



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**DECEMBER 6, 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 DECEMBER 6, 2022, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Pastor Antonio Rodriguez from Calvary Chapel, New Beginnings West Covina

PLEDGE OF ALLEGIANCE

Led by Councilman Wu

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 NOVEMBER 15, 2022, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE NOVEMBER 15, 2022, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.**

It is recommended that the City Council approve the November 15, 2022, Closed Session Meeting Minutes and the November 15, 2022 Regular Session Meeting Minutes.

CITY CLERK'S OFFICE

2) CONSIDERATION OF AMENDMENTS TO THE CITY OF WEST COVINA'S CONFLICT OF INTEREST CODE

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

RESOLUTION NO. 2022-120 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF WEST COVINA

CITY MANAGER'S OFFICE

3) CONSIDERATION OF RESOLUTION NO. 2022-121 DETERMINING THERE IS A NEED TO CONTINUE THE LOCAL EMERGENCY

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

RESOLUTION NO. 2022-121 - 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, JULY 5, 2022, JULY 19, 2022, AUGUST 16, 2022, SEPTEMBER 20, 2022 , OCTOBER 4, 2022 AND NOVEMBER 15, 2022

4) CONSIDERATION OF REVISIONS TO SALARY AND BENEFITS SCHEDULE FOR CITY MANAGEMENT TEAM

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

1. Adopt the following resolution:

RESOLUTION NO. 2022-124 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REVISED SALARY AND BENEFITS SCHEDULE FOR NON-REPRESENTED CITY MANAGEMENT TEAM MEMBERS

2. Approve providing the City Manager a 5% salary increase and the same one-time payment of \$5,000 being provided to Department Heads through the adoption of Resolution No. 2022-124, and direct the City Attorney to draft all necessary documents to memorialize such increase and payment.

5) CONSIDERATION OF AN ORDINANCE AMENDING ARTICLE VIII OF CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE RELATING TO CAMPAIGN FINANCE REGULATIONS

It is recommended that the City Council introduce for first reading, by title only, the following ordinance:

ORDINANCE NO. 2510 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING ARTICLE VIII OF CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE RELATING TO CAMPAIGN FINANCE REGULATIONS

COMMUNITY DEVELOPMENT

6) CONSIDERATION OF NOTICE OF COMPLETION FOR CORTEZ PARK PLAYGROUND IMPROVEMENTS PROJECT - PROJECT NO. 22007

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

1. Accept the work performed by Next Stage Engineering, LLP dba Next Stage Group for the Cortez Park Playground Improvements Project (Project No. 22007), with a final contract amount of \$108,445.00; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

7) CONSIDERATION OF NOTICE OF COMPLETION FOR FY 2021-22 RESIDENTIAL STREETS REHABILITATION PROGRAM (CDBG) - PROJECT NO. 22005

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

1. Accept the work performed by R.J. Noble Company for the FY 2021-22 Residential Streets Rehabilitation Program (Project No. 22005), with a final contract amount of \$2,114,989.07; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

8) CONSIDERATION OF NOTICE OF COMPLETION FOR CITY HALL 1ST FLOOR RESTROOM IMPROVEMENTS - PROJECT NO. 22023

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

1. Accept the work performed by Fino Builders Inc. for the City Hall 1st Floor Restroom Improvements (Project No. 22023), with a final contract amount of \$109,208.11; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

9) CONSIDERATION OF NOTICE OF COMPLETION AND RATIFICATION OF CONTRACT CHANGE ORDER FOR THE CAMERON AVENUE & BARRANCA STREET TRAFFIC SIGNAL INSTALLATION PROJECT - PROJECT NO. 18040

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

1. Ratify the construction contract change order in the amount of \$4,957.76 for the extra work completed as part of the Cameron Avenue at Barranca Street Traffic Signal Improvements Project (Project No. 18040) (the "Project"). The extra work was for installation of additional traffic signal equipment and adjustment of pedestrian crossing

time on the new signal system to accommodate school drop-off/pickup rush hour waits; and

2. Approve work order to Southern California Edison (SCE) in the amount of \$16,825.21 for installation of a new streetlight pole at the southeast corner of Cameron and Barranca intersection to improve intersection safety; and
3. Accept the work performed by P.T.M. Engineering Services, Inc. for the Project, with a final contract amount of \$391,290.88; and
4. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

10) CONSIDERATION OF NOTICE OF COMPLETION FOR THE CAMERON PARK RESTROOM IMPROVEMENTS (PROJECT No. 22024)

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

1. Accept the work performed by ACE Construction, Inc. for the Cameron Park Restroom Improvements Project (Project No. 22024), with a final contract amount of \$210,583.30; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

11) CONSIDERATION OF NOTICE OF COMPLETION FOR THE CITYWIDE PEDESTRIAN AND VEHICLE SAFETY IMPROVEMENTS (PROJECT 22004)

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

1. Accept the work performed by Superior Pavement Markings, Inc. for the Citywide Pedestrian and Vehicle Safety Improvements (Project No. 22004), with a final contract amount of \$406,479.00; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

12) CONSIDERATION OF ADOPTION OF ORDINANCES NOS. 2507 AND 2506 CREATING THE MIXED USE OVERLAY ZONE AND RELATED STANDARDS

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

ORDINANCE NO. 2507 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ZONE CHANGE NO. 22-02 CREATING THE MIXED-USE OVERLAY ZONE

ORDINANCE NO. 2506 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 22-03, RELATED TO THE MIXED USE OVERLAY ZONE STANDARDS

13) CONSIDERATION OF AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PRELIMINARY ENGINEERING SERVICES FOR TRAFFIC SIGNAL IMPROVEMENTS AT 10 INTERSECTIONS (HSIP CYCLE 10 IMPROVEMENTS) - PROJECT NO. 23028

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

1. Authorize the City Manager to negotiate and execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$194,123.15 to provide Preliminary Engineering Services (PE Phase) for Traffic Signal Improvements at 10 Intersections (HSIP Cycle 10 Improvements), in such final form as approved by the City Attorney; and
2. Authorize the City Manager to utilize a contingency up to 10% or a final contract amount of \$213,535.47; and
3. Authorize the City Manager to negotiate and execute any future amendments to the agreement; and
4. Adopt the following resolution:

RESOLUTION NO. 2022-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023 (HSIP CYCLE 10 IMPROVEMENTS)

- 14) CONSIDERATION OF ADOPTION OF AN ORDINANCE AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2023 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), AND EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2022 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO**

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

ORDINANCE NO. 2508 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2023 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2022 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

FINANCE DEPARTMENT

- 15) CONSIDERATION OF AWARD FOR LAND MANAGEMENT SOFTWARE (LMS)**

It is recommended that the City Council:

1. Award Request for Proposals ("RFP") No. 11-014 for Land Management Software to Silver Lining Solutions, LLC to provide implementation of the Accela Civic Platform and associated services;
2. Authorize the City Manager to negotiate and execute any and all agreements necessary for the acquisition and implementation of the new Land Management Software, including, but not limited to, a Professional Services Agreement (Attachment No. 1), a Subscription Services Agreement (Attachment No. 2), a Master Licensing Agreement (Attachment No. 3), and a Master Subscription Agreement (Attachment No. 4), each with an initial term of up to five years, in such final form as approved by the City Attorney;

3. Authorize the City Manager to negotiate and execute any amendments to the agreements, in such form as approved by the City Attorney; and
4. Approve the following resolution:

RESOLUTION NO. 2022-125 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023 (LAND MANAGEMENT SOFTWARE)

16) FIRST QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2022-23

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

1. Receive and file the First Quarter Financial Report for Fiscal Year 2022-23; and
2. Adopt the following resolution:

RESOLUTION NO. 2022-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023 (FIRST QUARTER FINANCIAL REPORT)

PUBLIC SERVICES

17) CONSIDERATION OF AGREEMENT FOR LANDSCAPE MAINTENANCE OF CITYWIDE MEDIANS, RIGHT-OF-WAYS, COMMERCIAL ZONES, SIDEWALKS, TREE WELLS AND OTHER AREAS.

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

1. Award Request for Proposals (RFP) No. 61-017 for Landscape Maintenance Services to Brightview Landscape Services, Inc.
2. Authorize the City Manager execute an agreement with Brightview Landscape Services, Inc. in an amount not to exceed \$2,673,869 (\$427,819 annually plus 25% for additional work as approved by the City Manager) for a three (3) year term with the option to renew for two (2) additional one-(1) year periods to provide landscape maintenance of Citywide medians, rights-of-way, commercial zones, sidewalks, tree wells and other areas, in substantially the form as attached and in such final form as approved by the City Attorney.
3. Authorize the City Manager to execute future amendments to the agreement.

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

18) CONDUCT TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING AND CONSIDER ADOPTION OF A RESOLUTION CONDITIONALLY APPROVING THE ISSUANCE OF NOT-TO-EXCEED \$20,000,000 OF CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY REVENUE BONDS FOR THE BENEFIT OF OPTIONS FOR LEARNING

It is recommended that the City Council:

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to receive comments relating to the issuance by the California Enterprise Development Authority (Authority) of not-to-exceed \$20,000,000 of the Authority's Revenue Bonds (Bonds) for the benefit of Options for Learning, a California nonprofit public benefit corporation (Borrower).
2. Adopt the attached resolution approving the issuance of the Bonds by the Authority to finance and refinance facilities for the benefit of the Borrower, contingent upon the execution of a payment in lieu of taxes agreement between the City and the Borrower:

RESOLUTION NO. 2022-126 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF NOT TO EXCEED \$20,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY'S REVENUE BONDS FOR THE PURPOSE OF FINANCING, REFINANCING AND/OR REIMBURSING THE COST OF ACQUISITION, CONSTRUCTION, INSTALLATION, EQUIPPING AND FURNISHING OF CERTAIN FACILITIES FOR THE BENEFIT OF OPTIONS FOR LEARNING, CONTINGENT UPON EXECUTION OF A PAYMENT IN LIEU OF TAXES AGREEMENT BETWEEN THE CITY AND OPTIONS FOR LEARNING, AND OTHER MATTERS RELATING THERETO HEREIN SPECIFIED

3. Authorize the City Manager to negotiate and execute a payment in lieu of taxes agreement (PILOT) with Options for Learning and any future amendments to the agreement, in such form as approved by the City Attorney.

