



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

APRIL 2, 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 APRIL 2, 2019, 7:00 PM
REGULAR MEETING**

INVOCATION

Led by Reverend Tracey C. Johnson
Murph Chapel St. Paul AME Church

PLEDGE OF ALLEGIANCE

Led by Mayor Pro Tem Tony Wu

ROLL CALL

REPORTING OUT FROM CLOSED SESSION

PRESENTATIONS

National Public Safety Telecommunicators Week
DMV Donate Life California Month

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.

- 1) **JANUARY 24, 2019, CITY COUNCIL SPECIAL MEETING MINUTES
JANUARY 30, 2019, CITY COUNCIL SPECIAL MEETING MINUTES
MARCH 05, 2019, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION AND
REGULAR MEETING MINUTES
OCTOBER 16, 2018, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION AND
REGULAR MEETING MINUTES
NOVEMBER 13, 2018, CITY COUNCIL/SUCCESSOR AGENCY SPECIAL-CLOSED SESSION
MEETING MINUTES
NOVEMBER 20, 2018, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION AND
REGULAR MEETING MINUTES
DECEMBER 04, 2018, CITY COUNCIL/SUCCESSOR AGENCY REGULAR MEETING
MINUTES
DECEMBER 05, 2018, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION MEETING
MINUTES
DECEMBER 18, 2018 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION AND
REGULAR MEETING MINUTES**

It is recommended that the City Council receive and file the Special Meeting Minutes of January 24, 2019, Special Meeting Minutes of January 30, 2019, Closed Session and Regular Meeting Minutes of March 05, 2019, Closed Session and Regular Meeting Minutes of October 16, 2018, Special Meeting Minutes of November 13, 2018, Special Meeting Minutes of November 15, 2018, Closed Session and Regular Meeting Minutes of November 20, 2018, Regular Meeting Minutes of December 04, 2018, Closed Session Meeting Minutes of December 05, 2018, Closed Session and Regular Meeting Minutes of December 18, 2018.

CLAIMS AGAINST THE CITY

2) GOVERNMENT TORT CLAIM DENIALS

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

- Mercury Insurance ASO Eva Stoltz vs. The City of West Covina
- Quang Trang vs. The City of West Covina
- Bryan VanEck vs. The City of West Covina

ORDINANCES FOR ADOPTION - Procedural Waiver. *Waive full reading of each ordinance on the agenda and authorize the approval of each ordinance by title only.*

3) ADOPTION OF ORDINANCE NO. 2454 - AMENDING SECTION 2-151 OF THE WEST COVINA MUNICIPAL CODE, REGARDING THE APPOINTMENT POWERS OF THE CITY MANAGER

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

ORDINANCE NO. 2454 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA AMENDING SECTION 2-151 OF THE WEST COVINA MUNICIPAL CODE, REGARDING THE APPOINTMENT POWERS OF THE CITY MANAGER

COMMUNITY DEVELOPMENT

4) INITIATION OF CODE AMENDMENT NO. 19-02 (R-1 STANDARDS), CODE AMENDMENT NO. 19-03 (TEMPORARY SIGNS) AND CODE AMENDMENT NO. 19-04 (PARK FEES) GENERAL EXEMPTION

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

RESOLUTION NO. 2019-13 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 19-02 TO STUDY REAR SETBACKS AND ACCESSORY HABITABLE QUARTERS IN SINGLE FAMILY ZONES

RESOLUTION NO. 2019-14 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 19-03 TO STUDY TEMPORARY SIGN STANDARDS

RESOLUTION NO. 2019-15 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 19-04 TO STUDY PARK FEES

5) CONGESTION MANAGEMENT PROGRAM (CMP) OPT-OUT

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

RESOLUTION NO. 2019-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ELECTING TO BE EXEMPT FROM THE CONGESTION MANAGEMENT PROGRAM

6) RELEASE OF FAITHFUL PERFORMANCE GUARANTEE AND LABOR AND MATERIAL BONDS FOR PARCEL MAP NO. 74133 - SILVERARDO PROPERTY GROUP LLC

It is recommended that the City Council accept all on-site and off-site improvements for Parcel Map No. 74133 located at 2222 W. Garvey Avenue South and authorize the release of Faithful Performance and Labor and Material Bonds in the amounts of \$26,500 and \$8,000, respectively.

FINANCE DEPARTMENT

7) APPROVAL OF FINANCIAL CONSULTANT SERVICES AGREEMENT

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

1. Authorize the Acting City Manager to execute the third amendment to the Professional Services Agreement with Vavrinek, Trine, Day & Co., LLP; and
2. Appropriate \$100,000 from General Fund fund balance for financial consultant services for Fiscal Year 2018-19 to Account No. 110.13.1310.6110.

END OF CONSENT CALENDAR

DEPARTMENTAL REGULAR MATTERS

FINANCE DEPARTMENT

8) SECOND QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2018-19

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

1. Receive and file the Second Quarter Financial Report for Fiscal Year 2018-19; and
2. Adopt the following resolution:

RESOLUTION NO. 2019-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, AND ENDING JUNE 30, 2019 (Second Quarter Financial Report)

HUMAN RESOURCES

9) CITY MANAGER SALARY SURVEY

Staff recommends that the City Council adopt the following resolution establishing an annual salary for the position of City Manager:

RESOLUTION NO. 2019-18 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING AN ANNUAL SALARY FOR THE POSITION OF CITY MANAGER

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.)

10) LETTER OF OPPOSITION FOR SENATE BILL (SB) 50

It is recommended that the City Council provide staff direction.

11) WEST COVINA FILM FESTIVAL FOR STUDENTS

It is recommended that the City Council approve hosting the First Annual West Covina Film Festival highlighting West Covina student films.

12) EVALUATION OF AVAILABLE CITY SERVICES ONLINE AND AFTER HOURS

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

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

April 16, 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.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

**SUBJECT: JANUARY 24, 2019, CITY COUNCIL SPECIAL MEETING MINUTES
JANUARY 30, 2019, CITY COUNCIL SPECIAL MEETING MINUTES
MARCH 05, 2019, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION AND
REGULAR MEETING MINUTES
OCTOBER 16, 2018, CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION AND
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MEETING MINUTES
DECEMBER 18, 2018 CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION AND
REGULAR MEETING MINUTES**

RECOMMENDATION:

It is recommended that the City Council receive and file the Special Meeting Minutes of January 24, 2019, Special Meeting Minutes of January 30, 2019, Closed Session and Regular Meeting Minutes of March 05, 2019, Closed Session and Regular Meeting Minutes of October 16, 2018, Special Meeting Minutes of November 13, 2018, Special Meeting Minutes of November 15, 2018, Closed Session and Regular Meeting Minutes of November 20, 2018, Regular Meeting Minutes of December 04, 2018, Closed Session Meeting Minutes of December 05, 2018, Closed Session and Regular Meeting Minutes of December 18, 2018.

