



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**FEBRUARY 21, 2023, 7:00 PM
REGULAR MEETING**

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

**Mayor Rosario Diaz
Mayor Pro Tem Brian Tabatabai
Councilman Tony Wu
Councilwoman Letty Lopez-Viado
Councilman Ollie Cantos**

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 FEBRUARY 21, 2023, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Pastor Mason Okubo from Immanuel First Lutheran Church

PLEDGE OF ALLEGIANCE

Led by Councilwoman Lopez-Viado

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- Proclamation for Black History Month
- Air Quality Updates Presentation by South Coast Air Quality Management District – Michael Cacciotti, Governing Board Vice Chair

ORAL COMMUNICATIONS - Five (5) minutes per speaker

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

CITY MANAGER'S REPORT

City Manager's report on current City projects.

CONSENT CALENDAR

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

APPROVAL OF MEETING MINUTES

- 1) CONSIDERATION OF APPROVAL OF THE FEBRUARY 7, 2023, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE FEBRUARY 7, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.**

It is recommended that the City Council approve the February 7, 2023, Closed Session Meeting Minutes and the February 7, 2023, Regular Session Meeting Minutes.

CITY MANAGER'S OFFICE

- 2) TERMINATE THE AGREEMENT OF PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS WITH SINGPOLI BD GROUP LLC**

It is recommended that the City Council authorize the City Manager to terminate the Agreement of Purchase and Sale and Joint Escrow Instructions with Singpoli Group, LLC and any and all agreements and documents necessary including canceling escrow.

3) **CONSIDERATION OF TERMINATION OF EXCLUSIVE NEGOTIATION AGREEMENT WITH ENVISION HOTEL PARTNERS, LLC FOR THE CITY YARD PROPERTY PROJECT (811 SOUTH SUNSET AVENUE)**

It is recommended that the City Council authorize the City Manager to terminate the Exclusive Negotiation Agreement (ENA) with Envision Hotel Partners, LLC.

4) **CONSIDERATION OF RESOLUTION APPROVING A CENTRAL INVENTORY AND DECLARING CITY-OWNED PROPERTIES AS SURPLUS LAND PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54222**

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

RESOLUTION NO. 2023-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING A CENTRAL INVENTORY OF SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221, DECLARING SUCH LANDS ARE NOT NECESSARY FOR THE CITY'S USE, FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15060(C)(3), AND TAKING RELATED ACTIONS

5) **CONSIDERATION OF RESOLUTION NO. 2023-17 CONTINUING THE LOCAL EMERGENCY RELATED TO SEVERE WINTER STORMS**

Staff recommends that the City Council adopt the following resolution:

RESOLUTION NO. 2023-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THE NEED TO CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON JANUARY 11, 2023 RELATED TO SEVERE WINTER STORMS

6) **CONSIDERATION OF MAYORAL APPOINTMENTS OF CITY COUNCIL MEMBER REPRESENTATIVES TO VARIOUS ADVISORY BOARDS AND COMMITTEES**

Staff recommends that the City Council adopt the following resolution:

RESOLUTION NO. 2023-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE MAYOR'S APPOINTMENTS TO VARIOUS ADVISORY BOARDS AND COMMITTEES

7) **CONSIDERATION OF RESOLUTION NO. 2023-8 TERMINATING THE LOCAL EMERGENCY RELATING TO COVID-19**

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

RESOLUTION NO. 2023-8 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, PROCLAIMING THE TERMINATION OF THE LOCAL EMERGENCY PROCLAIMED ON MARCH 16, 2020 RELATING TO THE COVID-19 PANDEMIC

8) **CONSIDERATION OF FOURTH AMENDMENT TO RETAINER AGREEMENT FOR CITY ATTORNEY SERVICES**

It is recommended that the City Council approve the Fourth Amendment to Retainer Agreement with Jones Mayer for City Attorney services.

FINANCE DEPARTMENT

9) SECOND QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2022-23

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

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

RESOLUTION NO. 2023-7 - 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 (SECOND QUARTER FINANCIAL REPORT)

FIRE DEPARTMENT

10) CONSIDERATION OF APPOINTMENT OF A HEARING OFFICER FOR CALRECYCLE LOCAL ENFORCEMENT AGENCY PROGRAM

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

RESOLUTION NO. 2023-14 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPOINTING A HEARING OFFICER FOR APPEALS ARISING FROM THE LOCAL ENFORCEMENT AGENCY

HUMAN RESOURCES/RISK MANAGEMENT

11) CONSIDERATION OF SIDE LETTERS OF AGREEMENT FOR FIVE BARGAINING UNITS

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

RESOLUTION NO. 2023-9 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA GENERAL EMPLOYEES' ASSOCIATION

RESOLUTION NO. 2023-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA CONFIDENTIAL EMPLOYEES' ASSOCIATION

RESOLUTION NO. 2023-11 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA MAINTENANCE & CRAFTS EMPLOYEES' ASSOCIATION

RESOLUTION NO. 2023-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA MID-MANAGEMENT EMPLOYEES' ASSOCIATION

RESOLUTION NO. 2023-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA NON-SWORN EMPLOYEES' ASSOCIATION

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

- 12) **PUBLIC HEARING REGARDING CODE AMENDMENT 22-04 AND ORDINANCE NO. 2511 PERTAINING TO STANDARDS AND REQUIREMENTS FOR SHOPPING CART CONTAINMENT.**

It is recommended that the City Council conduct a public hearing and then introduce the following ordinance:

ORDINANCE NO. 2511 - AN ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 15 AND 26 OF THE WEST COVINA MUNICIPAL CODE TO AUTHORIZE DEVELOPMENT STANDARDS AND REQUIREMENTS FOR CART CONTAINMENT AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

- 13) **CONSIDERATION OF AN URGENCY ORDINANCE AND MORATORIUM PERTAINING TO DRIVE THROUGH FOOD ESTABLISHMENTS**

It is recommended that the City Council conduct a public hearing and then consider adoption, by 4/5 vote, the following ordinance:

URGENCY ORDINANCE NO. 2512 - AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 ESTABLISHING A 45-DAY TEMPORARY MORATORIUM ON THE REVIEW AND APPROVAL OF DRIVE-THROUGH RESTAURANTS/FOOD ESTABLISHMENTS WITHIN CITY LIMITS DURING THE PENDENCY OF THE CITY'S REVIEW AND ADOPTION OF PERMANENT ZONING REGULATIONS AND OBJECTIVE STANDARDS FOR SUCH USES AND DECLARING URGENCY THEREOF, AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

DEPARTMENTAL REGULAR MATTERS

- 14) **HSIP CYCLE 10 IMPROVEMENTS UPDATE - PROJECT NO. 23028**

It is recommended that the City Council receive and file the City's HSIP Cycle 10 Improvements Update.

MAYOR/COUNCILMEMBERS REPORTS

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

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

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

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

CITY COUNCIL COMMENTS

ADJOURNMENT

Next Tentative City Council Meeting

Regular Meeting

March 7, 2023

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: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF APPROVAL OF THE FEBRUARY 7, 2023, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE FEBRUARY 7, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.

RECOMMENDATION:

It is recommended that the City Council approve the February 7, 2023, Closed Session Meeting Minutes and the February 7, 2023, Regular Session Meeting Minutes.

DISCUSSION:

That the City Council adopt the attached minutes.

Prepared by: Lisa Sherrick; Assistant City Clerk

Attachments

Attachment No. 1 - 2/7/2023 Closed Session Minutes Draft

Attachment No. 2 - 2/7/2023 Regular Session Minutes Draft

CITY COUNCIL GOALS & OBJECTIVES: Enhance City Image and Effectiveness



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

FEBRUARY 7, 2023, 6:00 PM
REGULAR MEETING - CLOSED SESSION

MANAGEMENT RESOURCE CENTER 3RD FLOOR
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

Mayor Rosario Diaz
Mayor Pro Tem Brian Tabatabai
Councilman Tony Wu
Councilwoman Letty Lopez-Viado
Councilman Ollie Cantos

MINUTES

CALL TO ORDER

A Regular Session Meeting was called to order by Mayor Rosario Diaz on Tuesday, February 7, 2023, at 7:00 p.m., in the Management Resource Center Conference Room Chambers, 1444 West Garvey Avenue South, West Covina, California

ROLL CALL

Council Members

Present: Council Members Tony Wu, Letty Lopez-Viado, Ollie Cantos, Mayor Pro Tem Brian Tabatabai, Mayor Rosario Diaz

Council Members

Absent: None

ATTACHMENT NO. 1

City Staff: David Carmany City Manager, Thomas Duarte City Attorney, Roxanne Lerma Assistant City Manager, Paulina Morales Assistant City Manager, Stephanie Sikkema Finance Director, Lisa Handy, Interim Human Resources and Risk Management Director, Deputy City Attorney Jamar Boyd-Weatherby

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

None

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code § 54956.9(d)(1)

1. John Caropino v. City of West Covina, (PERB Case No. LA-CE-1617)

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Carmany, Duarte

Employee Organizations

- Confidential Employees
- Maintenance & Crafts Employees
- Non-Sworn
- W.C. Police Officers' Association
- W.C. Firefighters' Management Assoc.
- W.C. Firefighters' Association, I.A.F.F., Local 3226
- General Employees
- Mid-Management Employees
- W.C. Police Management Association

Unrepresented Employee Group

- Department Heads

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REPORTING OUT

With regard to item number, on a vote of 5-0, Council directed staff to pay Plaintiff \$55,000 and in return the Plaintiff agreed to dismiss his complaint.

ADJOURNMENT

A motion to adjourn the Closed Session Meeting was made by Mayor Diaz and the meeting was adjourned at 6:30 pm. The next regularly scheduled Closed Session City Council Meeting will be held on Tuesday February 21, 2023, at 6:00 p.m. in the Management Resource Center, 3rd Floor, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Lisa Sherrick
Assistant City Clerk

Rosario Diaz
Mayor



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**FEBRUARY 7, 2023, 7:00 PM
REGULAR MEETING**

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

**Mayor Rosario Diaz
Mayor Pro Tem Brian Tabatabai
Councilman Tony Wu
Councilwoman Letty Lopez-Viado
Councilman Ollie Cantos**

MINUTES

CALL TO ORDER

A Regular Session Meeting was called to order by Mayor Rosario Diaz on Tuesday, February 7, 2023, at 7:00 p.m., in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California

INVOCATION

Led by Pastor Samuel Martinez from Amazing Love Ministries

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Tabatabai

ROLL CALL

Present: Council Members Tony Wu, Letty Lopez-Viado, Cantos Mayor Pro Tem Brian Tabatabai, Mayor Rosario Diaz

REPORTING OUT FROM CLOSED SESSION

With regard to item number, on a vote of 5-0, Council directed staff to pay Plaintiff \$55,000 and in return the Plaintiff agreed to dismiss his complaint.

CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code § 54956.9(d)(1)

1. John Caropino v. City of West Covina, (PERB Case No. LA-CE-1617)

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Carmany, Duarte

Employee Organizations

- Confidential Employees
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- Non-Sworn
- W.C. Police Officers' Association
- W.C. Firefighters' Management Assoc.
- W.C. Firefighters' Association, I.A.F.F., Local 3226
- General Employees
- Mid-Management Employees
- W.C. Police Management Association

Unrepresented Employee Group

- Department Heads

PRESENTATIONS

- Certificate of Recognition Congratulating Assistant Chief Jim Rudroff 40 Years of Service
- Certificate of Recognition Recognizing Good Samaritan Chirag Dayal

ORAL COMMUNICATIONS - Five (5) minutes per speaker

Irma Cooper

Armando Herman

Jim Grivich

Jerri Potras

David Schwartz

Peter G

George Ogden
John Shewmaker
Colleen Rozatti
Steve Bennett
R. Robinson
JD

CITY MANAGER'S REPORT

Presentation given by Mr. Carmany.

CONSENT CALENDAR

ACTION: Motion by Councilman Cantos, Second by Councilwoman Lopez-Viado 5-0 to: Approve Consent Calendar Items 1 and 4

ACTION: Motion by Councilman Cantos, Second by Mayor Pro Tem Tabatabai 5-0 to: Approve Consent Calendar Item 2 (This item was pulled for discussion by Mayor Pro Tem Tabatabai).

ACTION: Motion by Councilman Cantos, Second by Mayor Pro Tem Tabatabai 5-0 to: Approve Consent Calendar Item 3 (This item was pulled for discussion by Councilman Cantos).

APPROVAL OF MEETING MINUTES

- 1) **CONSIDERATION OF APPROVAL OF THE JANUARY 17, 2023, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES AND THE JANUARY 17, 2023, CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES.**

Carried 5-0 to: approve the January 17, 2023, Closed Session Meeting Minutes and the January 17, 2023, Regular Session Meeting Minutes.

CITY MANAGER'S OFFICE

- 2) **CONSIDERATION OF 2023 CITY COUNCIL GOALS**

Carried 5-0 to: approve of the 2023 City Council Goals: 1) Protect Public Safety, 2) Address Homeless Issues, 3) Enhance City Image and Effectiveness, 4) Maintain Good Intergovernmental Relations, 5) Achieve Fiscal Sustainability and Financial Stability, 6) A Well-Planned Community, 7) Expand Economic Development Opportunities, 8) An Accessible Community, and 9) A Creative and Active Community. With the following additions:

- Under Protect Public Safety:

ATTACHMENT NO. 2

- By the end of the Fiscal Year provide a financial impact analyst on the Health Department.
- Schedule a presentation by the Fire Chief on his approach to reduce overtime.
- Schedule a presentation from the Police Department on body worn cameras.
- Address Homeless Issue:
 - Provide a presentation that identifies areas for transitional housing to increase bed capacities and provide 100% affordable housing.
 - Presentation on the Housing First concept with accountable measures.
- Enhance City Image and Effectiveness:
 - Have a dedicated person to manage the website.
- An Accessible Community
 - Costing to be able to have major announcements in multiple languages.

3) CONSIDERATION OF AN ORDINANCE AMENDING SECTION 2-402 OF ARTICLE VIII OF CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE RELATING TO CAMPAIGN FINANCE REGULATIONS

Carried 5-0 to: Introduce the following ordinance:

ORDINANCE NO. 2513 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 2-402 OF ARTICLE VIII OF CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE RELATING TO CAMPAIGN FINANCE REGULATIONS

COMMUNITY DEVELOPMENT

4) CONSIDERATION OF NOTICE OF COMPLETION AND RATIFICATION OF CONTRACT CHANGE ORDERS FOR WALMERADO PARK RESTROOM IMPROVEMENTS PROJECT - PROJECT NO. 22026

Carried 5-0 to: take the following actions:

1. Ratify change orders to the construction agreement with R Dependable Construction, Inc. for the Walmerado Park Restroom Improvements Project (Project No. 22026) (the "Project"), with a final contract amount of \$289,209.93; and
2. Accept work performed by R Dependable Construction, Inc. for the Project, with a final contract amount of \$289,209.93; and

3. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

END OF CONSENT CALENDAR

DEPARTMENTAL REGULAR MATTERS

POLICE DEPARTMENT

- 5) **CONSIDERATION OF RESOLUTION NO. 2023-6 APPROVING THE CALPERS EXCEPTION TO THE 180-DAY WAIT PERIOD**

ACTION: Motion by Councilwoman Lopez-Viado and Second by Councilman Cantos 5-0 to: Approve the following resolution:

RESOLUTION NO. 2023-6 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, MAKING THE REQUIRED CERTIFICATIONS AND APPROVING THE APPOINTMENT OF JUDY TURNER AS A PART-TIME RETIRED ANNUITANT PUBLIC SAFETY DISPATCHER IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 AND 21224

MAYOR/COUNCILMEMBERS REPORTS

Mayor Diaz and Councilman Cantos attended the League of California Cities conference.

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

The Council approved the following requests:

- For City Staff to honor the concerns brought forward by Ms. Irma Cooper with regards to hate speech vs. freedom of speech, specifically California Penal Code Section 422.6 and 51.7

CITY COUNCIL COMMENTS

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ADJOURNMENT

A motion to adjourn the Regular Meeting was made by Mayor Diaz, and the meeting was adjourned at 9:26 p.m. The next regularly scheduled Regular City Council Meeting will be held on Tuesday, February 21 2023, at 7:00 p.m. in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Lisa Sherrick
Assistant City Clerk

Rosario Diaz
Mayor



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: TERMINATE THE AGREEMENT OF PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS WITH SINGPOLI BD GROUP LLC

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to terminate the Agreement of Purchase and Sale and Joint Escrow Instructions with Singpoli Group, LLC and any and all agreements and documents necessary including canceling escrow.

BACKGROUND:

The City of West Covina and Singpoli BD Capital Group ("Singpoli") executed the Agreement of Purchase and Sale and Joint Escrow Instructions ("Purchase Agreement") on August 1, 2019 for the sale and lease of approximately 190-acres of property. The City and Singpoli also executed a Right of Access and Entry Agreement ("Access Agreement") on July 16, 2019.

Pursuant to the Purchase Agreement, Singpoli had a 365-day expiration of the General Contingency Period. At expiration of the General Contingency Period, Singpoli is required to provide the City with notification of satisfaction with the purchase of the property.

In order to close escrow, both Singpoli and the City were required to comply with conditions of closing pursuant to Section 7 of the Purchase Agreement. Buyer conditions included: Inspection of the Property, Review of Documents and Materials, and Satisfaction of the property. Seller conditions included: entering into a Development Agreement, completion of California Environmental Quality Act (CEQA), and entering into a Sublicense Agreement.

Due to the impacts of the worldwide COVID-19 pandemic, in July of 2020, Singpoli requested an extension of the Purchase Agreements contingency period to October 31, 2020. In exchange for the extension, Singpoli offered to have the deposit of \$405,000 become nonrefundable, waive the Seller's obligations to close escrow (buying the property "where is/as-is"). In addition, the First Amendment to the Right of Entry and Access Agreement was executed to coincide with the term of the Purchase Agreement.

DISCUSSION:

The Purchase Agreement's contingency period expired on October 31, 2022. In addition, to comply with the Surplus Land Act, the transaction had to be completed by December 31, 2022. Singpoli did not close escrow by the contingency period and escrow has lapsed.

In order to cancel escrow, the City Council needs to formally terminate the Purchase Agreement.

LEGAL REVIEW:

The City Attorney's Office will review and approve any and all necessary documents pertaining to the termination of the Purchase Agreement and closed of escrow prior to execution.

OPTIONS:

The City Council has the option to

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

CITY COUNCIL GOALS & OBJECTIVES: A Well-Planned Community
Maintain Good Intergovernmental Relations
Expand Economic Development Opportunities



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF TERMINATION OF EXCLUSIVE NEGOTIATION AGREEMENT
WITH ENVISION HOTEL PARTNERS, LLC FOR THE CITY YARD PROPERTY
PROJECT (811 SOUTH SUNSET AVENUE)**

RECOMMENDATION:

It is recommended that the City Council authorize the City Manager to terminate the Exclusive Negotiation Agreement (ENA) with Envision Hotel Partners, LLC.

BACKGROUND:

The City of West Covina owns the 8.27 acre property located at 811 South Sunset Avenue in West Covina (the "Development Site"). The Development Site includes the City yard building and facilities, the "shop" with automotive bays, Fire Station 1, two (2) compressed natural gas (CNG) facilities, and a vacant former chamber of commerce building. Currently, there are two operational facilities on the Development Site; the Fire Station 1 building was closed down, however, and the fire station has been relocated to a trailer onsite, and the City yard is also operational.

By Resolution No. 2021-93 approved on September 21, 2021, the City Council declared the Development Site surplus property under Government Code Section 54221(b). On May 10, 2021, in compliance with the Surplus Land Act (Government Code Sections 54220-54233) the City put out to open, competitive bid a Request for Qualifications/Proposal (RFQ/P) and provided all entities identified in subdivision (a) of Section 54222 pursuant to the Surplus Land Act, an invitation to participate in the competitive RFQ/P process, for the purpose of proposing a highest and best use, high quality development project.

The City received development proposals for the Development Site from three development teams; The Olson Company, City Ventures, and Meritage Homes, and ultimately did not come to agreement on price and terms with those entities.

The City also received an unsolicited proposal from Envision for the Development Site (Attachment No. 2). On June 21, 2022, the City rejected the three proposals submitted through the Surplus Land Act and selected the Envision proposal. Envision is owned by Simon Sarriedine and Frank Zarabi, who currently own and operate four (4) dealerships in West Covina as well as a hotel in the Bay Area. Mr. Zarabi owns a billion-dollar apparel company and twenty (20)+ hotels.

On August 16, 2022, the City Council authorized the City Manager to negotiate and execute an ENA with Envision Hotel Partners for the disposition of City owned property located at 811 South Sunset.

Since execution of the ENA, the City was notified by the California Department of Housing and Community Development ("HCD") that they reviewed the transaction and will not provide approval. In order to obtain HCD approval of any disposition of the site, the property will have to go through the Surplus Land Act process again.

DISCUSSION:

In order to obtain any future approval by HCD, as required pursuant to the Surplus Land Act, City staff is recommending termination of the ENA with Envision Hotel Partners, LLC and declare the property surplus. Staff has already informed Envision Hotel Partners, LLC of HCD's determination. Disposition of the City property will comply with the Surplus Land Act.

LEGAL REVIEW:

The City Attorney's Office will review and approve any and all necessary documents pertaining to the termination of the ENA prior to execution.

OPTIONS:

The City Council has the option to

1. Adopt staff's recommendation; or
2. Proceed with the ENA with Envision Hotel Partners, LLC and risk not receiving HCD approval for disposition; or
3. Provide alternative direction.

Prepared by: Paulina Morales, Assistant City Manager

CITY COUNCIL GOALS & OBJECTIVES: A Well-Planned Community
Maintain Good Intergovernmental Relations
Expand Economic Development Opportunities



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF RESOLUTION APPROVING A CENTRAL INVENTORY AND
DECLARING CITY-OWNED PROPERTIES AS SURPLUS LAND PURSUANT TO
CALIFORNIA GOVERNMENT CODE SECTION 54222**

RECOMMENDATION:

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

RESOLUTION NO. 2023-15 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING A CENTRAL INVENTORY OF SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221, DECLARING SUCH LANDS ARE NOT NECESSARY FOR THE CITY'S USE, FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15060(C)(3), AND TAKING RELATED ACTIONS

BACKGROUND:

The California Surplus Land Act ("SLA") requires local agencies to adhere to specific guidelines when disposing of surplus public land. The state law (Government Code sections 54220 - 54234) was amended in 2019 with Assembly Bill (AB) 1486 (Statutes of 2019, Chapter 664) and AB 1255 (Statutes of 2019, Chapter 661), clarifying and strengthening reporting and enforcement provisions of the SLA to promote development of affordable housing.

Pursuant to SLA, beginning April 1, 2021, local agencies shall report to California Department of Housing and Community Development (HCD) each year a "central inventory of all surplus land". The City now needs to submit the inventory to be compliant with the SLA law.

In addition, the SLA requires that prior to the City taking any action to dispose of (sell or lease) property, it must declare the property to be either "surplus land" or "exempt surplus land".

The SLA's definition of exempt surplus land includes: (a) surplus land subject to Exclusive Negotiation Agreement (ENA) or legally binding agreement, but the disposition of such land must be concluded by December of 2021; (b) land held in the Community Redevelopment Property Trust Fund subject to Exclusive Negotiation Agreement (ENA) or legally binding agreement, but the disposition of such land must be concluded by December of 2022; (c) local agency declaration for one of the following reasons: land that is transferred to another local, state or federal agency for affordable housing; small land parcels

sold to an owner of contiguous land which is less than 5,000 square feet, or less than minimum legal residential building lot size, or has no record access and is less than 10,000 square feet in area; (d) property that is subject to a valid legal restriction not imposed by the local agency that would prohibit housing (non-residential zoning is not a valid legal restriction); (e) property that is too small for residential use; (f) property that is a former street or easement that is conveyed to an adjacent property owner; and (g) property that is licensed or leased for one year or less. None of the properties on the inventory list below qualify as exempt surplus property.

If the surplus land is not exempt, the following are the steps required to comply with the SLA:

1. City Council will need to adopt a resolution declaring the properties surplus land.
2. Provide Notice of Availability ("NOA") of surplus land for lease or purchase to local entities, housing sponsors, and California Department of Housing and Community Development (HCD).
 - a. Entities have 60-days to respond to the NOA
3. If applicable, negotiate with entities desiring to purchase or lease surplus land in good faith.
 - a. The City has to comply with the minimum of 90-day negotiation period upon notice of interest by an interested housing developer; if price and terms are not agreed to, City can proceed without regard to SLA except that 15% of any new housing constructed must be restricted to affordable rents or sale price.