DEPARTMENTAL REGULAR MATTERS

COMMUNITY DEVELOPMENT

19) CODE ENFORCEMENT DIVISION UPDATE

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

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

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: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF APPROVAL OF THE NOVEMBER 15, 2022, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE NOVEMBER 15, 2022, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.

RECOMMENDATION:

It is recommended that the City Council approve the November 15, 2022, Closed Session Meeting Minutes and the November 15, 2022 Regular Session Meeting Minutes.

DISCUSSION:

That the City Council adopt the attached minutes.

Prepared by: Lisa Sherrick; Assistant City Clerk

Attachments

Attachment No. 1 - 11/15/2022 Closed Session Minutes Draft

Attachment No. 2 - 11/15/2022 Regular Session Minutes Draft

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF AMENDMENTS TO THE CITY OF WEST COVINA'S
CONFLICT OF INTEREST CODE**

RECOMMENDATION:

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

**RESOLUTION NO. 2022-120 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, ADOPTING A REVISED CONFLICT OF INTEREST CODE
FOR THE CITY OF WEST COVINA**

BACKGROUND:

Under the Political Reform Act, all public agencies are required to adopt a Conflict of Interest Code. Besides the terms of the Code, a Conflict of Interest Code designates positions required to file Statements of Economic Interests (Form 700) and assigns disclosure categories specifying the types of interests to be reported. The Form 700 is a public document intended to provide transparency and accountability by providing necessary information to the public about an official's personal financial interests and serving as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.

The Political Reform Act requires every local government agency to review its Conflict of Interest Codes biennially to determine if it is accurate and up-to-date and/or if it needs to be amended. The Code reviewing body for city agencies is the City Council; therefore, the City Council is required to approve the Conflict of Interest Code and any amendments for the City, the Community Development Commission, and the Successor Agency to the West Covina Redevelopment Agency. The Codes were last amended in 2020 by Resolution No. 2020-115.

The City Council, City Manager, City Attorney, City Treasurer, and Planning Commissioners are not included as "designated positions," as the disclosure obligations for these positions are set forth by Government Code section 87200 et seq.

DISCUSSION:

During this year's review, staff determined that amendments were necessary to Appendix A – Designated Positions of the City's Conflict of Interest Code to reflect positions which have been added, deleted, or undergone a title change.

Additions to Appendix A are identified as underscored and italicized in the revised document, which is attached to Exhibit A of the proposed resolution. There are only a few proposed changes. In addition, positions that are unfunded and not filled will remain as designated positions since they remain as approved job classifications in the City.

The City of West Covina incorporates the Fair Political Practices Commission's (FPPC) standardized Conflict of Interest Code as terms of the City's Code. The FPPC amends the regulation to include legislative and regulatory changes, therefore ensuring the terms of the Conflict of Interest Code are in compliance with the Political Reform Act and up to date.

Resolution No. 2022-120 adopts the City's amended Conflict of Interest Code and repeals the previous Code.

LEGAL REVIEW:

The City Attorney's Office has reviewed the proposed resolution and amended Conflict of Interest Code and approved them as to form.

OPTIONS:

Biennial review of the Conflict of Interest Codes is required by law. The City Council may add or delete positions or amend disclosure categories.

Prepared by: Lisa Sherrick, Assistant City Clerk

Attachments

Attachment No. 1 - Resolution No. 2022-120

Attachment No. 2 - Conflict of Interest Code

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF RESOLUTION NO. 2022-121 DETERMINING THERE IS A
NEED TO CONTINUE THE LOCAL EMERGENCY**

RECOMMENDATION:

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

RESOLUTION NO. 2022-121 - 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, JULY 5, 2022, JULY 19, 2022, AUGUST 16, 2022, SEPTEMBER 20, 2022, OCTOBER 4, 2022 AND NOVEMBER 15, 2022

BACKGROUND:

On March 17, 2020, the City Council adopted Resolution 2020-19, ratifying Proclamation 2020-01 declaring the existence of a local emergency, which was issued by the City Manager acting in the capacity of Director of Emergency Services. The local emergency is due to the coronavirus (COVID-19) pandemic. Following adoption of the resolution, the City Council needs to review and reevaluate the need for continuing the local emergency at least once every thirty (30) days in accordance with Section 8-7(a)(2) of the West Covina Municipal Code (WCMC).

The City Council previously continued the local emergency 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, July 5, 2022, July 19, 2022, August 16, 2022, September 20, 2022, October 18, 2022, and November 15, 2022.

DISCUSSION:

Since March 4, 2022 in Los Angeles County, masks have no longer been required in most indoor settings, but continue to be strongly recommended by the Los Angeles County Department of Public Health ("LA County Health Department"). Pursuant to a revised Health Officer Order issued September 22, 2022, masks are strongly recommended, but not required, on public transit and in indoor transportation hubs in Los Angeles County. Correctional facilities and detention centers, homeless shelters, emergency shelters and cooling centers are permitted to use the Centers for Disease Control and Prevention (CDC) COVID-19 Community Levels to determine the level of masking requirements within their facilities. Masks are still required for all persons, regardless of vaccination status, in all indoor healthcare settings.

On November 23, 2022, the LA County Health Department reported a 39% increase in the 7-day-average case in Los Angeles County from one week prior.

The State of California remains in a State of Emergency. Los Angeles County's local emergency and public health emergency remain in effect.

Staff is requesting that the City Council determine there is a need to continue the local emergency.

Due to the City Council's meeting schedule, the next regular meeting at which the City Council will consider the need to continue the local emergency will be January 17, 2023. The resolution provides that, notwithstanding the requirements of Section 8-7(a)(2) of the West Covina Municipal Code, due to the meeting schedule, the City Council will consider the need to continue the local emergency on January 17, 2023. Although it is not anticipated that the need for the local emergency will cease prior to January 17, 2023, the resolution further provides that if that need for the local emergency ceases prior to such date, the City Council will call a special meeting to consider termination of the local emergency.

LEGAL REVIEW:

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

OPTIONS:

The options available to the City Council are as follows:

1. Adopt the resolution as submitted; or
2. Terminate the local emergency; or
3. Provide alternative direction.

Prepared by: David Carmany, City Manager

Attachments

Attachment No. 1 - Resolution No. 2022-121

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Maintain Good Intergovernmental Relations
Achieve Fiscal Sustainability and Financial Stability



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF REVISIONS TO SALARY AND BENEFITS SCHEDULE FOR CITY MANAGEMENT TEAM

RECOMMENDATION:

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

1. Adopt the following resolution:

RESOLUTION NO. 2022-124 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REVISED SALARY AND BENEFITS SCHEDULE FOR NON-REPRESENTED CITY MANAGEMENT TEAM MEMBERS

2. Approve providing the City Manager a 5% salary increase and the same one-time payment of \$5,000 being provided to Department Heads through the adoption of Resolution No. 2022-124, and direct the City Attorney to draft all necessary documents to memorialize such increase and payment.

BACKGROUND:

On November 2, 2021, City Council approved resolutions adopting Memorandums of Understanding (MOU) with the Maintenance & Crafts Employees' Association, General Employees' Association, Middle Management Employees' Association, Confidential Employees' Association, and the Non-Sworn Safety Support Employees' Union. These agreements all included a term of 3 years, 8%-3%-3% salary increases (effective November 2021, July 2022, and July 2023), an increase in employee CalPERS contributions, and \$3,000 in one-time non-PERSable pay.

On January 18, 2022, City Council approved resolutions adopting MOUs with the Police Management Association (PMA) and Police Officers' Association (POA). The PMA agreement included a term of 3 years, 8%-3%-3% salary increases (effective January 2022, 2023, and 2024), an increase in employee CalPERS contributions, and \$5,000 in one-time non-PERSable Essential Worker Pay. The POA agreement included a term of 3 years, 3%-3%-3% salary increases (effective January 2022, July 2022, and July 2023), and \$5,000 in one-time non-PERSable Essential Worker Pay.

On February 15, 2022, City Council approved a resolution adopting an MOU with the Fire Management Association, which included a term of 3 years, 8%-4%-4% salary increases (effective February 2022, July 2022, and July 2023), an increase in employee CalPERS contributions to 15%,

and \$5,000 in one-time non-PERSable Essential Worker Pay.

On October 4, 2022, City Council approved a resolution adopting an MOU with the Firefighters' Association, which included a term of 3 years, 9%-3%-3% salary increases (effective October 2022, July 2023, and July 2024), an increase in employee CalPERS contributions to 15%, and \$5,000 in one-time non-PERSable Essential Worker Pay.

The table below provides a summary of the salary increases since 2021:

Year	Confidential, General, Maint. & Crafts, Mid-Mgmt, & Non-Sworn Safety	Firefighters'	Fire Management	Police Officers'	Police Management	Department Heads
2021	8%	N/A	8%	3%	N/A	N/A
2022	3%	9%	4%	3%	8%	N/A
2023	3%	3%	4%	3%	3%	N/A

The last time Department Heads received a salary range adjustment was in 2016, which included a 5% increase to base salaries.

DISCUSSION:

The attached resolution includes the following:

1. A one-time non-PERSable pay of five thousand dollars (\$5,000.00) for employees who have not already received a one-time pay as part of an MOU with another City bargaining unit.
2. An increase of five percent (5%) in the salary ranges, effective the first full pay period following Council approval. Placement within the salary range shall be at the discretion of the City Manager.
3. Addition of a Code Enforcement Director position, with a salary range equal to a Planning Director position, and Public Works Director position, with a salary range equal to a Public Services Director position. If approved, job descriptions would be developed for review and approval at a later date.