DISCUSSION:

Attachments

01.24.2019 Special Meeting Minutes Draft
01.30.2019 Special Meeting Minutes Draft
03.05.2019 Closed Session Meeting Minutes Draft

03.05.2019 Regular Meeting Minutes Draft
10.16.2018 Closed Session Meeting Minutes Draft
10.16.2018 Regular Meeting Minutes Draft
11.13.2018 Special Meeting Minutes Draft
11.15.2018 Special Meeting Minutes Draft
11.20.2018 Closed Session Meeting Minutes Draft
11.20.2018 Regular Meeting Minutes Draft
12.04.2018 Regular Meeting Minutes Draft
12.05.2018 Closed Session Meeting Minutes Draft
12.18.2018 Closed Session Meeting Minutes Draft
12.18.2018 Regular Meeting Minutes Draft



CITY OF WEST COVINA

CITY COUNCIL

JANUARY 24, 2019, 6:30 PM
SPECIAL MEETING - BKK LANDFILL COMMUNITY WORKSHOP

SHADOW OAK PARK
2121 E. SHADOW OAK DRIVE
WEST COVINA, CALIFORNIA 91792

MINUTES

CALL TO ORDER

A Special Meeting of West Covina City Council was called to order on Thursday January 24, 2019 at 6:30 p.m. in the Council Chambers located at 144 West Garvey Avenue South, West Covina, California, by Mayor Johnson

ROLL CALL

Council Members

Present: Council Members Dario Castellanos, Jessica Shewmaker, Mayor Pro Tem Tony Wu

Council Members

Absent: Council Members Letty Lopez-Viado, Mayor Lloyd Johnson

City Staff

Present: Christopher Freeland City Manager; Paulina Morales Economic Development Housing Manager; Other staff members presented reports or responded to questions

ADJOURNMENT

The meeting was adjourned at 8:30 p.m. The next Regular City Council Meeting is scheduled for Tuesday, February 05, 2019 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.



**CITY OF WEST COVINA
CITY COUNCIL**

**JANUARY 30, 2019, 6:30 PM
SPECIAL MEETING - BKK LANDFILL COMMUNITY WORKSHOP**

**CORTEZ PARK COMMUNITY & SENIOR CENTER
2501 E. CORTEZ STREET
WEST COVINA, CALIFORNIA 91791**

MINUTES

CALL TO ORDER

A Special Meeting of West Covina City Council was called to order on Thursday January 24, 2019 at 6:30 p.m. in the Council Chambers located at 144 West Garvey Avenue South, West Covina, California, by Mayor Johnson

ROLL CALL

Council Members

Present: Council Members Jessica Shewmaker, Mayor Pro Tem Tony Wu

Council Members

Absent: Council Members Dario Castellanos, Letty Lopez-Viado, Mayor Lloyd Johnson,

City Staff

Present: Christopher Freeland City Manager; Paulina Morales Economic Development Housing Manager, Karen Ko Economic Development Specialist; Other staff members presented reports or responded to questions

ADJOURNMENT

The meeting was adjourned at 8:30 p.m. The next Regular City Council Meeting is scheduled for Tuesday, February 05, 2019 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

MARCH 5, 2019, 6:00 PM
REGULAR MEETING - CLOSED SESSION

CITY MANAGER'S CONFERENCE ROOM
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

MINUTES

CALL TO ORDER

Mayor Johnson called to order the regular closed session meeting of the West Covina City Council at 6:01 p.m. in the City Manager's Conference Room at City Hall, 1444 W. Garvey Avenue, West Covina, California.

ROLL CALL

Council Members

Present: Council Member Dario Castellanos, Letty Lopez-Viado, Mayor Pro Tem Tony Wu, Mayor Lloyd Johnson

Council Members

Absent: None

City Staff

Present: Nikole Bresciani Acting City Manager/Public Services Director, Scott Porter City Attorney, Edward Macias Human Resources Director; Other staff members presented reports or responded to questions as indicated in the minutes.

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

None.

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Freeland, Macias, Bresciani, Porter

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code § 54957

Title: City Manager

ADJOURNMENT

The meeting was adjourned at 0:00 p.m. The next City Council Meeting will be held on March 5, 2019 at 7:00 p.m. in the Council Chambers, 1444 West Garvey Avenue South, West Covina, California 91790.



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**MARCH 5, 2019, 7:00 PM
REGULAR MEETING**

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

MINUTES

CALL TO ORDER

A Regular Meeting of West Covina City Council was called to order on Tuesday March 5, 2019 at 7:15 p.m. in the Council Chambers located at 144 West Garvey Avenue South, West Covina, California, by Mayor Johnson.

ROLL CALL

Council Members

Present: Council Members Dario Castellanos, Jessica Shewmaker, Letty Lopez-Viado, Mayor Pro Tem Tony Wu, Mayor Lloyd Johnson.

Council Members

Absent: None

City Staff

Present: Nikole Bresciani Acting City Manager/Public Services Director, Scott Porter City Attorney, Larry Whithorn Fire Chief, Marc Taylor Police Chief, Jeff Anderson Community Development Director, Marcie Medina Finance Director, Richard Bell Police Captain, Susie Perez Recreation Services Supervisor, John Caropino Community Services Coordinator; Other staff members presented reports or responded to questions indicated in the minutes.

PLEDGE OF ALLEGIANCE

Councilmember Jessica C. Shewmaker led the Pledge of Allegiance.

REPORTING OUT FROM CLOSED SESSION

City Attorney Scott Porter reported out of closed session that the City Council directed that the City Attorney inform the public of a 4-1 vote (Johnson in opposition) to direct City Attorney to draft and negotiate the separation agreement against the current City Manager Chris Freeland and the City of West Covina. Chris Freeland's last day of work would be March 5, 2019. The City Attorney was directed by the City Council to prepare a severance agreement and when the agreement is finalized it will be available for review.

