



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**DECEMBER 4, 2018, 7:00 PM
REGULAR MEETING**

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

**Mayor Lloyd Johnson
Mayor Pro Tem Tony Wu
Councilman Mike Spence
Councilmember James Toma
Councilman Corey Warshaw**

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 4, 2018, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Pastor Bob Hamel of West Covina Christ Lutheran Church

PLEDGE OF ALLEGIANCE

Led by Councilman Mike Spence

ROLL CALL

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.

DEPARTMENTAL REGULAR MATTERS

1) OFFICIAL ELECTION RESULTS OF THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTIONS

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

**RESOLUTION NO. 2018-135 - A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF WEST COVINA, CALIFORNIA, RECITING THE FACT
OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2018
DECLARING THE RESULTS AND SUCH OTHER MATTERS AS
PROVIDED BY LAW**

MAYOR/COUNCILMEMBERS REPORTS

None.

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.)

None.

CITY COUNCIL COMMENTS

ADJOURNMENT

Next Tentative City Council Meeting

Regular Meeting

12/18/2018

7:00 PM

RULES OF DECORUM

The following are excerpts from the West Covina Municipal Code:

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

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

Sec. 2-50. Decorum--Required.

- a. While the council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
- b. Members of the public shall not willfully disrupt the meeting or act in a manner that actually impairs the orderly conduct of the meeting. For the purposes of this code, "willfully disrupt" includes, but is not limited to, continuing to do any of the following after being warned by the Mayor that continuing to do so will be a violation of the law:
 - a. Addressing the Mayor and City Council without first being recognized.
 - b. Persisting in addressing a subject or subjects, other than that before the Mayor and City Council.
 - c. Repetitiously addressing the same subject.
 - d. Failing to relinquish the podium when directed to do so.
 - e. From the audience, interrupting or attempting to interrupt, a speaker, the Mayor, a council member, or a staff member or shouting or attempting to shout over a speaker, the Mayor, a council member or a staff member.
 - f. As a speaker, interrupting or attempting to interrupt the Mayor, a council member, or a staff member, or shouting over or attempting to shout over the Mayor, a council member, or a staff member. Nothing in this section or any rules of the council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City or of the acts or omissions of the City Council. It shall be unlawful to violate the provisions of this Section.

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

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

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

The following are excerpts from the Penal Code

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

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



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: December 4, 2018

TO: Mayor and City Council

FROM: Chris Freeland
City Manager

SUBJECT: OFFICIAL ELECTION RESULTS OF THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTIONS

RECOMMENDATION:

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

RESOLUTION NO. 2018-135 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2018 DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

DISCUSSION:

On November 6, 2018, a general and special municipal election was held in consolidation with the Los Angeles County local and municipal consolidated elections to elect three members of the City Council (Districts 2, 4 and 5) for the full term of four years; City Clerk; City Treasurer; Measure T (regarding the appointment of the City Treasurer); and Measure V (regarding the appointment of the City Clerk).

The Los Angeles County election department conducts a canvass of all election returns to verify that all ballots have been counted and accounted for. The Registrar-Recorder/County Clerk has not been able to certify the results of the election at the time this report was written. They have told the City of West Covina that the Official Canvass Certificate and the Official Statement of Votes Cast will be available on December 3, 2018. These results will be made available to the public on December 3, 2018 and presented to the City Council at the December 4, 2018 City Council Meeting. The results will be marked as "Exhibit A" to the attached resolution (Attachment No. 1), once they are made available.

The unverified results of West Covina's election states there were 52,185 registered voters in West Covina; with a total number of ballots cast of 19,585, which results in a 37.53% turnout.

The unverified results provided by the County of the votes cast, are as follows:

- City Council Second District
 - Letty Lopez 1,300
 - Mike Spence 800

- Brian Gutierrez 650
- Roger Hernandez 484
- Robert Robinson 382

Letty Lopez is elected to the City Council 2nd District for a four-year term.

- City Council Fourth District
 - **Dario Castellanos** 1,886
 - James Toma 1,634

Dario Castellanos is elected to the City Council 4th District for a four-year term.

- City Council Fifth District
 - **Tony Wu** 1,921
 - Fredrick Sykes 1,577

Tony Wu is elected to the City Council 5th District for a four-year term.

- City Clerk
 - **Nick Lewis** 8,183
 - Steven Bennett 7,742

Nick Lewis is elected to serve as City Clerk for a four-year term.

- City Treasurer
 - **Colleen Rozatti** 8,792
 - Marsha Solorio 7,096

Colleen Rozatti is elected to serve as City Treasurer for a four-year term.

- Measure T failed with 12,485 voters voting NO and 4,651 voters voting YES.
- Measure V failed with 11,592 voters voting NO and 5,450 voters voting YES.

California law requires the City Council to adopt a resolution certifying the election results. Once the election results have been certified, the City Council should proceed with the installation of the newly elected officers and the City Council reorganization.

Attachments

Nov. 6, 2018 Election Results Resolution No. 2018-135

RESOLUTION NO. 2018-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of West Covina, California, on Tuesday, November 6, 2018 as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for holding elections in General Law Cities; and

WHEREAS, the County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the whole number of ballots cast in the City of West Covina was 19,585.

SECTION 2. That the names of the persons voted for at the election for Member of the City Council are as follows:

- City Council 2nd District
 - Brian Gutierrez
 - Roger Hernandez
 - Letty Lopez
 - Robert Robinson
 - Mike Spence
- City Council 4th District
 - Dario Castellanos
 - James Toma
- City Council 5th District
 - Fredrick Sykes
 - Tony Wu

SECTION 3. That the names of the persons voted for at the election for City Clerk are as follows:

- City Clerk
 - Steven Bennett
 - Nick Lewis

SECTION 4. That the names of the persons voted for at the election for City Treasurer are as follows:

- City Treasurer
 - Colleen Rozatti
 - Marsha Solorio

SECTION 5. That the electorate also voted on two Measures, Measure T-Regarding the Appointment of the City Treasurer and Measure V-Regarding the Appointment of the City Clerk.

SECTION 6: That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measure were as listed in "Exhibit A" attached.

SECTION 7. The City Council does declare and determine that **LETTY LOPEZ** was elected as Member of the City Council (2nd District) for the full term of four years; **DARIO CASTELLANOS** was elected as Member of the City Council (4th District) for the full term of four years, **TONY WU** was elected as Member of the City Council (5th District) for the full term of four years, **NICK LEWIS** was elected as City Clerk for the full term of four years, **COLLEEN ROZATTI** was elected as City Treasurer for the full term of four years, and Measure T and Measure V failed.

SECTION 8. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) the whole number of ballots cast in the City; (2) the names of the persons voted for; (3) for what office each person was voted for; (4) the number of votes given at each precinct to each person, (5) the total number of votes given to each person, and for and against each measure.

SECTION 9. The City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the Office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 10. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on December 4, 2018

Lloyd Johnson
Mayor

ATTEST:

Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing resolution was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 4th day of December 2018, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nickolas S. Lewis
City Clerk

APPROVED AS TO FORM:

Scott Porter
City Attorney