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: Stephanie Sikkema, Finance Director

Fiscal Impact

FISCAL IMPACT:

The overall estimated fiscal impact is \$162,000 over the three years. A three (3) percent increase was included in the FY2022-23 budget as a placeholder that will cover all the five (5) percent increase for the rest of the fiscal year and a portion of the one-time pay. The remaining balance of

approximately \$38,000 is not included in the FY2022-23 Budget, however; there is available fund balance to cover this one-time expense. If approved, these adjustments are proposed to be included in the next quarterly budget amendment.

Estimated 3-Year Fiscal Impact

Fiscal Year	One-Time Pay	Salaries & Benefits	Total Estimated Fiscal Impact
FY2022-23	47,000	25,000	72,000
FY2023-24		45,000	45,000
FY2024-25		45,000	45,000
TOTAL	\$47,000	\$115,000	\$162,000

Attachments

- Attachment No. 1 - Resolution No. 2022-124
Attachment No. 2 - Exhibit A to Resolution No. 2022-124
-

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING ARTICLE VIII OF CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE RELATING TO CAMPAIGN FINANCE REGULATIONS

RECOMMENDATION:

It is recommended that the City Council introduce for first reading, by title only, the following ordinance:

ORDINANCE NO. 2510 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING ARTICLE VIII OF CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE RELATING TO CAMPAIGN FINANCE REGULATIONS

BACKGROUND:

Assembly Bill No. 571 ("AB 571") amended California Government Code section 85301 to impose a default campaign contribution limit on cities and counties that do not impose campaign contribution limits, effective January 1, 2021. California Government Code section 85702.5 permits the City to, by ordinance or resolution, impose a campaign contribution limit that is different from the amount set forth in California Government Code section 85301(d).

The City of West Covina's campaign finance regulations are codified in Article VIII (Campaign Contributions) of Chapter 2 (Administration) of the West Covina Municipal Code. The City Council last updated Article VIII of Chapter 2 in 2015 through the adoption of Ordinance No. 2272.

Pursuant to Section 2-402 of Article VIII of Chapter 2, no person shall make, and no candidate shall receive from any person, any contribution to the campaign of any individual candidate for any City of West Covina elective office in excess of \$500 in any calendar year. Section 2-402 provides that the amount shall be adjusted on January 1 of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index for the prior year. Due to adjustments based on increases to the Consumer Price Index, the maximum contribution limit is currently \$615.

Staff is presenting for the City Council's consideration proposed Ordinance No. 2510, which would increase the maximum contribution limit to \$650 and make other updates to Article VIII.

DISCUSSION:

The proposed ordinance makes the following changes to Article VIII of Chapter 2 of the West Covina Municipal Code:

- Increases the maximum contribution limit to \$650
- Provides that committees are subject to the contribution limit
- Adds a definitions section. The current provisions of Article VIII of Chapter 2 provide that the definitions set forth in the Political Reform Act apply to the provisions of Article VIII. The proposed ordinance similarly references the definitions set forth in the Political Reform Act, but also provides definitions for certain key terms, utilizing the definitions set forth in the Political Reform Act
- Renumbers and rearranges certain sections of Article VIII of Chapter 2

LEGAL REVIEW:

The City Attorney's Office has reviewed the ordinance 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: David Carmany, City Manager

Attachments

Attachment No. 1 - Ordinance No. 2510

Attachment No. 2 - Redline of Article VIII of Chapter 2

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF NOTICE OF COMPLETION FOR CORTEZ PARK
PLAYGROUND IMPROVEMENTS PROJECT - PROJECT NO. 22007**

RECOMMENDATION:

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

1. Accept the work performed by Next Stage Engineering, LLP dba Next Stage Group for the Cortez Park Playground Improvements Project (Project No. 22007), with a final contract amount of \$108,445.00; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

BACKGROUND:

On September 21, 2021, the City Council authorized award of a contract to Next Stage Engineering, LLP dba Next Stage Group (Next Stage Group) in the amount of \$95,000.00 for the Cortez Park Playground Improvements project. The project included removal and disposal of existing playground equipment, structure, footings, safety surfacing, and installation of City furnished playground equipment, footings, installation of safety surfacing and all related work at Cortez Park.

The City Council also authorized the City Manager to approve change orders in an amount not to exceed \$19,000.00 (20% of awarded contract) for unanticipated project costs. The total established construction budget was \$114,000.00.

DISCUSSION:

All required improvements were constructed in conformance with the approved plans and specifications. The work was performed within the contractually specified duration and to the City Engineer's satisfaction. Construction costs totaled \$108,445.00, which is within the approved construction budget.

The City retains five percent (5%) of each payment to the contractor as retention to ensure payment to subcontractors and material suppliers before final payment to the contractor. The City Council's acceptance of the project and the City's recordation of the Notice of Completion trigger timeframes within which subcontractors or material suppliers must file claims for payment if they have not been

paid by the contractor. If no claims are filed within 35 days of the filing of the Notice of Completion, the City will release retention and any remaining amount due to the contractor.

LEGAL REVIEW:

The City Attorney's Office has reviewed the staff report.

OPTIONS:

The City Council has the following options:

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

Prepared by: Okan Demirci PE, CIP Manager

Fiscal Impact

FISCAL IMPACT:

This contract was funded under Project No. 22007 (Account No. 232.80.7004.7700 & 166.80.7004.7700 & 178.80.7004.7700). The contract was completed within the approved construction estimate.

Construction Contract	\$95,000.00
Contingency (20%)	\$19,000.00
Total Construction Estimate	\$114,000.00
Actual Expenditures	\$108,445.00
(Over)/Under Construction Estimate	\$5,555.00

Attachments

Attachment No. 1 - Notice of Completion

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Enhance City Image and Effectiveness
A Creative and Active Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF NOTICE OF COMPLETION FOR FY 2021-22 RESIDENTIAL STREETS REHABILITATION PROGRAM (CDBG) - PROJECT NO. 22005

RECOMMENDATION:

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

1. Accept the work performed by R.J. Noble Company for the FY 2021-22 Residential Streets Rehabilitation Program (Project No. 22005), with a final contract amount of \$2,114,989.07; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

BACKGROUND:

On March 15, 2022, the City Council authorized award of a contract to R.J. Noble Company in the amount of \$1,867,200.00, for the FY 2021-22 Residential Streets Rehabilitation Program. The project included residential street rehabilitation, work including asphalt resurfacing (removal of portion of existing asphalt and overlaying new asphalt), and construction of slurry seal.

The City Council also authorized the City Manager to approve change orders in an amount not to exceed \$280,080.00 (15% of awarded contract) for unanticipated project costs. The total established construction budget was \$2,147,280.00.

As part of the improvements, approximately 2 million square feet of residential streets were slurry sealed, and 1 million square feet of residential streets were asphalt overlaid.

DISCUSSION:

All required improvements were constructed in conformance with the approved plans and specifications. The work was performed within the contractually specified duration and to the City Engineer's satisfaction. Construction costs totaled \$2,114,989.07, which is within the approved construction budget.

The City retains five percent (5%) of each payment to the contractor as retention to ensure payment to subcontractors and material suppliers before final payment to the contractor. The City Council's

acceptance of the project and the City's recordation of the Notice of Completion trigger timeframes within which subcontractors or material suppliers must file claims for payment if they have not been paid by the contractor. If no claims are filed within 35 days of the filing of the Notice of Completion, the City will release retention and any remaining amount due to the contractor.

LEGAL REVIEW:

The City Attorney's Office has reviewed the staff report.

OPTIONS:

The City Council has the following options:

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

Prepared by: Okan Demirci PE, CIP Manager

Fiscal Impact

FISCAL IMPACT:

This contract was funded under Project No. 22005 (Account No. 131.80.7005.7200 and 237.80.7005.7200). The contract was completed within the approved construction estimate.

Construction Contract	\$1,867,200.00
Contingency (15%)	\$280,080.00
Total Construction Estimate	\$2,147,280.00
Actual Expenditures	\$2,114,989.07
(Over)/Under Construction Estimate	\$32,290.93

Attachments

Attachment No. 1 - Notice of Completion

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Enhance City Image and Effectiveness
A Creative and Active Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF NOTICE OF COMPLETION FOR CITY HALL 1ST FLOOR
RESTROOM IMPROVEMENTS - PROJECT NO. 22023**

RECOMMENDATION:

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

1. Accept the work performed by Fino Builders Inc. for the City Hall 1st Floor Restroom Improvements (Project No. 22023), with a final contract amount of \$109,208.11; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

BACKGROUND:

On April 5, 2022, the City Council authorized award of a contract to Fino Builders Inc. in the amount of \$95,000.00, for the City Hall 1st Floor Restroom Improvements project. The project included upgrades and improvements for men's and women's restrooms at the 1st Floor of City Hall. As part of the improvements, restroom fixtures including sinks, toilets, partitions, dispensers, tiles were replaced at both men's and women's restrooms.

The City Council also authorized the City Manager to approve change orders in an amount not to exceed \$14,250.00 (15% of awarded contract) for unanticipated project costs. The total established construction budget was \$109,250.00.

DISCUSSION:

All required improvements were constructed in conformance with the approved plans and specifications. The work was performed within the contractually specified duration and to the City Engineer's satisfaction. Construction costs totaled \$109,208.11, which is within the approved construction budget.

The City retains five percent (5%) of each payment to the contractor as retention to ensure payment to subcontractors and material suppliers before final payment to the contractor. The City Council's acceptance of the project and the City's recordation of the Notice of Completion trigger timeframes within which subcontractors or material suppliers must file claims for payment if they have not been

paid by the contractor. If no claims are filed within 35 days of the filing of the Notice of Completion, the City will release retention and any remaining amount due to the contractor.

LEGAL REVIEW:

The City Attorney's Office has reviewed the staff report.

OPTIONS:

The City Council has the following options:

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

Prepared by: Okan Demirci PE, CIP Manager

Fiscal Impact

FISCAL IMPACT:

This contract was funded under Project No. 22023 (Account No. 160.80.7001.7500). The contract was completed within the approved construction estimate.

