

**CITY OF WEST COVINA****CITY COUNCIL/SUCCESSOR AGENCY/COMMUNITY SERVICES FOUNDATION**

OCTOBER 15, 2019, 7:00 PM
REGULAR MEETING

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

Mayor Lloyd Johnson
Mayor Pro Tem Tony Wu
Councilman Dario Castellanos
Councilwoman Letty Lopez-Viado
Councilmember Jessica C. Shewmaker

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/COMMUNITY SERVICES FOUNDATION

**TUESDAY OCTOBER 15, 2019, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Pastor Jillian Lutes
West Covina Hills Seventh-Day Adventist Church

PLEDGE OF ALLEGIANCE

Led by Girl Scout Junior Troop 1994 Members Avery Alvarez, Jordyn Le, Sophia Guerrero and Xitali Esparza

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

Oath of Office / New Fire Chief, Vince Capelle
Breast Cancer Awareness Month Proclamation
100 Years of Women Voting Proclamation
Planning Month Proclamation
PD Dispatchers Certificate of Recognition for Dispatch Supervisor Mary Rodriguez, Senior Operator Nicole Santoyo and Dispatcher Juanita Franco

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.

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) OCTOBER 1, 2019 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION SPECIAL MEETING MINUTES

It is recommended that the City Council receive and file the October 1, 2019 Closed Session Special Meeting Minutes

CITY MANAGER'S OFFICE**2) CONSIDERATION OF LEGISLATIVE POSITION REGARDING SENATE BILL 732
TRANSACTIONS AND USE TAX: SOUTH COAST AIR QUALITY MANAGEMENT
DISTRICT (ALLEN) - MAYOR LLOYD JOHNSON**

It is recommended that the City Council direct staff to communicate position of opposition to the City's legislative representatives

3) CONSIDERATION OF PROPOSED APPOINTMENT OF ASSISTANT CITY MANAGER

It is recommended that the City Council approve the City Manager's proposed appointment of Mark Persico to the position of Assistant City Manager.

COMMUNITY DEVELOPMENT**4) APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF
ADMINISTRATIVE USE PERMIT (AUP) NOS. 19-25, 19-26, 19-27, 19-28, AND 19-29 FOR
THE REMOVAL AND REPLACEMENT OF EXISTING LIGHT POLES AND THE
INSTALLATION OF SMALL WIRELESS FACILITIES (SWF) ALSO KNOWN AS SMALL
CELL SITES, CONSISTING OF SHROUDED ANTENNAS ON TOP OF LIGHT POLES
AND
UNDERGROUND EQUIPMENT IN THE PUBLIC RIGHT-OF-WAY NEAR/IN FRONT OF
THE FOLLOWING ADDRESSES: 1631 E. NANETTE AVENUE, SCE POLE # 4279155E
(AUP NO. 19-25); 2539 TEMPLE AVENUE, SCE POLE # 1918455E (AUP NO. 19-26); 1689
NATALIE AVENUE, SCE POLE # 2079805E (AUP NO. 19-27); 2634 TEMPLE AVENUE,
SCE POLE # 1918457E (AUP NO. 19-28); 1722 NATALIE AVENUE, SCE POLE # 2271977E
(AUP NO. 19-29)**

Based on City Council direction at the October 1, 2019, City Council meeting, the following resolutions has been prepared for adoption:

**RESOLUTION NO. 2019-65 - A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST COVINA, CALIFORNIA, APPROVING THE APPEAL,
OVERTURNING THE DECISION OF THE PLANNING COMMISSION AND DENYING
ADMINISTRATIVE USE PERMIT NO. 19-25**

**RESOLUTION NO. 2019-66 - A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST COVINA, CALIFORNIA, APPROVING THE APPEAL,
OVERTURNING THE DECISION OF THE PLANNING COMMISSION AND DENYING
ADMINISTRATIVE USE PERMIT NO. 19-26**