PRESENTATIONS

1. Recognition of Jan Poirier for 41 Years of Service with the West Covina Police Department

The recognition has been postponed until further notice.
2. Recognition of Bravery presented to Pete Aguilar of the West Covina Fire Department and wife Priscilla Aguilar
3. Recognition of Student Government Day

ORAL COMMUNICATIONS - Five (5) minutes per speaker

Speaker:

Giselle Sollal
Renee Chavez
Heidi Freeman
Carlos Acosta
Alyssa Calderon
Francoise Coulton
Phil Kaufman

---End Oral Communication---

CONSENT CALENDAR

ACTION: MOTION BY MAYOR PRO TEM WU, SECOND BY COUNCIL MEMBER CASTELLANOS, CARRIED 5-0 to Consent Calendar Items 1-3, 5 and 7.

ACTION: MOTION BY MAYOR JOHNSON, SECOND BY COUNCILMEMBER SHEWMAKER, CARRIED 4-1 to Approve Consent Calendar Item 4 (Consent Item 4 pulled by MAYOR PRO TEM TONY WU)

CLAIMS AGAINST THE CITY

1) **GOVERNMENT TORT CLAIM DENIALS**

CARRIED 5-0, to: deny the following Government Tort Claims and the claimants be notified:

Estate of Juan Marin vs. The City of West Covina
Carmen Piceno vs. The City of West Covina

ORDINANCES FOR ADOPTION - Procedural Waiver.

CARRIED 5-0, to wave reading of all ordinances as appropriate.

COMMUNITY DEVELOPMENT

2) **APPROVAL OF FINAL PARCEL MAP NO. 74787
LOCATION: 845 S. SUNKIST AVENUE
SUBDIVIDER: SILVERADO PROPERTY GROUP, LLC**

CARRIED 5-0, to: Adopt RESOLUTION NO. 2019-11 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 74787 LOCATED AT 845 S. SUNKIST AVENUE (SILVERADO PROPERTY GROUP, LLC)

3) **STANDARD SPECIFICATION FOR PUBLIC WORKS CONSTRUCTION 2018 EDITION – ORDINANCE INTRODUCTION**

CARRIED 5-0, to: Introduce ORDINANCE NO. 2448 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, REPEALING AND REENACTING SECTION 19-1 OF ARTICLE 1 OF CHAPTER 19 OF THE MUNICIPAL CODE RELATED TO STANDARDS FOR CITY STREETS AND CONSTRUCTION

FIRE DEPARTMENT

4) **FIRE STATION PRE-ALERTING SYSTEM**
(Item 4 was pulled from consensus by Mayor Pro Tem Wu)

CARRIED 4-1(WU), to: 1. Approve a purchase order for US Digital Designs, Inc., in the amount of \$420,637.80 (including sales tax, delivery, installation, and warranty) for the purchase of a fire station pre-alerting system and waive formal contract procedures based upon a finding that the requirements of West Covina Municipal Code Chapter 2, Article VII, Division 2, Sec. 2-333(i)(2), which allows such waivers are met because another local agency originally obtained the bid pursuant to formal contract procedures at least as rigorous as those of the city. 2. Appropriate \$420,637.80 from the General Fund Balance to Account No. 160.80.7003.7900; and 3. Approve the following resolution: RESOLUTION NO. 2019-12 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, AND ENDING JUNE 30, 2019 (US DIGITAL DESIGNS, INC.)

PUBLIC SERVICES

5) **APPROVAL OF SECOND AMENDMENT TO MV TRANSPORTATION, INC. AGREEMENT FOR TRANSIT SERVICES**

CARRIED 5-0, to: Approve the Second Amendment to the Agreement for transit services with MV Transportation, Inc. effective March 3, 2019 through March 2, 2020 (Attachment No.1).

END OF CONSENT CALENDAR

MAYOR/COUNCILMEMBERS REPORTS

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

None.

6) **DEPARTMENT HEAD CONTRACT SURVEY**

ACTION: MOTION BY COUNCILMEMBER SHEWMAKER, SECOND BY MAYOR PRO TEM WU, CARRIED 5-0 to: direct the city attorney to return with an amendment to amend the amendment to accomplish where the City Manager provides courtesy notice to the City Council prior to making an employment offer to any new Department Head.

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

None.

- 7) **REQUEST FROM COUNCILMAN DARIO CASTELLANOS REQUESTING THE CITY COUNCIL'S CONSIDERATION TO HAVE CITY STAFF CONTACT SOUTHERN CALIFORNIA EDISON TO DETERMINE COSTS AND BENEFITS OF CONVERTING STREET LIGHTS TO LED**

CARRIED **5-0**, to: provide staff direction.

CITY COUNCIL COMMENTS

None

ADJOURNMENT

The meeting was adjourned at 8:34 p.m. The next Regular City Council Meeting is scheduled for Tuesday, March 19, 2019 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**TUESDAY OCTOBER 16, 2018, 6:00 PM
REGULAR MEETING - CLOSED SESSION**

**CITY MANAGER'S CONFERENCE ROOM
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790**

MINUTES

CALL TO ORDER

A regular closed session meeting of the West Covina City Council was called to order at 6:03 p.m. in the City Manager's Conference Room at City Hall, 1444 W. Garvey Avenue, West Covina, California, 91790, by Mayor Johnson.

ROLL CALL

Council Members

Present: Councilmen Mike Spence (arrived at 6:11 p.m.), James Toma, Corey Warshaw, Mayor Pro Tem Tony Wu, Mayor Johnson

Council Members

Absent: None

City Staff

Present: City Manager Chris Freeland, City Attorney Kimberly Hall Barlow, City Attorney Scott Porter, Assistant City Manager/Community Services Director Nikole Bresciani, Rosalia Butler Assistant City Clerk, Human Resources Director Edward Macias, Planning Director Jeff Anderson, and Economic Development and Housing Director Paulina Morales; Other city staff presented reports and responded to questions as indicated in the minutes.

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Members of the public Brian Jobst and Singpoli, LLC representatives commented.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property: APN's: 8735-002-906, 8735-002-909, 8735-002-910, 8735-002-018
Agency Negotiator: Freeland, Bresciani, Morales, Hall Barlow
Negotiating Parties: Singpoli, LLC
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(d)(1)

Freeman, et al. vs. City of West Covina (U.S. District Court Case No. 2:17-cv-03738)
Jackson, et al. vs. City of West Covina (U.S. District Court Case No. CV-8963-MWF-MRW)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Freeland, Macias, Bresciani, Hall Barlow

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

REPORTING OUT

None

ADJOURNMENT

Mayor Johnson adjourned the meeting at 7:05 p.m. The next Regular City Council Meeting is scheduled for Tuesday, November 6, 2018 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California, 91790.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor

DRAFT



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY/COMMUNITY SERVICES FOUNDATION

TUESDAY OCTOBER 16, 2018, 7:00 PM
REGULAR MEETING

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

MINUTES

CALL TO ORDER

A Regular Meeting of West Covina City Council was called to order on Tuesday March 5, 2019 at 7:18 p.m. in the Council Chambers located at 144 West Garvey Avenue South, West Covina, California, by Mayor Johnson.