Construction Contract	\$95,000.00
Contingency (15%)	\$14,250.00
Total Construction Estimate	\$109,250.00
Actual Expenditures	\$109,208.11
(Over)/Under Construction Estimate	\$41.89

Attachments

Attachment No. 1 - Notice of Completion

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Enhance City Image and Effectiveness
A Creative and Active Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF NOTICE OF COMPLETION AND RATIFICATION OF
CONTRACT CHANGE ORDER FOR THE CAMERON AVENUE & BARRANCA
STREET TRAFFIC SIGNAL INSTALLATION PROJECT - PROJECT NO. 18040**

RECOMMENDATION:

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

1. Ratify the construction contract change order in the amount of \$4,957.76 for the extra work completed as part of the Cameron Avenue at Barranca Street Traffic Signal Improvements Project (Project No. 18040) (the "Project"). The extra work was for installation of additional traffic signal equipment and adjustment of pedestrian crossing time on the new signal system to accommodate school drop-off/pickup rush hour waits; and
2. Approve work order to Southern California Edison (SCE) in the amount of \$16,825.21 for installation of a new streetlight pole at the southeast corner of Cameron and Barranca intersection to improve intersection safety; and
3. Accept the work performed by P.T.M. Engineering Services, Inc. for the Project, with a final contract amount of \$391,290.88; and
4. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

BACKGROUND:

On March 2, 2021, the City Council authorized award of a contract to P.T.M. General Engineering Services, Inc. in the amount of \$336,036.00, for the Cameron Avenue at Barranca Street Traffic Signal Improvements Project (Project No. 18040). The project included installation of a new traffic signal, striping and signage, construction of access ramps, and removal of raised "pork chop" island with all appurtenant work.

The City Council also authorized the City Manager to approve change orders in an amount not to exceed \$50,405.40 (15% of awarded contract) for unanticipated project costs. The total established construction budget was \$386,441.40.

DISCUSSION:

During construction, it was deemed necessary to modify the proposed work to install additional traffic signal equipment and adjust pedestrian crossing time on the new signal system to accommodate school drop off/pickup rush hour waits. The revised traffic signal system minimizes the vehicle idle time and conflicts between pedestrian crossing and vehicle traffic at the Cameron and Barranca intersection. This improvement was not included on the original plans, but it was deemed necessary to include this improvement as part of this project. The cost for this additional work was \$4,957.76. This work was completed as part of the project, and staff is requesting Council to ratify the cost for this construction contract change order as part of this project. See Attachment No. 2 for the contract change order for this extra work.

Staff also recommends issuing a work order to Southern California Edison (SCE) to install a new streetlight pole to the southeast corner of Cameron and Barranca intersection to improve intersection safety. This improvement was not included in the construction contract, and it would be feasible to directly coordinate this work order with SCE. The cost to install the new streetlight pole is \$16,825.21.

All required improvements were constructed in conformance with the approved plans and specifications. The work was performed within the contractually specified duration and to the City Engineer's satisfaction. Construction costs totaled \$391,290.88, which included the additional construction contract change order work. Furthermore, the work order included additional SCE costs of \$16,825.21.

The City retains five percent (5%) of each payment to the contractor to ensure payment to subcontractors and material suppliers before final payment to the contractor. The City Council's acceptance of the project and the City's recordation of the Notice of Completion trigger timeframes within which subcontractors or material suppliers must file claims for payment if they have not been paid by the contractor. If no claims are filed within 35 days of the filing of the Notice of Completion, the City will release retention and any remaining amount due to the contractor.

LEGAL REVIEW:

The City Attorney's Office has reviewed the staff report.

OPTIONS:

The City Council has the following options:

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

Prepared by: Okan Demirici PE, CIP Manager

Fiscal Impact

FISCAL IMPACT:

This contract was funded under Project No. 18040 (Account No. 235.80.7006.7800 and 122.80.7006.7800). The contract was completed within the approved construction estimate.

Construction Contract	\$336,036.00
15% Contingency	\$50,405.40
Total Construction Estimate	\$386,441.40
Actual Expenditures (Construction Contract)	\$391,290.88
(Over) Under Contract Estimate	\$4,849.48
Available Project Balance	\$165,093.88

(Over) Under Total Project Budget	\$160,224.40
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Attachments

Attachment No. 1 - Notice of Completion

Attachment No. 2- Construction Contract Change Order (CCO 04)

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Enhance City Image and Effectiveness
A Creative and Active Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF NOTICE OF COMPLETION FOR THE CAMERON PARK
RESTROOM IMPROVEMENTS (PROJECT No. 22024)**

RECOMMENDATION:

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

1. Accept the work performed by ACE Construction, Inc. for the Cameron Park Restroom Improvements Project (Project No. 22024), with a final contract amount of \$210,583.30; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

BACKGROUND:

On April 5, 2022, the City Council authorized award of a contract to ACE Construction, Inc. in the amount of \$183,116.79, for the Cameron Park Restroom Improvements Project (Project No. 22024). The project included upgrades and improvements for the men's and women's restrooms at Cameron Park. Improvements included restroom fixtures including sinks, toilets, partitions, dispensers, and replacement of tiles.

The City Council also authorized the City Manager to approve change orders in an amount not to exceed \$27,467.52 (15% of awarded contract) for unanticipated project costs. The total established construction budget was \$210,584.31.

DISCUSSION:

All required improvements were constructed in conformance with the approved plans and specifications. The work was performed within the contractually specified duration and to the City Engineer's satisfaction. Construction costs totaled \$210,583.30, which is within the approved construction budget.

The City retains five percent (5%) of each payment to the contractor as retention to ensure payment to subcontractors and material suppliers before final payment to the contractor. The City Council's acceptance of the project and the City's recordation of the Notice of Completion trigger timeframes within which subcontractors or material suppliers must file claims for payment if they have not been paid by the contractor. If no claims are filed within 35 days of the filing of the Notice of Completion, the City will release retention and any remaining amount due to the contractor.

LEGAL REVIEW:

The City Attorney's Office has reviewed the staff report.

OPTIONS:

The City Council has the following options:

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

Prepared by: Okan Demirci PE, CIP Manager

Fiscal Impact**FISCAL IMPACT:**

This contract was funded under Project No. 22024 (Account No. 160.80.7004.7700). The contract was completed within the approved construction estimate.

Construction Contract	\$183,116.79
Contingency (15%)	\$27,467.52
Total Construction Estimate	\$210,584.31
Actual Expenditures	\$210,583.30
(Over)/Under Construction Estimate	\$1.01

Attachments

Attachment No. 1 - Notice of Completion

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Enhance City Image and Effectiveness
A Creative and Active Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF NOTICE OF COMPLETION FOR THE CITYWIDE
PEDESTRIAN AND VEHICLE SAFETY IMPROVEMENTS (PROJECT 22004)**

RECOMMENDATION:

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

1. Accept the work performed by Superior Pavement Markings, Inc. for the Citywide Pedestrian and Vehicle Safety Improvements (Project No. 22004), with a final contract amount of \$406,479.00; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

BACKGROUND:

On January 18, 2022, the City Council authorized award of a contract to Superior Pavement Markings, Inc. in the amount of \$385,846.00, for the Citywide Pedestrian and Vehicle Safety Improvements project. The project included installation of pedestrian and vehicle traffic safety improvements including signage, striping, and pavement markers at various locations Citywide and all related work.

The City Council also authorized the City Manager to approve change orders in an amount not to exceed \$57,877.00 (15% of awarded contract) for unanticipated project costs. The total established construction budget was \$443,723.00.

DISCUSSION:

All required improvements were constructed in conformance with the approved plans and specifications. The work was performed within the contractually specified duration and to the City Engineer's satisfaction. Construction costs totaled \$406,479.00, which is within the approved construction budget.

The City retains five percent (5%) of each payment to the contractor as retention to ensure payment to subcontractors and material suppliers before final payment to the contractor. The City Council's acceptance of the project and the City's recordation of the Notice of Completion trigger timeframes within which subcontractors or material suppliers must file claims for payment if they have not been

paid by the contractor. If no claims are filed within 35 days of the filing of the Notice of Completion, the City will release retention and any remaining amount due to the contractor.

LEGAL REVIEW:

The City Attorney's Office has reviewed the staff report.

OPTIONS:

The City Council has the following options:

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

Prepared by: Okan Demirci PE, CIP Manager

Fiscal Impact

FISCAL IMPACT:

This contract was funded under Project No. 22004 (Account No. 237.80.7005.7200). The contract was completed within the approved construction estimate.

Construction Contract	\$385,846.00
Contingency (15%)	\$57,877.00
Total Construction Estimate	\$443,723.00
Actual Expenditures	\$406,479.00
(Over)/Under Construction Estimate	\$37,244.00

Attachments

Attachment No. 1 - Notice of Completion

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Enhance City Image and Effectiveness
A Creative and Active Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF ADOPTION OF ORDINANCES NOS. 2507 AND 2506 CREATING THE MIXED USE OVERLAY ZONE AND RELATED STANDARDS

RECOMMENDATION:

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

ORDINANCE NO. 2507 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ZONE CHANGE NO. 22-02 CREATING THE MIXED-USE OVERLAY ZONE

ORDINANCE NO. 2506 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING CODE AMENDMENT NO. 22-03, RELATED TO THE MIXED USE OVERLAY ZONE STANDARDS

BACKGROUND:

This document presents for City Council consideration proposed Zone Change No. 22-03. Zone Change No. 22-03 and Code Amendment No. 22-03 create a Mixed-Use Overlay Zone which consists of potential amendments to Chapter 26 (Zoning), Article X (Nonresidential Zones), Article XIII (Overlay Zone), and Section 26-597 of the West Covina Municipal Code pertaining to the creation of a Mixed-Use Overlay Zone consisting of underutilized properties with a Commerce & General Plan land-use designation and applicable development and objective design standards.