A Notice of Availability must be given prior to the agency "participating in negotiations to dispose of the property". As set forth in Government Code section 54222(f), "participating in negotiations" does not include the commissioning of appraisals, due diligence prior to disposition, discussions with brokers or real estate agents not representing a potential buyer, or other studies to determine value or best use of land, issuance of a request for qualifications, development of marketing materials, or discussions conducted exclusively among local agency employees and elected officials.

Notwithstanding the obligation to negotiate in good faith, the City is not required to sell or lease the property to the interested entity, or to do so for less than fair market value. The City cannot prohibit residential use of surplus land as condition of a sale or lease, nor require any design standards that would substantially negatively affect viability or affordability of developing very low to moderate income housing. If an agency fails to provide the proper notices, there is a significant penalty that requires a local agency to forfeit 30% of the purchase/lease proceeds for the first violation and 50% of the sale price for any subsequent violations.

DISCUSSION:

The City of West Covina is required to submit the City's central inventory list of all surplus land to HCD annually. Staff is recommending declaring City properties that may be considered for future development as surplus land. This will facilitate disposition of City property for future projects. The following is the list of City owned properties to be declared surplus land:

• City Yard Facility -

- APN: 8468-016-904
- Site: 8.27-acres
- Description: The City Yard facilities include the maintenance office buildings, vacant former chamber building, Fire Station #1 (anticipated to be demolished), unused automobile bays, storage buildings/warehouses, and CNG/propane fueling stations.

• Development Opportunity Site -

- APN: 8735-002-906
- Site: 71.52 acres
- Description: Undeveloped Land.
- Please note that approximately 23% of the parcel is encumbered by a deed restriction for habitat conservation/restoration. The parcel is deed restricted pursuant to the Biological Opinion dated June 5, 2003 by the United States Department of the Interior U.S. Fish and Wildlife Service.

The following is the list of City owned properties are Exempt Surplus Land and may be disposed of after 30 days from the declaration of exemption from the Surplus Land Act:

• **Development Opportunity Site -**

- APN's: 8735-001-919, 8735-001-920, 8735-001-921, 8735-001-930, 8735-001-931, 8735-002-909, and 8735-002-910
- Site: 63.77 acres
- Description: Undeveloped Land.
- These parcels listed have deed restrictions on more than 96% of the corresponding parcel, prohibiting permanent housing or requiring habitat conservation/restoration. Restrictions are pursuant to the Environmental Restriction Covenant and Agreement to Restrict Use of Property (Parcel 2) by the Department of Toxic Substance Control and the Biological Opinion dated June 5, 2003 by the United States Department of the Interior U.S. Fish and Wildlife Service.

It is recommended that the City Council 1) approve the surplus land inventory list to be submitted pursuant to Government Code section 54222 of the SLA and 2) declare the City-owned properties mentioned above as surplus land and 3) start the SLA process for those properties and 4) declare those properties mentioned above as exempt.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

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

Prepared by: Paulina Morales, Assistant City Manager

Attachments

Attachment No. 1 - Resolution No. 2023-15

CITY COUNCIL GOALS & OBJECTIVES: Maintain and Enhance City Facilities and Infrastructure
Expand Economic Development Opportunities
Enhance City Image and Effectiveness

ATTACHMENT NO. 1

RESOLUTION NO. 2023-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA APPROVING A CENTRAL INVENTORY OF SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221, DECLARING SUCH LANDS ARE NOT NECESSARY FOR THE CITY'S USE, FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15060(C)(3), AND TAKING RELATED ACTIONS

WHEREAS, the City of West Covina ("City") is the owner in fee simple of certain real Properties described in Exhibits "A" and "B," attached hereto and made a part of hereof ("Properties"); and

WHEREAS, under the Surplus Land Act, Government Code Sections 54220-54233 ("Act"), surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City's use. The land must be declared either surplus land or exempt surplus land; and

WHEREAS, under the Act, land is necessary for the City's use if the land is being used, or is planned to be used pursuant to a written plan adopted by the City Council, for City work or operations; and

WHEREAS, City staff has determined that the Properties are not suitable for the City's use; and

WHEREAS, the City Council desires to declare that the Properties are surplus land and not necessary for the City's use; and

WHEREAS, the Act requires that before the City Council disposes of the Properties or engages in negotiations to dispose of the Properties, the City shall send a written notice of availability of the Properties to certain designated entities; and

WHEREAS, the accompanying staff report provides supporting information upon which the declaration and findings set forth in this Resolution are based.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The City Council hereby finds and declares that the Properties described in the attached Exhibit A are surplus land and not necessary for the City's use. The basis for this declaration is that the Properties are underutilized, any existing facilities are at the end of their useful life and will be relocated, and the City finds that the surplus properties should be put to a more productive use.

SECTION 3. The City Council hereby finds and declares that the Properties described in the attached Exhibit B are exempt surplus land. The basis for this declaration is that the Properties listed have deed restrictions on more than 96% of the corresponding parcel, prohibiting permanent housing or requiring habitat conservation/restoration. Restrictions are pursuant to 1) the Environmental Restriction Covenant and Agreement to Restrict Use of Property (Parcel 2) by the Department of Toxic Substance Control, and 2) the Biological Opinion dated June 5, 2003 by the United States Department of the Interior U.S. Fish and Wildlife Service.

SECTION 4. The City Clerk is hereby directed to send a notice of availability, substantially in the form attached hereto as Exhibit C and made a part of hereof, to the entities designated in Government Code Section 54222 ("Designated Entities") by electronic mail or by certified mail.

SECTION 5. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"). City staff has determined that the designation of these Properties as surplus does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the Properties are sold to a purchaser and that purchaser proposes a use for the Properties that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

SECTION 6. The City Clerk is directed to file a Notice of Exemption pursuant to CEQA Guidelines Section 15062.

SECTION 7. The officers and staff of the City are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed. Such actions include negotiating in good faith in accordance with the requirements of the Act with any of the Designated Entities that submit a written notice of interest to purchase or lease the Properties in compliance with the Act.

SECTION 8. The City Clerk shall certify to the adoption of this Resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-15 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

DESCRIPTION OF SURPLUS PROPERTIES

The land in the City of West Covina, County of Los Angeles, State of California, and is described as follows:

1) **City parking lot/structures parcels at Plaza West Covina –**

APN's: 8474-003-915, 8474-003-918, 8474-003-940, 8474-007-928, 8474-007-931, 8474-007-932, 8474-007-933, 8474-007-934, 8474-007-935, 8474-007-939, 8474-007-940

Site: 21.85-acres

Description: Parking lot and parking structure parcels.

2) **City Yard Facility –**

APN: 8468-016-904

Site: 8.27-acres

Description: The City Yard facilities include the maintenance office buildings, vacant former chamber building, Fire Station #1 (anticipated to be demolished), unused automobile bays, storage buildings/warehouses, and CNG/propane fueling stations.

EXHIBIT B

DESCRIPTION OF EXEMPT SURPLUS PROPERTIES

The land in the City of West Covina, County of Los Angeles, State of California, and is described as follows:

Development Opportunity Site –

APN's: 8735-001-919, 8735-001-920, 8735-001-921, 8735-001-930, 8735-001-931, 8735-002-909, and 8735-002-910

Site: 63.77 acres

Description: Undeveloped Land.

These parcels listed have deed restrictions on more than 96% of the corresponding parcel, prohibiting permanent housing or requiring habitat conservation/restoration. Restrictions are pursuant to the Environmental Restriction Covenant and Agreement to Restrict Use of Property (Parcel 2) by the Department of Toxic Substance Control and the Biological Opinion dated June 5, 2003 by the United States Department of the Interior U.S. Fish and Wildlife Service.

EXHIBIT C
FORM NOTICE

(City Letterhead)
**NOTICE OF AVAILABILITY OF
SURPLUS LAND**

TO: Whom It May Concern
(Via Electronic Mail **[and/or]** Certified Mail)

RE: **Notice of Availability of Surplus Land in the City of West Covina Pursuant to
California Government Code Section 54220, et seq.**

Pursuant to the provisions of California Government Code Section 54220, *et seq.*, the City of West Covina hereby notifies interested parties of the availability for lease or purchase of the following surplus City-owned land:

Properties Address:
Assessor Parcel Nos.:
Zoning:
General Plan Designation:
Current Use:

[ATTACHED AERIAL IMAGE AND ASSESSOR MAP]

An entity or association desiring to purchase or lease the above-described surplus land for any of the purposes authorized by Government Code Section 54222, must notify the City in writing of its interest in purchasing or leasing the land within **60 days** of the date of this Notice of Availability as indicated by the date set forth below.

Please send written notices of interest to:
City of West Covina
Attn: City Clerk
1444 West Garvey Avenue South
West Covina, California 91790

For further information, please send e-mail inquiries to: _____, at _____;
or call _____, at _____.

By _____ Date _____



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF RESOLUTION NO. 2023-17 CONTINUING THE LOCAL EMERGENCY RELATED TO SEVERE WINTER STORMS

RECOMMENDATION:

Staff recommends that the City Council adopt the following resolution:

RESOLUTION NO. 2023-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THE NEED TO CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON JANUARY 11, 2023 RELATED TO SEVERE WINTER STORMS

BACKGROUND:

California experienced significant winter storms in January 2023.

On January 4, 2023, Governor Newsom proclaimed a state of emergency throughout California in order to support the ongoing response to the winter storms. The Governor's proclamation supports emergency relief efforts including authorizing the mobilization of the California National Guard to support disaster response, directing Caltrans to request immediate assistance through the Federal Highway Administration's Emergency Relief Program to support highway repairs and other support for local response and recovery efforts.

On January 8, 2023, President Biden declared that an emergency exists in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding, and mudslides beginning on January 8, 2023, and continuing.

On January 10, 2023, Los Angeles County proclaimed a local emergency due to the winter storms.

On January 11, 2023, the Acting City Manager, acting in the capacity of the City's Acting Director of Emergency Services, proclaimed a local emergency as authorized by Government Code section 8630 and West Covina Municipal Code section 8-7(a)(1) related to the severe winter storms.

The City Council ratified the local emergency proclamation on January 17, 2023.

Section 8-7(a)(2) of the West Covina Municipal Code empowers the City Manager, as the Director of

Emergency Services, to request that the City Council review the need for continuing the local emergency at least once every thirty (30) days until the City Council terminates the local emergency.

DISCUSSION:

The City has submitted its Proclamation of Local Emergency to the Governor's Office of Emergency Services (Cal OES) and request for state and federal assistance as a result of the severe winter storms.

As staff is still processing claims associated with the severe winter storms, staff is requesting that the City Council determine there is a need to continue this local emergency.

LEGAL REVIEW:

The City Attorney's Office has reviewed and approved the proposed resolution 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 - Resolution No. 2023-17

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety

RESOLUTION NO. 2023-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, DETERMINING THE NEED
TO CONTINUE THE LOCAL EMERGENCY PROCLAIMED
ON JANUARY 11, 2023 RELATED TO SEVERE WINTER
STORMS**

WHEREAS, the California Emergency Services Act (Government Code Section 8550 et seq.), authorizes the City Council, or an official designated by ordinance of the City Council, to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, if the City Council is not in session, West Covina Municipal Code Section 8-7 empowers the City Manager, as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity which is, or is likely to be, beyond the control of the services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat; and

WHEREAS, in January 2023, as a result of a series of atmospheric river systems, the City of West Covina was impacted by high winds, substantial precipitation, and flooding; and

WHEREAS, on January 11, 2023, the Acting City Manager, as the City's Acting Director of Emergency Services, proclaimed a local emergency as authorized by Government Code section 8630 and West Covina Municipal Code section 8-7(a)(1); and

WHEREAS, on January 17, 2023, the City Council adopted Resolution No. 2023-5, ratifying the Acting City Manager's proclamation as required by Government Code section 8630(b) and West Covina Municipal Code section 8-7(a)(1); and

WHEREAS, Section 8-7(a)(2) of the West Covina Municipal Code empowers the City Manager to request that the City Council review the need for continuing the local emergency at least once every 30 days until the City Council terminates the local emergency; and

WHEREAS, the City has submitted its Proclamation of Local Emergency to the Governor's Office of Emergency Services (Cal OES) and request for state and federal assistance as a result of the severe winter storms. Staff is still processing claims associated with the severe winter storms; and

WHEREAS, the City Manager has requested that the City Council review the need

for continuing the local emergency in accordance with Section 8-7(a)(2) of the West Covina Municipal Code, and determine there is a need to continue the local emergency in order to keep the City's request with Cal OES active.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA,
CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The City Council has reviewed the need for continuing the local emergency as required by West Covina Municipal Code section 8-7(a)(2), and determines, based on the foregoing recitals, that there is a need to continue the local emergency.

SECTION 2. This local emergency shall continue to exist until the City Council proclaims the termination of the local emergency. The City Council shall review the need for continuing the local emergency in the manner required by law.

SECTION 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-17 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF MAYORAL APPOINTMENTS OF CITY COUNCIL MEMBER
REPRESENTATIVES TO VARIOUS ADVISORY BOARDS AND COMMITTEES**

RECOMMENDATION:

Staff recommends that the City Council adopt the following resolution:

**RESOLUTION NO. 2023-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST
COVINA, CALIFORNIA, APPROVING THE MAYOR'S APPOINTMENTS TO VARIOUS
ADVISORY BOARDS AND COMMITTEES**

BACKGROUND:

The City of West Covina is a member of various organizations dedicated to serving the interests of local government in the region, in the State of California, and in the nation. West Covina is also a member of a number of joint powers agencies and other entities, which require an appointment of a member to their governing bodies. Annually the Mayor appoints members to the advisory bodies and boards as necessary.

DISCUSSION:

The advisory boards/committees are as follows:

Audit Committee
City/School Cooperative Committee
Community Services Group
Foothill Transit Board
Hurst Ranch
Los Angeles County/City Selection Committee
San Gabriel Valley Council of Governments
Sanitation District Board
Southern California Association of Governments
San Gabriel Valley Mosquito and Vector Control District

Participation in these activities is significantly important to the City, in that the policies and decisions of these bodies may directly affect the interest of the City. Stipends, meeting times, and meeting locations

are subject to change by the individual agencies. A brief description of the advisory boards is contained in Attachment No. 2.

According to Section 5-b of the City Council Standing Rules, appointments of City Council Members to these organizations are based upon selection by the Mayor, whose selections are subject to confirmation by the City Council as a whole:

“It shall be the prerogative of the Mayor, taking into consideration relative length of Council service, individual Council Member preference and equivalency, to assign individual Council Members to various committees.”

Mayor Diaz has announced her appointments to the various external advisory boards, for confirmation by the City Council. Exhibit A of Resolution 2023-16 contains the list of appointees and alternates.

Councilman Cantos has elected to volunteer on the San Gabriel Valley Council of Governments Homelessness and Energy, Environmental and Natural Resources Committees.

Former Council Member Lloyd Johnson is the City's representative on the San Gabriel Valley Mosquito & Vector Control District Board of Trustees. His term ends on December 31, 2023.

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. Confirm the Mayor's appointments to the various organizations described in the staff report; or
2. Provide alternative direction.

Prepared by: Lisa Sherrick; Assistant City Clerk

Additional Approval: David Carmany, City Manager

Attachments

Attachment No. 1 - Resolution No. 2023-16

Attachment No. 2 - Committee Descriptions

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

RESOLUTION NO. 2023-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, APPROVING THE
MAYOR'S APPOINTMENTS TO VARIOUS ADVISORY
BOARDS AND COMMITTEES**

WHEREAS, the City of West Covina participates with various local and regional advisory boards and committees that benefit the City's interests; and

WHEREAS, pursuant to the City Council's Standing Rules, the Mayor annually appoints City Council Members to serve as members and alternates to such advisory boards and committees; and

WHEREAS, the City Council desires to approve the Mayor's appointments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby approves the appointments set forth in the attached Exhibit A.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

SECTION 3. The City Clerk shall transmit a certified copy of this resolution as required.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-16 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

COUNCIL LIAISON APPOINTMENTS

**CITY OF WEST COVINA
2023 COUNCIL LIAISON APPOINTMENTS TO
ADVISORY BOARDS AND COMMITTEES**

ORGANIZATION	CONTACT INFORMATION/MEETING LOCATION	MEETING DATE AND TIME	REPRESENTATIVE	ALTERNATE
Audit Committee <ul style="list-style-type: none"> No stipend issued. Both Positions are Representatives Form 700 filing required 	West Covina City Hall/MRC	At least annually, with additional meetings as needed	Cantos	Diaz
City/School Cooperative Committee <ul style="list-style-type: none"> No stipend issued. Both Positions are Representatives No 700 filing required 	West Covina City Hall/MRC	Day TBD in May and October, 4:30 p.m.	Tabatabai	Lopez-Viado
Community Service Group <ul style="list-style-type: none"> No stipend issued. Both Positions are Representatives No 700 filing required 		Every other month, on the third Wednesday of the month	Tabatabai	Lopez-Viado
Foothill Transit Board <ul style="list-style-type: none"> \$161 stipend per meeting Form 700 filing required 	100 S. Vincent Ave., Suite 200 West Covina, CA 91790 Main No.: (626) 967-3147 Contact Person: Christina Lopez (626) 931-7204 clopez@foothilltransit.org	As needed and for annual meeting in May	Diaz	Lopez-Viado
Hurst Ranch <ul style="list-style-type: none"> No stipend issued. Both Positions are Representatives No 700 filing required 	1227 S. Orange Ave. West Covina, CA 91790 Main No.: (626) 962-8056	Last Monday of the month, 10:00 a.m.	Lopez-Viado	Diaz

Los Angeles County/City Selection Committee <ul style="list-style-type: none"> No stipend issued 	Meetings held at different locations.	As needed	Diaz (Mayor automatic appointment)	Lopez-Viado
San Gabriel Valley Council of Governments (SGV COG) <ul style="list-style-type: none"> \$75 stipend per month regardless of the number of meetings Form 700 filing required AB 1234 filing required 	1000 S. Fremont Ave., Unit 42 Alhambra, CA 91803 Main No. (626) 457-1800 Contact Person: Stefanie Hernandez sgv@sgvcog.org Meeting Location: Upper SGV Muni. Water 602 E. Huntington Drive Monrovia, CA 91016	3 rd Thursday, 6:00 p.m.	Wu	Lopez-Viado
Sanitation District Board <ul style="list-style-type: none"> \$125 stipend per meeting. NOTE: West Covina falls within three districts, therefore, the City's liaison attends 3 district meetings for \$375 Form 700 filing required AB 1234 filing required 	Sanitation Districts of Los Angeles County 1955 Workman Mill Road Whittier, CA 90601 Main No.: (562) 908-4288 Fax: (562) 908-4278 Contact Person: Michael Hsu, Ext. 1112	4 th Wednesday of the month, 1:30 p.m.	Diaz (Mayor automatic appointment) District 15, 21, 22	Lopez-Viado
Southern California Association of Governments (SCAG) <ul style="list-style-type: none"> Form 700 filing required AB 1234 filing required 	818 W. Seventh St., 12th Floor Los Angeles, CA 90017 Main No.: (213) 236-1800 Contact Person: Tess Rey rey@scag.ca.gov	Annual Regional Conference in May	Lopez-Viado	Diaz

City Council Liaison Committee Descriptions

1. Audit Committee

Established in 2015, the Audit Committee's purpose is to assist the City Council in discharging its responsibilities for the overall stewardship of the City's financial affairs. This will include reviewing financial information; ascertaining the existence and adequacy of accounting and internal control systems and related safeguards over the City's assets; and overseeing the audit function.

Stipend: None

2. City/School Cooperative Committee

Meets with the various school districts serving West Covina to address mutual needs and concerns facing the City or school districts.

Stipend: None

3. Community Service Group

The Community Service Group meets quarterly with various service groups and non-profit organizations in the City of West Covina, in an effort to bring together many of the civic and volunteer organizations in the community to promote, partner, educate, sharing resources and combine efforts to benefit the West Covina community. Group also works together on the City's Annual Community Service Day.

Stipend: None

4. Foothill Transit Board

Foothill Transit was established in 1988 as a public / private partnership that annually serves over 17 million passengers in the San Gabriel and Pomona Valleys, operates 36 fixed-route local, express and rail-feeder lines, and covers 327 square miles. Foothill Transit's Governing Board is divided into Four Clusters, with the City of West Covina represented in Cluster 2 with the cities of Azusa, Baldwin Park, Covina, Glendora, and Irwindale. Those selected by the City, serve on the Governing Board and meet annually or as needed.

In addition, Foothill Transit has an Executive Board that is governed by five members, with four members elected by each cluster, and a fifth member appointed by the Los Angeles County Board of Supervisors. Committee provides oversight of Foothill Transits operations and provides recommendations on improving bus service to the valleys. Governing Board has an annual meeting in May and meets as needed. Executive Board Members are selected by the Governing Board, and meet the last Friday of each month.

Stipend: Governing Board receives \$161 per meeting.

5. Hurst Ranch

According to Article IV of the Hurst Ranch Historical Foundation Articles of Incorporation, the City Council is to designate two Councilmembers to sit on the Hurst Ranch Historical Foundation Board of Directors, and be responsible for overseeing the investments of the Foundation.

Stipend: None

6. Los Angeles County/City Selection Committee

Mayor serves on this Committee that appoints City representatives to such boards, commissions and agencies as may be required by law; i.e., LAFCO, South Coast Air Quality Management District, Los Angeles County Metropolitan Transportation Authority, Los Angeles County Hazardous Waste Management Advisory Committee; and to nominate for appointment members to the California Coastal Commission.

Stipend: None

7. San Gabriel Valley Council of Governments

Coalition of cities from the San Gabriel Valley seeking the Valley's 'fair share' of scarce Federal, State and Local resources by fostering consensus among cities in the San Gabriel Valley regarding policies and programs that address issues relating to land use, air quality, transportation, solid waste, and other matters deemed essential to our cities.

Stipend: \$75 per month regardless of the number of meetings.

8. San Gabriel Valley Mosquito Abatement District

Assists cities in managing or eliminating mosquito breeding areas, and responding to complaints about mosquitoes or mosquito-like insects (i.e. bees) in the District. There is no alternate for this committee. Liaison is selected to serve a two-year term.

Stipend: \$100 per month regardless of the number of meetings.

9. Sanitation District Board

The County Sanitation Districts of Los Angeles County (Districts) are a confederation of independent special districts serving the wastewater and solid waste management needs of Los Angeles County.

Stipend: \$125 per meeting. West Covina falls within three districts, therefore, our liaison attends 3 district meetings for \$375 (per meeting).

10. Southern California Association of Governments (SCAG)

Serves as the functioning Metropolitan Planning Organization for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura and Imperial. The SCAG is mandated by the federal government to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. City of West Covina is allowed to select a representative and alternate to attend the Annual General Assembly Meeting. To serve on the various policy committees, a Councilmember needs to be selected and confirmed by the San Gabriel Valley Council of Governments. Stipends are paid if a Councilmember is selected to serve on a policy committee.

Stipend: None



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF RESOLUTION NO. 2023-8 TERMINATING THE LOCAL
EMERGENCY RELATING TO COVID-19**

RECOMMENDATION:

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

**RESOLUTION NO. 2023-8 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST
COVINA, CALIFORNIA, PROCLAIMING THE TERMINATION OF THE LOCAL EMERGENCY
PROCLAIMED ON MARCH 16, 2020 RELATING TO THE COVID-19 PANDEMIC**

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.

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, November 15, 2022, December 6, 2022 and January 17, 2023.

Government Code Section 8630(d) requires the City Council to proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

DISCUSSION:

On February 10, 2023, the LA County Health Department reported that Los Angeles County remained at the Low Community Level on the Centers for Disease Control and Prevention's (CDC) COVID-19 framework for the fourth consecutive week.

Los Angeles County's local emergency and public health emergency remain in effect. The State of California's State of Emergency is scheduled to end on February 28, 2023.

Staff believes conditions warrant termination of the local emergency. Pursuant to the proposed resolution, the local emergency will terminate on February 28, 2023.