ROLL CALL

Present: Mayor Lloyd Johnson, Mayor Pro Tem Tony Wu, Councilmen Mike Spence, James Toma and Corey Warshaw

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember James Toma.

REPORTING OUT FROM CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code § 54956.8

Property: APN's: 8735-002-906, 8735-002-909, 8735-002-910, 8735-002-018
Agency Negotiator: Freeland, Bresciani, Morales, Hall Barlow
Negotiating Parties: Singpoli, LLC
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(d)(1)

Freeman, et al. vs. City of West Covina (U.S. District Court Case No. 2:17-cv-03738)

Jackson, et al. vs. City of West Covina (U.S. District Court Case No. CV-8963-MWF-MRW)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Freeland, Macias, Bresciani, Hall Barlow

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

City Attorney Barlow reported that there was no reportable action taken during the closed session discussion. City Attorney Barlow introduced Scott Porter who will take over the position of City Attorney and Carmen Vasquez who will assume the position of a second Assistant City Attorney for the City.

CHANGES TO THE AGENDA

City Manager Freeland announced no changes to the agenda.

PRESENTATIONS

- Presentation by 85°C Bakery Café to After School Program
- Recognition of Fire Prevention Contest Winners
- Recognition of Red Ribbon Week

City Manager Freeland brought forth Police Chief Taylor to address citizen and Council concerns of homelessness at Del Norte Park.

ORAL COMMUNICATIONS - Five (5) minutes per speaker

Oral Communication by:

John Shewmaker
Phil Kaufman
Daniel Luevanos, representing One Legacy Donate Life
Valerie Munoz
Nancy Garcia
Susan Estrada
Adam Holmes
Gabriel Lara
Doris Gomez
Fredrick Sykes
Jefferson DeRoux
Maddox Murillo
Estevan Garcia.

--End of Oral Communications--

City Manager Freeland and staff responded to questions and concerns of the speakers.

Police Chief Taylor came forward to further address issues at Del Norte Park regarding homelessness, citizen's complaints regarding the issue, and citizens arrests of such issues.

CONSENT CALENDAR

Ordinances for Adoption – Procedural Waiver. *Waive full reading of each ordinance on the agenda and authorize the approval of each ordinance by title only.*

Mayor Johnson announce that Mayor Pro Tem Wu would like the record to reflect his no vote on Consent Calendar Item 10 and Item 12, and Councilman Spence would like to pull Item 12 from the Consent Calendar for separate discussion

ACTION: MOTION BY WARSHAW, SECONDED BY JOHNSON, CARRIED 5-0 to, approve Consent Calendar Items 1 thru 9, and Item 11 as recommended.

ACTION: MOTION BY WARSHAW, SECONDED BY JOHNSON, CARRIED 4-1 (Wu) to, approve Consent Calendar Item 10 as recommended.

ACTION: MOTION BY WARSHAW, SECONDED BY TOMA, CARRIED, 3-2 (Spence, Wu) to, approve Consent Calendar Item 12, as recommended. (This item was pulled from the Consent Calendar by Councilman Spence.)

CLAIMS AGAINST THE CITY

1) Government Tort Claim Denials

CARRIED 5-0 to deny the following Government Tort Claims and the claimants be notified:

Brian Harris vs. The City of West Covina
Todd Wiegand vs. The City of West Covina

INVESTMENT REPORT (receive & file)

2) City Investment Report for the Month Ended August 31, 2018

CARRIED 5-0 to receive and file the Investment Report for the month ended August 31, 2018.

3) Successor Agency Investment Report for the Month Ended August 31, 2018

CARRIED 5-0 to have the Chair and Board Members of the Successor Agency to the former West Covina Redevelopment Agency, receive and file the Investment Report for the month ended August 31, 2018.

CITY ATTORNEY'S OFFICE

4) Second Amendment to The Retainer Agreement for City Attorney Services

CARRIED 5-0 to authorize the City Manager to execute the Second Amendment to the Retainer Agreement for City Attorney Services between the City of West Covina and the law firm of Jones & Mayer, appointing Scott Porter City Attorney, and Carmen Vasquez and Ivy Tsai as Assistant City Attorneys.

CITY MANAGER'S OFFICE

5) Option Agreement Revision Regarding Additional Advance from Covina Valley Health Partners, Inc.

CARRIED 5-0 to approve an Amendment to Option Agreement with Citrus Valley Health Partners (CVHP) for purchase of Sunset Field to obtain an additional loan/advance in the amount of \$500,000 to fund purchases made to expand the City's parkland.

COMMUNITY & ECONOMIC DEVELOPMENT

6) Successor Agency to the City of West Covina Redevelopment Agency Renewal of Professional Services Agreement with Rincon Environmental, LLC

CARRIED 5-0 to have the City Council, acting as the Successor Agency to the former West Covina Redevelopment Agency, authorize the Executive Director to execute the 2nd one-year renewal and any subsequent renewals to, and as provided in, the Professional

Services Agreement (Agreement) with Rincon Environmental, LLC (Rincon) in the amount not-to-exceed \$30,000 annually to provide regulatory compliance services for the Successor Agency properties located at the BKK Landfill.

COMMUNITY SERVICES DEPARTMENT

7) Homeless Emergency Aid Program (HEAP) Funding

CARRIED 5-0 to adopt RESOLUTION NO. 2018-126 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DECLARING A SHELTER CRISIS PURSUANT TO SB 850 (CHAPTER 48, STATUTES OF 2018 AND GOVERNMENT CODE SECTION 8698.2)

8) Lyft Partnership

CARRIED 5-0 to:

1. Authorize the City Attorney to finalize details of an agreement with Lyft, Inc. to offer a pilot program for Dial-A-Ride participants; and
2. Authorize the City Manager to execute an agreement with Lyft, Inc. in an amount not to exceed \$50,000 for a six-month pilot program; and
3. Adopt RESOLUTION NO. 2018-125 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, AND ENDING JUNE 30, 2019 (Lyft)"

FIRE DEPARTMENT

9) Approve and Adopt the Joint Powers Agreement and Resolution for the Los Angeles Area Regional Training Group

CARRIED 5-0 to:

1. Approve the Los Angeles Area Regional Training Group (RTG) Joint Powers Agreement (JPA); and
2. Authorize the City Manager, or his designee, to execute the JPA agreement and to take such reasonable actions as may be required to implement the intent of the program; and
3. 3) Adopt RESOLUTION NO. 2018-128 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE LOS ANGELES AREA REGIONAL TRAINING GROUP (RTG) JOINT POWERS AGREEMENT; AUTHORIZING THE CITY'S MEMBERSHIP IN THE LOS ANGELES AREA REGIONAL TRAINING GROUP AUTHORITY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE JPA AGREEMENT"

10) Agreement with Fire Recovery USA, LLC for Emergency Incident Billing

CARRIED 4-1 (Wu) to:

1. In accordance with Municipal Code Chapter 2, Article VII, Division 2, Sec. 2-330(b), which states that bidding may be dispensed with when the commodity can be obtained from only one vendor, authorize the City Manager to execute the agreement with Fire Recovery USA, LLC, for emergency incident billing and inspection billing services for an initial term of three years with the option to renew for two additional one-year periods for a maximum of five years; and
2. Authorize the City Manager, or his designee, to execute the two (2) optional, one-year renewal terms following the initial 36-month term with Fire Recovery USA, LLC.

POLICE DEPARTMENT

11) Fiscal Year 2018-19 Supplemental Law Enforcement Services Account (SLESA) Funds

CARRIED 5-0 to:

1. Appropriate expenditures from the Fiscal Year (FY) 2018-19 Supplemental Law Enforcement Services Account (SLESA) funds, totaling an estimated \$164,514, for frontline law enforcement items detailed in the attached budget amendment; and
2. Adopt RESOLUTION NO, 2018-130 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, AND ENDING JUNE 30, 2019 (2018-19 SLESA)"; and
3. Authorize the transfer of any remaining balance of previously appropriated SLESA funds between accounts for personnel, supplies, and equipment in order to expedite expenditures that must be completed by the end of this fiscal year.

PUBLIC WORKS

12) Acceptance of Public Improvements for the Installation of Electric Vehicle Charging Stations - (Project No. BP-17002)

This item was pulled from the Consent Calendar by Councilman Spence.

Staff responded to questions regarding contingencies for construction and infrastructure for charging stations.

CARRIED 3-2 (SPENCE, WU) to:

1. Accept the installation of Electric Vehicle Charging Stations Project as complete - Project No. BP-17002;
2. Approve additional \$7,540.36 in contingencies, 18.16% of the construction contract

- cost;
3. Authorize recordation of Notice of Completion with the Los Angeles County Recorder; and
 4. Authorize the release of retention funds 35 days after recordation of the Notice of Completion.

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

13) Public Hearing - Proposition 218 Protest Ballot Process for Proposed Adjustments to Residential and Commercial Solid Waste Rates due to State Mandated Organic Waste Recycling Laws

Mayor Johnson announced the Public Hearing Matter and Assistant City Clerk Butler verified the proper legal notice. City Manager Freeland presented the staff report, explained the Prop 218 process and announced that at the time of the writing of the report the City had received 11 written protests and none in favor. Assistant City Clerk Butler announced that one additional written had been received.

Mayor Johnson opened the Public Hearing.

Public Comments in Opposition

Bill Robertson
Jefferson DeRoux
Sarah Love

In Favor

Gary Clifford, Executive Vice President of Athens Services

Mr. Clifford responded to questions from the City Council.

Mayor Johnson closed the Public Hearing.

Council engaged in discussion with City staff and Athens Services representatives responding to question.

ACTION: MOTION BY WARSHAW, SECOND BY JOHNSON, CARRIED 3-2 (TOMA, WU) to:

1. Adopt the following rate increases:
Commercial Organics Recycling Program:
 - o Effective October 1, 2018 9.17% increase in rates

- Effective July 1, 2019 CPI¹ + 9.17% increase in rates
Residential Organics Recycling Program:
 - Effective January 1, 2020 7.93% increase in rates
2. Authorize the City Manager to execute the 11th Amendment to the Athens Services Agreement amended to include an exhibit describing the organics program.

MOTION BY SPENCE to prorate and return to the rate payer the collected franchise fee. Motion FAILED due to lack of second.

MOTION BY SPENCE to cap the amount of franchise fee the current amount being collected with no additional franchise due to the rate increases. Motion FAILED due to lack of second.

DEPARTMENTAL REGULAR MATTERS

CITY MANAGER'S OFFICE

14) Nomination to San Gabriel Basin Water Quality Authority Board Member Representing Cities without Prescriptive Pumping Rights

ACTION: MOTION BY WARSHAW , SECOND BY TOMA, CARRIED 4-1-0 (SPENCE ABSTAINED) to nominate Valerie Munoz from the City of La Puente to serve on the San Gabriel Water Quality Authority Board by adopting RESOLUTION NO. 2018-129 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST CALIFORNIA, NOMINATING COUNCILMEMBER VALERIE MUNOZ OF THE CITY OF LA PUENTE TO REPRESENT CITIES WITHOUT PRESCRIPTIVE WATER PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY.

COMMUNITY SERVICES DEPARTMENT

15) Animal Control Contract

City Manager Freeland presented the staff report and introduced William Harford, President of the Inland Valley Humane Society and S.P.C.A. who presented an overview of the services they provide. Staff and Mr. Harford responded to questions from the Council.

ACTION: MOTION BY JOHNSON, SECOND BY WARSHAW, CARRIED 5-0 to take the following actions:

1. Authorize staff to notify Los Angeles County Department of Animal Care and Control of the City's intent to terminate the contract for animal care and control services effective June 30, 2019; and
2. Authorize the City Manager to execute a two-year agreement, approved by the City Attorney, with Inland Valley Humane Society and S.P.C.A. (IVHS), effective July 1,

2019, in an amount not to exceed \$1,790,000, plus Consumer Price Index (CPI) annually, with the option for the City Manager to renew for two (2) additional two-year contracts; and

3. Instruct staff to review Title 10 and bring back an ordinance to a future City Council Meeting delegating authority to IVHS for enforcement of applicable local and State laws relating to animals, effective July 1, 2019; and
4. Adopt RESOLUTION NO. 2018-127 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE GETTING TO ZERO PARTNERSHIP WITH INLAND VALLEY HUMANE SOCIETY & S.P.C.A."

16) West Covina Community Services Foundation Fiscal Year 2017-18 Annual Report

Councilman Toma recused himself from participation due to a conflict and interest and Board Member Phil Kaufman took a place at the dais.

Assistant City Manager/Community Services Director Bresciani presented the staff report and requested the City Council acting as the Board of Directors of the West Covina Community Services Foundation to allow staff to return to the first meeting in January with a detailed presentation of available funding once all donations are accounted for and responded the question from the Board.