This is an urban plan which becomes policy through adoption by the City Council. The City's General Plan allows for residential development within the Commerce land-use designation. The proposed Code Amendment would provide a means to create the mixed-use residential and commercial development within the same parcel intended by the General Plan.

General Plan Consistency

On December 2016, the City Council adopted the City's General Plan which allows for and encourages a wide range of building types that contain a mix of functions including commercial, entertainment, office and housing (21 to 54 units per acre in the Downtown Plan area and 9 to 20 units per acre outside the Downtown Plan area) within the Commerce land-use designation. Although the General Plan allows for housing in commercial areas, the City's Zoning Code does not have development standards that would allow the development of housing in commercial zones. The proposed Code Amendment would make the Zoning Code consistent with the City's General Plan.

The proposed Code Amendment and Zone Change is consistent with the following General Plan Policies and Actions:

- **Policy 3.3 - New growth will complete, enhance, and reinforce the form and character of the unique West Covina neighborhoods, districts, and corridors**
 - **Action 3.3 - Adjust regulations for the neighborhoods, districts and corridors to reflect the nature of intended change.**

Process

Staff and the City's consultant have obtained input from the public and the Development Code Update Subcommittee on the preparation and content of the proposed Mixed-Use Overlay Zone standards and Multi-Family Residential Objective Design standards. The Subcommittee's comments have been incorporated into the documents.

The Mixed-Use Overlay Zone standards are intended to be revised (if necessary) and consolidated with the Development Code Update that the City is working on and anticipates to complete mid-late 2023. Staff is recommending the adoption of the Mixed-Use Overlay Zone development standards to demonstrate to the State that the City is making great effort to comply with housing laws and meet the Regional Housing Needs Assessment number assigned to West Covina (very low income = 1,649, low income = 848, moderate income 863, above moderate= 1,974: 5,334 total housing units).

Planning Commission Review

The Planning Commission held a public hearing on September 13, 2022 and voted 5-0 to recommend that the City Council adopt the Mixed Use Overlay Zone and related development standards and multi-family residential objective design standards.

City Council Review

Based upon the action recommended by the Planning Commission, on November 15, 2022, the City Council held a public hearing and introduced Ordinances Nos. 2507 and 2506. The City Council also adopted Resolution No. 2022-109, adopting the Multi-Family Residential Objective Design Standards. During the public hearing, one member of the public spoke to voice concerns regarding State housing mandates.

DISCUSSION:

The ordinances would provide a means to create the mixed-use residential and commercial development within the same parcel intended by the General Plan.

It is requested that the City Council adopt Ordinances Nos. 2507 and 2506.

The ordinances will take effect on the 31st day following adoption, which is on or about January 6, 2023.

LEGAL REVIEW:

The City Attorney's Office has reviewed the ordinances and approved them as to form.

OPTIONS:

The City Council has the following options:

1. Adopt Ordinances Nos. 2507 and 2506; or
2. Provide alternative direction.

ENVIRONMENTAL REVIEW:

The code amendment and zone change are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines in that it consists of development standards and the creation of an overlay zone that includes additional limitations on uses and standards that are allowed in the General Plan, which does not have the potential for causing a significant effect on the environment.

Prepared by: Jo-Anne Burns, Planning Manager

Fiscal Impact**FISCAL IMPACT:**

This is strictly an administrative item, therefore; there is no fiscal impact associated with this action.

Attachments

Attachment No. 1 - Ordinance No. 2507

Attachment No. 2 - Ordinance No. 2506

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: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PRELIMINARY ENGINEERING SERVICES FOR TRAFFIC SIGNAL IMPROVEMENTS AT 10 INTERSECTIONS (HSIP CYCLE 10 IMPROVEMENTS) - PROJECT NO. 23028

RECOMMENDATION:

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

1. Authorize the City Manager to negotiate and execute a Professional Services Agreement with Kimley-Horn and Associates, Inc. in the amount of \$194,123.15 to provide Preliminary Engineering Services (PE Phase) for Traffic Signal Improvements at 10 Intersections (HSIP Cycle 10 Improvements), in such final form as approved by the City Attorney; and
2. Authorize the City Manager to utilize a contingency up to 10% or a final contract amount of \$213,535.47; and
3. Authorize the City Manager to negotiate and execute any future amendments to the agreement; and
4. Adopt the following resolution:

RESOLUTION NO. 2022-119 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023 (HSIP CYCLE 10 IMPROVEMENTS)

BACKGROUND:

On November 1, 2020, the City submitted the Highway Safety Improvements Program (HSIP) Cycle 10 grant funding request to the State, for Traffic Signal Improvements at 10 Intersections, Citywide. The proposed improvements as part of the grant funding request application included various traffic signal improvements for traffic and pedestrian safety, including installation of new traffic signal heads, pedestrian countdown head displays, pedestrian push buttons, installation of left turn phasing (protected left turn) at applicable locations, new signal poles, mast arms, pedestrian accessibility (ADA) improvements including curb ramps, signage, striping and related improvements.

On October 4, 2022, the City received the approved allocation letter from the State, allocating funds in the amount of \$274,600 to proceed with the preliminary engineering phase of this project.

DISCUSSION:

The proposed improvements include various traffic signal improvements for traffic and pedestrian safety, including installation of new traffic signal heads, pedestrian countdown head displays, pedestrian push buttons, installation of left turn phasing (protected left turn) at applicable locations, new signal poles, mast arms, pedestrian accessibility (ADA) improvements including curb ramps, signage, striping and related improvements.

The project locations include 10 existing signalized intersections, where the existing traffic signal system will be upgraded to new standards to improve vehicle and pedestrian safety. The project locations include the following intersections (Attachment No. 2 - Project Location Map).

1. Sunset Ave & Merced Ave
2. Cameron Ave & Orange Ave
3. Vincent Ave & Puente Ave
4. Lark Ellen Ave & Badillo St
5. Lark Ellen Ave & Rowland Ave
6. Hollenbeck Ave & Cameron Ave
7. Azusa Avenue & Fairgrove Ave
8. Amar Road & Temple Ave
9. Amar Road & Shadow Oak Drive
10. Sentous Ave & La Puente Road

The project is 100% funded by the State Funds and no local match is required. The City will receive \$3,184,700 from the State for this project, including design and construction phases.

On October 7, 2022, the City issued a Request for Proposal (RFP) to Provide Preliminary Engineering (PE Phase) Services for Traffic Signal Improvements at 10 Intersections (HSIP Cycle 10 Improvements) with a proposal due date of November 3, 2022. Two (2) firms submitted proposals:

- AGA Engineers
- Kimley Horn and Associates, Inc.

The proposals were evaluated based on criteria identified on the RFP including: Completeness of the proposals and compliance with the required RFP format; project understanding, scope and approach to develop the project efficiently; experience and qualifications of key staff; similar project experience, including familiarity with State and Federal procedures; effectiveness of project schedule showing how the proposer will be able to complete the design with required time duration.

Staff reviewed the proposals and determined that the proposal from Kimley-Horn and Associates, Inc. is the most comprehensive and demonstrates the best understanding of the project. Kimley-Horn and Associates, Inc. demonstrated a better understanding of the project requirements, and submitted a preliminary project recommendations table in a detailed format for each project location, line itemizing the recommended improvements to be considered as part of the project, based on the consultant's field review of existing conditions. Furthermore, Kimley-Horn and Associates, Inc. submitted an efficient project delivery schedule meeting the City's schedule requirements (final PS&E to be submitted within 6 months of City's Notice to Proceed, excluding City and Caltrans review times). Additionally, Kimley-Horn's proposed project manager and key personnel demonstrate relevant project experience and qualifications, experience including engineering services for similar HSIP projects at other cities including City of Palm Springs, City of Culver City and City of San Bernardino.

Staff recommends that the City Council authorize the City Manager to negotiate and execute a professional services agreement with Kimley-Horn and Associates, Inc. (Attachment No. 3) for the

Preliminary Engineering Services (PE Phase) for Traffic Signal Improvements at 10 Intersections (HSIP Cycle 10 Improvements) for a total amount of \$194,123.15, in such final form as approved by the City Attorney, and authorize the City Manager to execute future amendments to the agreement. While the base amount is within the City Manager's authority, the total with contingency is above the \$200,000 threshold and, therefore, before Council for consideration. Staff is also recommending that the Council adopt the proposed resolution approving a budget amendment in the amount of the grant received from the State, \$3,184,700. If approved tonight, the project design phase will start in January 2023, and the final construction bid package including regulatory approvals (Caltrans) is anticipated to be finalized by late 2023.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form and will review the Professional Services Agreement and approve it as to form prior to execution.

OPTIONS:

The City Council has the following options:

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

Prepared by: Okan Demirici PE, CIP Manager

Fiscal Impact

FISCAL IMPACT:

The project will be funded through Caltrans Highway Safety Improvements Program (HSIP) Cycle 10 in the total amount of \$3,184,700. The City will receive such funds as reimbursement basis. The proposed resolution includes a budget amendment of \$3,184,700 in revenue and expenditures (adding Project No. 23028, HSIP Cycle 10 Improvements, to the CIP) under Fund 144, Highway Safety Improvement Program.

The Preliminary Engineering Services (Design Phase) under this contract is in the amount of \$194,123.15. These services are fully funded through Caltrans HSIP program, and there is no local match requirement. The total funds programmed for the requested Preliminary Engineering Services (Design Phase) through Caltrans HSIP is \$274,600.