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. 2023-8

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

RESOLUTION NO. 2023-8

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, PROCLAIMING THE
TERMINATION OF THE LOCAL EMERGENCY
PROCLAIMED ON MARCH 16, 2020 RELATING TO THE
COVID-19 PANDEMIC**

WHEREAS, the California Emergency Services Act (Government Code section 8550 et seq.) authorizes the City Council, or an official designated by ordinance adopted by the City Council, to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, West Covina Municipal Code section 8-7(a)(1) empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, on March 16, 2020, the City Manager declared a local emergency as authorized by Government Code section 8630(a) and West Covina Municipal Code section 8-7(a)(1) through Proclamation No. 2020-01 due to the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. 2020-19, ratifying the City Manager's proclamation as required by Government Code section 8630(b) and West Covina Municipal Code section 8-7(a)(1); and

WHEREAS, Section 8-7(a)(2) of the West Covina Municipal Code empowers the City Manager to request that the City Council review the need for continuing the local emergency at least once every 30 days until the City Council terminates the local emergency; and

WHEREAS, at the time the City Council ratified the proclamation, the World Health Organization (WHO) reported, as of March 15, 2020, 153,517 confirmed cases of COVID-19 globally, 5,735 of which resulted in death. On February 10, 2023, the WHO reported a total of 755,385,709 confirmed cases globally, 6,833,388 of which resulted in death; and

WHEREAS, at the time the City Council ratified the proclamation, the California Department of Public Health (CDPH) reported that, as of March 15, 2020, there were 335 confirmed cases of COVID-19 in California, six (6) of which resulted in death. On February 9, 2023, CDPH reported that, as of February 7, 2023, there were a total of 11,061,732 confirmed cases in California, 99,694 of which resulted in death; and

WHEREAS, at the time the City Council ratified the proclamation, the Los Angeles County Department of Public Health ("LA County Health Department") reported that, as

of March 15, 2020, Los Angeles County had 69 confirmed cases, including one (1) death and one (1) confirmed case at West Covina High School. On February 10, 2023, the LA County Health Department reported that, as of February 9, 2023, Los Angeles County had a total of 3,687,409 confirmed cases, 35,425 of which resulted in death; and

WHEREAS, as of February 9, 2023, the LA County Health Department reported a total of 38,933 confirmed cases in the City of West Covina, 406 of which resulted in death; and

WHEREAS, on April 7, 2020, the City Council adopted Resolution No. 2020-22, determining there was a need to continue the local emergency and confirming the written orders and regulations promulgated by the City Manager; and

WHEREAS, on May 5, 2020, the City Council adopted Resolution No. 2020-41, determining there was a need to continue the local emergency and confirming the written orders and regulations promulgated by the City Manager; and

WHEREAS, on June 2, 2020, the City Council adopted Resolution No. 2020-45, determining there was a need to continue the local emergency; and

WHEREAS, on June 23, 2020, the City Council adopted Resolution No. 2020-68, determining there was a need to continue the local emergency; and

WHEREAS, on July 21, 2020, the City Council adopted Resolution No. 2020-85, determining there was a need to continue the local emergency; and

WHEREAS, on August 18, 2020, the City Council adopted Resolution No. 2020-91, determining there was a need to continue the local emergency and confirming a written order promulgated by the City Manager; and

WHEREAS, on September 15, 2020, the City Council adopted Resolution No. 2020-96, determining there was a need to continue the local emergency; and

WHEREAS, on October 6, 2020, the City Council adopted Resolution No. 2020-101, determining there was a need to continue the local emergency; and

WHEREAS, on October 20, 2020, the City Council adopted Resolution No. 2020-105, determining there was a need to continue the local emergency and clarifying the City Manager's emergency powers; and

WHEREAS, on November 17, 2020, the City Council adopted Resolution No. 2020-116, determining there was a need to continue the local emergency; and

WHEREAS, on December 1, 2020, the City Council adopted Resolution No. 2020-118, determining there was a need to continue the local emergency and providing that, notwithstanding the requirements of West Covina Municipal Code section 8-7(a)(2), due to the City Council's meeting schedule, the next regular meeting at which the City Council

would consider the need to continue the local emergency would be January 19, 2021; and

WHEREAS, on January 19, 2021, the City Council adopted Resolution No. 2021-01, determining there was a need to continue the local emergency; and

WHEREAS, on February 16, 2021, the City Council adopted Resolution No. 2021-12, determining there was a need to continue the local emergency; and

WHEREAS, on March 16, 2021, the City Council adopted Resolution No. 2021-17, determining there was a need to continue the local emergency; and

WHEREAS, on April 6, 2021, the City Council adopted Resolution No. 2021-25, determining there was a need to continue the local emergency; and

WHEREAS, on May 4, 2021, the City Council adopted Resolution No. 2021-49, determining there was a need to continue the local emergency; and

WHEREAS, on June 1, 2021, the City Council adopted Resolution No. 2021-65, determining there was a need to continue the local emergency; and

WHEREAS, on June 15, 2021, the City Council adopted Resolution No. 2021-72, determining there was a need to continue the local emergency; and

WHEREAS, on July 6, 2021, the City Council adopted Resolution No. 2021-76, determining there was a need to continue the local emergency; and

WHEREAS, on July 20, 2021, the City Council adopted Resolution No. 2021-86, determining there was a need to continue the local emergency; and

WHEREAS, on August 17, 2021, the City Council adopted Resolution No. 2021-91, determining there was a need to continue the local emergency; and

WHEREAS, on September 7, 2021, the City Council adopted Resolution No. 2021-92, determining there was a need to continue the local emergency; and

WHEREAS, on October 5, 2021, the City Council adopted Resolution No. 2021-99, determining there was a need to continue the local emergency; and

WHEREAS, on November 2, 2021, the City Council adopted Resolution No. 2021-101, determining there was a need to continue the local emergency; and

WHEREAS, on December 7, 2021, the City Council adopted Resolution No. 2021-116, determining there was a need to continue the local emergency; and

WHEREAS, on January 4, 2022, the City Council adopted Resolution No. 2022-07, determining there was a need to continue the local emergency; and

WHEREAS, on February 1, 2022, the City Council adopted Resolution No. 2022-14, determining there was a need to continue the local emergency; and

WHEREAS, on March 1, 2022, the City Council adopted Resolution No. 2022-21, determining there was a need to continue the local emergency; and

WHEREAS, on April 5, 2022, the City Council adopted Resolution No. 2022-29, determining there was a need to continue the local emergency; and

WHEREAS, on May 3, 2022, the City Council adopted Resolution No. 2022-38, determining there was a need to continue the local emergency; and

WHEREAS, on June 7, 2022, the City Council adopted Resolution No. 2022-58, determining there was a need to continue the local emergency; and

WHEREAS, on July 5, 2022, the City Council adopted Resolution No. 2022-79, determining there was a need to continue the local emergency; and

WHEREAS, on July 19, 2022, the City Council adopted Resolution No. 2022-84, determining there was a need to continue the local emergency; and

WHEREAS, on August 16, 2022, the City Council adopted Resolution No. 2022-87, determining there was a need to continue the local emergency; and

WHEREAS, on September 20, 2022, the City Council adopted Resolution No. 2022-96, determining there was a need to continue the local emergency; and

WHEREAS, on October 18, 2022, the City Council adopted Resolution No. 2022-102, determining there was a need to continue the local emergency; and

WHEREAS, on November 15, 2022, the City Council adopted Resolution No. 2022-112, determining there was a need to continue the local emergency; and

WHEREAS, on December 6, 2022, the City Council adopted Resolution No. 2022-121, determining there was a need to continue the local emergency; and

WHEREAS, on January 17, 2023, the City Council adopted Resolution No. 2023-4, determining there was a need to continue the local emergency; and

WHEREAS, Government Code section 8630(d) requires the City Council to proclaim the termination of the local emergency at the earliest possible date that conditions warrant; and

WHEREAS, on February 10, 2023, the LA County Health Department reported that Los Angeles County remained in the Centers for Disease Control and Prevention's (CDC) Low COVID-19 Community Level for the fourth consecutive week; and

WHEREAS, California's COVID-19 State of Emergency is scheduled to end on February 28, 2023; and

WHEREAS, the City Council has determined that the conditions of extreme peril presented by the spread of COVID-19 have been abated to such a degree as to warrant the termination of the local emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby proclaims that the local emergency that was declared by the City Manager on March 16, 2020 and ratified by the City Council on March 17, 2020 relating to the COVID-19 pandemic shall terminate on February 28, 2023.

SECTION 2. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-8 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF FOURTH AMENDMENT TO RETAINER AGREEMENT FOR CITY ATTORNEY SERVICES

RECOMMENDATION:

It is recommended that the City Council approve the Fourth Amendment to Retainer Agreement with Jones Mayer for City Attorney services.

BACKGROUND:

A city attorney is an important position in municipal government. The City Attorney is the attorney representing the municipality. Unlike a district attorney or public defender, who handles criminal cases, a city attorney generally handles civil cases, advising the city on legal matters and representing it in court. City attorneys may advise city officials on a wide range of city business, ranging from nuisances to tax law to municipal annexations. A City Attorney also advises the City Council, the city's legislative body, on the legality of proposed actions and assists in the drafting of city ordinances and resolutions. The client of the City Attorney is the City, and the City Attorney reports to the City Council. In West Covina, the position of City Attorney is a part-time position. Services are provided on a contractual basis through a retainer agreement.

The City Attorney is appointed by the City Council and provides legal counsel and assistance to the City Council, City Manager, and all City Departments. The City Attorney represents and advises the City Council, boards and commissions, officers and employees in all matters of law pertaining to their offices and official activities; prepares all proposed ordinances, resolutions and amendments; prepares or approves the form of all other legal documents and represents the City in certain litigation matters to which the City is a party.

Jones Mayer has been serving as the City of West Covina's City Attorney since August 2014. The firm has over 40 attorneys providing a range of City Attorney services. The City of West Covina is served by a City Attorney and an Assistant City Attorney and Deputy City Attorneys to serve as backups to the City Attorney. Other attorneys in the firm specialize in various topics related to municipal government, including but not limited to, employment, litigation and land use. The agreement with Jones Mayer provides for an annual increase according to the Consumer Price Index (CPI).

In 2019, the City and Jones Mayer amended the agreement to extend the term through August 2020 and include automatic month-to-month extensions until the agreement is terminated; added a monthly credit

of \$5,000 on the City's litigation invoice; and provide for a monthly flat retainer of \$30,000 for all general legal services (which do not include litigation) in order to reduce the City's costs. Although these cost reductions were intended to be short-term measures, they have remained in effect since August 2019.

DISCUSSION:

In an effort to work with the City due to its financial constraints, Jones Mayer has not requested or received any increases to its rates since 2014, except for a minor increase in its litigation rate, from \$205 per hour to \$211 per hour, in 2017. The current and proposed rates are set forth in Chart 1 below.

Chart 1. Comparison of Current and Proposed Rates

Description	Current Rate	Proposed Rate
General Legal Services	\$30,000 per month	\$40,000 per month
Successor Agency Non-Litigation Services	\$195/hour	\$242/hour
Litigation, Special Legal Services and Code Enforcement	\$211/hour	\$255/hour
Law Clerk and Paralegal Services	\$100/hour	\$124/hour

The proposed amendment also designates Brittany Roberto as Assistant City Attorney and removes the \$5,000 monthly credit to litigation invoices due to California Joint Powers Insurance Authority (CJPIA) taking on the majority of the City's litigation matters as of July 1, 2020 pursuant to the City's agreement with CJPIA.

Jones Mayer bills an average of 205 hours per month for general legal services. At the existing \$30,000 flat rate for these services, Jones Mayer's hourly rate is approximately \$146.34 per hour. At the proposed \$40,000 flat rate for these services, Jones Mayer's hourly rate would increase to approximately \$195.12 per hour.

Prepared by: Stephanie Sikkema, Finance Director

Fiscal Impact

FISCAL IMPACT:

Based on the annual increase in CPI since 2016, staff proposes a 24% increase to the hourly rates. The proposed rates would still be below the current rates the City has pays other legal firms (ranges between \$315 to \$871 per hour). Table 1 below provides the estimated fiscal impact of the proposed increases. If approved, this would be incorporated in a future budget amendment. Before transfers out, the General Fund has an estimated excess revenue less expenditures of over \$430,000.

Table 1. Estimated fiscal impact of proposed amendment.

Service	Account No.	FY2022-23 Budget	Estimated Fiscal Impact		
			FYE 2023	FYE 2024	FYE 2025
Legal Services	110.11.1140.6111	83,200	200,000	200,000	200,000
Litigation Services	110.11.1140.6113	91,800	50,000	70,000	70,000
City Attorney Retainer	110.11.1140.6178	360,000	410,000	480,000	480,000
TOTAL		\$535,000	\$660,000	\$750,000	\$750,000

Attachments

Attachment No. 1 - Fourth Amendment to Retainer Agreement

Attachment No. 2 - Third Amendment Jones & Mayer

Attachment No. 3 - Second Amendment Jones & Mayer

Attachment No. 4 - First Amendment Jones & Mayer

Attachment No. 5 - Jones & Mayer Original Agreement

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

**FOURTH AMENDMENT TO
RETAINER AGREEMENT FOR
CITY ATTORNEY SERVICES
CITY OF WEST COVINA**

THIS FOURTH AMENDMENT TO RETAINER AGREEMENT FOR CITY ATTORNEY SERVICES ("Fourth Amendment") is entered into as of February 21, 2023 ("Effective Date") between the CITY OF WEST COVINA, a municipal corporation ("City") and RICHARD D. JONES, A PROFESSIONAL LAW CORPORATION DBA JONES MAYER ("Jones Mayer"). The City and Jones Mayer are collectively referred to herein as the "Parties".

RECITALS

- A. The Parties entered into a Retainer Agreement for City Attorney Services dated August 18, 2014 ("Agreement").
- B. The Agreement had an initial term of August 19, 2014 through August 19, 2017.
- C. The Parties amended the Agreement to extend the term for two (2) additional years, to August 19, 2019, and to designate a City Prosecutor through the First Amendment to the Agreement, dated March 21, 2017 (the "First Amendment").
- D. The Parties amended the Agreement to name a new City Attorney and new Assistant City Attorneys through the Second Amendment to the Agreement, dated October 16, 2018 (the "Second Amendment").
- E. The Parties amended the Agreement to name Thomas P. Duarte as City Attorney, to extend the term through August 19, 2020, with automatic month-to-month extensions thereafter until terminated, to provide for annual performance evaluations, to add attendance at monthly meetings of the Risk Management Team to the Scope of Work, and to provide for a monthly flat retainer of \$30,000 for all general legal services and a monthly credit of \$5,000 on City's litigation invoices to reduce the City's costs.
- F. Pursuant to Section 3.F of the Agreement, the retainer rate and hourly rates are subject to annual adjustments to reflect any increase in the cost of living based on the Consumer Price Index increase for the prior year utilizing the standard established by the Bureau of Labor Statistics of the U.S. Department of Labor for all urban consumers for the Los Angeles, Riverside and Orange County areas, not to exceed 5% per year.
- G. In an effort to work with the City due to its financial constraints, Jones Mayer has not requested or received any increases to its rates since 2014, except for a minor increase in its litigation rate, from \$205 per hour to \$211 per hour, in 2017.

- H. Jones Mayer's current rates are as follows: \$30,000 flat monthly retainer for general legal services, \$211 per hour for litigation, special legal services and code enforcement, \$195 per hour for Successor Agency non-litigation legal services, and \$100 per hour for law clerk and paralegal services.
- I. The Parties now desire to increase the retainer rate and hourly rates as set forth herein and to designate Brittany E. Roberto as Assistant City Attorney.
- J. The Agreement, First Amendment, Second Amendment and Third Amendment are collectively referred to in this Fourth Amendment as the "Agreement."

NOW, THEREFORE, the Parties hereto mutually agree as follows:

- 1. Subsection B of Section 1 of the Agreement shall be amended to read as follows:

B. Brittany E. Roberto, also of Jones Mayer, is designated and appointed as the Assistant City Attorney and shall serve in the City Attorney's absence. The City Attorney may also appoint such attorneys from Jones Mayer as the City Attorney deems appropriate to serve as deputy city attorneys for the City.

- 1. Effective March 1, 2023, subsections A, B, C and D of Section 3 of the Agreement shall be amended to read as follows:

A. General Legal Services

The City shall pay Jones Mayer a flat monthly retainer for all general legal services outlined herein and in Jones Mayer's Proposal, incorporated by this reference as if fully set forth herein. All costs and expenses, except for those as set forth in Section 3.E below, shall be deemed included in this monthly fee. The monthly retainer fee shall be as set forth in the fee schedule attached hereto as Exhibit A ("Fee Schedule").

B. Successor Agency Services.

Successor Agency services are those services which pertain to the dissolution of the redevelopment agency and are not included in the monthly retainer amount. This includes, but is not limited to, providing analysis, research, and support concerning dissolution of the City's redevelopment agency by providing legal advice to staff, review of all documents generated, and interactions with the California Department of Finance. This also includes attendance at Successor Agency and Oversight Board meetings and any meet and confer conferences that may be necessary. City shall pay Jones Mayer for Successor Agency non-litigation services in accordance with the Fee Schedule set forth in Exhibit A.

C. Litigation, Special Legal Services and Code Enforcement

Litigation, special legal service matters approved by the City Manager and/or City Council and code enforcement/city prosecution are not included in the monthly retainer amount. Special legal services include those matters which present unique legal and/or factual issues. Special legal services differ from general legal services in that they are of an irregular non-recurring basis. Examples include all litigation, whether civil or criminal, City Authority or Successor Agency work that is of unusual complexity or requiring an extraordinary dedication of attorney time, as determined by the City Manager or City Council, such as Environmental Impact Reports or other complex environmental work, initiatives, interagency conflicts/issues, negotiation and drafting of owner participation agreements or disposition or development agreements, comprehensive General Plan updates, or to the entire Zoning Code, complex or novel ordinances, etc. The City Attorney will not unilaterally designate any matter as a special project. For any "special" matter, we will first obtain approval from the City Manager or City Council and we will provide a proposed budget for said work. City shall pay Jones Mayer for litigation, special legal services and code enforcement/city prosecution services in accordance with the Fee Schedule set forth in Exhibit A. All costs and expenses, except for those set forth in Section 3.E. below, shall be deemed included in Jones Mayer's hourly billing rates. With the approval of the City, the City Attorney may contract directly with other law firms or consultants on an as-needed basis to effectuate the purposes of this Agreement.

D. [Intentionally Omitted]

2. The Agreement shall be amended to replace Exhibit A with the Exhibit A attached hereto.

3. All references within the Agreement to "Jones & Mayer" shall be amended to read "Jones Mayer".

4. All other terms, conditions, and provisions of the Agreement, as amended, not in conflict with this Fourth Amendment shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the Parties have executed this Fourth Amendment as of the date set forth above.

CITY OF WEST COVINA

JONES MAYER

Rosario Diaz, Mayor

Richard D. Jones, Owner

ATTEST:

Lisa Sherrick, Assistant City Clerk

EXHIBIT A
FEE SCHEDULE

DESCRIPTION	RATE
General Legal Services	\$40,000.00 per month
Successor Agency Non-Litigation Services	\$242.00 per hour
Litigation, Special Legal Services and Code Enforcement	\$255.00 per hour
Law Clerk and Paralegal Services	\$124.00 per hour

**THIRD AMENDMENT TO
RETAINER AGREEMENT FOR
CITY ATTORNEY SERVICES
CITY OF WEST COVINA**

This Third Amendment to the Retainer Agreement dated August 18, 2014, between the CITY OF WEST COVINA, a municipal corporation, hereinafter referred to as “City” and, LAW OFFICES OF JONES & MAYER, a law firm, hereinafter referred to as “Jones & Mayer” (“Original Agreement”) is made and entered into as of August 20, 2019. The City and Jones & Mayer are collectively referred to herein as the “Parties”.

RECITALS

This Third Amendment to Retainer Agreement for City Attorney Services is made and entered into with respect to the following facts:

- A. The Retainer Agreement between the Parties had an expiration date of August 19, 2017 (“Original Agreement”).
- B. On March 21, 2017, the Parties agreed to amend the Original Agreement to extend the term for an additional two (2) years, to August 19, 2019 (the “First Amendment”).
- C. On October 16, 2018, the Parties amended the Original Agreement to name Scott E. Porter as City Attorney (the “Second Amendment”).
- D. The Parties now desire to enter in to a third amendment to the Agreement (this “Third Amendment”) to extend the term for an additional year to August 19, 2020, to name Thomas P. Duarte as City Attorney, to provide for annual performance evaluations, and to revise some of the terms of payment to reduce the City’s costs.
- E. The Original Agreement, First Amendment, and Second Amendment are collectively referred to in this Third Amendment as the “Agreement.”

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the Parties hereto mutually agree as follows:

SECTION 1. AMENDING SECTION 1 OF AGREEMENT. Section 1 of the Agreement shall be amended to revise Subparagraphs A, B and E, and to add Subparagraph F, to read as follows:

1. APPOINTMENT OF CONTRACT CITY ATTORNEY

- A. Thomas P. Duarte is designated and appointed as Contract City Attorney (“City Attorney”) and shall serve and be compensated as provided by this Agreement. The City Attorney shall process, coordinate, and direct, as necessary, all legal services provided under this Agreement in order to maximize the timeliness and usefulness of

the delivery of such services. The City Attorney shall attend all City Council meetings and other meetings, as required, and be available at all reasonable times to the Mayor and City Council, the City Manager, and persons designated by the City Manager, in relationship to all legal services to be furnished by Jones & Mayer under this Agreement. The City Attorney shall also direct and coordinate all internal activities so that all services provided by Jones & Mayer under this Agreement to the City shall be fully competent, professional, consistent, timely, and in accordance with the standards prevalent in the industry. It is expressly understood that the experience, knowledge, capability, and reputation of the designated and appointed City Attorney are a substantial inducement for the City to enter into this Agreement. The City Attorney shall be responsible during the term of this Agreement for directing all activities of Jones & Mayer on behalf of the City and devoting such time as necessary to personally supervise such services. The primary assignment of the City Attorney shall not be changed by Jones & Mayer without the express approval of the City.

B. The City Attorney may appoint such attorneys from Jones & Mayer as the City Attorney deems appropriate to serve as assistant and deputy city attorneys for the City. Such assistants and deputies shall serve in the City Attorney's absence.

E. The term of this Agreement shall commence on August 1, 2014 and shall continue through August 19, 2020 unless it is terminated. If this Agreement is not terminated on or before August 19, 2020, this Agreement shall automatically continue on a month-to-month basis thereafter until terminated.

F. City and Jones & Mayer agree that periodic performance evaluations are an important means by which the City Council and Jones & Mayer may ensure effective communication regarding expectations and performance. The City Council shall annually review the performance of Jones & Mayer every August; provided, however, a mid-year performance evaluation may be conducted upon the request of either party. Each performance evaluation shall be subject to a process, form, criteria, and format to be determined by the City Council with input from Jones & Mayer. Nothing herein shall prevent the City Council from conducting a performance evaluation of Jones & Mayer as often as it deems necessary.

SECTION 2. AMENDING SECTION 2.A. OF THE ORIGINAL AGREEMENT.
Subparagraph A of Section 2 of the Agreement shall be revised to add a Subparagraph 12 to read as follows:

12. Attend monthly meetings of the City's Risk Management Team, which is comprised of the Risk Manager, City Manager, a City Council representative, the City Attorney, and Jones & Mayer's Litigation Manager.

SECTION 3. AMENDING SECTION 3.A. OF THE ORIGINAL AGREEMENT.
Effective September 1, 2019, Subparagraph A of Section 3 of the Agreement shall be revised to read as follows:

A. Basic Legal Services

The City shall pay Jones & Mayer \$30,000.00 monthly for all basic legal services outlined herein and in Jones & Mayer's Proposal, attached hereto as Exhibit A. All costs and expenses, except for those as set forth in Section 3.E below, shall be deemed included in this monthly fee.

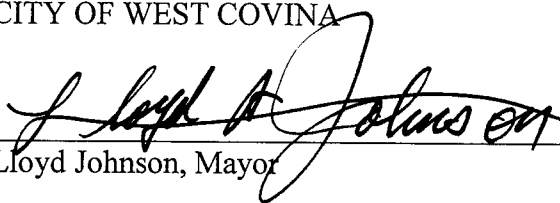
SECTION 4. AMENDING SECTION 3.C. OF THE ORIGINAL AGREEMENT.
Effective September 1, 2019, the following sentence shall be added to the end of Subparagraph C of Section 3 of the Original Agreement:

"Each month, the firm shall provide a credit of \$5,000 to City against any amount charged in that month by Jones & Mayer for its services pursuant to this subsection C."

IN WITNESS WHEREOF, the Parties have executed this Third Amendment as of the date set forth above.

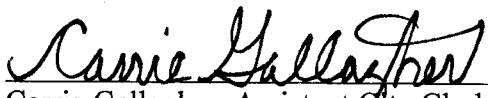
CITY OF WEST COVINA

JONES & MAYER


Lloyd Johnson, Mayor


By: Richard D. Jones, Owner

ATTEST:


Carrie Gallagher, Assistant City Clerk

**SECOND AMENDMENT TO
RETAINER AGREEMENT FOR
CITY ATTORNEY SERVICES
CITY OF WEST COVINA**

This Second Amendment to the Agreement dated August 18, 2014, between the CITY OF WEST COVINA, a municipal corporation, hereinafter referred to as "City" and, LAW OFFICES OF JONES & MAYER, a law firm, hereinafter referred to as "Jones & Mayer" ("Original Agreement") is made and entered into as of 16 October, 2018. In consideration of the mutual promises and covenants contained herein, the parties hereto mutually agree as follow:

SECTION 1. RECITALS. This Second Amendment to Agreement is made and entered into with respect to the following facts:

WHEREAS, the Original Agreement had an expiration date of August 19, 2017.