ACTION: MOTION BY JOHNSON, SECOND BY WARSHAW, CARRIED 5-0 to have staff return to the first meeting in January once all donations are accounted for and year end budget is complete and at that time provide staff direction regarding use of current fund balances in the West Covina Community Services Foundation.

Councilman Toma returned to the dais.

MAYOR/COUNCILMEMBERS REPORTS

MAYOR PRO TEM TONY WU

17) Request from Mayor Pro Tem Tony Wu For City Council to Discuss Establishing a Sister-City Relationship with Harbin, China

Mayor Pro Tem Wu presented the staff report requesting to establish a sister-city relationship with Harbin, China.

Council engaged in discussion with Councilman Spence expressing his dissenting vote due to lack of diverse balance with sister-cities.

ACTION: MOTION BY WARSHAW, SECOND BY JOHNSON, CARRIED 4-1 (SPENCE) to establish a sister-city relationship with Harbin, China. and provide direction accordingly.

AB1234 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.)

None

CITY COUNCIL COMMENTS

Councilman Spence suggested that the Council relook at West Covina becoming a Charter City, and reported the San Gabriel Valley Mosquito and Vector Controls enforcement of pool maintenance compliance.

Mayor Johnson announced the 6th Annual 5K Pumpkin Run to be held at 7:00 a.m. at the Cortez Park Community Senior Center and the Harvest Festival at 10:00 a.m., both this upcoming Saturday.

Councilman Warshaw thanked City Attorney Hall-Barlow for her services over the past four years.

ADJOURNMENT

Mayor Johnson adjourned the meeting at 11:07 p.m. The next Regular City Council Meeting is scheduled for Tuesday, March 19, 2019 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

TUESDAY NOVEMBER 13, 2018, 6:00 PM
SPECIAL MEETING - CLOSED SESSION

WEST COVINA CITY HALL
MANAGEMENT RESOURCE CENTER (MRC) ROOM 314
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

MINUTES

CALL TO ORDER

Mayor Johnson called to order the special closed session meeting of the West Covina City Council at 6:13 p.m. in the Management Resource Center (MRC) Room 314 at City Hall, 1444 W. Garvey Avenue, West Covina, California.

ROLL CALL

Present: Mayor Lloyd Johnson, Mayor Pro Tem Tony Wu, Councilmen Mike Spence, James Toma, and Corey Warshaw

Other Present: City Manager Chris Freeland, City Attorney Kimberly Hall Barlow, City Attorney Scott Porter, Assistant City Manager/Community Services Director Nikole Bresciani, Human Resources Director Edward Macias, Planning Director Jeff Anderson, Economic Development and Housing Director Paulina Morales, and Senior Litigator Harold Potter

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Representatives from Starwood Retail Partners LLC commented.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property: Plaza West Covina Mall 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
Agency Negotiator: Freeland, Bresciani, Morales, Anderson, Hall Barlow
Negotiating Parties: Starwood Retail Partners LLC
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property: City Yard, located at 825 South Sunset Avenue, West Covina, CA 91790
Agency Negotiator: Freeland, Bresciani, Porter
Negotiating Parties: West Covina Car Stop, LLC (dba Ford of West Covina)
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(d)(1):

Briley v. City of West Covina (Los Angeles Superior Court Case No. BC630552)

REPORTING OUT

None

ADJOURNMENT

Mayor Johnson adjourned the meeting at 8:00 p.m. The next Regular City Council Meeting is scheduled for Tuesday, December 04, 2019 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor



CITY OF WEST COVINA

CITY COUNCIL/PLANNING COMMISSION

THURSDAY NOVEMBER 15, 2018, 6:00 PM

SPECIAL MEETING – SCOPING MEETING/COMMUNITY WORKSHOP OF THE ENVIRONMENTAL IMPACT REPORT FOR THE QUEEN OF THE VALLEY HOSPITAL SPECIFIC PLAN PROJECT
QUEEN OF THE VALLEY HOSPITAL OAKWOOD ROOMS
1115 SOUTH SUNSET AVENUE
WEST COVINA, CALIFORNIA 91790

MINUTES

ROLL CALL

Council Members

Present: Councilman Corey Warshaw

Council Members

Absent: Mayor Lloyd Johnson, Mayor Pro Tem Tony Wu, Mike Spence, James Toma

PLANNING COMMISSION

Present: Commissioner Herb Redholtz

Absent: Jose Jimenez, Dario Castellanos, Sheena Heng, and Donald Holtz

Due to lack of quorum, no meeting was held. A Community Scoping meeting was conducted.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk
Lloyd Johnson Mayor

DRAFT



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

TUESDAY NOVEMBER 20, 2018, 5:30 PM
SPECIAL MEETING - CLOSED SESSION

CITY MANAGER'S CONFERENCE ROOM
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

MINUTES

CALL TO ORDER

Mayor Johnson called to order the special closed session meeting of the West Covina City Council/Successor Agency at 5:30 p.m. in the City Manager's Conference Room at City Hall, 1444 W. Garvey Avenue, West Covina, California.

ROLL CALL

Councilmembers

Present: Mayor Lloyd Johnson, Mayor Pro Tem Tony Wu, Councilmen Mike Spence, James Toma (arrived at 5:30 p.m.), and Corey Warshaw

Councilmembers

Absent: None

City Staff

Present: City Manager Chris Freeland, City Attorney Scott Porter, Assistant City Manager/Community Services Director Nikole Bresciani, Human Resources Director Edward Macias, Planning Director Jeff Anderson, and Economic Development Project Coordinator Gerado Rojas

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

None

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property: APN's: 8474-011-942 & 943 (Lakes Parking Structures)
Agency Negotiator: Freeland, Bresciani, Morales, Porter
Negotiating Parties: CIP 2014-SG Covina Owner, LLC
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property: APN's: 8735-002-906, 8735-002-909, 8735-002-910, 8735-002-018 (BKK)
Agency Negotiator: Freeland, Bresciani, Morales, Porter
Negotiating Parties: Singpoli, LLC
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property: APN: 8735-001-912 (AAA Pad)
Agency Negotiator: Freeland, Bresciani, Morales, Porter
Negotiating Parties: Singpoli, LLC
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(d)(1):

Briley v. City of West Covina (Los Angeles Superior Court Case No. BC630552)

Freeman, et al. vs. City of West Covina (U.S. District Court Case No. 2:17-cv-03738)

Jackson, et al. vs. City of West Covina (U.S. District Court Case No. CV-8963-MWF-MRW)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code § 54956.9(d)(2)

Number of Cases: One (1)

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Pursuant to Government Code § 54956.9(d)(4)

Number of Cases: One (1)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Freeland, Macias, Bresciani, Hall Barlow

- 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

REPORTING OUT

None

ADJOURNMENT

Mayor Johnson adjourned the meeting at 6:20 p.m. The next Regular City Council Meeting is scheduled for Tuesday, December 4, 2018 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

**TUESDAY NOVEMBER 20, 2018, 7:00 PM
REGULAR MEETING**

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

MINUTES

CALL TO ORDER

A Regular Meeting of West Covina City Council was called to order on Tuesday November 20, 2019 at 7:00 p.m. in the Council Chambers located at 144 West Garvey Avenue South, West Covina, California, by Mayor Johnson.

