



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**SEPTEMBER 1, 2020, 7:00 PM
REGULAR MEETING**

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

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

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, suspending certain requirements of the Brown Act relating to the conduct of public meetings.

Pursuant to the Executive Orders, Council Members may attend City Council meetings telephonically and the City Council is not required to make available a physical location from which members of the public may observe the meeting and offer public comment.

On June 18, 2020, the California Department of Public Health issued guidance mandating that people in California wear cloth face coverings in specified circumstances, including when they are inside of, or in line to enter, any indoor public space.

Due to the ongoing COVID-19 emergency and pursuant to State and County public health directives, the City Council Chambers will have limited seating available on a first-come, first-served basis for members of the public to attend and participate in the City Council meeting in person. All persons attending the meeting are required to wear cloth face coverings and observe social distancing protocols.

Members of the public may also watch City Council the meeting live on the City's website at: <https://www.westcovina.org/departments/city-clerk/agendas-and-meetings/current-meetings-and-agendas> under the "Watch Live" tab or through the West Covina City YouTube channel

at www.westcovina.org/LIVE.

If you are experiencing symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue, or sore throat, the City requests that you participate in the meeting from home by watching the meeting live via the links set forth above.

REMOTE PUBLIC PARTICIPATION: In lieu of attending the meeting in person, members of the public can submit public comments via email or address the City Council by telephone using the methods described below.

EMAILED PUBLIC COMMENT. Members of the public can submit public comments to the City Clerk via e-mail at City_Clerk@westcovina.org. The subject line should specify either “Oral Communications or Public Hearing – 9/1/2020”. Please include your full name and address in your e-mail. All emails received by 4:00 P.M. on the day of the Council meeting will be posted to the City’s website under “Current Meetings and Agendas” and provided to the City Council prior to the meeting. No comments will be read out loud during the meeting. All comments received will be made part of the official public record of the meeting.

TELEPHONIC ACCESSIBILITY. Members of the public that wish to address the Council by telephone during Oral Communications or a public hearing may contact the City Clerk by email City_Clerk@westcovina.org or by telephone (626) 939-8433 by 5:30 P.M. on the day of the Council meeting for instructions regarding addressing the City Council by telephone during the meeting.

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 SEPTEMBER 1, 2020, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Reverend Tracey Johnson from Murph-Chapel St. Paul A.M.E. Church

PLEDGE OF ALLEGIANCE

Led by Mayor Wu

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- Recognition for COVID-19 Donation: Henry Miao
- US Census – Encouraging residents to take the Census
- Registering to Vote & how to Vote

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) **AUGUST 18, 2020 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION
MEETING MINUTES
AUGUST 18, 2020 CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION
MEETING MINUTES**

It is recommended that the City Council approve the August 18, 2020, Closed Session Meeting Minutes and the August 18, 2020, Regular Session Meeting Minutes.

COMMUNITY DEVELOPMENT

2) CONSIDERATION OF CODE AMENDMENT NO. 20-07 REGARDING SALES OF ALCOHOLIC BEVERAGES AT SERVICE STATIONS

It is recommended that the City Council consider initiating Code Amendment No. 20-07 to consider sales of alcoholic beverages at service stations, by adopting the following resolution:

RESOLUTION NO. 2020-93 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 20-07 RELATED TO THE SALE OF ALCOHOLIC BEVERAGES AT SERVICE STATIONS

FINANCE DEPARTMENT

3) CONSIDERATION OF JULY FINANCIAL REPORT FOR FISCAL YEAR 2020-21

It is recommended that the City Council receive and file the July Financial Report for Fiscal Year 2020-21.

FIRE DEPARTMENT

4) CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN WITTMAN ENTERPRISES, LLC AND THE CITY OF WEST COVINA FOR AMBULANCE BILLING SERVICES

It is recommended that the City Council:

1. Approve, by a majority vote of the entire City Council, dispensing with formal bidding procedures and requirements in connection with the procurement of ambulance billing services by finding that it would be impracticable and uneconomical to comply with such requirements and it would promote the public interest to dispense with such requirements, in accordance with the requirements of Section 2-330(b) of the West Covina Municipal Code.
2. Authorize the City Manager to negotiate and execute a Professional Services Agreement with Wittman Enterprises, LLC for ambulance billing services.
3. Authorize the City Manager to negotiate and execute a Business Associate Agreement with Wittman Enterprises, LLC.
4. Authorize the City Manager to negotiate and execute any other documents necessary in connection with the ambulance billing services.

HUMAN RESOURCES/RISK MANAGEMENT

5) CONSIDERATION OF GOVERNMENT TORT CLAIMS

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

1. Aura Lopez vs. City of West Covina
2. Sophia Solorio vs. City of West Covina
3. Carrie Gallagher vs. City of West Covina
4. William Mansour vs. City of West Covina
5. Celina Barbosa vs. City of West Covina

POLICE DEPARTMENT

6) CONSIDERATION OF 2020-2021 OFFICE OF TRAFFIC SAFETY GRANT

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

1. Accept the 2020-2021 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) reimbursable grant (#PT21077), and authorize the City Manager to negotiate and execute all grant related documents; and
2. Adopt the attached resolution authorizing the necessary budget amendments:

RESOLUTION NO. 2020-90 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2020, AND ENDING JUNE 30, 2021 (2020-2021 OFFICE OF TRAFFIC SAFETY GRANT)

PUBLIC SERVICES

7) CONSIDERATION OF PURCHASE ORDER FOR FORD FLEET CARE BILLING PROGRAM FOR FISCAL YEAR 2020-21

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

1. Approve, by a majority vote of the entire City Council, dispensing with formal bidding procedures and requirements in connection with the procurement of City fleet maintenance and repair services by finding that it would be uneconomical to comply with such requirements and it would promote the public interest to dispense with such requirements, in accordance with the requirements of Section 2-330(b) of the West Covina Municipal Code.
2. Approve purchase order for Ford Fleet Care Billing Program for Fiscal Year 2020-21.
3. Approve amendments for unforeseen repairs before June 30, 2021.

8) CONSIDERATION OF FOURTH AMENDMENT TO THE UNITED MAINTENANCE SYSTEMS, INC. PROFESSIONAL SERVICES AGREEMENT FOR JANITORIAL SERVICES AT CITY BUILDINGS AND FACILITIES

It is recommended that the City Council approve the Fourth Amendment to the Professional Services Agreement with United Maintenance Systems, Inc. for janitorial services at City buildings and authorize the City Manager to negotiate and execute the amendment.

END OF CONSENT CALENDAR

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

9/15/2020

7:00 PM

<u>RULES OF DECORUM</u>

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.