WHEREAS, the City and Consultant previously entered into an amendment to extend the term of the Agreement for an additional two (2) years, to August 19, 2019.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1. Paragraph 1 A. and 1 B. of the Original Agreement shall be revised to read as follows:

1. APPOINTMENT OF CONTRACT CITY ATTORNEY

A. Scott E. Porter is hereby designated and appointed as Contract City Attorney ("City Attorney") of the City effective as of November 20, 2018, and shall serve and be compensated as provided by this Agreement. The City Attorney shall process, coordinate, and direct, as necessary, all legal services provided under this Agreement in order to maximize the timeliness and usefulness of the delivery of such services. The City Attorney shall attend all City Council meetings and other meetings, as required, and be available at all reasonable times to the Mayor and City Council, the City Manager, and persons designated by the City Manager, in relationship to all legal services to be furnished by Jones & Mayer under this Agreement. The City Attorney shall also direct and coordinate all internal activities so that all services provided by Jones & Mayer under this Agreement to the City shall be fully competent, professional, consistent, timely, and in accordance with the standards prevalent in the industry. It is expressly understood that the experience, knowledge, capability, and reputation of the designated and appointed City Attorney are a substantial inducement for the City to enter into this Agreement. The City Attorney shall be responsible during the term of this Agreement for directing all activities of Jones & Mayer on behalf of the City and devoting such time as necessary to personally supervise such services. The primary assignment of the City Attorney shall not be changed by Jones & Mayer without the express approval of the City.

B. Ivy M. Tsai and Carmen Vasquez, also of Jones & Mayer, are designated and appointed as Contract Assistant City Attorneys and shall serve in Scott E. Porter's absence.

2. Except as herein amended, the terms and conditions of the Original Agreement, executed on August 18, 2014 and amended on March ___, 2017, shall remain in full force and effect.

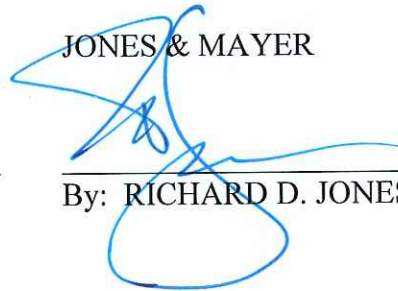
IN WITNESS WHEREOF, City and Contractor have executed this Second Amendment as of the date set forth above.

CITY OF WEST COVINA



CHRIS FREELAND, City Manager

JONES & MAYER



By: RICHARD D. JONES

ATTEST:



ROSALIA BUTLER,
ASSISTANT CITY CLERK

**FIRST AMENDMENT TO RETAINER AGREEMENT
FOR CITY ATTORNEY SERVICES
CITY OF WEST COVINA**

This First Amendment to the Agreement dated August 18, 2014, between the CITY OF WEST COVINA, a municipal corporation, hereinafter referred to as "City" and, LAW OFFICES OF JONES & MAYER, a law firm, hereinafter referred to as "Jones & Mayer" ("Original Agreement") is made and entered into as of 21st March, 2017. In consideration of the mutual promises and covenants contained herein, the parties hereto mutually agree as follow:

SECTION 1. RECITALS. This Agreement is made and entered into with respect to the following facts:

WHEREAS, the Original Agreement had an expiration date of August 19, 2017.

WHEREAS, the City and Consultant desire to extend the term of the Agreement for an additional two (2) years.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1. The Term of the Agreement, as set forth in Paragraph 1E of the Original Agreement shall be extended for an additional term of two (2) years, to August 19, 2019.
2. Paragraph 11 of the Original Agreement shall be revised to read as follows:

Prosecution of West Covina Municipal Code violations shall be provided by Jones & Mayer under this Agreement. The City Prosecutor Gregory P. Palmer or his designee, shall represent the City in all matters related to the prosecution of West Covina Municipal Code violations. Palmer and his designees shall provide those legal services reasonably required to represent City and shall take reasonable steps to keep City informed of progress and to respond to City's inquiries. City understands that Palmer and his designees will be exercising their independent prosecutorial judgment in connection with all code enforcement matters in consultation with City's staff.

3. Except as herein amended, the terms and conditions of the Original Agreement, executed on August 18, 2014 shall remain in full force and effect

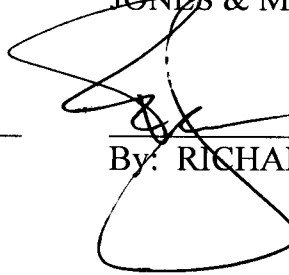
IN WITNESS WHEREOF, City and Contractor have executed this First Amendment as of the date set forth above.

CITY OF WEST COVINA



CHRIS FREELAND, City Manager

JONES & MAYER



By: RICHARD D. JONES

ATTEST:



ROSALIA BUTLER,
ASSISTANT CITY CLERK

**RETAINER AGREEMENT
FOR CITY ATTORNEY SERVICES
CITY OF WEST COVINA**

This Retainer Agreement for City Attorney Services ("Agreement") is made and entered into by and between the LAW OFFICES OF JONES & MAYER ("Jones & Mayer") and the CITY OF WEST COVINA (the "City"), a municipal corporation of the State of California.

RECITALS

- A. Jones & Mayer is a firm in the general practice of law with extensive municipal experience, and is fully able to carry out the duties described in this Agreement.
- B. The City desires to contract with Jones & Mayer to provide contract legal services to the City.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth in this Agreement, Jones & Mayer and the City agree as follows:

1. **APPOINTMENT OF CONTRACT CITY ATTORNEY**

A. Kimberly Hall Barlow is hereby designated and appointed as Contract City Attorney ("City Attorney") of the City and shall serve and be compensated as provided by this Agreement. The City Attorney shall process, coordinate, and direct, as necessary, all legal services provided under this Agreement in order to maximize the timeliness and usefulness of the delivery of such services. The City Attorney shall attend all City Council meetings and other meetings, as required, and be available at all reasonable times to the Mayor and City Council, the City Manager, and persons designated by the City Manager, in relationship to all legal services to be furnished by Jones & Mayer under this Agreement. The City Attorney shall also direct and coordinate all internal activities so that all services provided by Jones & Mayer under this Agreement to the City shall be fully competent, professional, consistent, timely, and in accordance with the standards prevalent in the industry. It is expressly understood that the experience, knowledge, capability, and reputation of the designated and appointed City Attorney are a substantial inducement for the City to enter into this Agreement. The City Attorney shall be responsible during the term of this Agreement for directing all activities of Jones & Mayer on behalf of the City and devoting such time as necessary to personally supervise such services. The primary assignment of the City Attorney shall not be changed by Jones & Mayer without the express approval of the City.

B. Ivy M. Tsai, also of Jones & Mayer, is designated and appointed as Contract Assistant City Attorney and shall serve in Kimberly Hall Barlow's absence.

C. Code Enforcement Services shall continue to be provided by Jones & Mayer as set forth below.

D. All attorneys of Jones & Mayer assigned to perform approved City business shall, at all times while this Agreement is in effect and at their sole cost and expense, be fully qualified and licensed to practice law in the State of California and before all appropriate federal courts and other bodies and tribunals. All attorneys assigned to represent the City must notify the City of any complaints or proposed discipline by the State Bar of California within thirty (30) days of receipt of complaint or proposed discipline.

E. The term of this Agreement shall commence on August 19, 2014 and shall continue for three (3) years unless it is terminated or amended.

2. SCOPE OF WORK

A. Jones & Mayer agrees to perform all necessary legal services as Contract City Attorney, and shall:

1. Attend all regularly scheduled and special City Council meetings and City Council study sessions.

2. Provide legal services on-site during office hours at City Hall as needed. These hours of on-site service will be at regularly scheduled times made known to all members of the City Council and to all department heads so as to facilitate informal, direct access to legal counsel as necessary.

3. Attend other meetings at City Hall as required by the City Council or the City Manager.

4. Advise the City Council; appointed Commissions, Committees, and Boards; City staff; and other City officials on all legal matters pertaining to City business.

5. Prepare, review, and approve as to form, contracts, agreements, resolutions, ordinances, and all other standard City documents.

6. Prepare such written and oral legal opinions as shall, from time to time, be requested by the City.

7. Perform such other routine legal services as are required, from time to time, by the City Council or the City Manager.

8. Provide in-house training to City staff on issues pertaining to civil liability, personnel and labor, ethics (AB 1234), and other issues as, from time to time, are identified by and requested by the City Council or the City Manager.

9. Represent the City and the City's officials, officers, and employees in litigation and administrative proceedings as directed by the City Council or the City Manager.

10. At the request of the City, Jones and Mayer may be asked to provide an estimate of hours and cost to complete a project or task assigned by the City Manager, or designee, or the City Council.

11. Prosecution of West Covina Municipal Code violations shall be provided by Jones & Mayer under this Agreement. The City Prosecutor Martin J. Mayer or Assistant City Prosecutor, Dan J. Peelman or his designee, shall represent the City in all matters related to the prosecution of West Covina Municipal Code violations. Peelman and his designees shall provide those legal services reasonably required to represent City and shall take reasonable steps to keep City informed of progress and to respond to City's inquiries. City understands that Peelman and his designees will be exercising their independent prosecutorial judgment in connection with all code enforcement matters in consultation with City's staff.

B. The City specifically reserves the right to retain, at its sole option, other legal counsel for litigation and other specialized legal matters including, but not limited to, the activities of the Successor Agency to the West Covina Redevelopment Agency, cable television, solid and hazardous waste, tort litigation, water related matters, and workers' compensation. The City Attorney will supervise outside legal counsel. This reservation of rights does not preclude the City or the Successor Agency from assigning these matters to Jones & Mayer as part of the scope of duties under this Section 2 or requesting recommendations concerning the selection of outside legal counsel.

3. COMPENSATION

Jones and Mayer shall be compensated under the terms of this Agreement as follows:

A. Basic Services

The City shall pay Jones & Mayer \$13,125.00 monthly for the first seventy-five (75) hours of basic legal services included in the retainer amount as outlined hereinabove and in Jones & Mayer's Proposal, attached hereto as Exhibit A. Should the time for basic legal services rendered in any given month not reach seventy-five (75) hours, any unused hours or portions thereof shall be rolled over to the next month's available hours under the monthly retainer. The City shall pay to Jones & Mayer, for non-litigation legal services not included in the retainer amount, the rate of \$195 per hour. Paralegal services, for non-litigation legal services not included in the retainer only shall be paid at the rate of \$100 per hour. All costs and expenses, except for those as set forth in Section 3.E below shall be deemed included in the foregoing hourly billing rates. The retainer shall be prorated for the first partial month of services provided hereunder.

B. Successor Agency Services

Successor Agency services are those services which pertain to the dissolution of redevelopment. This includes, but is not limited to, providing analysis, research, and support concerning dissolution of the City's redevelopment agency by providing legal advice to staff, review of all documents generated, and interactions with the California Department of Finance.

This also includes attendance at Successor Agency and Oversight Board meetings and any meet and confer conferences that may be necessary. The City shall pay Jones & Mayer for Successor Agency non-litigation services at the rate of \$195 for all attorneys, and \$100 per hour for law clerk and paralegal services.

C. Special and Litigation Services

Litigation and special legal services matters approved by the City Manager and/or City Council are not in the monthly retainer amount. Special legal services of an irregular, and typically non-recurring, nature, include all litigation, whether civil or criminal, City, Successor Agency or city utility work of unusual complexity or requiring an extraordinary dedication of attorney time, such as Environmental Impact Reports or other complex environmental work, initiatives, interagency conflicts/issues, negotiation and drafting of complex Owner Participation Agreements or Disposition and Development Agreements, as determined by consultation between the City Attorney and the City Manager/Executive Director or City Council. The City Attorney may not unilaterally designate any matter as a special project. City shall pay to Jones & Mayer for litigation and special legal services \$205 per hour. Paralegal services shall be paid at the rate of \$100 per hour. All costs and expenses, except for those as set forth in Section 3.E below shall be deemed included in the foregoing hourly billing rates. Upon the sole approval of the City, the City Attorney may contract directly with other legal firms or consultants on an as-needed basis to effectuate the purposes of this agreement.

D. Code Enforcement

Code enforcement services are not in the monthly retainer amount. City shall pay Jones & Mayer for code enforcement/prosecution services at the rate of \$160.00 per hour. Paralegal services shall be paid at the rate of \$100 per hour. These rates shall not be subject to Section 3.F below.

E. Expenses

Jones & Mayer shall be reimbursed for direct out-of-pocket expenses actually and necessarily incurred in the course of providing legal services under this Agreement relating to Basic Legal Services and in preparation for and maintaining the prosecution or defense of litigation, including without limitation: court costs, jury fees, service costs, witness fees, deposition costs, reporters' fees, title reports, photographs, diagrams, maps, copy costs for large projects (over 100 pages), and similar expenses.

Generally, no more than one attorney's time should be billed for depositions, hearings, motions, case meetings (including intra-firm meetings), etc., unless approved by City Council. It is expected that counsel will appropriately apportion court time (including travel costs) to each case in which counsel is appearing in court if one or more matter is handled. Legal research for a particular issue that is over five hours requires pre-approval. When billing for legal research, the entry must reflect a description of the topic researched and its relevance to the effort. A copy of the research memo shall be sent to the City.

F. Billing and Rate Increases

Jones & Mayer shall provide a monthly billing report indicating actual time spent under the retainer, litigation matters, and additional specialized projects. The foregoing retainer and hourly rates shall remain in full force and effect for two (2) years. Thereafter, the foregoing billing rates shall be adjusted annually (effective as of the anniversary date of this Agreement commencing in 2016) to reflect any increase in the cost of living based on the Consumer Price Index increase for the prior year utilizing the standard as established by the Bureau of Labor Statistics of the U.S. Department of Labor for all urban consumers in the Los Angeles, Riverside and Orange County areas, or another mutually agreed upon index based on comparable data, should the Consumer Price Index established by the Bureau of Labor Statistics be unavailable, not to exceed 5% per year.

G. Monthly Statements

Jones & Mayer shall submit statements of all payments due under this Agreement on a monthly basis to the City Manager. All work performed by Jones & Mayer shall be billed in increments of tenths of an hour. The statement shall be in a form approved by the City, and shall set forth a description of all work performed, the hours worked, the identity of each person performing the work, the rate charged, and any costs or expenses eligible for reimbursement.

H. Payment

All hours shall be billed by the 15th day of each month following the close of the month for which hours are being provided. Payment for hours shall be due and payable within thirty (30) days of billing, after review and approval by the City Manager.

4. PROHIBITION AGAINST SUBCONTRACTING, DELEGATING OR ASSIGNMENT

Jones & Mayer shall not contract with or delegate to any individual or other entity to perform on the City's behalf, in whole or in part, any of the services required under this Agreement without the prior express approval of the City. In addition, neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior express approval of the City.

5. CONFLICT OF INTEREST

Jones & Mayer shall at all times avoid conflicts of interest in the performance of this Agreement. In the event that a conflict arises, Jones & Mayer shall immediately notify City. Within thirty (30) days following execution of this Agreement, Jones & Mayer shall file a conflict of interest disclosure statement setting forth any information related to potential conflicts of interest to the extent such disclosure is required by law, including City's adopted conflict of interest code.

6. INDEPENDENT CONTRACTOR

Jones & Mayer shall perform all services required under this Agreement as an independent contractor of the City, and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Jones & Mayer shall not at any time or in any manner represent that it or any of its employees or agents are City employees.

7. DISPUTE RESOLUTION

If any dispute or disagreement arises between the City and Jones & Mayer as to any matter relating to this Agreement, including but not limited to the scope of services, the performance of the respective responsibilities of the City and Jones & Mayer, the quality of the services rendered, and the billing of such services, the City and Jones & Mayer agree to confer and attempt to resolve the matter informally. If the parties cannot agree, they agree that they will refer the dispute for resolution to mediation to the fullest extent permitted by law. The parties are aware that mediation is a voluntary process and pledge to cooperate fully and fairly with the mediator in an attempt to reach a mutually satisfactory compromise of any dispute or disagreement. The mediator shall be chosen by mutual agreement of the parties, and mediation shall commence within thirty (30) days of either party's written request to the other for mediation. Any agreement reached by the mediation shall be reduced to writing, be signed by the parties, and be binding on them. This provision for mediation is an effort to protect, preserve, and respect the requisites of a productive attorney-client relationship, but shall be without prejudice to either party pursuing its other lawful remedies.

8. INSURANCE AND INDEMNIFICATION

A. Insurance

1. Jones & Mayer shall procure and maintain, at its cost:
 - a. Commercial General Liability insurance with limits not less than \$1 million per occurrence. Such insurance shall designate City, its elected and appointed officials, employees, and volunteers as additional insureds. Such insurance shall be primary and not contribute with any insurance or self-insurance maintained by City.
 - b. Business automobile liability insurance with limits not less than \$1 million per occurrence. Such insurance shall include coverage for owned, non-owned, and hired automobiles.
 - c. Professional liability insurance with limits not less than \$2,000,000 per occurrence.
 - d. Workers' compensation insurance as required by California law and Employer's Liability insurance with limits not less than \$1 million per accident for bodily injury or disease. The workers' compensation

insurance shall contain an endorsement stating the insurer waives any right of subrogation against City, its elected and appointed officials, employees and volunteers.

2. All such policies shall provide City 30 days' notice of cancellation. Self-insured retentions must be declared and approved by City.
3. Prior to commencement of work, and throughout the term of this Agreement, Jones & Mayer shall furnish City with certificates evidencing compliance with the insurance requirements above. Jones & Mayer agrees to provide complete, certified copies of all required insurance policies if requested by the City.
4. Insurance shall be placed with insurers that maintain an A.M. Best rating of A-, VII or better, or otherwise meet the written approval of the City.
5. The Contractor shall ensure that subcontractors maintain insurance that complies with the requirements stated herein.

B. Indemnification

Jones & Mayer shall defend, indemnify, and hold harmless the City, and its officers and employees, from and against any and all actions, suits, proceedings, claims, demands, losses, costs and expenses, including legal costs and attorneys' fees, for injury to person(s) or damages to property (including property owned by the City), and for errors and omissions committed by Jones & Mayer, its officers, employees, and agents, arising out of or relating to Jones & Mayer's performance under this Agreement, except where such injury, damage, error(s) or omission(s) may be caused by City's sole negligence, active negligence, or willful misconduct or that of the City's officers or employees.

9. RECORDS AND REPORTS

A. Records

Jones & Mayer shall keep such books and records as shall be necessary to perform the services required by this Agreement and to enable the City to evaluate the performance of the required services. The City shall have full and free access to such books and records that deal specifically with the services performed by Jones & Mayer for City at all reasonable times, including the right to inspect, copy, audit, and make summaries and transcripts from such records.

B. Ownership of Documents

All reports, records, documents, and other materials prepared by Jones & Mayer, its employees and agents in the performance of this Agreement shall be the property of the City and

shall be delivered to the City upon request by the City or upon termination of this Agreement. Jones & Mayer shall have no claim for further or additional compensation as a result of the exercise by the City of its full rights of ownership of the documents and material hereunder. Jones & Mayer may retain copies of such documents for its own use.

C. Release of Documents

No report, record, document, or other material prepared by Jones & Mayer in the performance of services under this Agreement shall be released publicly without prior written approval of the City, except as may be required by law.

10. NONDISCRIMINATION

Jones & Mayer pledges there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, disability, sexual or gender orientation, national origin, or ancestry in the performance of services under this Agreement.

11. TERMINATION

A. Termination by City

Jones & Mayer shall at all times serve under the terms of this Agreement at the pleasure of the City Council, and the City Council hereby reserves the right to terminate this Agreement at will, with or without cause, by providing written notice to Jones & Mayer. Upon receipt of any notice of termination, Jones & Mayer shall cease all services under this Agreement except as may be specifically approved by the City. At that time, all further obligations of the City to pay Jones & Mayer for services rendered under this Agreement shall thereupon cease, except as set forth in Section 12.C below; provided, however, that the City shall be obliged to pay for all services, costs, and expenditures lawfully incurred by Jones & Mayer prior to the effective date of such termination, or subsequent to the date of termination at the direction of City.

B. Termination by Jones & Mayer

Jones & Mayer reserves the right to terminate this Agreement by giving ninety (90) days' advance written notice to City.

C. Mutual Obligations upon Termination by Either Party

In the event of termination of this Agreement by either party, Jones & Mayer shall cooperate with the City in transferring the files and assignments to the City Clerk or other person designated by City pending the hiring of another City Attorney. Jones & Mayer shall be compensated at the hourly rates set forth in Section 3 of this Agreement should Jones & Mayer be called upon to perform any services after the effective date of termination, including the transfer of files and assignments.

12. NOTICES

Notices regarding this Agreement shall be given in writing to the parties at the following addresses:

City Manager
City of West Covina
The City of West Covina City Hall
1444 West Garvey Avenue South
West Covina, CA 91790

Jones & Mayer
3777 North Harbor Boulevard
Fullerton, CA 92835

13. AMENDMENT OF AGREEMENT

This Agreement contains all of the agreements of Jones & Mayer and the City. This Agreement may be amended at any time by mutual consent of the parties by an instrument in writing.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have executed this Agreement in duplicate the 18th day of August, 2014.

CITY OF WEST COVINA
Municipal Corporation of the State of California

By: [Signature]
Steve Herfert, Mayor

ATTEST:
[Signature]
Susan Rush, Assistant City Clerk

LAW OFFICES OF JONES & MAYER

By: [Signature]
Richard D. Jones, Owner

By: [Signature]
Kimberly Hall Barlow



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: SECOND 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 Second Quarter Financial Report for Fiscal Year 2022-23; and
2. Adopt the following resolution:

RESOLUTION NO. 2023-7 - 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 (SECOND QUARTER FINANCIAL REPORT)

BACKGROUND:

This report is intended only to provide the City Council and the public with an overview of the City's general fiscal condition. The financial information included in this report is preliminary, unaudited and subject to revision upon completion of the City's closing and audit. The City will make the Quarterly Financial Report available on the City's website for review by the City's stakeholders.

DISCUSSION:

The City has completed the second quarter of Fiscal Year 2022-23. The Quarterly Report (Attachment No. 1) summarizes the overall financial performance of the City for the period of July 1, 2022 through December 31, 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 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 (Attachment No. 2) 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 proposed second quarter budget amendment overall has positive impact on the General Fund of \$45,100. Proposed General Fund (Fund 110) changes are summarized in Table 1 below.

Table 1. Proposed Changes to General Fund

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	3,767,810	626,000	4,393,810
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	1,073,290		1,073,290
Transfers In	200,093	170,093		170,093
Other Revenues	136,670	175,670		175,670
Revenue Total	79,949,408	80,608,408	626,000	81,234,408
Expenditures				
Police	27,844,530	27,954,792	39,700	27,994,492
Fire	20,544,117	20,706,652	58,900	20,765,552
Transfers Out	15,525,348	15,128,383		15,128,383
Public Services	6,036,175	6,227,545	56,000	6,283,545
Community Development	3,245,927	3,847,416	344,000	4,191,416
Administration	2,463,677	2,553,899		2,553,899
Finance	2,435,479	2,420,516		2,420,516
Human Resources	794,097	794,232	40,000	834,232
City Clerk	543,713	543,803	42,300	586,103
Expenditures Total	79,433,063	80,177,238	580,900	80,758,138
Revenue Less Expenditures	516,345	431,170	45,100	476,270

Proposed changes to other funds are summarized in Table 2 below:

Table 2. Proposed Changes to Other Funds

Other Funds	Original Budget	Current Budget	Requested BA	Amended Budget
Capital Projects (160)				
Revenue	800,000	399,000		399,000
Expenditures	3,859,999	6,129,306	-	6,129,306
Measure R (224)				
Revenue	1,357,900	1,357,900		1,357,900
Expenditures	1,554,410	2,637,356	34,600	2,671,956
PDF B Palm View (171)				
Revenue				
Expenditures			75,000	
PDF H - Friendship (177)				
Revenue			75,000	
Expenditures			75,000	
Senior Meals Program (146)				
Revenue	202,100	202,100	72,628	274,728
Expenditures	314,872	314,872	72,628	387,500
Vehicle Replacement (367)				
Revenue	465,000	465,000	35,754	500,754
Expenditures	375,000	506,181	50,000	556,181

Attachments

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

Attachment No. 2 - Resolution No. 2023-7

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



SECOND QUARTER FINANCIAL REPORT

Fiscal Year 2022-23

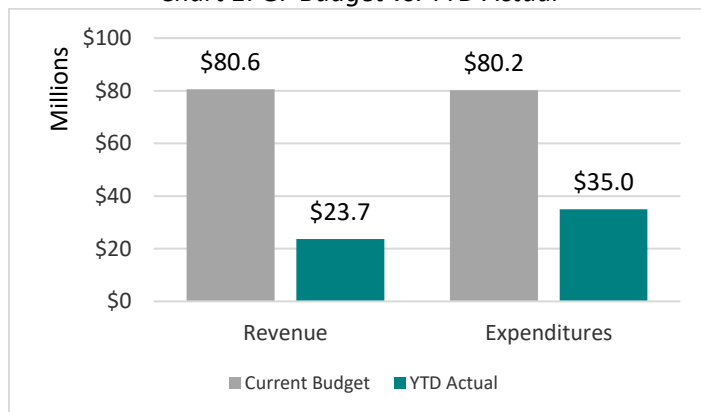
The City has completed the second quarter of Fiscal Year (FY) 2022-23. This report summarizes the overall financial performance of the City for the period of July 1, 2022, through December 31, 2022, but it is not meant to be inclusive of all finance and accounting transactions. While the focus of the report is the General Fund, summary financial information is also provided for the Enterprise Fund and Special Revenue Funds. The information presented is unaudited. This report is intended to provide City Council and the public with an overview of the City's general fiscal condition.