**RESOLUTION NO. 2019-67 - A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST COVINA, CALIFORNIA, APPROVING THE APPEAL,
OVERTURNING THE DECISION OF THE PLANNING COMMISSION AND DENYING
ADMINISTRATIVE USE PERMIT NO. 19-27**

**RESOLUTION NO. 2019-68 - A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF WEST COVINA, CALIFORNIA, APPROVING THE APPEAL,
OVERTURNING THE DECISION OF THE PLANNING COMMISSION AND DENYING
ADMINISTRATIVE USE PERMIT NO. 19-28**

RESOLUTION NO. 2019-69 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE APPEAL, OVERTURNING THE DECISION OF THE PLANNING COMMISSION AND DENYING ADMINISTRATIVE USE PERMIT NO. 19-29

FIRE DEPARTMENT

5) CONSIDERATION OF AMENDMENT TO THE JOINT POWERS AUTHORITY AGREEMENT FOR DISASTER MANAGEMENT AREA D

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

RESOLUTION NO. 2019-64 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REVISED JOINT POWERS AGREEMENT TO PROVIDE FOR INTER-AGENCY COOPERATION IN MAJOR NATURAL OR MAN-MADE DISASTER

HUMAN RESOURCES

6) CONSIDERATION OF POLICE OFFICERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING

It is recommended that the City Council approve the Police Officers' Association Side Letter of the Memorandum of Understanding from Fiscal Year 2017-2021.

7) CONSIDERATION OF REVISION TO CLASS SPECIFICATION – CODE ENFORCEMENT MANAGER

It is recommended that the City Council approve the revised class specification for the Code Enforcement Manager.

8) CONSIDERATION OF IMPASSE AND IMPOSING TERMS AND CONDITIONS OF PRIOR MEMORANDUM OF UNDERSTANDING WITH NON-SWORN BARGAINING UNIT FOR FISCAL YEAR 2017-18

It is recommended that the City Council declare impasse and impose the status quo to the terms and conditions of employment on employees represented by the West Covina Non-Sworn Safety Support Employees' Association for the period of July 1, 2017 through June 30, 2018.

POLICE DEPARTMENT

9) CONSIDERATION OF ACCEPTANCE OF U.S. DEPARTMENT OF JUSTICE ASSISTANCE GRANT

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

1. Accept the 2019 Justice Assistance Grant (JAG) from the U.S. Department of Justice for police supplies; and
2. Adopt the attached resolution authorizing the necessary budget amendments:

RESOLUTION NO. 2019-79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 (2019 BJA JAG GRANT)

10) CONSIDERATION OF ACCEPTANCE OF GRANT FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) FOR MENTAL HEALTH TRAINING FOR JAILERS

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

1. Accept the grant from the California Board of State and Community Corrections (BSCC) for mental health training for Jailers (#BSCC 1152-18-MH) and authorize the City Manager or designee to negotiate and execute all grant related documents; and
2. Adopt the attached resolution authorizing the necessary budget amendments:

RESOLUTION NO. 2019-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 (BSCC GRANT FOR JAILER MENTAL HEALTH TRAINING)

11) CONSIDERATION OF EXPENDITURES OF FISCAL YEAR 2019-2020 SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACCOUNT FUNDS

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

1. Appropriate expenditures from the Fiscal Year (FY) 2019-2020 Supplemental Law Enforcement Services Account (SLESA) funds, totaling an estimated \$163,853, for frontline law enforcement items detailed in the attached budget amendment; and
2. Adopt the attached resolution authorizing the necessary budget amendment:

RESOLUTION NO. 2019-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2019, AND ENDING JUNE 30, 2020 (2019-2020 SLESA FUNDS)

PUBLIC SERVICES

12) WEST COVINA COMMUNITY SERVICES FOUNDATION FISCAL YEAR 2018-2019 ANNUAL REPORT

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

END OF CONSENT CALENDAR

HEARINGS

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

November 5, 2019

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.