, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Chaplain Kelly Dupee from Faith Community Church

PLEDGE OF ALLEGIANCE

Led by Councilwoman Lopez-Viado

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- Certificate of Recognition presented to West Covina residents for life-saving deeds
- Proclamation in recognition of Parks and Recreation Month
- Presentation providing project updates from the San Gabriel Valley Conservation Corps

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 JULY 05, 2022, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE JULY 05, 2022, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.**

It is recommended that the City Council approve the July 05, 2022, Closed Session Meeting Minutes and the July 05, 2022 Regular Session Meeting Minutes.

ORDINANCES FOR ADOPTION - Procedural Waiver. *Waive full reading of each ordinance on the agenda and authorize the approval of each ordinance by title only.*

2) CONSIDERATION OF SECOND READING AND ADOPTION OF ORDINANCE NO. 2500 - CODE AMENDMENT NO. 22-02 (ACCESSORY DWELLING UNIT ORDINANCE)

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

ORDINANCE NO. 2500 - AN ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, AMENDING PORTIONS OF DIVISION 11 (ACCESSORY DWELLING UNITS) OF ARTICLE XII (SPECIAL REGULATIONS FOR UNIQUE USES) OF CHAPTER 26 (ZONING) OF THE WEST COVINA MUNICIPAL CODE TO AUTHORIZE ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW REQUIREMENTS

CITY CLERK'S OFFICE

3) CONSIDERATION OF APPROVAL OF AN ELECTRONIC SIGNATURE POLICY

It is recommended that the City Council approve the electronic signature policy.

CITY MANAGER'S OFFICE

4) CONSIDERATION OF RESOLUTION NO. 2022-84 DETERMINING THERE IS A NEED TO CONTINUE THE LOCAL EMERGENCY

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

RESOLUTION NO. 2022-84 - 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, FEBRUARY 16, 2021, MARCH 16, 2021, APRIL 6, 2021, MAY 4, 2021, JUNE 1, 2021, JUNE 15, 2021, JULY 6, 2021, JULY 20, 2021, AUGUST 17, 2021, SEPTEMBER 7, 2021, OCTOBER 5, 2021, NOVEMBER 2, 2021, DECEMBER 7, 2021, JANUARY 4, 2022, FEBRUARY 1, 2022, MARCH 1, 2022, APRIL 5, 2022, MAY 3, 2022, JUNE 7, 2022 AND JULY 5, 2022

COMMUNITY DEVELOPMENT

5) WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 1 SETTING OF FISCAL YEAR 2022-23 ASSESSMENT RATE

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

RESOLUTION NO. 2022-72 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, SETTING THE ASSESSMENT RATE FOR WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR THE FISCAL YEAR BEGINNING JULY 1, 2022

6) WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 2 SETTING OF FISCAL YEAR 2022-23 ASSESSMENT RATE

It is recommended that the City Council adopt the following resolution, which provides for the assessment rate to be maintained at the current rate of 6.60 cents per 100 dollars of assessed valuation:

RESOLUTION NO. 2022-73 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, SETTING THE ASSESSMENT RATE FOR WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 2 FOR THE FISCAL YEAR BEGINNING JULY 1, 2022

7) CONSIDERATION OF ACCEPTANCE OF PROJECT COMPLETION FOR FY 2020-21 RESIDENTIAL STREETS REHABILITATION PROGRAM - PROJECTS NOS. 21020 AND 21007

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

1. Accept project completion for FY 2020-21 Residential Streets Rehabilitation Program (Projects Nos. 21020 and 21007) as performed by Gentry Brothers, Inc. with a final contract amount of \$1,716,225.43; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

FINANCE DEPARTMENT

8) CONSIDERATION OF A PARTICIPANT AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR THE LOS ANGELES REGION – IMAGERY ACQUISITION CONSORTIUM 7 PROJECT.

It is recommended that City Council authorize the City Manager to negotiate and execute an agreement with the County of Los Angeles to participate in the Los Angeles Region - Imagery Acquisition Consortium 7 ("LARIAC7") project, in substantially the form as attached and in such final form as approved by the City Attorney.

FIRE DEPARTMENT

9) CONSIDERATION OF RATIFICATION OF EXPENDITURES FOR FIRE PREVENTION PLAN CHECK FEES, APPROVAL OF AMENDMENTS TO AGREEMENTS WITH KJ CONSULTANTS AND MAK FIRE PROTECTION, AND APPROVAL OF A RESOLUTION AMENDING THE FY2021-22 BUDGET

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

1. Ratify expenditures for MAK Fire Protection Engineering & Consulting Inc. and Susan Privitera-Johnson dba KJ Consultants for Fire Prevention plan check services.

2. Approve and authorize the City Manager to execute the Third Amendment to the Professional Services Agreement (Agreement) with MAK Fire Protection Engineering & Consulting Inc. for Fire Prevention plan check services.
3. Approve and authorize the City Manager to execute the Second Amendment to the Professional Services Agreement (Agreement) with Susan Privitera-Johnson dba KJ Consultants for Fire Prevention plan check and inspection services.
4. Adopt the following resolution:

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 (FIRE PLAN CHECK FEES)

PUBLIC SERVICES

10) CONSIDERATION OF AGREEMENTS WITH UBER TECHNOLOGIES, INC., TO IMPLEMENT AN ON-DEMAND RIDE HAILING PILOT PROGRAM

It is recommended that the City Council:

1. Authorize the City Manager to enter into agreements with Uber Technologies, Inc. (Uber), to implement a pilot on-demand ride hailing program, in substantially the form as attached and in such final form as approved by the City Attorney;
2. Authorize the City Manager to negotiate and execute all other necessary documents, in such form as approved by the City Attorney, to carry out the City Council's direction; and
3. Approve, by a majority vote of the Council, waiving bidding requirements to implement a pilot on-demand ride hailing program with Uber, as allowed by West Covina Municipal Code Section 2-330(b).

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

11) WEST COVINA CITYWIDE LIGHTING AND MAINTENANCE DISTRICT PUBLIC HEARING

It is recommended that the City Council conduct a public hearing and then adopt the following resolution:

RESOLUTION NO. 2022-84 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT FOR THE CITYWIDE LIGHTING AND MAINTENANCE DISTRICT FOR FISCAL YEAR 2022-23

12) WEST COVINA CITYWIDE SEWER SERVICE CHARGE PUBLIC HEARING

It is recommended that the City Council conduct the public hearing and then adopt the following resolution:

RESOLUTION NO. 2022-83 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY

**OF WEST COVINA, CALIFORNIA, APPROVING THE SEWER SERVICE CHARGES
TO BE COLLECTED ON THE FISCAL YEAR 2022-23 TAX ROLL**

13) WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 4 PUBLIC HEARING

It is recommended that the City Council conduct the public hearing and then adopt the following resolution:

RESOLUTION NO. 2022-80 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2022-23 FOR LANDSCAPE MAINTENANCE DISTRICT NO. 4

14) WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 7 PUBLIC HEARING

It is recommended that the City Council conduct the public hearing and then adopt the following resolution:

RESOLUTION NO. 2022-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2022-23 FOR LANDSCAPE MAINTENANCE DISTRICT NO. 7

15) WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 6 PUBLIC HEARING

It is recommended that the City Council conduct the public hearing and then adopt the following resolution:

RESOLUTION NO. 2022-81 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2022-23 FOR LANDSCAPE MAINTENANCE DISTRICT NO. 6

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

August 16, 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.