The revenue and expenditures per the Budget to Year-To-Date (YTD) Actual comparisons include adjustments for carryovers and any appropriations made as of December 31, 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.

GENERAL FUND

The General Fund (GF) is the general operating fund for the City. It provides the resources to sustain the day-to-day activities and services to the community. All nine departments receive support, either directly or indirectly, from the General Fund.

Chart 1: GF Budget vs. YTD Actual



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. With 50% of the year complete, General Fund revenues are at 29.4% of budget and expenditures are at 40.6%.

GENERAL FUND REVENUE

The City's two major General Fund revenue sources are Property Tax and Sales Tax which make up 65% of the General Fund revenues combined.

Table 1: GF Revenue – Budget vs. YTD Actual

Revenue Source	Current Budget	YTD Actual	%
Property Tax	28,986,300	5,997,670	20.7%
Sales Tax	23,142,000	7,554,722	32.6%
Other Taxes	9,446,000	2,194,389	23.2%
Charges for Services	7,578,220	3,267,770	43.1%
Licenses & Permits	3,767,810	2,874,518	76.3%
Revenue from Other Agencies	2,628,625	97,060	3.7%
Cost Recovery	1,365,900	18,683	1.4%
Interdepartmental Charges	1,196,200	594,250	49.7%
Use of Money & Property	1,078,300	506,221	46.9%
Fines & Forfeitures	1,073,290	512,295	47.7%
Other Revenues	175,670	86,374	49.2%
Transfers In	170,093	11	0.0%
Grand Total	80,608,408	23,703,962	29.4%

PROPERTY TAX

The first major property tax distribution to the City for FY 2022-23 was received in December. Included in this line item are Secured Property Taxes, Property Taxes In-Lieu of Vehicle License Fees (VLF), and residual payments from the dissolution of the former redevelopment agency. Property tax is trending slightly higher than last fiscal year, however; due to a lag in when revenues are received, we are only at 20.7% of estimated revenue for the year.

SALES TAX

As of December 31, 2022, the allocation received represents approximately 32% of the total sales tax allocation for the year. This is typical for this time of year as there is a two-month lag in sales tax distributions. The City will continue to receive sales tax allocations with the final quarter allocation distributed by the California State Department of Taxes and Fees Administration (CDTFA) in August 2023.

OTHER TAXES

This category includes Franchise Fees, Business License Tax, Transient Occupancy Tax (TOT), and Property Transfer Tax. At the end of the second quarter \$2.2M or 23.2% of the original budget projection has been realized. This is due to a lag in when these revenues are received. Additionally, these taxes are not evenly disbursed throughout the year.

CHARGES FOR SERVICES

These revenues include plan check and zoning related fees, recreation fees, interfund charges, police, and fire fees. These fees are trending as projected at \$3.3M or 43.1% or through December 2022.

LICENSE & PERMITS

Revenues for licenses & permits include building and engineering permits, and animal licenses. Revenue projections are trending as projected. Overall, licenses and permits are at over 76% of the original budget projection. This is mainly due to electrical permits, plumbing permits, and street improvements. Revenue and offsetting expenditures (building and engineering services) are proposed to be adjusted accordingly.

REVENUES FROM OTHER AGENCIES

This category includes Vehicle In-Lieu, State Mandated Cost reimbursement revenue, and the exchange of Prop A funds, which are the largest revenue source in this category. Most of this revenue is received one-time within the fiscal year. Additionally, the Prop A Exchange (which accounts for \$1.8 million) typically does not occur until the end of the fiscal year.

COST RECOVERY

This category includes mutual aid cost reimbursement for strike team deployments for the Fire Department. Strike deployments have decreased over the past few months and are expected to be less than prior years.

INTERDEPARTMENTAL CHARGES

This category includes overhead chargebacks from internal service funds: General Liability, Workers Compensation, and Fleet Maintenance. These charges are equally distributed across the fiscal year and billed monthly.

USE OF MONEY & PROPERTY

This category includes rental and interest income. To-date, interest income is trending over projected, at 77% or \$244k.

FINES & FORFEITURES

This category includes late payment penalties, collection agency fees, code fines, vehicle impound fees, and administrative citations. Overall, fines and forfeitures are at 47.7% of the original budget projection. This is mainly due to vehicle code fines and administrative citations.

OTHER REVENUES

This category includes proceeds from auction, advertising, final map, and other miscellaneous revenue. At the end of the first quarter \$86k or 49.2% of the original budget projection has been realized.

TRANSFERS IN

This category includes a transfer from the Successor Agency for administrative costs. This transfer is made at the end of the fiscal year.

REVENUES PROJECTIONS

Revenue projections are revised with the Quarterly Report based on revenue trends, and activity to date. The total proposed adjustment is an increase of \$626,000 in revenue to the General Fund.

Table 2: GF Revenue Projection

Revenue Source	Current Budget	Proposed Adj.	Revised Projection
Charges for Services	7,578,220		7,578,220
Cost Recovery	1,365,900		1,365,900
Fines & Forfeitures	1,073,290		1,073,290
Interdepartmental Charges	1,196,200		1,196,200
Licenses & Permits	3,767,810	626,000	4,393,810
Other Revenues	175,670		175,670
Other Taxes	9,446,000		9,446,000
Property Tax	28,986,300		28,986,300
Revenue from Other Agencies	2,628,625		2,628,625
Sales Tax	23,142,000		23,142,000
Transfers In	170,093		170,093
Use of Money & Property	1,078,300		1,078,300
Grand Total	80,608,408	626,000	81,234,408

GENERAL FUND EXPENDITURES

As of December 31, 2022, with 50% of the year complete, \$34.9 million or 40.6% of the General Fund budget has been expensed (see Table 3 below). Except for Fire, Human Resources and Police, all departments are below 50% for the quarter. Fire is tending over due to overtime and an encumbrance from the prior year. Human Resources is over due to influx in Legal Services. Police is over due to one-time sick leave buybacks. Except for Fire overtime, these overages are included in the proposed amendment.

Table 3: GF Expenditures – Budget vs. YTD Actual

Department	Current Budget	YTD Actual	%
Administration	2,553,899	1,243,213	48.2%
City Clerk	543,803	221,695	30.0%
Community Development	3,847,416	2,289,814	39.0%
Finance	2,420,516	1,101,368	36.6%
Fire	20,706,652	10,922,103	51.0%
Human Resources	794,232	455,079	52.5%
Police	27,954,792	15,127,234	53.4%
Public Services	6,227,545	3,312,669	41.5%
Transfers Out	15,128,383	283,600	1.9%
Grand Total	80,177,238	34,956,775	40.6%

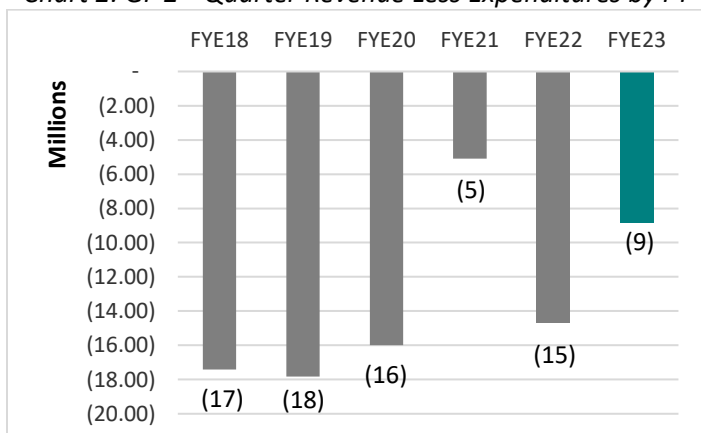
GENERAL FUND OVERTIME

Table 4 summarizes overtime by department within the General Fund. Overtime is trending over budget (over 50%) in Fire (63.7%), Police (53.8%), and Public Services (110.6%). Public Services overtime is over due to Special Events which are increasing to pre-pandemic levels. This overage has been included in the proposed budget amendment.

Table 4: GF Overtime YTD

Department	Current Budget	YTD GF Overtime	%
Administration	4,030	770	19.1%
Community Development	0	1,305	0.0%
Finance	2,860	843	29.5%
Fire	3,233,160	2,059,385	63.7%
Human Resources	0	152	0.0%
Police	3,125,240	1,679,924	53.8%
Public Services	51,110	56,511	110.6%
Grand Total	6,416,400	3,798,890	59.2%

Overall, total General Fund Revenue (\$23M) less Expenditures (\$32M) for the year is negative \$9 million. Negative revenue less expenditures is typical for this time of year due to the lag in property and sales tax revenue – the City’s primary revenue sources. Except for FY 2020-21, when the City had an influx of revenue due to the pension bonds, current year revenue less expenditures are up from prior years.

Chart 2: GF 2nd Quarter Revenue Less Expenditures by FY

PROPOSED BUDGET AMENDMENT

The original adopted General Fund budget for FY 2022-23 was for \$79,433,063 expenditures. The proposed second quarter budget amendment has positive net impact on the General Fund of \$45,100.

Table 5: Summary of Proposed GF Budget Amendment

Department	Current Budget	Requested BA	Amended Budget
Administration	2,553,899		2,553,899
City Clerk	543,803	42,300	586,103
Community Development	3,847,416	344,000	4,191,416
Finance	2,420,516		2,420,516
Fire	20,706,652	58,900	20,765,552
Human Resources	794,232	40,000	834,232
Police	27,954,792	39,700	27,994,492
Public Services	6,227,545	56,000	6,283,545
Transfers Out	15,128,383		15,128,383
Grand Total	80,177,238	580,900	80,758,138

The proposed General Fund budget amendment totals \$580,900 and includes the following:

- 1. City Clerk (\$42,300):** A carry-over encumbrance from last fiscal year is proposed to be reappropriated for the Master Fee Study and Cost Allocation Plan.
- 2. Community Development (\$344k):** Building & Safety and Engineering fees are proposed to be increased by \$344,000 which is proportionately to the influx in Building and Permit Revenue.
- 3. Fire (\$58,900):** A carry-over encumbrance from last fiscal year is proposed to be reappropriated for personal protective equipment.
- 4. Human Resources (\$40k):** Funding is proposed to be added to fund the influx in legal services.
- 5. Police (\$39,700):** The budget is proposed to be increased to reflect actuals for leave buy-backs.
- 6. Public Services (\$56k):** Funding is proposed to be added for special events overtime.

ENTERPRISE FUND (FUND 375)

This fund accounts for the computer services provided by the Police Department to other public safety agencies for a fee. The programs are marketed to both public and private agencies. The program also provides these products and services to the West Covina Police Department.

The Police Department's Computer Service Group has expended 15 % of its budget year-to-date. Revenue is generally billed once annually.

Table 6: Police Enterprise Budget vs. YTD Actuals

Type	Current Budget	YTD Actual	%
Revenue	645,080	18,030	2.8%
Expenditures	731,831	110,233	15.1%
Revenue Less Expenditures	(86,751)	(92,204)	

SPORTSPLEX (FUND 242)

This fund accounts for activity at the West Covina Sportsplex, a recreation facility which amenities include softball fields, a pavilion, playgrounds, and restaurants.

Budget versus actual comparisons for both revenue and expenditures for the Sportsplex are presented in Table 7 below. As of the end of the second quarter, revenue less expenditures were negative \$183,703 – near the original General Fund Transfer budget.

Table 7: Sportsplex Budget vs. YTD Actuals

Type	Current Budget	YTD Actual	%
Revenue			
Charges for Services	326,000	57,240	17.6%
Transfers In	184,583	0	0.0%
Use of Money & Property	81,930	45,419	55.4%
Other Revenues	5,900	800	13.6%
Revenue Total	598,413	103,459	
Expenditures			
Salaries & Benefits	306,378	93,132	30.4%
Materials & Services	292,035	194,030	66.4%
Expenditures Total	598,413	287,162	
Revenue Less Expenditures	0	(183,703)	

OTHER FUNDS

Table 8 shows budget versus actuals for other funds:

Table 8: Other Funds Budget vs. YTD Actuals

Fund Grouping	Current Budget	YTD Actual	%
Assessment Districts			
Revenue	4,266,660	1,678,913	39.3%
Expenditures	5,229,809	1,882,584	36.0%
Capital Project Funds			
Revenue	856,600	256,583	30.0%
Expenditures	7,690,090	875,037	11.4%
CDBG			
Revenue	2,284,395	196,273	8.6%
Expenditures	2,420,512	203,520	8.4%
CFD			
Revenue	777,400	774,209	99.6%
Expenditures	5,177,421	4,983,488	96.3%
Debt Service			
Revenue	15,446,948	234,781	1.5%
Expenditures	15,258,000	8,538,022	56.0%
Gas Tax			
Revenue	3,063,915	1,221,963	39.9%
Expenditures	4,413,790	1,223,934	27.7%
Grant Funds			
Revenue	4,401,547	179,578	4.1%
Expenditures	17,973,574	1,369,825	7.6%
Health Department			
Expenditures	401,000	0	0.0%
Housing Authority			
Revenue	22,790	19,576	85.9%
Expenditures	1,139,103	362,167	31.8%
Internal Service Funds			
Revenue	5,277,198	2,735,121	51.8%
Expenditures	5,009,046	5,055,596	100.9%
Metro Funds			
Revenue	7,061,700	4,878,378	69.1%
Expenditures	9,582,330	1,342,153	14.0%
Other SR Funds			
Revenue	4,426,858	4,512,660	101.9%
Expenditures	8,679,191	1,510,218	17.4%
SB1			
Revenue	2,989,658	1,102,371	36.9%
Expenditures	4,847,972	617,290	12.7%
Sewer Maintenance			
Revenue	3,769,530	1,702,560	45.2%
Expenditures	7,238,997	1,528,825	21.1%
Successor Agency			
Revenue	13,002,110	34,083	0.3%
Expenditures	1,682,558	1,527,900	90.8%

In addition to the proposed amendments in the General Fund, the following is recommended:

- Fund 146, Senior Meals Program (\$72,628):** On January 27, 2023, the City was notified by the County Aging and Disabilities Department that its award increased by an additional \$72,628 for the FY 2022-2023 Senior Meals Program. \$70,000 is to be used for meals and \$2,628 for the purchase of a mixer.
- Fund 160, Capital Projects Fund (\$0):** The City included \$105,000 in FY2022-2023 Budget to replace City Hall Entry signs. This project was initiated and completed prior to the fiscal year; thus, the FY2022-23 appropriation is no longer needed. Staff proposes transferring this to a new project titled Facilities Improvements to address deferred repairs at various buildings.
- Fund 224, Measure R (\$34,600):** Additional funding is proposed to accommodate the contractual annual CPI increase for street sweeping.
- Fund 367, Vehicle Replacement Fund (\$50k):** The Police Department totaled a motorcycle and would like to replace it. The City received \$35,754 for the old motorcycle from insurance and there is available fund balance to cover the rest.
- Fund 177, PDF H – Friendship, and Fund 171, PDF B Palm View (\$75,000):** One of the roofs at Friendship Park needs replacement. Funding is proposed to be transferred from the Palm View PDF to the Friendship Park PDF to cover the expense.

FOR MORE INFORMATION

This summary report is derived from detailed financial information generated by the City's Finance Department. Additional financial information is available online at www.westcovina.org.

RESOLUTION NO. 2023-7

**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 (SECOND
QUARTER FINANCIAL REPORT)**

WHEREAS, on April 19, 2022, the City Manager presented to the City Council a proposed budget for Fiscal Year 2022-23 in compliance with Section 2-151(m) of the West Covina Municipal Code; and

WHEREAS, following the initial presentation of the proposed budget for Fiscal Year 2022-23, the City held meetings and community workshops and conducted an online budget survey in order to solicit input from the public regarding the proposed budget; and

WHEREAS, on June 7, 2022, the City Council adopted a budget for the 2022-2023 Fiscal Year; and

WHEREAS, amendments must periodically be made to the budget to conform to changed circumstances following adoption of the budget.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby approves Budget Amendment No. 2023-014, attached hereto as Exhibit A, for Fiscal Year 2022-23.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-7 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

Exhibit A

City of West Covina Fiscal Year 2022-23 Budget Amendment No. 2023-014 Second Quarter Financial Report

Fund Name (No.)	Current Budget	Proposed Amendment	Amended Budget
<u>General Fund (110)</u>			
Revenue	80,608,408	626,000	81,234,408
Expenditures	80,177,238	580,900	80,758,138
Revenue Less Expenditures	\$431,170	\$45,100	\$476,270
<u>Capital Projects (160)</u>			
Revenue	399,000		399,000
Expenditures	6,129,306	0	6,129,306
Revenue Less Expenditures	-\$5,730,306	\$0	-\$5,730,306
<u>Measure R (224)</u>			
Revenue	1,357,900		1,357,900
Expenditures	2,637,356	34,600	2,671,956
Revenue Less Expenditures	-\$1,279,456	-\$34,600	-\$1,314,056
<u>PDF B Palm View (171)</u>			
Revenue	0		0
Expenditures	0	75,000	0
Revenue Less Expenditures	\$0	-\$75,000	\$0
<u>PDF H - Friendship (177)</u>			
Revenue	0	75,000	
Expenditures	0	75,000	
Revenue Less Expenditures	\$0	\$0	\$0
<u>Senior Meals Program (146)</u>			
Revenue	202,100	72,628	274,728
Expenditures	314,872	72,628	387,500
Revenue Less Expenditures	-\$112,772	\$0	-\$112,772
<u>Vehicle Replacement (367)</u>			
Revenue	465,000	35,754	500,754
Expenditures	506,181	50,000	556,181
Revenue Less Expenditures	-\$41,181	-\$14,246	-\$55,427



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

**SUBJECT: CONSIDERATION OF APPOINTMENT OF A HEARING OFFICER FOR CALRECYCLE
LOCAL ENFORCEMENT AGENCY PROGRAM**

RECOMMENDATION:

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

**RESOLUTION NO. 2023-14 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST
COVINA, CALIFORNIA, APPOINTING A HEARING OFFICER FOR APPEALS ARISING FROM
THE LOCAL ENFORCEMENT AGENCY**

BACKGROUND:

In 1995, the California Department of Resources Recycling and Recovery (CalRecycle, formerly known as the California Integrated Waste Management Board) certified the City of West Covina's designation of the Waste Management Enforcement Agency (WMEA) program to oversee the closure of the Ben K. Kazarian (BKK) Landfill operations. The WMEA also provides CalRecycle's Local Enforcement Agency (LEA) Program post-closure inspections and reporting requirements.

California Public Resources Code (CPRC) Section 44308 requires an independent Hearing Panel or Hearing Officer be appointed by the local governing body. The responsibility of the Hearing Panel or Hearing Officer is to render decisions in disputes regarding enforcement actions, permit conditions, and administrative civil penalties issued by the WMEA.

DISCUSSION:

On October 14, 2014, the City Council adopted Resolution No. 2014-44 establishing the qualifications and procedures for the appointment of Hearing Officers. On March 3, 2015, the City Council appointed an independent Hearing Officer, Mr. Joe Maturino, as the City's LEA Hearing Officer. With the recent resignation of Mr. Maturino, the City needs to appoint a new Hearing Officer to keep the City in compliance with CPRC Section 44308. During the time Mr. Maturino served as the Hearing Officer, there were no hearings required.

Pursuant to Resolution No. 2014-44, the City Manager is required to determine a proposed Hearing Officer, whose qualifications must be presented to the City Council for consideration of appointment as a Hearing Officer.

The City Manager is proposing that California Association of Environmental Health Administrators (CAEHA) serve as the City's LEA Hearing Officer. CAEHA has strong qualifications, professional experience, and administrative and technical abilities in areas relating to solid waste management, which qualifies them to serve in this capacity.

Following the City Council's appointment of the Hearing Officer, the City will enter into an agreement with CAEHA, in a form approved by the City Attorney.

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: Sherri Yuasa, Senior Administrative Assistant

Fiscal Impact

FISCAL IMPACT:

If the need arises to utilize the Hearing Officer, the cost will be limited to \$25,000.00. There is funding available in Fund 145, Waste Management Enforcement. Table 1 below summarizes the estimated fiscal impact.

Table 1. Estimated Fiscal Impact

Service	Account No.	FY2022-23 Budget	Estimated Fiscal Impact		
			FYE 2023	FYE 2024	FYE 2025
OTHER CONTRACTUAL SERVICES	145.71.4182.6120	\$115,700.00	\$25,000	\$25,000	\$25,000

Attachments

Attachment No. 1 - Resolution No. 2023-14

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

ATTACHMENT NO. 1

RESOLUTION NO. 2023-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPOINTING A LOCAL ENFORCEMENT AGENCY HEARING OFFICER

WHEREAS, Public Resources Code section 44308 authorizes the City Council to appoint a hearing officer if the City Council has adopted procedures for making that appointment and has adopted qualifications that the hearing officer is required to meet; and

WHEREAS, on October 7, 2014, the City Council adopted Resolution No. 2014-44, establishing the qualifications and procedures for the appointment of a hearing officer; and

WHEREAS, the responsibility of the hearing officer is to render decisions in disputes regarding enforcement actions, permit conditions and civil penalties issued by the Waste Management Enforcement Agency; and

WHEREAS, Resolution No. 2014-44 requires the City Manager to determine a proposed Hearing Officer, whose qualifications must be presented to the City Council for consideration of appointment as a Hearing Officer; and

WHEREAS, Resolution No. 2014-44 requires the Hearing Officer to be selected for their legal, administrative and/or technical abilities in areas relating to solid waste management; and

WHEREAS, the City Manager has proposed that California Association of Environmental Health Administrators (CAEHA) serve as the Hearing Officer; and

WHEREAS, CAEHA has strong qualifications, professional experience, and administrative and technical abilities in areas relating to solid waste management, which qualifies CAEHA to serve in this capacity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby appoints California Association of Environmental Health Administrators as the Local Enforcement Agency Hearing Officer.

SECTION 2. The appointment of California Association of Environmental Health Administrators as the Local Enforcement Agency Hearing Officer shall be memorialized in a written agreement between the City and California Association of Environmental Health Administrators as required by Resolution No. 2014-44.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-14 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF SIDE LETTERS OF AGREEMENT FOR FIVE BARGAINING UNITS

RECOMMENDATION:

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

RESOLUTION NO. 2023-9 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA GENERAL EMPLOYEES' ASSOCIATION

RESOLUTION NO. 2023-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA CONFIDENTIAL EMPLOYEES' ASSOCIATION

RESOLUTION NO. 2023-11 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA MAINTENANCE & CRAFTS EMPLOYEES' ASSOCIATION

RESOLUTION NO. 2023-12 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA MID-MANAGEMENT EMPLOYEES' ASSOCIATION

RESOLUTION NO. 2023-13 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA NON-SWORN EMPLOYEES' ASSOCIATION

BACKGROUND:

Rank-and-file civil service employees in California local government are covered by collective bargaining, a process for negotiating wages, hours, and other terms and conditions of employment. The City of West Covina's rank-and-file employees are divided into 9 bargaining units. All but one bargaining unit is represented by a union; in some cases the same union represents multiple units. These representatives negotiate directly with the City, represented by the City's Human Resources Department. This process facilitates good communication. Representatives of employees as a group are likely to secure a more respectful hearing from management and to speak with more assurance and authority than would employees speaking individually. Management, in turn, has much to gain from seeking employee

viewpoints. The goal of negotiations between City Human Resources and each bargaining unit is to reach agreement on a contract covering a specified time period. The contract, also called a memorandum of understanding, or MOU, spells out the terms and conditions of employment for that particular unit, including any pay or benefit increases.