The following is the breakdown of the project design phase budget:

Preliminary Engineering Services (Contract with Kimley-Horn)	\$194,123.15
Project Management Cost (10%)	\$19,412.32
Total Project Design Phase Estimate	\$213,535.47

Attachments

Attachment No. 1 - Resolution No. 2022-119

Attachment No. 2- Map of Intersection Locations

Attachment No. 3 - Professional Services Agreement

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety

Enhance City Image and Effectiveness
A Creative and Active Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF ADOPTION OF AN ORDINANCE AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2023 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), AND EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2022 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

RECOMMENDATION:

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

ORDINANCE NO. 2508 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 7 AND 9 OF THE WEST COVINA MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2023 LOS ANGELES COUNTY BUILDING CODE (TITLE 26), ELECTRICAL CODE (TITLE 27), PLUMBING CODE (TITLE 28), MECHANICAL CODE (TITLE 29), RESIDENTIAL CODE (TITLE 30), EXISTING BUILDING CODE (TITLE 33), WHICH ADOPT BY REFERENCE THE 2022 CALIFORNIA BUILDING CODE, ELECTRICAL CODE, PLUMBING CODE, MECHANICAL CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE, WITH CERTAIN AMENDMENTS, ADDITIONS AND DELETIONS THERETO

BACKGROUND:

Historically, the City of West Covina has adopted the Los Angeles County building codes by reference. These codes contain essential amendments and additions to the State Building Codes. Included in these amendments are the important chapters for grading, seismic requirements and substandard properties. The State of California adopts and publishes State Building Codes and mandates they become effective throughout the State 180 days after publication. On July 1, 2022, the California Building Standards Commission published Title 24, the California Building Standards Code, with the codes becoming effective January 1, 2023.

The State of California updates the model codes related to building and fire safety every three (3) years. Local agencies are required to adopt the State model codes unless they adopt their own codes. In order to ensure that building construction standards remain up-to-date and relevant, the

State of California amends and adopts the International Code Council (ICC) model codes every three years. The 2022 California Codes represent modifications, additions, and deletions to reflect State laws and statutes. The 2022 California Codes will take effect on January 1, 2023.

On October 18, 2022, the County of Los Angeles Board of Supervisors introduced ordinances adopting by reference the 2022 California Building Codes with local amendments. The Los Angeles County Board of Supervisors conducted a public hearing and adopted the ordinances on November 15, 2022.

State law requires local governments to enforce California Title 24 (the State's Building Codes which originate from the International Code Council and the International Association of Plumbing and Mechanical Officials).

Many jurisdictions in Los Angeles County wait to comply with this requirement until the County of Los Angeles adopts the Building Codes and all of the associated local amendments. Then, these jurisdictions adopt the County Building Codes.

Consistent with past practice, staff is recommending that the City adopt the 2023 Los Angeles County Codes. The major benefits realized by adopting the County Codes are:

- The County Codes are common and well known to contractors.
- The County Codes contain well-reasoned local amendments that are supported by findings and which are consistently applied throughout the County of Los Angeles.
- The County Codes are virtually identical to the Codes adopted by the City of Los Angeles and many other cities.
- The County Codes are readily available for purchase by architects, engineers, and contractors.
- Users can purchase the amendments to the California Codes direct from ICC (the publisher of the California Building Code), and insert those sheets directly into the California Codes, making it much easier for users to understand the context and to achieve compliance.
- Because of their widespread use, the County Codes are close to acting as a standard. Many of the architects and general contractors the City does business with have already purchased the County amendments to the California Codes because they work in areas where the County Codes are enforced.
- Far less language must be codified into the Municipal Code, thereby reducing the City's codifying costs.
- The California Codes and Los Angeles County amendments and the findings can be viewed at the following links.

Building Code and Findings

<http://file.lacounty.gov/SDSInter/bos/supdocs/173612.pdf>

Residential Code and findings

<http://file.lacounty.gov/SDSInter/bos/supdocs/173615.pdf>

Electrical Code and findings

<http://file.lacounty.gov/SDSInter/bos/supdocs/173568.pdf>

Plumbing Code and findings

<http://file.lacounty.gov/SDSInter/bos/supdocs/173643.pdf>

Mechanical Code and findings

<http://file.lacounty.gov/SDSInter/bos/supdocs/173614.pdf>

Existing Building Code and findings

<http://file.lacounty.gov/SDSInter/bos/supdocs/173617.pdf>

California Codes can be viewed at

<https://www.dgs.ca.gov/BSC/Codes>

On November 15, 2022, the City Council introduced the proposed Ordinance No 2508 and adopted Resolution No. 2022-116, making findings regarding the need for modifications to the 2022 California Building Codes.

DISCUSSION:

As part of the Code update, the Code will include the following changes:

- Reorganized by grouping the Codes adopted by reference and amended certain administrative provisions to fit better to current workflows of the City.
- Expiration terms have been changed from 180 days to 1 year to be in compliance with Section 18938.6 of the Health and Safety Code. Chapter 9, Article I has been amended to adopt by reference the 2023 Los Angeles County Appendix J of the Building Code to regulate onsite grading and drainage.

2022 Codes Highlights

Come January 1, 2023, the 2022 Edition of Title 24 California Codes of Regulations will be effective with significant changes to the previous edition. Among the changes, those made in the California Energy Code and California Green Building Code will have a major impact on residential construction, including Single-family and Multifamily dwellings. Toward the goal of reducing carbon emissions and saving energy, the new codes include measures to improve energy efficiency in existing home renovations. Key changes are listed as follows:

California Energy Code:

- In addition to expanding the current photovoltaic (PV) installation requirement, new homes must be electric vehicle-ready, having the ability to use renewable energy on all electric appliances without requiring connection to natural gas supply and also battery-ready. These requirements are intended to help alleviate stress on the electric grid system during peak periods.
- Energy calculations for new homes and existing homes use electric heat pump technology for space conditioning and water heating as the baseline. Any alternative method of energy use must meet the efficiency standards of this technology.
- To meet the efficiency standards of heat pump technology, the re-roofing of existing homes and the replacement of water heaters and HVAC units will trigger stringent measures for insulation. This means that the roof and ceiling also must be insulated.
- PV installation is now required for new multifamily dwellings.
- New nonresidential buildings now must meet PV and battery installation requirements.

California Green Building Code:

- New multifamily dwellings must be electric vehicle (EV) - ready and charging outlets.
- Multifamily dwellings now must install an increased number of charging stations.
- When adding parking spaces or altering electrical systems in a parking facility in a multifamily home, additional EV charging facilities must be added.

Staff recommends that the City Council adopt Ordinance No. 2508. The ordinance will take effect on the 31st day following adoption, which is on or about January 6, 2023.

LEGAL REVIEW:

The City Attorney's Office has reviewed the ordinance 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: Ayla Jefferson- CBO, CSP, Building Official

Fiscal Impact

FISCAL IMPACT:

This is strictly an administrative item, therefore; there is no fiscal impact associated with this action.

Attachments

Attachment No. 1 - Ordinance No. 2508

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
A Well-Planned Community
Expand Economic Development Opportunities



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF AWARD FOR LAND MANAGEMENT SOFTWARE (LMS)

RECOMMENDATION:

It is recommended that the City Council:

1. Award Request for Proposals ("RFP") No. 11-014 for Land Management Software to Silver Lining Solutions, LLC to provide implementation of the Accela Civic Platform and associated services;
2. Authorize the City Manager to negotiate and execute any and all agreements necessary for the acquisition and implementation of the new Land Management Software, including, but not limited to, a Professional Services Agreement (Attachment No. 1), a Subscription Services Agreement (Attachment No. 2), a Master Licensing Agreement (Attachment No. 3), and a Master Subscription Agreement (Attachment No. 4), each with an initial term of up to five years, in such final form as approved by the City Attorney;
3. Authorize the City Manager to negotiate and execute any amendments to the agreements, in such form as approved by the City Attorney; and
4. Approve the following resolution:

RESOLUTION NO. 2022-125 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023 (LAND MANAGEMENT SOFTWARE)

BACKGROUND:

The City is currently using Accela PermitsPlus, which was purchased in the late 1990s and has not been fully supported since 2008, for plan checks, permits and inspections. An upgrade is necessary to streamline the development of permits and add new efficiencies, such as online permitting. The permitting software upgrade will allow the City to become much more efficient in tracking, processing, and handling of building permits.

In March 2020, the City was awarded a Senate Bill 2 (SB 2) Planning Grant program funds for the maximum amount of \$310,000. Due to the grant, the City issued a Request for Proposals on October 27, 2021 (RFP #11-014) to solicit responses from vendors for a new LMS system. Improving the LMS system serves the SB 2 eligible Priority Policy Area activities.

DISCUSSION:

With the assistance of the City's consultant, ClientFirst Technology Consulting, all the LMS proposals received on December 2, 2021 were reviewed and determined to conform to all the material aspects of the requirements in the RFP. The following preliminary vendor analysis was completed and scored by City staff team leads in Planning, Building, Finance, and IT:

Criteria	Accela Civic	Central Square	LAMA	EdgeSoft	EnerGov	Weight
Overall capability	38.12%	38.12%	38.76%	38.16%	39.52%	40.00%
Vendor support	20.00%	5.00%	5.00%	2.50%	17.50%	20.00%
Total costs	4.41%	16.18%	20.00%	15.00%	6.61%	20.00%
Vendor's Performance Record	17.14%	15.36%	14.46%	9.11%	20.00%	20.00%
Total Score	79.68%	74.66%	78.22%	64.77%	83.63%	100.00%

Based on the criteria above, the three (3) vendors with the highest average score were invited to demonstrate their proposed LMS solution. Vendor demonstrations and staff evaluations were completed for Accela Civic Platform, Lama Davenport, and Tyler EnerGov to ensure each vendor could provide the desired services and the financial stability to successfully implement a comprehensive LMS system. Next, a team of three (3) City staff members (Assistant City Manager, Finance Director, and IT Manager) along with ClientFirst Technology Consulting evaluated all the vendors in order to select the one who best meets the overall needs of the City, based primarily on the following criteria (not listed in any order of importance):

- The overall capability to provide the required software features and capabilities
 - Allow online submittals for all divisions (Planning, Building, Engineering, and Fire)
 - Ability to provide better customer service to applicants and residents
 - Ability for residents to do online records request of issued permits
- The amount of vendor support that will be available for implementation, conversion, training, ongoing modifications, and software support
- The total cost of the system implementation and ongoing support
- The vendor's performance record to date in meeting the requirements of its existing customers, as well as the availability of users similar to the City, to allow reference investigation
- The financial stability, longevity, and strength of the vendor
- Ease and intuitive use of software

Based on this thorough review process, Accela Civic Platform was selected as the new Land Management Software. Staff recommends an initial term of five years on all software license, maintenance and subscription agreements to implement the new software.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form and will review and approve as to form all agreements required in connection with the new Land Management Software (LMS) prior to execution.

