



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**OCTOBER 6, 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, 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 – 10/06/2020”. 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 by the start of the meeting 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 OCTOBER 6, 2020, 7:00 PM
REGULAR MEETING**

INVOCATION

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

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Lopez-Viado

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

- Senator Ling Ling Chang Certificate Presentation for Friendship City Tainan, Taiwan
- Certificate of Recognition Islands Restaurant meals dotation to the Senior Meals Program
- Certificate of Recognition Sprouts Farmers Market meals donation to the Senior Meals Program
- Proclamation – National Breast Cancer Awareness Month of October
- Proclamation – Domestic Violence Awareness Month of October

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) **SEPTEMBER 15, 2020 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING MINUTES**
SEPTEMBER 15, 2020 CITY COUNCIL/SUCCESSOR AGENCY REGULAR SESSION MEETING MINUTES

It is recommended that the City Council approve the September 15, 2020, Closed Session Meeting Minutes, and the September 15, 2020.

COMMISSION SUMMARY OF ACTIONS

- 2) **Summary of Actions for the Community and Senior Services Commission Meeting Minutes for the March 10, 2020 meeting.**

It is recommended that the City Council receive and file the Summary of Actions for the Regular Community and Senior Services Commission Meeting of March 10, 2020.

INVESTMENT REPORT

- 3) **INVESTMENT REPORT FOR THE MONTH ENDED AUGUST 31, 2020**

It is recommended that the City Council receive and file the Investment Report for the month ended August 31, 2020.

CITY CLERK'S OFFICE

- 4) **BIENNIAL REVIEW OF THE CONFLICT OF INTEREST CODE AS REQUIRED BY THE POLITICAL REFORM ACT**

It is recommended that the City Council receive and file the 2020 Local Agency Biennial Notice.

CITY MANAGER'S OFFICE

- 5) **CONSIDERATION OF RESOLUTION NO. 2020-101 EXTENDING THE LOCAL EMERGENCY DECLARATION**

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

RESOLUTION NO. 2020-101 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DETERMINING THE NEED TO FURTHER CONTINUE THE LOCAL EMERGENCY PROCLAIMED ON MARCH 16, 2020 AND PREVIOUSLY CONTINUED ON APRIL 7, 2020, MAY 5, 2020, JUNE 2, 2020, JUNE 23, 2020, JULY 21, 2020, AUGUST 18, 2020 AND SEPTEMBER 15, 2020.

COMMUNITY DEVELOPMENT

- 6) **CONSIDERATION OF ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR THE ORANGE AVENUE CATCH BASIN INSTALLATION PROJECT (PROJECT NO. 19027)**

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

1. Accept project completion for the Orange Avenue Catch Basin Installation project (Project No. 19027) as performed by GRBCON, Inc. with a final contract amount of \$73,235; and
2. Authorize the recordation of Notice of Completion with the Los Angeles County Recorder and the release of retention funds 35 days thereafter.

FINANCE DEPARTMENT

7) PROPOSITION A EXCHANGE - FOOTHILL TRANSIT

It is recommended that the City Council approve the Proposition A Local Return Fund Exchange with Foothill Transit and authorize the City Manager to negotiate and execute the Assignment Agreement (Attachment No. 1).

FIRE DEPARTMENT

8) CONSIDERATION OF THREE PROFESSIONAL SERVICE AGREEMENTS FOR FIRE PREVENTION PLAN CHECK SERVICES

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 plan check 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 Susan Privitera-Johnson dba KJ Consultants for Fire Prevention plan check and inspection services, for a term of three (3) years, with the option to extend the agreement for two (2) additional years, in an annual amount not-to-exceed \$30,000.
3. Authorize the City Manager to negotiate and execute a Professional Services Agreement with MAK Fire Protection Engineering and Consulting, Inc. for Fire Prevention plan check services, for a term of three (3) years, with the option to extend the agreement for two (2) additional years, in an annual amount not-to-exceed \$15,000.
4. Authorize the City Manager to negotiate and execute a Professional Services Agreement with PE Consulting Group, for Fire Prevention plan check services, for a term of three (3) years, with the option to extend the agreement for two (2) additional years, in an annual amount not-to-exceed \$15,000.
5. Authorize the City Manager to negotiate and execute future amendments to the agreements.