ROLL CALL

Council Members

Present: Mayor Lloyd Johnson, Mayor Pro Tem Tony Wu, Councilmen Mike Spence, James Toma and Corey Warshaw

Council Members

Absent: None

City Staff

Present: Chris Freeland City Manager, Nikole Bresciani Assistant City Manager/
Community Services Director, Scott Porter City Attorney, Rosalia Butler Assistant City Clerk.
Other city staff presented reports or responded to inquire

PLEDGE OF ALLEGIANCE

Council Member Corey Warshaw led the Pledge of Allegiance.

REPORTING OUT FROM CLOSED SESSION

City Attorney Porter stated there was no reportable action taken during closed session.

CHANGES TO THE AGENDA

City Manager Freeland announced the following changes:

Item #13 – revised ordinance has been provided to the Council with changes to bring the item into compliance with state law.

Item # 10 – This item has been pulled from the agenda and will be reagenized for a subsequent meeting following the reorganization of the new City Council.

PRESENTATIONS

Proclamation proclaiming November 24, 2018 as Small Business Saturday

Mayor Johnson presented Economic Development Specialist Karen Ko a Proclamation in recognition of Saturday November 24, 2018 as Small Business Saturday. Ms. Ko recognized the Salad Box, Bun Street and Cherry Blossom Nation Salon as 2018 Local Favorite Small Businesses in West Covina.

ORAL COMMUNICATIONS - Five (5) minutes per speaker

Speakers:

Herb Redholtz
Eliza Sauer
Bill Robinson
Terry Cozad
Arthur Rebrovich
Margaret Clark, Rosemead Mayor Pro Tem
Brian Jobst
Jim Grivich
Angie Gillingham
Valeri Munoz, La Puente Mayor
Phil Kaufman
Beverly Bulthuis
Chris Miller
Carolyn Arndt
Mark Smith
Kathleen Hardy

Brian Tabatabai
Linda Packard
Heidi Freeman
Dana Sykes

--End of Oral Communications--

CONSENT CALENDAR

Ordinances for Adoption – Procedural Waiver.

Mayor Johnson announced Item #10 has been removed from the Consent Calendar and will be reagendaized for a subsequent meeting.

ACTION: MOTION BY COUNCILMEMBER WARSHAW, SECONDED BY MAYOR JOHNSON, CARRIED 5-0 to, approve Consent Calendar Items 1 thru 9, 11, and 12 as recommended.

COMMISSION SUMMARY OF ACTIONS (receive & file)

- 1) **September 13, 2017 Human Resources Commission Special Meeting Summary of Actions**

CARRIED 5-0: to receive and file the Summary of Actions for the Human Resources Commission Meeting held on September 13, 2017.

CLAIMS AGAINST THE CITY

- 2) **Government Tort Claim Denials**

CARRIED 5-0: to deny the following Government Tort Claims and the claimants be notified:

Blanca Gallegos vs. The City of West Covina
Sandra Glen vs. The City of West Covina

INVESTMENT REPORT (receive & file)

- 3) **City Investment Report for the Month Ended September 30, 2018**

CARRIED 5-0: to receive and file the Investment Report for the month ended September 30, 2018.

- 4) **Successor Agency Investment Report for the Month Ended September 30, 2018**

CARRIED 5-0: for the Chair and Board Members of the Successor Agency to the former West Covina Redevelopment Agency, receive and file the Investment Report for the month ended September 30, 2018.

CITY MANAGER'S OFFICE

- 5) **Termination of the Human Services Consortium of the East San Gabriel Valley (LA Works) Joint Powers Authority (JPA)**

CARRIED 5-0: to adopt RESOLUTION NO. 2018-131 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, TERMINATING THE SEPTEMBER 11, 1979 JOINT POWERS AGREEMENT ENTERED INTO BETWEEN THE CITIES OF WEST COVINA, COVINA, AZUSA AND GLENDORA, AND DISSOLVING THE HUMAN SERVICES CONSORTIUM OF THE EAST SAN GABRIEL VALLEY (LA WORKS), to terminate the LA Works JPA.

- 6) **Extension of Communications Site Lease Agreement with Mt. San Antonio College**

CARRIED 5-0: to authorize the City Manager to execute a five-year Lease Agreement Extension with Mount San Antonio College (Mt. SAC) for the placement of its radio antennas on the BKK Communications Tower.

- 7) **Cancellation of the January 1, 2019, City Council Meeting**

CARRIED 5-0: to cancel the January 1, 2019 City Council Meeting.

- 8) **File Server Storage Upgrade**

CARRIED 5-0: to authorize the City Manager, or his designee, to execute an agreement with DELL EMC to purchase new servers for data storage expansion, for the City Council Chambers for an amount not to exceed \$46,363.02.

- 9) **Appointment of City Commissioner**

CARRIED 5-0: to receive and file the informational report.

COMMUNITY DEVELOPMENT

- 10) **Extension of the Exclusive Negotiation Agreement with Singpoli Group LLC for Development of Former BKK Landfill (APN No.'s: 8735-002-906, 8735-002-909, 8735-002-910, 8735-002-018)**

ACTION: MOTION BY COUNCILMEMBER WARSHAW AND SECONDED BY COUNCILMEMBER TOMA, **CARRIED 5-0:** to remove the item from the agenda and will be heard at a subsequent meeting.

RECESS

Council recessed at 8:36 p.m. and reconvened at 8:45p.m., with all Council Members present.

11) Agreement for Professional Services - City Engineer Consultant Services - Willdan

CARRIED 5-0: to take the following actions:

1. Approve Willdan for City Engineer services for \$160 per hour not to exceed \$115,500 through September 1, 2019; and
2. Upon submittal of a development application, authorize the City Manager to execute agreements for professional services.