OPTIONS:

The City Council has the following options:

1. Approve staff's recommendation; or
2. Provide alternative direction.

Prepared by: Will Trujillo / IT Manager

Fiscal Impact

FISCAL IMPACT:

The total cost of the new software is as follows:

Pricing	Initial Cost	Year 2	Year 3	Year 4	Year 5
One-Time Costs	279,798				
Annual Software Licensing*	112,994	118,644	124,576	130,805	\$137,345
Total	\$392,792	\$118,644	\$124,576	\$130,805	\$137,345

**Annual Recurring Costs are subject to a yearly 5% increase*

The initial startup costs associated with the new software was included as a CIP project in the FY2022-23 Budget. Annual maintenance fees will come out of the IT Technology fund which receives revenue through building and planning permits. The proposed budget amendment includes addition of the grant revenue (\$310,000), excess IT cost recovery fee revenue YTD (\$16,700) and additional expenditures (\$53,000) to cover the overage in software licensing. The recurring annual costs will be examined with the current fee study to ensure the revenue stream is sufficient in future years.

Project No.	Fund Name	Account No.	Current Budget	Total Project Estimate	Proposed Budget Amendment
21002	INFORMATION TECHNOLOGY	162.80.7003.7900	\$279,798	\$160,203	\$0
	INFORMATION TECHNOLOGY	162.11.1340.6272	\$60,000	\$112,994	\$53,000
Total			\$392,792	\$273,197	\$53,000

Attachments

Attachment No. 1 - Professional Services Agreement
Attachment No. 2 - Subscription Services Agreement
Attachment No. 3 - Master Licensing Agreement
Attachment No. 4 - Master Subscription Agreement
Attachment No. 5 - Resolution No. 2022-125

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness
Achieve Fiscal Sustainability and Financial Stability
Expand Economic Development Opportunities



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: FIRST QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2022-23

RECOMMENDATION:

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

1. Receive and file the First Quarter Financial Report for Fiscal Year 2022-23; and
2. Adopt the following resolution:

RESOLUTION NO. 2022-117 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023 (FIRST QUARTER FINANCIAL REPORT)

BACKGROUND:

The City has completed the first quarter of Fiscal Year 2022-23. The First Quarter Financial Report (Attachment No. 1) summarizes the overall financial performance of the City for the period of July 1, 2022 through September 30, 2022, 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 financial information included in this report is preliminary, unaudited and subject to revision upon completion of the City's closing and audit. This report is intended only to provide the 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 September 30, 2022. 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 General Fund original budget for FY 2022-23 was \$79.9 million in revenue, \$79.4 million in expenditures, and a total revenue less expenditures of \$516,345. **The proposed first quarter budget amendment overall has zero impact on the General Fund.**

Proposed General Fund (Fund 110) changes are summarized as follows:

General Fund	Original Budget	Current Budget	Requested BA	Amended Budget
Revenue				
Property Tax	28,986,300	28,986,300		28,986,300
Sales Tax	23,142,000	23,142,000		23,142,000
Other Taxes	9,446,000	9,446,000		9,446,000
Charges for Services	7,578,220	7,578,220		7,578,220
Licenses & Permits	3,167,810	3,167,810	600,000	3,767,810
Revenue from Other Agencies	2,628,625	2,628,625		2,628,625
Cost Recovery	1,365,900	1,365,900		1,365,900
Interdepartmental Charges	1,196,200	1,196,200		1,196,200
Use of Money & Property	1,078,300	1,078,300		1,078,300
Fines & Forfeitures	1,023,290	1,023,290	50,000	1,073,290
Transfers In	200,093	170,093		170,093
Other Revenues	136,670	136,670	39,000	175,670
Revenue Total	79,949,408	79,919,408	689,000	80,608,408
Expenditures				
Police	27,844,530	27,852,792	102,000	27,954,792
Fire	20,544,117	20,548,652	158,000	20,706,652
Transfers Out	15,525,348	15,525,348	(401,000)	15,124,348
Public Services	6,036,175	6,036,405	140,000	6,176,405
Community Development	3,245,927	3,247,416	600,000	3,847,416
Finance	3,066,009	3,051,046	90,000	3,141,046
Administration	1,833,147	1,833,369		1,833,369
Human Resources	794,097	794,232		794,232
City Clerk	543,713	543,803		543,803
Expenditures Total	79,433,063	79,433,063	689,000	80,122,063
Revenue Less Expenditures	516,345	486,345	-	486,345
Transfer In from Successor Agency Adjusted	(30,000)			
Total GF Budget Adjustments	(30,000)	-	-	-
Net Impact to General Fund	486,345	486,345	-	486,345

Proposed changes to other funds are summarized below:

Other Funds	Original Budget	Current Budget	Requested BA	Amended Budget
Revenue				
Air Quality Improvement Trust	-	-	17,000	17,000
Capital Projects	800,000	800,000	(401,000)	399,000
Citywide Maintenance District	2,050,600	2,050,600	(140,490)	1,910,110
Maintenance District #4	-	-	996,266	996,266
Maintenance District #6	-	-	154,700	154,700
Maintenance District #7	-	-	173,744	173,744
WC Community Svcs Foundation	-	-	50,000	50,000
WC CSS CFD	-	-	110,000	110,000
Revenue Total	2,850,600	2,850,600	960,220	3,810,820
Expenditures				
Air Quality Improvement Trust	400,000	400,000	200,000	600,000
Auto Plaza Improvement District	61,464	61,464	57,907	119,371
Police Enterprise	10,000	10,000	490,000	500,000
Prop A	100,000	100,000	(100,000)	-
WC Community Svcs Foundation	-	-	50,000	50,000
ARPA Local Fiscal Recovery Funds	-	10,232,692	-	10,232,692
Prop A Discretionary	-	-	100,000	100,000
Expenditures Total	571,464	10,804,156	797,907	11,602,063

Attachments

Attachment No. 1 - First Quarter Financial Report for Fiscal Year 2022-23

Attachment No. 2 - Resolution No. 2022-117

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: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF AGREEMENT FOR LANDSCAPE MAINTENANCE OF CITYWIDE MEDIANS, RIGHT-OF-WAYS, COMMERCIAL ZONES, SIDEWALKS, TREE WELLS AND OTHER AREAS.

RECOMMENDATION:

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

1. Award Request for Proposals (RFP) No. 61-017 for Landscape Maintenance Services to Brightview Landscape Services, Inc.
2. Authorize the City Manager execute an agreement with Brightview Landscape Services, Inc. in an amount not to exceed \$2,673,869 (\$427,819 annually plus 25% for additional work as approved by the City Manager) for a three (3) year term with the option to renew for two (2) additional one-(1) year periods to provide landscape maintenance of Citywide medians, rights-of-way, commercial zones, sidewalks, tree wells and other areas, in substantially the form as attached and in such final form as approved by the City Attorney.
3. Authorize the City Manager to execute future amendments to the agreement.

BACKGROUND:

Mariposa Landscapes, Inc. provided landscaping services to the City of West Covina from November 1999 through May 2022. Their landscape maintenance services consisted of maintenance of 104 medians and rights-of-way, 13 commercial zones, 21 tree wells, and 15 freeway rights-of-way, underpasses and overpasses. In February 2005, the City Council extended Mariposa Landscape, Inc.'s contract by another five (5) years with no increase in contract amount. In December 2010, the City issued a Request for Proposals (RFP) for these services and Mariposa Landscape, Inc. submitted the lowest responsible bid at an annual contract amount of \$181,304 that expired December 2015.

On February 2, 2016, staff recommended and City Council award a new contract for an initial term of five (5)-years, with three (3) one (1) year extensions for an annual amount of \$211,840. The approved amount in the report was \$1,059,200 which did not include the three (3) one (1) extensions which would have brought up the contract total to \$1,694,720. As such, at the time of renewal in February 2021, the City was not able to extend the contract.

Staff issued an RFP for landscaping services. In order to ensure no lapse in services, on February 2,

2021, City Council authorized the City Manager to enter into a month-to-month agreement at the then-current monthly rate of \$16,320. That agreement was terminated May 31, 2022.

DISCUSSION:

City Council directed staff to issue a new RFP for landscape maintenance services. The scope of services includes the existing citywide medians, right-of-ways, commercial zones, sidewalks, tree wells, and other areas included in the previous contract, but also added additional services including weed abatement on all commercial right-of-ways, increasing the scope of tree well maintenance, City property along the wash areas, in addition to formalizing the requirements of the City. The scope of services was amended to provide a more comprehensive level of landscape maintenance services for the City.

In line with the City's procurement requirements, staff issued the Request for Proposals (RFP) for Landscape Maintenance of Citywide Medians, Right of Ways, Commercial Zones, Sidewalks, Tree Wells and Other Areas on September 8, 2022. The RFP was advertised and sent out to subscribers through the City's third-party website Planet Bids.

A mandatory pre-proposal meeting was held on September 22, 2022 and was attended by 11 landscape maintenance contractors.

On October 17, 2022, three proposals were received from the following firms.

Vendor Name	Location	Fee Proposal (Annually)
BrightView Landscape Services	Upland, CA	\$427,818.96
Merchants Landscape Services, Inc.	Santa Ana, CA	\$429,000.00
Mariposa Landscapes, Inc.	Irwindale, CA	\$663,828.00

On November 2, 2022, all three firms were invited to interview and discuss their proposals. BrightView Landscape Services was selected as the bidder meeting the City's requirements with municipal experience and the lowest responsible bid.