HUMAN RESOURCES/RISK MANAGEMENT

9) CONSIDERATION OF A SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA MAINTENANCE AND CRAFTS EMPLOYEES' ASSOCIATION

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

RESOLUTION NO. 2020-79 - A RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA MAINTENANCE AND CRAFTS EMPLOYEES' ASSOCIATION REPRESENTED BY CITY EMPLOYEES ASSOCIATES (CEA)

10) CONSIDERATION OF A SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA GENERAL EMPLOYEES' ASSOCIATION

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

RESOLUTION NO. 2020-80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA GENERAL EMPLOYEES' ASSOCIATION (WCGEA) REPRESENTED BY CITY EMPLOYEES ASSOCIATES (CEA)

11) CONSIDERATION OF A SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA CONFIDENTIAL EMPLOYEES' ASSOCIATION (WCCEA)

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

RESOLUTION NO. 2020-81 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA CONFIDENTIAL EMPLOYEES' ASSOCIATION (WCCEA) REPRESENTED BY CITY EMPLOYEES ASSOCIATES (CEA)

12) CONSIDERATION OF A SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA MIDDLE MANAGEMENT EMPLOYEES' ASSOCIATION

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

RESOLUTION NO. 2020-82 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY AND THE WEST COVINA MIDDLE MANAGEMENT EMPLOYEES' ASSOCIATION (WCMMEA) REPRESENTED BY CITY EMPLOYEES ASSOCIATES (CEA)

13) 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. Ian Torres vs. City of West Covina
2. Sandra Ip vs. City of West Covina
3. Shadow Oaks Villas vs. City of West Covina

PUBLIC SERVICES

14) CONSIDERATION OF AGREEMENT WITH BETTER 4 YOU MEALS FOR THE SENIOR MEALS PROGRAM

It is recommended that the City Council:

1. Ratify the agreement between the City of West Covina and Better 4 You Breakfast, Inc. dba Better 4 You Meals to provide frozen meals for the senior nutrition program;
2. Authorize the City Manager to negotiate and execute future extensions to the agreement, provided that the total compensation under the agreement and any extensions does not exceed \$518,000; and
3. Adopt the following Resolution:

RESOLUTION NO. 2020-100 – 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 (CARES ACT)

15) SUBAWARD AGREEMENT WITH LOS ANGELES COUNTY WORKFORCE DEVELOPMENT, AGING AND COMMUNITY SERVICES FOR OLDER AMERICANS ACT FUNDS FOR THE SENIOR MEALS PROGRAM

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

RESOLUTION NO. 2020-99 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING A SUBAWARD AGREEMENT WITH LOS ANGELES COUNTY WORKFORCE DEVELOPMENT, AGING AND COMMUNITY SERVICES FOR OLDER AMERICANS ACT FUNDS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE SUBAWARD AGREEMENT AND RELATED DOCUMENTS

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

16) CONSIDERATION OF APPROVAL OF AGREEMENTS FOR ENERGY SYSTEMS UPGRADES PROJECT

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

1. Conduct the public hearing.
2. At the conclusion of the public hearing, adopt the following resolution:

RESOLUTION NO. 2020-103 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLATION AGREEMENT AND RELATED

MEASUREMENT AND VERIFICATION AGREEMENT AND SOLAR POWER PURCHASE AGREEMENTS AND SOLAR ENERGY SYSTEM LEASE AGREEMENTS, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FINANCING AGREEMENT, AND MAKING FINDINGS REQUIRED BY GOVERNMENT CODE SECTION 4217.10 ET SEQ. IN CONNECTION WITH THE CITY'S ENERGY SYSTEMS UPGRADES PROJECT

3. Authorize the City Manager to negotiate and execute any amendments to the agreements authorized by the Resolution.

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.)

17) REQUEST FOR CONSIDERATION FROM MAYOR PRO TEM LOPEZ-VIADO REQUESTING STAFF TO RESEARCH AND PROVIDE A RECOMMENDATION REGARDING "CALIFORNIA CITIZENS FOR LOCAL CONTROL" INITIATIVE

It is recommended that the City Council provide direction to staff.

CITY COUNCIL COMMENTS

ADJOURNMENT

Next Tentative City Council Meeting

Regular Meeting

October 20, 2020

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.