On November 2, 2021, the City Council approved resolutions adopting Memorandums of Understanding (MOU) with the Maintenance & Crafts Employees' Association, General Employees' Association, Mid-Management Employees' Association, Confidential Employees' Association, and the Non-Sworn Safety Support Employees' Union (collectively, the "Associations"). These agreements all included \$3,000 in one-time non-PERSable pay with a "me-too" provision should a greater one-time pay be offered to another non-public safety group.

On December 6, 2022, the West Covina City Council approved Resolution No. 22-124, authorizing a one-time non-PERSable payment of \$5,000 to the City's Management Team.

DISCUSSION:

Following the December 6, 2022 Council meeting, the Associations informed the City that they believed their members were entitled to an additional \$2,000.00 (the difference between \$5,000 and \$3,000) based on the language set forth their MOUs. Specifically: "Should a group other than a public safety group (Police or Fire) receive a greater one-time non-PERSable pay during the term of the MOU, employees shall receive that same level of one-time pay".

Staff recommends providing the one-time pay to foster positive labor relations. The attached resolutions include the following:

- Within 45 days after ratification of the side letter of agreement, all current employees covered by the association who were employed by the City as of November 2, 2021 and who received \$3,000 in one-time non-PERSable pay pursuant to Article Two, Section 1 of the MOU, will receive \$2,000 in one-time non-PERSable one-time pay.
- The employees will receive the one-time payment on a check separate from their paycheck.

All other terms of the MOUs other than the aforementioned terms would remain the same.

LEGAL REVIEW:

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

Prepared by: Lisa Handy, Human Resources Manager

Fiscal Impact

FISCAL IMPACT:

The estimated General Fund impact of this one-time pay is \$180,000. As of the first quarter budget amendment, the City had an estimated General Fund revenue less expenditures of \$486,345. Should these resolutions be approved, staff would include the actual expense in the next quarterly budget amendment.

Attachments

Attachment No. 1 - Resolution No. 2023-9
Attachment No. 2 - Resolution No. 2023-10
Attachment No. 3 - Resolution No. 2023-11
Attachment No. 4 - Resolution No. 2023-12
Attachment No. 5 - Resolution No. 2023-13

CITY COUNCIL GOALS & OBJECTIVES: Maintain Good Intergovernmental Relations

RESOLUTION NO. 2023-9

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, ADOPTING THE SIDE
LETTER BETWEEN THE CITY AND THE CITY OF WEST
COVINA GENERAL EMPLOYEES' ASSOCIATION**

WHEREAS, the City of West Covina, hereinafter referred to as the "City," and the City of West Covina General Employees' Association ("Association"), have met and conferred in accordance with the Meyers-Milias-Brown Act and Government Code § 3500; and

WHEREAS, the meet and confer process is a process that can result in an agreement between employees, through their associations, and the City regarding terms and conditions of employment, including wages, benefits and hours; and

WHEREAS, the City and the Association have memorialized their agreement in a Side Letter of Agreement, which is attached hereto as Exhibit "A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Side Letter of Agreement attached hereto as Exhibit "A" is hereby approved.

SECTION 2. The City Manager is authorized to sign the Side Letter of Agreement.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-9 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

SIDE LETTER OF AGREEMENT

Side Letter of Agreement
Between the
City of West Covina
and the
City of West Covina General Employees' Association

This side letter of agreement ("Agreement") memorializes an agreement entered into between the City of West Covina ("City") and the City of West Covina General Employees' Association ("Association") (collectively "Parties") with respect to the following:

WHEREAS, the Parties entered into a Memorandum of Understanding with a term of July 1, 2021 to June 30, 2024 ("MOU"); and

WHEREAS, the Parties have met and conferred in good faith concerning the terms and conditions of this Agreement and its implementation; and

WHEREAS, all other terms and conditions of the MOU shall remain in full force and effect.

NOW THEREFORE, the Parties have agreed as follows:

Within 45 days after ratification of this Agreement, all current employees covered by the Association who were employed by the City as of November 2, 2021 and who received \$3,000.00 (Three Thousand Dollars) in one-time non-PERSable pay pursuant to Article Two, Section 1 of the MOU, shall receive \$2,000.00 (Two Thousand Dollars) in one-time non-PERSable one time pay. The employees will receive the one-time payment on a check separate from their paycheck.

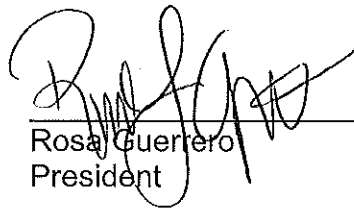
All other terms of the MOU other than the aforementioned terms would remain the same.

CITY OF WEST COVINA

David Carmany
City Manager

Date

**CITY OF WEST COVINA GENERAL
EMPLOYEES' ASSOCIATION**



Rosa Guerrero
President

1.30.2023

Date

RESOLUTION NO. 2023-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA CONFIDENTIAL EMPLOYEES' ASSOCIATION

WHEREAS, the City of West Covina, hereinafter referred to as the "City," and the City of West Covina Confidential Employees' Association ("Association"), have met and conferred in accordance with the Meyers-Milias-Brown Act and Government Code § 3500, and

WHEREAS, the meet and confer process is a process that can result in an agreement between employees, through their associations, and the City regarding terms and conditions of employment, including wages, benefits and hours; and

WHEREAS, the City and the Association have memorialized their agreement in a Side Letter of Agreement, which is attached hereto as Exhibit "A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Side Letter of Agreement attached hereto as Exhibit "A" is hereby approved.

SECTION 2. The City Manager is authorized to sign the Side Letter of Agreement.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-10 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

SIDE LETTER OF AGREEMENT

Side Letter of Agreement
Between the
City of West Covina
and the
City of West Covina Confidential Employees' Association

This side letter of agreement ("Agreement") memorializes an agreement entered into between the City of West Covina ("City") and the City of West Covina Confidential Employees' Association ("Association") (collectively "Parties") with respect to the following:

WHEREAS, the Parties entered into a Memorandum of Understanding with a term of July 1, 2021 to June 30, 2024 ("MOU"); and

WHEREAS, the Parties have met and conferred in good faith concerning the terms and conditions of this Agreement and its implementation; and

WHEREAS, all other terms and conditions of the MOU shall remain in full force and effect.

NOW THEREFORE, the Parties have agreed as follows:

Within 45 days after ratification of this Agreement, all current employees covered by the Association who were employed by the City as of November 2, 2021 and who received \$3,000.00 (Three Thousand Dollars) in one-time non-PERSable pay pursuant to Article Two, Section 1 of the MOU, shall receive \$2,000.00 (Two Thousand Dollars) in one-time non-PERSable one time pay. The employees will receive the one-time payment on a check separate from their paycheck.

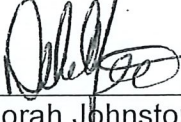
All other terms of the MOU other than the aforementioned terms would remain the same.

CITY OF WEST COVINA

David Carmany
City Manager

Date

**CITY OF WEST COVINA CONFIDENTIAL
EMPLOYEES' ASSOCIATION**



Deborah Johnston
President



Date

RESOLUTION NO. 2023-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER BETWEEN THE CITY AND THE CITY OF WEST COVINA MAINTENANCE & CRAFTS EMPLOYEES' ASSOCIATION

WHEREAS, the City of West Covina, hereinafter referred to as the "City," and the City of West Covina Maintenance and Crafts Employees' Association ("Association"), have met and conferred in accordance with the Meyers-Milias-Brown Act and Government Code § 3500, and

WHEREAS, the meet and confer process is a process that can result in an agreement between employees, through their associations, and the City regarding terms and conditions of employment, including wages, benefits and hours; and

WHEREAS, the City and the Association have memorialized their agreement in a Side Letter of Agreement, which is attached hereto as Exhibit "A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Side Letter of Agreement attached hereto as Exhibit "A" is hereby approved.

SECTION 2. The City Manager is authorized to sign the Side Letter of Agreement.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-11 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

SIDE LETTER OF AGREEMENT

Side Letter of Agreement
Between the
City of West Covina
and the
City of West Covina Maintenance & Crafts Employees' Association

This side letter of agreement ("Agreement") memorializes an agreement entered into between the City of West Covina ("City") and the City of West Covina Maintenance & Crafts Employees' Association ("Association") (collectively "Parties") with respect to the following:

WHEREAS, the Parties entered into a Memorandum of Understanding with a term of July 1, 2021 to June 30, 2024 ("MOU"); and

WHEREAS, the Parties have met and conferred in good faith concerning the terms and conditions of this Agreement and its implementation; and

WHEREAS, all other terms and conditions of the MOU shall remain in full force and effect.

NOW THEREFORE, the Parties have agreed as follows:

Within 45 days after ratification of this Agreement, all current employees covered by the Association who were employed by the City as of November 2, 2021 and who received \$3,000.00 (Three Thousand Dollars) in one-time non-PERSable pay pursuant to Article Two, Section 1 of the MOU, shall receive \$2,000.00 (Two Thousand Dollars) in one-time non-PERSable one time pay. The employees will receive the one-time payment on a check separate from their paycheck.

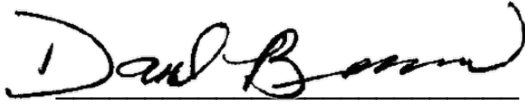
All other terms of the MOU other than the aforementioned terms would remain the same.

CITY OF WEST COVINA

David Carmany
City Manager

Date

**CITY OF WEST COVINA MAINTENANCE & CRAFTS
EMPLOYEES' ASSOCIATION**



David Branconier
President

01/30/2023

Date

RESOLUTION NO. 2023-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, ADOPTING THE SIDE
LETTER BETWEEN THE CITY AND THE CITY OF WEST
COVINA MID-MANAGEMENT EMPLOYEES'
ASSOCIATION**

WHEREAS, the City of West Covina, hereinafter referred to as the "City," and the City of West Covina Mid-Management Employees' Association ("Association"), have met and conferred in accordance with the Meyers-Milias-Brown Act and Government Code § 3500, and

WHEREAS, the meet and confer process is a process that can result in an agreement between employees, through their associations, and the City regarding terms and conditions of employment, including wages, benefits and hours; and

WHEREAS, the City and the Association have memorialized their agreement in a Side Letter of Agreement, which is attached hereto as Exhibit "A."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Side Letter of Agreement attached hereto as Exhibit "A" is hereby approved.

SECTION 2. The City Manager is authorized to sign the Side Letter of Agreement.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-12 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

SIDE LETTER OF AGREEMENT

Side Letter of Agreement
Between the
City of West Covina
and the
City of West Covina Mid-Management Employees' Association

This side letter of agreement ("Agreement") memorializes an agreement entered into between the City of West Covina ("City") and the City of West Covina Mid-Management Employees' Association ("Association") (collectively "Parties") with respect to the following:

WHEREAS, the Parties entered into a Memorandum of Understanding with a term of July 1, 2021 to June 30, 2024 ("MOU"); and

WHEREAS, the Parties have met and conferred in good faith concerning the terms and conditions of this Agreement and its implementation; and

WHEREAS, all other terms and conditions of the MOU shall remain in full force and effect.

NOW THEREFORE, the Parties have agreed as follows:

Within 45 days after ratification of this Agreement, all current employees covered by the Association who were employed by the City as of November 2, 2021 and who received \$3,000.00 (Three Thousand Dollars) in one-time non-PERSable pay pursuant to Article Two, Section 1 of the MOU, shall receive \$2,000.00 (Two Thousand Dollars) in one-time non-PERSable one time pay. The employees will receive the one-time payment on a check separate from their paycheck.

All other terms of the MOU other than the aforementioned terms would remain the same.

CITY OF WEST COVINA


David Carmany
City Manager

Date

**CITY OF WEST COVINA MID-MANAGEMENT
EMPLOYEES' ASSOCIATION**



Kelly McDonald
President



Date

RESOLUTION NO. 2023-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, ADOPTING THE SIDE
LETTER BETWEEN THE CITY AND THE CITY OF WEST
COVINA NON-SWORN SAFETY SUPPORT UNIT
EMPLOYEES**

WHEREAS, the City of West Covina, hereinafter referred to as the “City,” and the City of West Covina Non-Sworn Safety Support Unit Employees (“Unit”), have met and conferred in accordance with the Meyers-Milias-Brown Act and Government Code § 3500, and

WHEREAS, the meet and confer process is a process that can result in an agreement between employees, through their bargaining units, and the City regarding terms and conditions of employment, including wages, benefits and hours; and

WHEREAS, the City and the Unit have memorialized their agreement in a Side Letter of Agreement, which is attached hereto as Exhibit “A.”

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Side Letter of Agreement attached hereto as Exhibit “A” is hereby approved.

SECTION 2. The City Manager is authorized to sign the Side Letter of Agreement.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall enter the same in the book of original resolutions and it shall become effective immediately.

APPROVED AND ADOPTED this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, ASSISTANT CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Resolution No. 2023-13 was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

EXHIBIT A

SIDE LETTER OF AGREEMENT

Side Letter of Agreement
Between the
City of West Covina
and the
City of West Covina Non-Sworn Safety Support Unit Employees

This side letter of agreement ("Agreement") memorializes an agreement entered into between the City of West Covina ("City") and the City of West Covina Non-Sworn Safety Support Unit Employees (collectively "Parties") with respect to the following:

WHEREAS, the Parties entered into a Memorandum of Understanding with a term of July 1, 2021 to June 30, 2024 ("MOU"); and

WHEREAS, the Parties have met and conferred in good faith concerning the terms and conditions of this Agreement and its implementation; and

WHEREAS, all other terms and conditions of the MOU shall remain in full force and effect.

NOW THEREFORE, the Parties have agreed as follows:

Within 45 days after ratification of this Agreement, all current employees covered by the Association who were employed by the City as of November 2, 2021 and who received \$3,000.00 (Three Thousand Dollars) in one-time non-PERSable pay pursuant to Article Two, Section 1 of the MOU, shall receive \$2,000.00 (Two Thousand Dollars) in one-time non-PERSable one time pay. The employees will receive the one-time payment on a check separate from their paycheck.

All other terms of the MOU other than the aforementioned terms would remain the same.

CITY OF WEST COVINA

David Carmany
City Manager

Date

**CITY OF WEST COVINA NON-SWORN SAFETY
SUPPORT UNIT EMPLOYEES**

Signature

Date

Print Name

Maritza Goldbaum

0/2/2023



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: PUBLIC HEARING REGARDING CODE AMENDMENT 22-04 AND ORDINANCE NO. 2511 PERTAINING TO STANDARDS AND REQUIREMENTS FOR SHOPPING CART CONTAINMENT.

RECOMMENDATION:

It is recommended that the City Council conduct a public hearing and then introduce the following ordinance:

ORDINANCE NO. 2511 - AN ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 15 AND 26 OF THE WEST COVINA MUNICIPAL CODE TO AUTHORIZE DEVELOPMENT STANDARDS AND REQUIREMENTS FOR CART CONTAINMENT AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

BACKGROUND:

The City has been experiencing an increase of abandoned and/or misused shopping carts littering City streets and sidewalks with an average of 180 abandoned shopping carts retrieved per month.

At the October 11, 2022 Planning Commission meeting, the Planning Commission adopted Resolution No. 22-6116A recommending that the City Council adopt an ordinance establishing standards and requirements for cart containment measures in order to make businesses responsible for securing their own carts. During the meeting, the Planning Commission brought up concerns that small businesses may experience financial hardships due to the cost associated with adopting cart containment measures.

City Survey

Staff surveyed eight nearby cities (Baldwin Park, Covina, La Puente, El Monte, San Dimas, Arcadia, Pasadena, and Monrovia) regarding how each of the cities are addressing shopping carts. Seven out of the eight surveyed cities have requirements that businesses utilizing carts provide the city and obtain approval of a cart containment plan that includes physical cart containment measures. Three out of the eight surveyed cities contract with a third party to collect abandoned shopping carts (Arcadia, Monrovia, & San Dimas). Seven of the nearby cities have ordinances that consider abandoned shopping carts as a public nuisance and specify that the city will collect abandoned shopping carts if not collected by the business within three days. The survey is included in the staff report as Attachment No. 2.

DISCUSSION:

The following is a summary of the proposed changes:

Chapter 15 (Miscellaneous Provisions Relating to Public Health and Safety)

A new article (Article XIV - Abandoned Carts - Retrieval and Impoundment) within Chapter 15 will be created.

- The draft ordinance identifies carts removed from the premises of businesses and abandoned as a public nuisance and a potential hazard to the health and safety of the public.
- Provides the City the authority to impound carts outside the business premises within 24 hours of notification and/or if it is located in a portion of the public right-of-way where it obstructs the sidewalk/street and/or is a hazard to vehicle traffic/pedestrians
- Allows the City to levy fines on businesses for violations related to cart abandonment
- Allows the City to recover cost for impounding shopping carts
- Specifies that unclaimed carts will be sold or disposed within 30 calendar days from notification date if the cart(s) contain the required identification signage and may be disposed of immediately if the carts are unmarked

Chapter 26 (Zoning)

A new division (Division 31 - Cart Containment) within Article XII (Special Regulations for Unique Uses) of Chapter 26 will be created.

- The draft ordinance includes a cart containment plan requirement. The following are the acceptable physical containment measures:
 - Wheel locking/stopping mechanism in conjunction with a magnetic barrier along the perimeter of the premises
 - Equipping carts with devices that would prevent carts from being removed from the interior of the building
 - Installing physical barriers on the site that would prevent carts from being removed from the interior of the building
 - Other options proposed by the business establishment and approved by the Director
- The draft ordinance, as recommended by the Planning Commission, requires all businesses to comply within 12 months of the effective date of the code with an opportunity to apply for a 6-month extension no more than 30 days after the expiration date. The extension of time is subject to the Director's approval with the Director's decision appealable to the Planning Commission. If desired, the City Council may reduce the time frame required for compliance to no shorter than six (6) months. If the Ordinance is adopted, staff will proactively reach out to all business that utilize carts and work with them to obtain compliance.
- The draft ordinance contains requirements for securing carts at the end of each business day and retrieving carts removed from the premises within 24 hours of removal or notice of removal.

Staff believes that the acceptable physical containment measures listed in the draft ordinance are reasonable and would not be too costly. For example, one of the retailers in the City utilizes long sticks/rods permanently affixed to the carts to prevent the carts from vertically fitting through the doorway. In addition, the containment options are flexible and are open to new technology and ideas.

Approximately 35 businesses in the City would be impacted by the proposed Ordinance, one-third (1/3) of which already has cart containment measures in place. The impacted businesses include grocery stores, retail stores, and laundromats. Businesses utilizing carts will be provided 12 months to install their proposed/approved cart containment measure.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

1. Adopt the proposed ordinance per the Planning Commission's recommendation; or
2. Provide alternative direction

ENVIRONMENTAL REVIEW:

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA guidelines, and the City's environmental procedures, and is found to be exempt pursuant to CEQA Guidelines Section 15061(b)(3), in that the proposed action consists of a code amendment, 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. 2511

Attachment No. 2 - City Survey

Attachment No. 3 - Presentation

CITY COUNCIL GOALS & OBJECTIVES: Protect Public Safety
Address Homeless Issues
A Well-Planned Community
Enhance City Image and Effectiveness

ORDINANCE NO. 2511

AN ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, AMENDING PORTIONS OF CHAPTERS 15 AND 26 OF THE WEST COVINA MUNICIPAL CODE TO AUTHORIZE DEVELOPMENT STANDARDS AND REQUIREMENTS FOR CART CONTAINMENT AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, on July 12, 2022, the Planning Commission initiated Code Amendment No. 22-04 related to development standards and requirements for cart containment; and

WHEREAS, on October 11, 2022, the Planning Commission conducted a duly noticed public hearing as prescribed by law regarding proposed Code Amendment No. 22-04. At the conclusion of the public hearing, the Planning Commission approved Planning Commission Resolution No. 22-6116, recommending that the City Council approve Code Amendment No. 22-04; and

WHEREAS, on February 21, 2023, the City Council conducted a duly noticed public hearing as prescribed by law regarding this ordinance approving Code Amendment No. 2611; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Code Amendment. Chapter 15 (Miscellaneous Provisions Relating to Public Health and Safety) of the West Covina Municipal Code is hereby amended to add Article XIV (Abandoned Carts – Retrieval and Impoundment) as follows:

ARTICLE XIV – ABANDONED CARTS – RETRIEVAL AND IMPOUNDMENT

Sec. 15-600. - Purpose.

This article regulates the process for abandoned cart retrieval and impoundment. It constitutes a public nuisance and a potential hazard to the health and safety of the public when carts are removed from the premises of businesses and left abandoned.

Sec. 15-601. - Definitions.

For the purposes of this article, the following words, phrases and terms shall have the meaning set forth as follows:

Abandoned Cart. The term “abandoned cart” means (i) any cart owned by, or otherwise furnished to, a business establishment which is placed or otherwise located outside of outer perimeter of the premises upon which business establishment is located; or (ii) any other cart left unattended in the public right-of-way, on a public street or on private property without the consent of the private property owner.

Business Establishment. The term “business establishment” refers to any person, as defined herein, engaged in a for-profit or non-profit enterprise, undertaking or activity for which a City of West Covina business license and/or business permit is required, including but not limited to any for-profit commercial retail business or enterprise.

Cart. The term “cart” means any basket or other like container of any size, dimension or material which is mounted on wheels or a similar device and is typically (but not necessarily exclusively) used by customers, agents, or employees of a business establishment for the purpose of transporting items of any kinds.

Cart Owner. The term “cart owner” means (i) any person who owns a cart that is use or otherwise located within the City of West Covina; (ii) any business establishment located in the City of West Covina which is furnished with a cart for use by its customers, agents, or employees; or (iii) any business establishment which uses a cart in connection with its operations in the City of West Covina.

City. The term “city” means the City of West Covina, California.

Director. The term “director” means the Community Development Director or designee.

Parking Area. The term “parking area” means any area within the perimeter of a premises as defined herein that is designated or otherwise used for the parking, stopping, loading or unloading of vehicles, including, but not limited to, any and all motor vehicles used by customers of the business establishment located on the premises.

Public Area. The term “public area” means any real property within the territorial boundaries of the City of West Covina that is open to, or otherwise accessible by, members of the general public, including, but not limited to, any public right-of-way, any public street and those areas of privately owned real property that are customarily open to, or otherwise accessible by, members of the general public such as the parking areas or common areas within a premises as defined herein.

Sec. 15-602. - Unauthorized use of carts by business establishments.

It shall be unlawful for the owner of any business establishment to provide or offer, or permit to be provided or offered, any carts to customers of said business establishment without an approved cart containment plan as required by division 31 (Cart Containment) of article XII (Special Regulations for Unique Uses) of chapter 26 (Zoning) of this Code.

Sec. 15-603. - Unauthorized removal of carts from the premises.

Unauthorized removal of a shopping cart from the premises or parking area of a retail establishment is prohibited. Procedures related to removal and possession of any shopping carts shall be pursuant to Business and Professions Code, Section 22435 et seq.

Sec. 15-604. - Abandoned shopping Carts – abatement, removal, and storage.

- (a) Impounding. The city may impound any cart without the permanently affixed sign required by section 26-685.14200 of this Code and/or any cart that has the required permanently affixed sign, provided both of the following conditions have been met:
 - (1) The shopping cart is located outside the business premises.
 - (2) The shopping cart is not retrieved within twenty-four (24) hours from the date the shopping cart owner receives actual notice from the city of such cart's discovery and location.
- (b) Immediate Retrieval. Notwithstanding other provisions of this section, the city may immediately retrieve a cart from public or private property when the location of such cart will impede emergency services, obstructs the sidewalk/street and is a hazard to pedestrians/vehicle traffic, and/or is deemed a public hazard/safety concern, as determined by the director or his/her designee.
- (c) Location of Impoundment. Any shopping cart that has been impounded by the city pursuant to paragraph (1) or (2) of subsection (a) (Impounding) of this section shall be held at a location that is reasonably convenient to the shopping cart owner and is open for business at least six (6) hours of each business day.
- (d) Cost Recovery. When the city has impounded a shopping cart pursuant to paragraph (1) or (2) of subsection (a) (Impounding) of this section, the city may recover its actual costs for providing such service.
- (e) Fines for Impoundment. The city may fine a shopping cart owner fifty dollars (\$50) for each occurrence in excess of three (3) during a six (6)-month period for failure to retrieve shopping carts in accordance with this section. For purposes of this paragraph, an occurrence shall include all shopping carts impounded in accordance with this section during a calendar day.
- (g) Unclaimed Carts. The city or its authorized agent may sell or dispose of any shopping cart not reclaimed by the owner within thirty (30) calendar days of receipt of actual notice from the city.
- (h) No Required Signage. Notwithstanding other provisions of this section, the city may immediately impound, sell and/or dispose of any shopping cart that does

- not contain a permanently affixed sign required pursuant to this section and whose ownership cannot otherwise be ascertained.
- (i) Revocation. An approved cart containment plan per section 26-685.14200 of this Code authorizing the use of carts by the business establishment may be revoked by the director upon his/her determination that any of the following grounds for revocation exist, and shall be subject to revocation procedures in division 12 of article VI of chapter 26 of this Code (Revocation Procedures):
 - (1) The owner of any establishment has received notice that the establishment is operating, or is permitting operation of, the establishment in violation of one or more of the provisions of said approved plan(s) and has failed to correct said violation(s) for a period of at least sixty (60) calendar days following the date of receipt of written notice of such violation(s) from the city.
 - (2) The mandatory cart containment and retrieval plan is inadequate to reasonably prevent the removal of shopping carts from the premises of the retail establishment or to reasonably provide for the prompt retrieval of lost, stolen, or abandoned shopping carts which have been removed from the premises of the retail establishment.
 - (j) Use of Shopping Carts Following Revocation is Prohibited. No business establishment owner shall provide or make available carts for the use of customers following the effective date of any decision revoking a required cart containment and retrieval plan pursuant to this section unless and until a new proposed cart containment and retrieval plan is approved by the city for such retail establishment.