Staff is recommending that the City Council authorize the City Manager to execute an agreement with Brightview Landscape Services, Inc., in the total amount of \$2,673,868.50 (\$427,819 annually plus 25% for additional services approved by the City Manager) for a three (3) year term beginning January 1, 2022, with the option to extend for two (2) one-(1) year periods to provide landscape maintenance of Citywide medians, rights-of-way, commercial zones, sidewalks, tree wells and other areas.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

1. Adopt staff's recommendation; or
2. Provide alternative direction.

Prepared by: Renee M. G. Chavez, Management Analyst I

FISCAL IMPACT:

The estimated budget impact in Fiscal 2022-23 will be for 7 months totaling \$249,561 for the base contract. Sufficient funds have been allocated in Gasoline Tax Fund (Account No. 124.61.4141.6130) and Citywide Maintenance District (Account No. 188.61.4141.6130).

Service	Account No.	FY2022-23 Budget	Estimated Fiscal Impact		
			FYE 2023	FYE 2024	FYE 2025
Landscape Maintenance- Right-of-Way	124.61.4141.6130	\$500,000	\$237,523	\$407,182	\$407,182
Landscape Maintenance- Non ROW	188.61.4141.6130	499,100	12,038	20,637	20,637
Total		\$999,100	\$249,561	\$427,819	\$427,819

Attachments

Attachment No. 1 - Agreement with Brightview Landscape Services, Inc.

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



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONDUCT TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING AND CONSIDER ADOPTION OF A RESOLUTION CONDITIONALLY APPROVING THE ISSUANCE OF NOT-TO-EXCEED \$20,000,000 OF CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY REVENUE BONDS FOR THE BENEFIT OF OPTIONS FOR LEARNING

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to receive comments relating to the issuance by the California Enterprise Development Authority (Authority) of not-to-exceed \$20,000,000 of the Authority's Revenue Bonds (Bonds) for the benefit of Options for Learning, a California nonprofit public benefit corporation (Borrower).
2. Adopt the attached resolution approving the issuance of the Bonds by the Authority to finance and refinance facilities for the benefit of the Borrower, contingent upon the execution of a payment in lieu of taxes agreement between the City and the Borrower:

RESOLUTION NO. 2022-126 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF NOT TO EXCEED \$20,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY'S REVENUE BONDS FOR THE PURPOSE OF FINANCING, REFINANCING AND/OR REIMBURSING THE COST OF ACQUISITION, CONSTRUCTION, INSTALLATION, EQUIPPING AND FURNISHING OF CERTAIN FACILITIES FOR THE BENEFIT OF OPTIONS FOR LEARNING, CONTINGENT UPON EXECUTION OF A PAYMENT IN LIEU OF TAXES AGREEMENT BETWEEN THE CITY AND OPTIONS FOR LEARNING, AND OTHER MATTERS RELATING THERETO HEREIN SPECIFIED

3. Authorize the City Manager to negotiate and execute a payment in lieu of taxes agreement (PILOT) with Options for Learning and any future amendments to the agreement, in such form as approved by the City Attorney.

BACKGROUND:

The purpose of the California Enterprise Development Authority Joint Powers Authority (JPA or Authority) established by the California Association for Local Economic Development (CALED) is to issue tax-exempt and taxable conduit revenue bonds to fund commercial and industrial development projects within member jurisdictions. Federal and state laws provide the ability for cities and counties to join together under cooperative agreements to form joint powers authorities to issue tax-exempt and taxable bonds. These bonds fund projects that provide a public benefit and serve the needs of residents within the jurisdictions of the participating members. Cities and counties in California utilize joint powers authorities primarily for economies of scale, to access specialized transaction knowledge and resources, and to avoid using valuable local staff time on these types of transactions.

This JPA is a joint powers authority created by the cities of Selma, Lancaster and Eureka. There are approximately 250 cities and counties who are associate members of the Authority. The Authority's activities are dedicated to providing economic development assistance to member jurisdictions as an extension of the economic development assistance provided by CALED to its members. The City became an associate member of the Authority on April 3, 2018, pursuant to Resolution No. 2018-26. As an Associate Member of the Authority, the City is eligible to participate in the Authority's programs.

DISCUSSION:

Options for Learning has been serving children and families since 1981 providing affordable childcare, before and after school programs and quality programs designed to provide personalized attention for students in an enriching, and caring environment. Options for Learning also offers training, resources and support to community childcare providers to improve the quality of care for the children served. Options for Learning operates at more than 90 locations, serving more than 15,000 children. Options for Learning also trains and supports thousands of childcare providers. Options for Learning is a leader in preparing children and their families for successful life through innovative quality child development programs so that all children will achieve their potential.

Options for Learning is seeking to issue \$20 million in tax-exempt bonds in order to purchase the office building located at 2934 East Garvey Avenue South, West Covina, California 91791 for their administrative headquarters. They will be relocating their headquarters from Covina to West Covina with the acquisition of the property. Options for Learning currently has a childcare school program facility in West Covina located at 203 South Azusa Avenue. As Options for Learning is a non-profit, the property would be removed from the tax rolls (or any portion occupied by a non-profit impacting property taxes received by the City on the property).

Options for Learning (aka the Borrower) and the JPA have requested that the City conduct a Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") hearing and approve a resolution in accordance with Internal Revenue Code (the "Code") Section 147(f) authorizing the issuance of tax-exempt obligations by the JPA in an amount not-to-exceed \$20,000,000. A TEFRA hearing is required by the Internal Revenue Code before tax-exempt debt can be issued for the benefit of a private nonprofit corporation. The hearing gives the public an opportunity to comment on the use of tax-exempt funds by the Borrower.

The proceeds of the Bonds will be loaned to the Borrower for the purpose of (a) financing, refinancing and/or reimbursing the cost of acquiring, construction, improving, equipping and furnishing a three-story office building with approximately 106,000 square feet located at 2934 East Garvey Avenue South, West Covina, California 91791 (the "Facility") for use as the Borrower's administrative headquarters, and (b) paying certain costs of issuance and other costs related in connection with the Bonds.

The issuance of the Bonds as tax-exempt will reduce financing costs and debt service costs for the Borrower. In order to satisfy the requirements for the obligations to be issued as tax-exempt, an

applicable elected representative which is also a member of the JPA is required to conduct the TEFRA hearing and approve the issuance of the tax-exempt obligations in accordance with Section 147(f) of the Code. The City Council of the City of West Covina constitutes an applicable elected representative under Section 147(f) of the Code.

A public notice (Attachment No. 2) of today's public hearing was published at least seven days prior to the hearing in the *San Gabriel Valley Tribune* newspaper.

If Options for Learning acquires the property, as a non-profit organization, a portion or all of the property taxes will be exempt. Taxing entities, including the City will forfeit a portion or all of the property taxes from the property. The majority of TEFRA hearings the City has held have not required removing properties off the assessor property tax roll. The following are the last two TEFRA hearings the City held:

- 2020 - Emanate Health Queen of the Valley Hospital expansion bond issuance | \$260 million
- 2019 - Cameron Park Apartments acquisition & rehabilitation of an affordable multifamily rental housing complex | \$63 million

The City's receives 37% of its general fund revenues from property taxes. The subject property currently generates approximately \$17,100 annually to the City in property taxes. The sale of the subject property will increase its value, in addition, any investment to rehabilitate the building for the Options for Learning headquarters could further increase the property's valuation. The increase in valuation could generate over approximately \$30,500 annually to the City.

Options for Learning is anticipating only a portion of the building to be utilized by non-profit, as such, only that percentage would be tax-exempt from the assessor tax roll. Options for Learning has indicated up to 60% of the property could be occupied by non-profit organizations, meaning the City would only receive 40% of property taxes from the property. To compensate the City for the loss of property tax revenues, staff is recommending the City and Options for Learning consider entering into a Payment In Lieu Of Taxes (PILOT) Agreement. A PILOT agreement is an agreement between a business development project and a municipality that allows a company to make property tax payments on an agreed schedule instead of paying the standard tax amount. The PILOT agreement takes into account the property's market value and the amount of taxes the company would actually pay if it did not have a PILOT agreement in place.

In addition, staff recommends the City seek reimbursement from Options for Learning for costs of the transaction, including the public hearing notice and legal costs associated with review and preparation of the TEFRA hearing and any documents associated with TEFRA hearing, including the PILOT agreement.

LEGAL REVIEW:

The City Attorney's Office has reviewed the resolution and approved it as to form and will review and approve the PILOT agreement as to form prior to execution.

OPTIONS:

The City Council has the following options:

1. Approve staff's recommendation; or
2. Provide alternative direction.

Prepared by: Paulina Morales, Assistant City Manager

Fiscal Impact

FISCAL IMPACT:

The TEFRA hearing has no fiscal impact to the City. The adoption of the resolution approving the financing and refinancing of the Facilities and the issuance of the Bonds complies with the requirements of Section 147(f) of the Internal Revenue Code of 1986. The City does not bear any responsibility for the tax-exempt status of the interest on the Bonds, the debt service on the Bonds or any other matter related to the Bonds.

Acquisition of the property by the non-profit organization will result in the City's loss of property tax revenues. The City currently receives approximately \$17,100 annually.

The approval of the Bonds to finance and refinance the Facilities is not subject to compliance with the California Environmental Quality Act (California Public Resources Code, Section 21100, et seq.).

Attachments

Attachment No. 1 - Resolution No. 2022-126

Attachment No. 2 - Public Hearing Notice

CITY COUNCIL GOALS & OBJECTIVES: A Well-Planned Community



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: 12/06/2022

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CODE ENFORCEMENT DIVISION UPDATE

RECOMMENDATION:

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

BACKGROUND:

The Code Enforcement Division has added several full-time officers since July 1, 2022, and it is important that the City Council and community have a full understanding of the Division and how it functions.

DISCUSSION:

Staff will present an overview of the Division's operations, procedures, and data on violations (Attachment No. 1).

OPTIONS:

It is recommended that the City Council receive and file the update from Community Development - Code Enforcement Division.

Prepared by: Milan Mrakich Code Enforcement Manager

Attachments

Attachment No. 1 - Code Enforcement Update Presentation

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Enhance City Image and Effectiveness