

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

NOVEMBER 5, 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

**TUESDAY NOVEMBER 5, 2019, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Pastor Samuel Martinez
Amazing Love Ministries of West Covina

PLEDGE OF ALLEGIANCE

Led by Councilmember Shewmaker

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

Fire Prevention Week Poster Contest Winner

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 REGULAR MEETING MINUTES**
OCTOBER 15, 2019 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES
OCTOBER 15, 2019 CITY COUNCIL/SUCCESSOR AGENCY/COMMUNITY SERVICES FOUNDATION REGULAR MEETING MINUTES

It is recommended that the City Council receive and file the October 1, 2019 Regular Meeting Minutes, the October 15, 2019 Closed Session Meeting Minutes and the October 15, 2019 Regular Meeting Minutes.

INVESTMENT REPORT

2) CONSIDERATION OF INVESTMENT REPORT FOR THE MONTH ENDED SEPTEMBER 30, 2019

It is recommended that the City Council receive and file the Investment Report for the month ended September 30, 2019.

CITY MANAGER'S OFFICE

3) CONSIDERATION OF APPLICATION FOR SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS

Staff recommends that the City Council adopt the following resolution:

RESOLUTION NO. 2019-85 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SENATE BILL 2 PLANNING GRANTS PROGRAM FUNDS, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE STATE'S STANDARD AGREEMENT AND ALL DOCUMENTS NECESSARY TO ACCEPT SUCH FUNDS

4) CONSIDERATION OF APPOINTMENT OF LLOYD JOHNSON AS REPRESENTATIVE TO EXTERNAL ADVISORY BOARD - SAN GABRIEL VALLEY MOSQUITO & VECTOR CONTROL DISTRICT

It is recommended that the Council confirm the Mayor's appointment to the San Gabriel Valley Mosquito & Vector Control District.

5) CONSIDERATION OF THE WEST COVINA FIREFIGHTERS' ASSOCIATION MEMORANDUM OF UNDERSTANDING

It is recommended that the City Council approve the Firefighters' Association Memorandum of Understanding Side Letter from January 1, 2017 until June 30, 2022.

COMMUNITY DEVELOPMENT

6) CONSIDERATION OF MINUTES OF THE SEPTEMBER 10, 2019 TRAFFIC COMMITTEE MEETING

It is recommended that the City Council receive and file the attached minutes of the Traffic Committee meeting of September 10, 2019.

7) CONSIDERATION OF RELEASE OF FAITHFUL PERFORMANCE AND LABOR AND MATERIAL BONDS FOR 2928 E. CORTEZ STREET

It is recommended that the City Council accept all on-site and off-site improvements for 2928 E. Cortez Street and authorize the release of Faithful Performance and Labor and Material Bonds in the amount of \$24,379 and \$1,500 respectively.

HUMAN RESOURCES

8) CONSIDERATION OF ENGAGEMENT OF IRELL & MANELLA LLP IN CONNECTION WITH BRILEY V. CITY OF WEST COVINA MATTER

It is recommended that the City Council authorize the City Manager to negotiate and execute any documents necessary for the continued engagement of Irell & Manella LLP to provide legal counsel to the City in connection with the *Briley v. City of West Covina* matter.

9) CONSIDERATION OF GOVERNMENT TORT CLAIMS

It is recommended that the City Council deny the following Government Tort Claims and the claimants be notified:

- Patricia Lopez vs. The City of West Covina
- Gregory Taylor vs. The City of West Covina
- Great Western ASO Hite Trucking vs. The City of West Covina
- AAA ASO Christina Kowalesky vs. The City of West Covina
- John Blanco vs. The City of West Covina
- Laura Navarro vs. The City of West Covina
- Western General ASO Rosa Ballon vs. The City of West Covina
- Sergio Garcia vs. The City of West Covina
- Larry Whithorn vs. The City of West Covina
- John Carrillo vs. The City of West Covina

10) CONSIDERATION OF RESOLUTION ESTABLISHING THE NEW CLASSIFICATION OF CODE ENFORCEMENT MANAGER

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

RESOLUTION NO. 2019-87 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ESTABLISHING THE CODE ENFORCEMENT MANAGER JOB CLASSIFICATION AND ESTABLISHING THE CLASSIFICATION SPECIFICATION AND SALARY RANGE FOR SAID CLASSIFICATION

11) CONSIDERATION OF RESOLUTION APPOINTING THE CITY OF WEST COVINA'S PRIMARY REPRESENTATIVE TO THE BIG INDEPENDENT CITIES EXCESS POOL (BICEP) BOARD OF DIRECTORS

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

RESOLUTION NO. 2019-88 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPOINTING A PRIMARY REPRESENTATIVE TO THE BIG INDEPENDENT CITIES EXCESS POOL (BICEP) BOARD OF DIRECTORS

PUBLIC SERVICES

12) SUMMARY OF ACTIONS FOR THE COMMUNITY AND SENIOR SERVICES COMMISSION MEETING OF MAY 14, 2019.

It is recommended that the City Council receive and file the Summary of Actions for the May 14, 2019,

regular meeting of the Community and Senior Services Commission.

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

13) PUBLIC HEARING REGARDING A GENERAL PLAN AMENDMENT, ZONE CHANGE, AND ENVIRONMENTAL IMPACT REPORT FOR EXPANSION OF EMANATE HEALTH QUEEN OF THE VALLEY HOSPITAL

The Planning Commission recommends that the City Council adopt the following resolutions and read the title of Ordinance No. 2461, waive further reading, and introduce the ordinance:

RESOLUTION NO. 2019-82 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CERTIFYING THE FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH# 2018101068), ADOPTION OF A MITIGATION MEASURE AND REPORTING PROGRAM, ADOPTING A STATEMENTS OF OVERRIDING CONSIDERATIONS FOR GENERAL PLAN AMENDMENT NO. 18-02 AND ZONE CHANGE NO. 17-02, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED.

RESOLUTION NO. 2019-83 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 18-02, RELATED TO CHANGING THE LAND USE DESIGNATION OF THE PARCEL LOCATED AT 1615 W. MERCED AVENUE FROM “PARKS AND OPEN SPACE” TO “COMMERCIAL”

ORDINANCE NO. 2461 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ZONE CHANGE NO. 17-02, RELATED TO THE ADOPTION OF THE QUEEN OF THE VALLEY HOSPITAL SPECIFIC PLAN

DEPARTMENTAL REGULAR MATTERS

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.)

14) REQUEST FROM COUNCILWOMAN LETTY LOPEZ-VIADO REQUESTING THE CITY COUNCIL’S CONSIDERATION TO DIRECT STAFF TO EXPLORE OPTIONS FOR ENFORCEMENT OF ILLEGAL FIREWORKS AND FOURTH OF JULY EVENT

It is recommended that the City Council discuss and provide staff direction.

15) REQUEST FROM COUNCILWOMAN LETTY LOPEZ-VIADO REQUESTING THE CITY COUNCIL'S CONSIDERATION TO DIRECT STAFF TO REVIEW PARK MASTER PLANS TO ADDRESS RECREATIONAL USES AND SAFETY AT CITY PARKS.

It is recommended that the City Council discuss and provide staff direction.

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 19, 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.