SECTION 2. Code Amendment. Article XII (Special Regulations for Unique Uses) of Chapter 26 (Zoning) of the West Covina Municipal Code is hereby amended to add Division 31 (Cart Containment) as follows:

DIVISION 31. - CART CONTAINMENT

Sec. 26-685.14000. - Purpose.

This division sets forth a uniform set of standards for any business establishment that uses carts in its operations, or that provides, or otherwise makes carts available for the use of its customers. Business establishments utilizing carts shall employ and/or install physical containment devices and/or equipment designed to prevent the unauthorized removal of such carts from the premises where they are located.

Sec. 26-685.14100. - Definition.

For purposes of this division, the following definition shall apply:

Cart means any basket or other like container of any size, dimension or material construction which is mounted on wheels or a similar device and is typically (but not necessarily exclusively) used by the customers, agents or employees of a business establishment for the purpose of transporting items of any kind.

Sec. 26-685.14200. - Cart containment regulations.

- (a) Each business establishment shall have a sign permanently affixed to all carts complying with the requirements of the Business and Professions Code Section 22435.1, shall have signage installed on site notifying customers that removal of the carts from the premises is prohibited, and shall be required to employ and/or install one or more of the following physical containment measures, subject to the community development director's review and approval of a cart containment plan specifically indicating the means of cart containment proposed to be utilized:
 - (1) Equipping all carts with a wheel locking or stopping mechanism used in conjunction with an electronic or magnetic barrier running along or within the perimeter of the premises. Such wheel locking or stopping mechanism must activate when the cart crosses the electronic or magnetic barrier;
 - (2) Equipping all carts with devices and/or equipment which physically prevents the carts from being removed from the interior of any building or structure in which they are used;
 - (3) Installing physical barriers within all buildings or structures which physically prevent carts from being removed from the interior of any building or structure in which they are used;
 - (4) Installing an alternative cart containment system proposed by the specific business establishment and approved by the community development director.
- (b) The employment and/or installation of any one or more of the options set forth under subsections (a)(1) through (a)(3) of this section shall be required within sixty (60) calendar days of a written determination by the community development director determining that an approved alternative cart containment system option does not reliably prevent the removal of carts from the premises. A containment system shall be deemed not to reliably prevent the removal of carts from the premises if the number of carts removed from the premises or found abandoned exceeds three (3) carts in a thirty (30)-day period and/or eight (8) total carts in any calendar year.

Sec. 26-685.14300. - Cart containment approval process.

Approval by Community Development Director. Commencing upon the effective date of this division, every new or existing business establishment utilizing carts must either: (i) submit documentation proving, to the reasonable satisfaction of the community development director, that the business establishment has installed any one or more of the measures set forth under section 26-685.14200(a)(1) through (a)(3) and that such system is operational and in good working condition; or (ii) submit to the community development director a proposal for the installation of an alternative cart containment system. The community development director shall have thirty (30) calendar days from the date of submission to review any proposal for a barrier system contemplated under section 26-685.14200(a)(4) and may thereafter approve the proposal; deny the proposal; approve the proposal subject to modifications and amendments aimed at enhancing its

cart containment reliability and/or its architectural and aesthetic consistency with other on-premises improvements; or forward the proposal to the planning commission for review and render the final decision. No new business establishment shall be issued a certificate of occupancy until the requirements of this section are satisfied.

Sec. 26-685.14400. - Implementation and amortization.

All existing business establishments which do not have cart containment measures employed in accordance with section 26-685.14200(a)(1) through (a)(3) or have an approved alternative containment measure employed per section 26-685.14200(a)(4), as of the effective date of the ordinance codified in this section, shall so comply within twelve (12) months after the effective date. A business establishment and/or owner of the premises upon which the business establishment is located may apply for an extension of time from the amortization period no more than ninety (90) days prior to the expiration date or no more than thirty (30) days after the expiration date.

- (a) The extension of time request shall be reviewed by the community development director. The community development director may only consider one extension of time per business establishment. In no case shall an extension of time greater than six (6) months be granted. The planning commission, upon appeal, shall make the following findings in approving or conditionally approving an application for the extension of time request:
 - (1) That the strict application of the required cart containment measure will create an unreasonable hardship upon the applicant, which was not brought about by an act of the applicant.
 - (2) That the extension of time request will not be materially detrimental to the public health, safety, or general welfare, or to the use, enjoyment or valuation of property of other persons located within the vicinity.
 - (3) That sufficient evidence has been submitted to support the need for the extension of time and appropriate amount of time.
- (b) Written notice of time and place of hearings conducted by the planning commission upon appeal relating to such matter shall be given not less than ten (10) consecutive calendar days in advance of such hearing to the applicant and property owner whose property is within a three hundred (300) foot radius of the subject lot. The applicant shall be responsible for providing the city with the required radius map and mailing labels. All persons interested in such matter shall be given reasonable opportunity to present relevant evidence relating to the request.

Sec. 26-685.14500. - Requirement for securing carts.

All carts located on the premises of any business (other than business establishments open 24 hours per day) shall be collected at the end of each business day by employees of the establishment and shall be collectively confined in a secure manner until the commencement of the next business day.

Sec. 26-685.14600. - Cart retrieval requirements.

The cart owner shall secure and continuously maintain a service to retrieve shopping carts which have been removed from their business premises within 24 hours of the removal or notice of removal.

SECTION 3. Environmental Compliance. Pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA Guidelines (Sections 15000 et seq.), the City Council finds that this Ordinance is not a "project" and further, that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, either directly or indirectly, and that therefore no environmental review under the CEQA is required, pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exception).

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. Certification. The City Clerk shall certify passage of this Ordinance and shall cause the same to be published as required by law.

SECTION 6. Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED on the _____ day of _____, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Ordinance No. 2511 was introduced at a regular meeting of the City Council held on the 21st day of February, 2023, and adopted at a regular meeting of the City Council held on the ____ day of _____, 2023, by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lisa Sherrick
Assistant City Clerk

Shopping Cart – Policies & Codes

Survey conducted in August 2022

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- (8) City of San Dimas

City of Pasadena – Abandoned Shopping Cart Plan

Based on website and phone conversation with Customer Service Request Center Representative:

- Residents can use the following Citizen Service Center to create an **online or phone** request and pinpoint the exact location of an abandoned shopping cart they have seen and add information
 - o Once a request has been put in, City of Pasadena will contact the business to let them know where their cart has been located and to retrieve the cart and they will be fined
 - o If the cart remains abandoned, the business will continue to be fined
 - o Link: <https://www.cityofpasadena.net/citizen-service-center/submit-a-request/>
- City of Pasadena does not contract with a 3rd party to pick up shopping carts
- If carts are unidentified, Public Works or Code Enforcement will take them to the City yard to be disposed of
- All businesses must create a **Mandatory Abandoned Cart Prevention** plan to address loss prevention measures, employee training, community outreach, inventory, and a cart retrieval plan.
 - o Businesses can request exemptions from this requirement if they have:
 - A contract with a cart retrieval service
 - None of the business's carts have been found abandoned on 3+ occasions in a consecutive 6 month period

Municipal Code regarding Abandoned Shopping Carts – Ordinance 9.62

https://library.municode.com/ca/pasadena/codes/code_of_ordinances?nodeId=TIT9PUPEMOWE_ARTVOFAGPR_CH9.62ABSHCA_9.62.010SHTI

City of Covina – Abandoned Shopping Cart Plan

Based on conversation with Jennifer in Code Enforcement:

- As of July 2022, the City of Covina is no longer contracting with a 3rd party shopping cart retrieval company
- Public Works Department is now in charge of retrieving carts; they have hired 1 part-time worker responsible for retrieving carts
- They utilize a Citizen Service Request Website that allows residents to report locations of abandoned shopping carts.
- Abandoned shopping carts are regarded as a public nuisance
- Requires cart containment plan

Municipal Code regarding Abandoned Shopping Carts – Chapter 8.18

<https://www.codepublishing.com/CA/Covina/html/Covina08/Covina0818.html>

[Chapter 5.70 SHOPPING CART CONTAINMENT AND RETRIEVAL BY OWNERS \(codepublishing.com\)](#)

City of Baldwin Park – Abandoned Shopping Cart Plan

Based on conversation with individual from Planning Department:

- Individual property owners have their own security programs for shopping carts and is their responsibility to contract out to private companies
- If shopping carts are found in other places, individual shop owners are held financially responsible
- If the shopping carts are regarded as a public nuisance, then Public Works gets called in to deal with the situation
- **Requires physical containment measures**
- The city shall be permitted to destroy or otherwise dispose of any shopping cart removed by the city in the following circumstances:
 - o The shopping cart falls to contain a sign or other information that identifies the owner, and the city is unable to locate the owner with reasonable diligence; or
 - o The owner of the shopping cart or the owner's agent has failed to reclaim the shopping cart from the city within 30 days of receipt of notice that the shopping cart was removed by the city.

Municipal Code regarding Unattended Shopping Carts – Ordinance 98

https://codelibrary.amlegal.com/codes/baldwinpark/latest/baldwinpark_ca/0-0-0-4404

City of La Puente – Abandoned Shopping Cart Plan

Based on conversation with individual from Code Enforcement and municipal code:

- Must have cart identification and must collect carts after business hours
- Businesses must have an approved Abandoned Cart Prevention plan from the City of La Puente
- It is solely up to businesses to create a plan to retrieve their shopping cart
- City will only retrieve a cart if:
 - o If impedes with emergency services
 - o Has no identification
 - o Abandoned cart has not been retrieved by business 3 days after notification
- If the city retrieves the cart:
 - o The city shall hold the cart at a location that is reasonably convenient to the owner/retailer and is open for business at least six hours of each business day.
 - o If the cart is not retrieved by the owner/retailer within 30 days after the owner has received notice via telephone or email, or other written correspondence, of the cart being impounded, or if the cart's owner cannot be determined within 30 days after the cart has been impounded, the cart may be sold or destroyed by the city

Municipal Code regarding Shopping Cart Regulations – Chapter 3.76

https://codelibrary.amlegal.com/codes/lapuente/latest/lapuente_ca/0-0-0-41819

City of Arcadia – Shopping Cart Retrieval Plan

Based on phone conversation with Code Enforcement:

- City of Arcadia has contracted with Citywide Cart Savers, LLC to pick up shopping carts for all businesses; businesses do not have to pay a service fee for this amenity
- Some Arcadia businesses have their own cart retrieval companies that pick up their own carts – that is to their own discretion
- Citizens can use the online request center or phone through Citywide Cart Savers to report abandoned shopping cart locations, and the company will return them directly to businesses <https://citywidecarsavers.com/shopping-cart-retrieval/>
- City may impound a shopping cart if:
 - o It impedes emergency services
 - o Is not retrieved within three (3) business days from the date the shopping cart owner receives actual notice from the City of such cart's discovery and location.
- When the City has impounded a shopping cart, the City may recover its actual costs for providing such service.
- The City may fine a shopping cart owner fifty dollars for each occurrence in excess of three during a six-month period for failure to retrieve shopping carts
- Requires businesses to have a cart containment plan including physical containment measures

Link to Municipal Code Shopping Cart Containment and Retrieval – Chapter 9104.02.290

https://library.municode.com/ca/arcadia/codes/code_of_ordinances?nodeId=ARTIXDIUSLA_C_HIDECO_DIV4RESPLAUSAC_S9104.02SPUSAC_9104.02.290SHCACORE

City of El Monte

Based on conversation with individual from Public Works:

- The Public Works Department will treat abandoned like bulky items
- If Public Works finds shopping carts near the business it belongs to, they will return the cart to the business
- If Public Works finds shopping carts far away from the business it belongs to, they will take it to the City Yard
- They will let businesses know about the carts they have
 - o If shopping carts remain in the City Yard for over 1 month, they will be crushed/disposed of
- Oftentimes, businesses have contracted out with 3rd party cart retrieval company but if they come to pick it up from the City Yard, they require them to pick up all the carts that are there
- Requirement for business to have liability insurance
 - o Requires businesses to have a cart containment plan

Municipal Code regarding Use of Shopping and Laundry Carts – Chapter 5.25

https://library.municode.com/ca/el_monte/codes/code_of_ordinances?nodeId=TIT5BULIRE_CH5.25USSHLACA_5.25.030CACOPL

City of Monrovia

No answer; tried to call several times

Based on information from website and municipal code:

§ 8.13.050 Abandoned Shopping Carts - Abatement, Removal And Storage.

- CarTrac Shopping Cart Retrieval is contracted to pick up abandoned shopping carts in Monrovia. Report carts the following ways:
 - o Residents can report the abandoned cart through California Shopping Cart Retrieval Service through their hotline or through www.retailsolutionsus.com/pickuprequest and must identify shopping cart location (address, cross street & city) and number of carts
- Citizens can also contact Public Works directly at (626) 932-5575
- If the shopping cart is not retrieved within 3 business days from the date the shopping cart owner receives notice from the city about its location, then the city may impound it.
 - o Any shopping cart reclaimed by the shopping cart owner within three business days following the date of actual notice of the impound shall be released and surrendered to the shopping cart owner at no charge
 - o After 30 days, the city can sell or dispose of the unclaimed shopping cart
- The city may fine a shopping cart owner \$50 for each occurrence in excess of three during a six-month period for failure to retrieve shopping carts in accordance with this section.
- When the city has impounded a shopping cart pursuant to division (A) or (B) of this section, the city may recover its actual costs for providing such service.
- **Requires Businesses to have a cart containment plan**

Municipal Code regarding Shopping Cart Containment, Retrieval And Abatement – Chapter 8.13

https://codelibrary.amlegal.com/codes/monrovia/latest/monrovia_ca/0-0-0-64564

City of San Dimas

No answer; tried to call several times

Based on Website:

- The City of San Dimas has entered into an agreement with **Urban Graffiti Enterprises Inc.** for shopping cart abatement.
- Online Citizen Service Center where citizens can report location, # of, and additional information about where citizens have spotted abandoned shopping carts
- See here: https://sandimasca.gov/how_do_i/report/report_a_concern.php

Municipal Code does not go into detail about abandoned shopping carts; closest is Parking Design Requirements 18.156.080 and 18.544.270 Cart storage.

https://library.qcode.us/lib/san_dimas_ca/pub/municipal_code/item/title_18-chapter_18_544-article_iii-18_544_270

https://library.qcode.us/lib/san_dimas_ca/pub/municipal_code/item/title_18-chapter_18_156-18_156_080

CITY COUNCIL MEETING FEBRUARY 21, 2023

ITEM #12 – PUBLIC HEARING REGARDING CODE AMENDMENT 22-04 AND ORDINANCE NO.
2511 PERTAINING TO STANDARDS AND REQUIREMENTS FOR SHOPPING CART CONTAINMENT.

Planning Division

CITY SURVEY



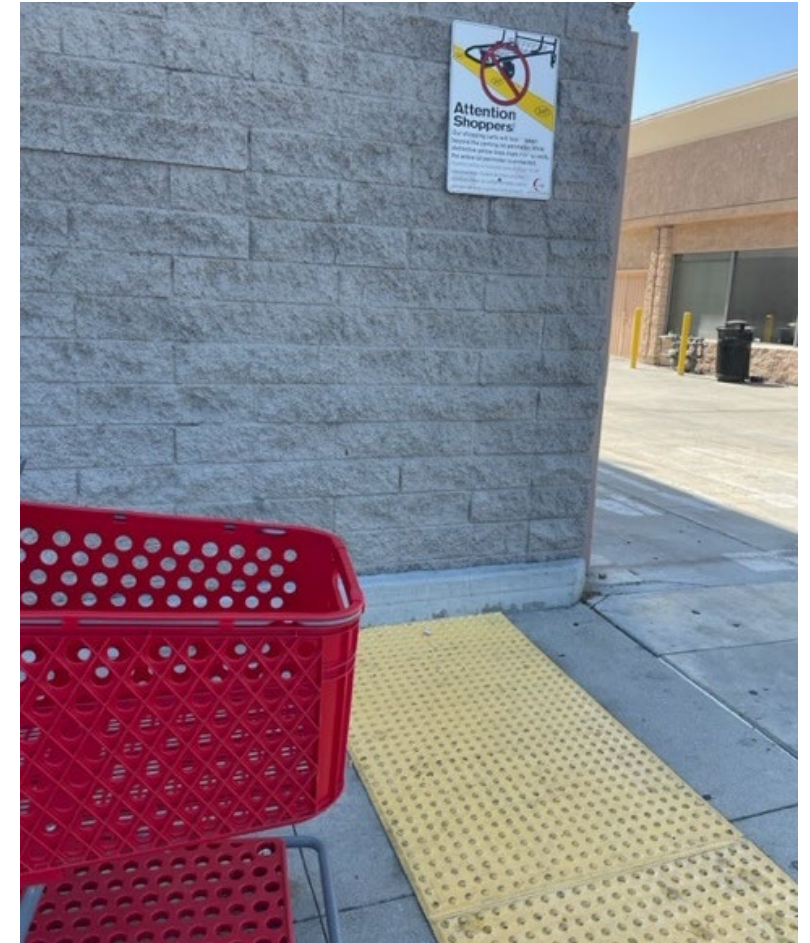
- **City Survey**
 - Pasadena
 - Covina
 - El Monte
 - Baldwin Park
 - Monrovia
 - Arcadia
 - La Puente
 - San Dimas
- **Approximately 180 shopping carts retrieved per month**

PROPOSED REGULATIONS PERTAINING TO ABANDONED SHOPPING CARTS – CHAPTER 15

- Identifies carts removed from the premises of businesses and abandoned as a public nuisance and a potential hazard to the health and safety of the public.
- Provides the City the authority to impound carts outside the business premises within 24 hours of notification and/or if it is located in a portion of the public right-of-way where it obstructs the sidewalk/street and/or is a hazard to vehicle traffic/pedestrians
- Allows the City to levy fines on businesses for violations related to cart abandonment
- Allows the City to recover cost for impounding shopping carts
- Specifies that unclaimed carts will be sold or disposed within 30 calendar days from notification date if the cart(s) contain the required identification signage and may be disposed of immediately if the carts are unmarked

PROPOSED CART CONTAINMENT REQUIREMENTS – CHAPTER 26

- Wheel locking/stopping mechanism with a magnetic barrier
- Devices that prevent carts from being removed from the interior
- Physical barriers on the site that would prevent carts from being removed from the interior
- Other options proposed by the business establishment





APPROVAL PROCESS AND IMPLEMENTATION



Applies to all business establishments utilizing carts



Director's Review



Amortization

12 months with up to a 6-month extension



Securing Carts



Cart Retrieval

RECOMMENDATION

It is recommended that the City Council conduct a public hearing and then introduce the following ordinance:

ORDINANCE NO. 2511 - AN ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, AMENDING CHAPTERS 15 AND 26 OF THE WEST COVINA MUNICIPAL CODE TO AUTHORIZE DEVELOPMENT STANDARDS AND REQUIREMENTS FOR CART CONTAINMENT AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: CONSIDERATION OF AN URGENCY ORDINANCE AND MORATORIUM PERTAINING TO DRIVE THROUGH FOOD ESTABLISHMENTS

RECOMMENDATION:

It is recommended that the City Council conduct a public hearing and then consider adoption, by 4/5 vote, the following ordinance:

URGENCY ORDINANCE NO. 2512 - AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 ESTABLISHING A 45-DAY TEMPORARY MORATORIUM ON THE REVIEW AND APPROVAL OF DRIVE-THROUGH RESTAURANTS/FOOD ESTABLISHMENTS WITHIN CITY LIMITS DURING THE PENDENCY OF THE CITY'S REVIEW AND ADOPTION OF PERMANENT ZONING REGULATIONS AND OBJECTIVE STANDARDS FOR SUCH USES AND DECLARING URGENCY THEREOF, AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

BACKGROUND:

The City Planning Commission has recommended that the City Council consider adoption of a moratorium. A land use moratorium is a local enactment which suspends a landowner's right to obtain development approvals while the community considers and potentially adopts changes to its comprehensive plan and/or its land use regulations to address new circumstances not addressed by its current laws. A moratorium on development therefore preserves the status quo while the municipality updates its comprehensive plan. A moratorium is designed to halt development temporarily, pending the completion and possible adoption of more permanent, comprehensive regulations.

The objective of municipal land use controls is to promote community planning values by properly regulating land development. It follows that land use controls work best when built upon a carefully considered comprehensive plan. It takes time to put together or to update a good community plan. During this time, demand for a particular use of land may arise for which there are inadequate or nonexistent controls. If the community allows development during that time, the ultimate worth of the eventual plan could be undermined. For these reasons, moratoria and other forms of interim zoning controls are often needed to "freeze" development until a satisfactory regulations are adopted.

DISCUSSION:

Adoption of land use moratorium is a serious thing. Two thoughts concerning such an action: 1) Though recommended by the City Planning Commission, if enacted a moratorium could have a chilling effect on free market private investment. A key feature of free markets is the absence of coerced transactions or conditions on transactions and 2) this topic has not yet benefited from conversation with and input from affected stakeholders nor has it been broadly publicly disseminated.

Planning Commission discussion focused on drive-through restaurants. A drive-through, or drive-thru, is a type of take-out service provided by a business that allows customers to purchase products without leaving their vehicle. Businesses like restaurants/cafes, banks, pharmacies offer drive-throughs. Fast service restaurants generate as much as 70% of their business at the drive-through. West Covina has approximately 28 drive-through food establishments within the City. Some of these drive-through establishments have caused traffic issues because sufficient vehicle queuing space was not provided, and the queuing extends into City streets.

On January 24th, the City Planning Commission voted 4-1 to recommend that the City Council consider adopting a moratorium (interim urgency ordinance) that would temporarily prohibit drive-through food establishments along the Interstate-10 Freeway between Workman Avenue and West Covina Parkway on the west side of the City, and between Workman Avenue and Walnut Creek Parkway on the east side of the City. The purpose of the interim urgency ordinance would be to halt the review and approval of drive-through food establishments while the City is working on incorporating restrictions and/or stricter standards into the West Covina Municipal Code as part of the Development Code update. Presently, there are 28 permitted drive-through restaurants/food establishments within the City (including the three under construction): 12 of which are located within 1,000 feet of the Interstate 10-Freeway (I-10). Eight (8) of those located along the freeway are near the Citrus Street and Barranca Street freeway exits.

All proposed drive-through restaurants in the City require a Conditional Use Permit subject to Planning Commission approval. In order for the Planning Commission to approve a drive-through restaurant, the Planning Commission must make the following findings:

- a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.***
- b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***
- c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.***
- d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.***
- e. That the granting of such conditional use permit will not adversely affect the general plan of the city, or any other adopted plan of the city.***

In reviewing CUP applications for drive-throughs, the City now requires a drive-through queuing analysis to ensure there is plenty of queuing or stacking on-site, as well as a contingency plan that is kept with the restaurant managers that would address potential traffic impacts if queues were to extend off-site.

Currently, applicants have the right to move forward with processing their CUP drive-through applications (Planning Commission hearing) without staff support knowing that the use would generate traffic issues.

If adopted by the City Council, the interim urgency ordinance will establish a temporary 45-day moratorium (which may be extended by 22 months and 15 days by 4/5 vote of the City Council) on the review and approval of new drive-through food establishments and/or expansion of existing drive-throughs.

LEGAL REVIEW:

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

OPTIONS:

The City Council has the following options:

1. Adopt the proposed urgency ordinance per the Planning Commission's recommendations; or
2. Adopt the proposed urgency ordinance with revisions; or
3. Provide alternative direction

ENVIRONMENTAL REVIEW:

Pursuant to Section 15001 of the California Environmental Quality Act ("CEQA") Guidelines, this Interim Urgency Ordinance is exempt from CEQA based on the following: (a) This Ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly and (b) this Ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an Interim Urgency Ordinance establishing a 45-day temporary moratorium on the review and approval of new drive-through restaurants/food establishments and/or the expansion of existing drive-throughs.

Prepared by: Jo-Anne Burns, Planning Manager

Fiscal Impact

FISCAL IMPACT:

This action will halt, and may ultimately reduce, General Fund revenue generated from the review and approval of drive-through restaurants/food establishments while the moratorium is in place. The number of projects to be impacted is unknown, therefore the fiscal impact cannot be estimated at this time.

Attachments

Attachment No. 1 - Urgency Ordinance No. 2512

Attachment No. 2 - Presentation

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

URGENCY ORDINANCE NO. 2512

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 ESTABLISHING A 45-DAY TEMPORARY MORATORIUM ON THE REVIEW AND APPROVAL OF DRIVE-THROUGH FOOD ESTABLISHMENTS WITHIN CITY LIMITS DURING THE PENDENCY OF THE CITY'S REVIEW AND ADOPTION OF PERMANENT ZONING REGULATIONS AND OBJECTIVE STANDARDS FOR SUCH USES AND DECLARING URGENCY THEREOF, AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, the City has a compelling interest in protecting the public health, safety, and welfare of its citizens, residents, visitors, and businesses, and in preserving the peace and quiet of the neighborhoods within the City by adopting additional regulations and objective standards for drive-through food establishments; and

WHEREAS, certain drive-through food establishments within the City have caused traffic issues because sufficient vehicle queuing space were not provided, and the queuing often extends into the streets which pose threats to the public health, safety, and welfare; and

WHEREAS, certain areas of the City exhibit an overconcentration of drive-through food establishments with up to eight (8) drive-through food establishments within 0.12 square miles; and

WHEREAS, the West Covina Municipal Code does not effectively regulate the development of drive-through food establishments in light of the current development trends; and

WHEREAS, Government Code Sections 36934, 36937 and 65858 expressly authorize the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health or safety and to prohibit a use that is in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, City staff require time to study and develop appropriate regulations and performance standards for drive-through food establishments which will be addressed in the City's Development Code Update; and

WHEREAS, on February 21, 2023, the City Council conducted a duly noticed public hearing as prescribed by law pursuant to Government Code Section 65090(b), concerning this Ordinance; and

WHEREAS, the City Council has duly considered all information presented to it, including written staff reports and any testimony provided at the public hearing, with all testimony received being made a part of the public record.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Authority and Effect. The State Planning and Zoning Law (Cal. Gov't Code Sections 65000, *et seq.*) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

This Interim Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council of the City of West Covina by Government Code Section 65858 and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

SECTION 2. Moratorium. During the effective period of this Ordinance, the consideration and approval of any new drive-through food establishments/restaurants and/or expansion of existing food establishment drive-throughs within City limits shall be prohibited.

SECTION 3. Study and Development. During the period of this Ordinance, the City shall study and develop as necessary City laws, rules, and procedures related to drive through food establishments/restaurants, to enable the City to adequately and appropriately preserve the health, safety and welfare of the communities in the City of West Covina.

SECTION 4. Urgency Measure. It is hereby declared that this Ordinance is necessary as an urgency measure for the preservation of the public health, safety and welfare. The City Council finds that current zoning regulations and land use plans do not properly regulate the operation of drive-through food establishments/restaurants and therefore do not adequately protect the peace, health, safety and general welfare of the residents of the City or in communities around the City. The City Council finds the urgency measure is necessary in order to ensure adequate regulation of the operation of drive-through food establishments/restaurants. The facts constituting the urgency are:

- a. The City of West Covina does not effectively regulate the development of drive-through food establishments in light of the current development trends.
- b. Certain drive-through food establishments within the City have caused traffic issues because sufficient vehicle queuing space were not provided, and the

queuing often extends into the streets which pose threats to the public health, safety, and welfare.

- c. Certain areas of the City exhibit an overconcentration of drive-through food establishments with up to eight (8) drive-through food establishments within 0.12 square miles which pose threats to the public health, safety, and welfare.
- d. To permit to new drive-through food establishments and/or the expansion of existing drive throughs within the City without being subject to specific and current regulations that are consistent with the General Plan, and that take into account the impacts that such uses have, constitutes a threat to the health, safety, and welfare.
- e. Absent the adoption of this Interim Urgency Ordinance, new drive-through food establishments and/or expansion of existing drive throughs would likely result in the negative and harmful secondary effects, as identified above, including, but not limited to traffic/pedestrian related accidents, public health and safety concerns, and other impacts.
- f. A moratorium is immediately required to preserve the public health, safety and welfare and should be adopted immediately as an urgency ordinance, to make certain that new drive-through food establishments and expansion of existing drive-throughs are prohibited for the period of this Ordinance. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of such activities.

SECTION 5. Environmental Review. Pursuant to the California Environmental Quality Act ("CEQA") Guidelines, this Interim Urgency Ordinance is exempt from CEQA based on the following: (a) This Ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly and (b) this Ordinance is also exempt pursuant to CEQA Guidelines Section 15061(b)(3) since the proposed ordinance involves an Interim Urgency Ordinance establishing a 45-day temporary moratorium on the drive-through food establishments and does not have the potential to significantly impact the environment.

SECTION 6. Inconsistencies. Any provision of this Ordinance which is inconsistent with state law shall be interpreted in a manner to be consistent with state law. Any provision of the West Covina Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of West Covina

hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 8. Effective Date. Consistent with its authority to adopt an urgency ordinance pursuant to Government Code 36934 and 36937, this Ordinance shall take effect immediately and shall remain in effect for a period of 45 days.

SECTION 9. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED on this 21st day of February, 2023.

Rosario Diaz
Mayor

APPROVED AS TO FORM

ATTEST

Thomas P. Duarte
City Attorney

Lisa Sherrick
Assistant City Clerk

I, LISA SHERRICK, Assistant City Clerk of the City of West Covina, California, do hereby certify that the foregoing Urgency Ordinance No. 2512 was introduced and adopted at a regular meeting of the City Council held on the 21st day of February, 2023, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Lisa Sherrick
Assistant City Clerk

CITY COUNCIL MEETING

FEBRUARY 21, 2023

ITEM #13 – CONSIDERATION OF AN URGENCY ORDINANCE AND MORATORIUM PERTAINING TO DRIVE THROUGH FOOD ESTABLISHMENTS

Community Development Department
Planning Division

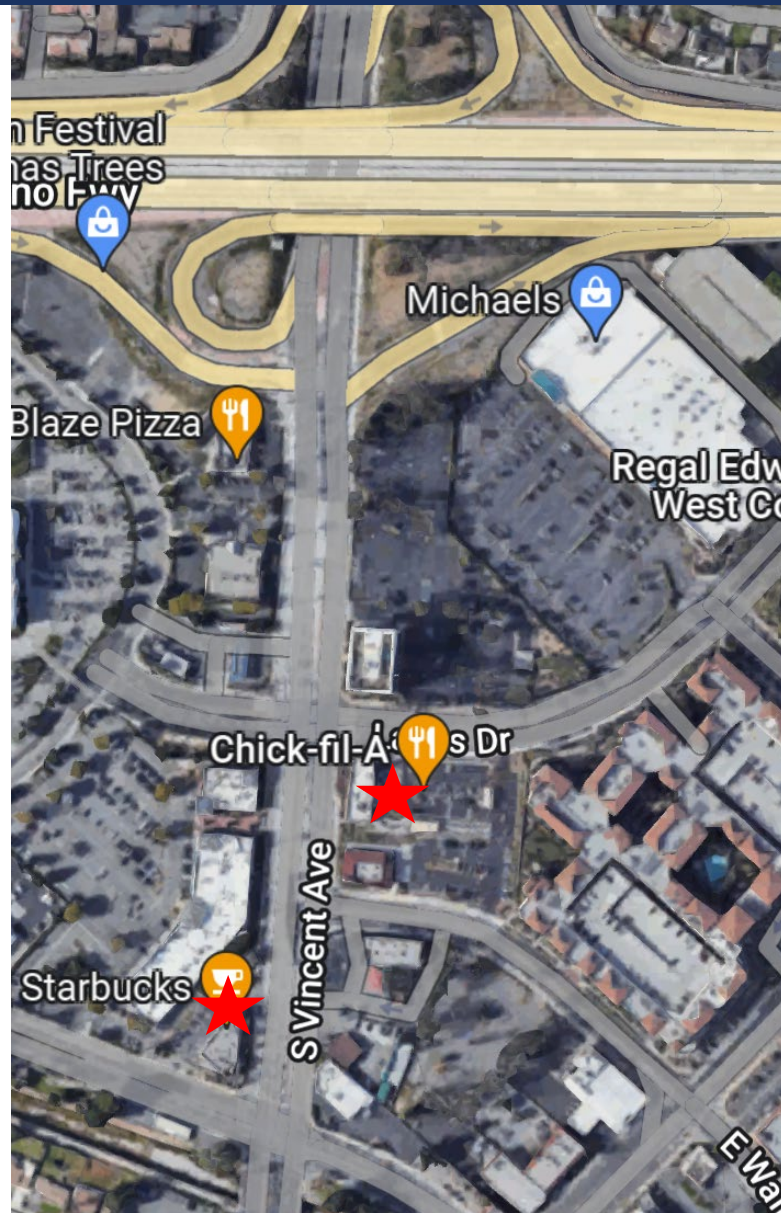
MORATORIUM

- Local enactment which suspends a landowner's right to obtain development approvals while the community considers changes to land use regulations
- Designed to halt development temporarily
- May have chilling effect on free market private investment
- Interim urgency ordinance will establish a temporary 45-day moratorium (which may be extended by 22 months and 15 days by 4/5 vote of the City Council)

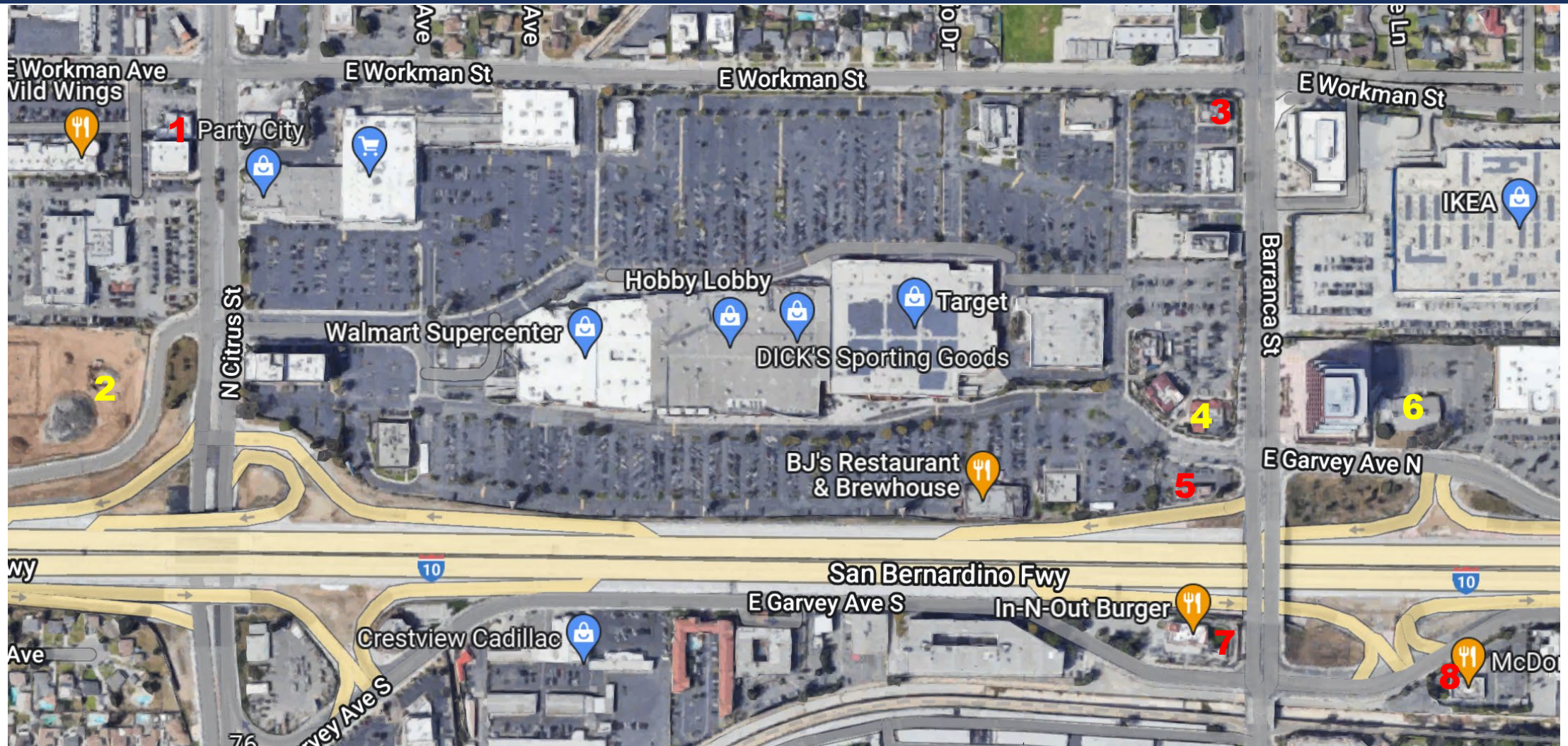
CURRENT CODE REQUIREMENTS

- Requires a Conditional Use Permit (CUP)
- Drive-through queuing analysis
 - Ensures that there is enough queuing/vehicle stacking on site
 - Applicants may continue to process CUP without staff support

DRIVE-THROUGH RESTAURANTS NEAR VINCENT AND AZUSA



DRIVE-THROUGH RESTAURANTS NEAR CITRUS & BARRANCA



RECOMMENDATION

It is recommended that the City Council conduct a public hearing and then consider adoption, by 4/5 vote, the following ordinance:

URGENCY ORDINANCE NO. 2512 - AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF WEST COVINA, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858 ESTABLISHING A 45-DAY TEMPORARY MORATORIUM ON THE REVIEW AND APPROVAL OF DRIVE-THROUGH RESTAURANTS/FOOD ESTABLISHMENTS WITHIN CITY LIMITS DURING THE PENDENCY OF THE CITY'S REVIEW AND ADOPTION OF PERMANENT ZONING REGULATIONS AND OBJECTIVE STANDARDS FOR SUCH USES AND DECLARING URGENCY THEREOF, AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: February 21, 2023

TO: Mayor and City Council

FROM: David Carmany
City Manager

SUBJECT: HSIP CYCLE 10 IMPROVEMENTS UPDATE - PROJECT NO. 23028

RECOMMENDATION:

It is recommended that the City Council receive and file the City's HSIP Cycle 10 Improvements Update.

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 traffic and pedestrian safety improvements as part of the grant funding request application include installation of:

- New traffic signal heads
- Pedestrian countdown head displays
- Pedestrian push buttons
- Left turn phasing (protected left turn) at applicable locations with existing turn pockets
- New signal poles
- Mast arms
- Pedestrian accessibility (ADA) improvements including curb ramps, signage, striping and related improvements

The project is 100% funded by State funds and no local match is required. The City will receive a total of \$3,184,700 from the State for this project which includes design and construction phases.

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.

On October 7, 2022, the City issued a Request for Proposal (RFP) to provide Preliminary Engineering Services (PE Phase) for Traffic Signal Improvements for 10 locations. At the December 6, 2022 Council meeting, the City Council approved an agreement with Kimley-Horn and Associates to provide the design phase of the project, with a maximum compensation amount of \$194,123.15.

On January 18, 2023, City representatives met with Kimley-Horn and Associates for the kick-off meeting for the design phase of the project. Kimley-Horn and Associates will begin field investigations, records search and utility coordination. Monthly progress meetings will be set up. Pursuant to the tentative schedule, 100% design plans are anticipated in late June 2023. Regulatory approvals with Caltrans are anticipated to be finalized by late 2023.

DISCUSSION:

The HSIP improvements will be at 10 intersections throughout the City (Attachment No. 1. Project Location Map).

Major Traffic Signal Improvements include; improve signal hardware, provide protected left turn phase where there are existing left turn lanes, reflective backplates, installation of pedestrian countdown signal heads, re-striping and crosswalk enhancements and curb ramp upgrades where needed. The following (6) intersections are eligible for Major Improvements:

1. Sunset Avenue at Merced Avenue
2. Cameron Avenue at Orange Avenue
3. Vincent Avenue at Puente Avenue
4. Lark Ellen Avenue at Badillo Avenue
5. Hollenbeck Avenue at Cameron Avenue
6. Sentous Avenue at La Puente Road

Minor Traffic Signal Improvements will be conducted at (4) intersections. Improvements include; upgrades to signal hardware, reflective backplates, re-striping and crosswalk enhancements and installation of pedestrian countdown signal heads. The following (4) intersections will have traffic signal upgrades:

7. Lark Ellen Avenue at Rowland Avenue
8. Azusa Avenue at Fairgrove Avenue
9. Amar Road at Temple Avenue
10. Amar Road at Shadow Oak Drive * additional signal heads for visibility

LEGAL REVIEW:

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

Prepared by: Jana Robbins, PTP, RSP, Project Manager

Fiscal Impact**FISCAL IMPACT:**

This agenda item is to receive and file, therefore; there is no fiscal impact associated with this action.

Attachments

Attachment No. 1- Power Point for WC CC 022123

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

HSIP CYCLE 10 IMPROVEMENTS UPDATE

PROJECT NO. 23028

City of West Covina – City Council Meeting
Tuesday, February 21, 2023



HSIP CYCLE 10 IMPROVEMENTS UPDATE

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 project is 100% funded by State funds and no local match is required. The City will receive a total of \$3,184,700. from the State for this project which includes design and construction phases.
- 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.
- At the December 6, 2022, Council meeting Kimley Horn and Associates was approved by Council to provide the design phase of the project with a contract amount of \$194,123.15.
- On January 18, 2023, City Representatives met with Kimley Horn and Associates for the kickoff meeting for the design phase of the project.
- A tentative schedule with 100% design plans is for late June of 2023. Regulatory approvals with (Caltrans) is anticipated to be finalized by late 2023.

HSIP CYCLE 10 IMPROVEMENTS UPDATE CONTINUED

Project Description

Major Traffic Signal Improvements include; improve signal hardware, provide protected left turn phase where there are existing left turn lanes, reflective backplates, installation of pedestrian countdown signal heads, re-striping and crosswalk enhancements and curb ramp upgrades where needed. The following (6) intersections are eligible for Major Improvements:

1. Sunset Avenue at Merced Avenue
2. Cameron Avenue at Orange Avenue
3. Vincent Avenue at Puente Avenue
4. Lark Ellen Avenue at Badillo Avenue
5. Hollenbeck Avenue at Cameron Avenue
6. Sentous Avenue at La Puente Road

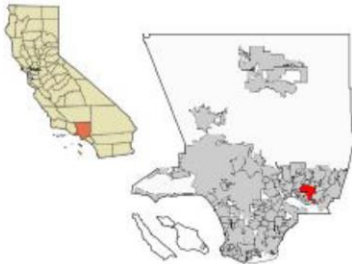
Minor Traffic Signal Improvements will be conducted at (4) intersections. Improvements include; upgrades to signal hardware, reflective backplates, re-striping and crosswalk enhancements and installation of pedestrian countdown signal heads. The following (4) intersections will have traffic signal upgrades:

7. Lark Ellen Avenue at Rowland Avenue
8. Azusa Avenue at Fairgrove Avenue
9. Amar Road at Temple Avenue
10. Amar Road at Shadow Oak Drive * additional signal heads for visibility


Project Location Map



Project Location within
Los Angeles County
In the City of West Covina



LEGEND

 City Boundary

HSIP Countermeasures Selected:

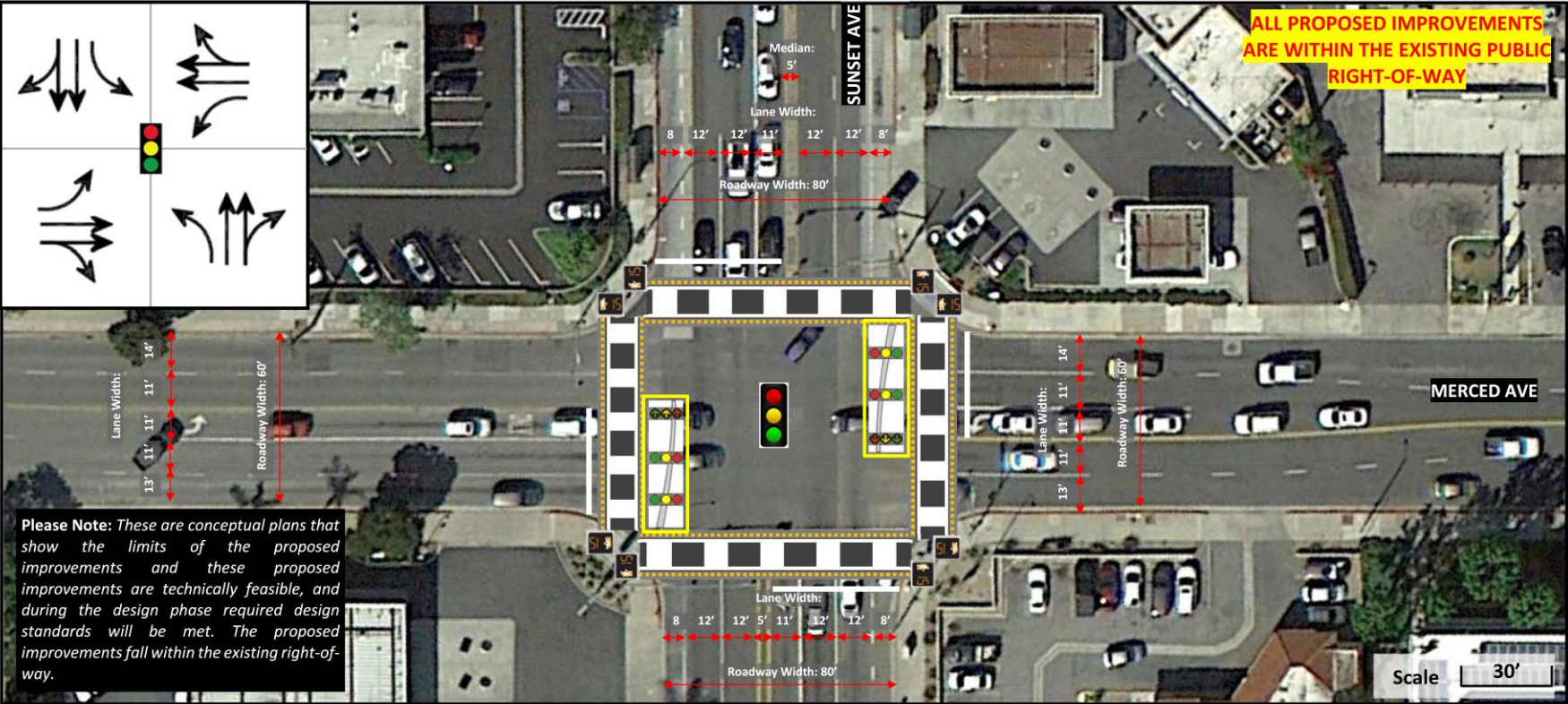
- ✓ CM #1: S02 - Signal Modification: Improve signal hardware: lenses, back-plates with retroreflective borders, mounting, size, and number.
- ✓ CM #2: S07 - Signal Modification: Provide protected left turn phase (left turn lane already exists).
- ✓ CM #3: S17PB - Ped & Bike: Install pedestrian countdown signal heads.




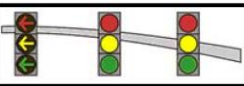

PROJECT LOCATIONS

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



Location 1: Sunset Avenue & Merced Avenue



	EXISTING CONDITIONS	PROPOSED CONDITIONS
 	<p>1 Sunset Avenue & Merced</p> <ul style="list-style-type: none">✓ Signalized intersection.✓ Existing crosswalks in all legs.✓ Older traffic signal hardware.✓ Left Turn Pockets exist for all directions✓ Sunset Avenue has existing Left Turn Phasing.✓ Merced Avenue does not have Left Turn Phasing but does have existing Left Turn Pockets	 <p>Countermeasure #1: S02 - Signal Modification: Improve signal hardware: lenses, back-plates with retroreflective borders, mounting, size, and number.</p>  <p>Countermeasure #2: S07 - Signal Modification: Provide protected left turn phase (left turn lane already exists): Install protected left turn phasing on Merced Avenue with audible pedestrian countdown head for all directions, including crosswalks striping and crosswalk limit lines. Poles and mast arms will need to be replaced to accommodate left turn signal heads. Improvements include upgrade to traffic signal heads and plates on Sunset Avenue.</p>  <p>Countermeasure #3: S17PB - Ped & Bike: Install pedestrian countdown signal heads: Install pedestrian countdown signal heads with audible push button display.</p>

Location 9: Amar Road & Shadow Oak Drive