PUBLIC SERVICES

12) Galster & Heritage Park Trail Improvement Projects

CARRIED 5-0: to adopt RESOLUTION NO. 2018-132 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, AND ENDING JUNE 30, 2019 (Trail Improvements at Galster Park and Heritage Park)

END OF CONSENT CALENDAR

REORDER OF AGENDA ITEMS

Mayor Johnson requested Item # 17 be moved forward and considered prior to Item # 13.

DEPARTMENTAL REGULAR MATTERS

CITY MANAGER'S OFFICE

17) Election of Boardmember to San Gabriel Basin Water Quality Authority Board Representing Cities Without Prescriptive Pumping Rights

ACTION: MOTION BY WU, SECOND BY SPENCE, **FAILED 2-3** (TOMA, WARSHAW, JOHNSON) to postpone this item until after the newly elected Councilmembers take office.

City Manager Freeland presented a brief staff report. Water Board candidates Clark and Munoz responded to questions.

ACTION: MOTION BY COUNCILMEMBER TOMA, SECOND BY COUNCILMEMBER WARSHAW, **CARRIED 3-1-1** (SPENCE – NO, WU – ABSTAIN) to adopt RESOLUTION NO. 2018-134 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CASTING ITS VOTES FOR COUNCILMEMBER VALERIE MUNOZ OF LA PUENTE TO REPRESENT CITIES WITHOUT PRESCRIPTIVE WATER PUMPING RIGHTS ON THE BOARD OF THE SAN GABRIEL BASIN WATER QUALITY AUTHORITY

HEARINGS

PUBLIC HEARINGS

13) **Amendment to the West Covina Municipal Code Article XVI, Waste Reduction, Reuse and Recycling of Construction and Demolition Debris Ordinance Introduction - Public Hearing**

Mayor Johnson announced the Public Hearing matter and Assistant City Clerk Butler verified that proper legal notice was given. Planning Director Anderson presented the staff report. Assistant City Clerk Butler stated no written objections have been received.

Mayor Johnson opened the Public Hearing. There was no wishing to speak; therefore, Mayor Johnson closed the Public Hearing.

ACTION: MOTION BY SPENCE, SECOND BY TOMA, **CARRIED 5-0** to introduce, waive further reading and give first reading to ORDINANCE NO. 2447 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING THE WEST COVINA MUNICIPAL CODE ARTICLE XVI, WASTE REDUCTION, REUSE AND RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS, OF CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, TO BE CONSISTENT WITH THE REQUIREMENTS OF CALIFORNIA GREEN BUILDING STANDARDS CODE, CORRECT NECESSARY LANGUAGE TO REFLECT THE CITY DEPARTMENTS ORGANIZATION, AND REMOVING RE-ROOFING PROJECTS FROM PROJECTS REQUIRED TO MEET THE DIVERSION REQUIREMENTS

14) **Code Amendment No. 18-02
Accessory Dwelling Units
General and Statutory Exemption**

Mayor Johnson announced the Public Hearing matter, Assistant City Clerk Butler verified that proper legal notice was given and Mayor Johnson opened the Public Hearing. Planning Director Anderson presented the staff report and a PowerPoint presentation and answered questions from the Council.

Public Comments in Favor

None

Opposition

Jamie Lee

Brian Tabatabai

---End of Public Comment---

Council engaged in lengthy discussion regarding proposed ordinance and possible amendments to the ordinance.

ACTION: MOTION BY WU, SECOND BY SPENCE, **FAILED 2-3** (TOMA, WARSHAW, JOHNSON) to amend the proposed ordinance to have applicable lot size coverage be consistent with state law, maintain setbacks at 5 feet, remove minimum lot size of 12,000 square feet.

ACTION: MOTION BY WU, SECOND BY SPENCE, **FAILED 2-3** (TOMA, WARSHAW, JOHNSON) to amend the proposed ordinance to change the minimum lot size to 7,000 square feet.

ACTION: MOTION BY WARSHAW, SECOND BY TOMA, **CARRIED 3-2** (SPENCE, WU) to introduce, waive further reading and give first reading to ORDINANCE NO. 2449 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING DIVISION 11 OF ARTICLE XII OF CHAPTER 26 OF THE MUNICIPAL CODE TO AMEND SETBACK AND LOCATION RELATED ZONING REGULATIONS APPLICABLE TO ACCESSORY DWELLING UNITS

**15) Code Amendment No. 18-03
Downtown Plan and Code Parking Standards
General Exemption**

Mayor Johnson announced the Public Hearing matter, Assistant City Clerk Butler verified that proper legal notice was given and Mayor Johnson opened the Public Hearing. Planning Director Anderson presented the staff report and a PowerPoint presentation and answered questions from the Council.

Public Comments in Favor

None

Opposition

None

---End of Public Comment---

ACTION: MOTION BY TOMA, SECOND BY WARSHAW, **CARRIED 4-1** (SPENCE) to introduce, waive further reading and give first reading to ORDINANCE NO. 2450 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING ARTICLE XV OF CHAPTER 26 OF THE MUNICIPAL CODE, THE DOWNTOWN PLAN AND CODE PARKING STANDARDS

16) Amendment to the West Covina Municipal Code, Chapter 22, Article V for the Regulation of Sidewalk Vendors WCMC Sec. 22-183.2 Sidewalk Vendors

Public Comments in Favor

None

Opposition

None

---End of Public Comment---

ACTION: MOTION BY WARSHAW, SECOND BY SPENCE, **CARRIED 5-0** to introduce, waive further reading and give first reading to ORDINANCE NO. 2451 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 22-183.2 ("VENDING AUTOMOBILES, WAGONS OR STANDS") OF ARTICLE V OF CHAPTER 22 OF THE MUNICIPAL CODE TO REGULATIONS FOR SIDEWALK VENDORS; as amended to include language that business license and Los Angeles County Health permits must be visible during operations.

ACTION: MOTION BY WARSHAW, SECOND BY SPENCE, **CARRIED 5-0** to introduce, waive further reading, and adopt ORDINANCE NO. 2453 - AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 22-183.2 ("VENDING AUTOMOBILES, WAGONS OR STANDS") OF ARTICLE V OF CHAPTER 22 OF THE MUNICIPAL CODE TO REGULATIONS FOR SIDEWALK VENDORS, as amended to include language that business license and Los Angeles County Health permits must be visible during operations, and to be effective immediately.

DEPARTMENTAL REGULAR MATTERS

CITY MANAGER'S OFFICE

17) Election of Boardmember to San Gabriel Basin Water Quality Authority Board Representing Cities Without Prescriptive Pumping Rights

This item was reordered and heard prior to Item # 13.

AB1234 Conference and Meeting Report (verbal, if any)

None

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

MAYOR LLOYD JOHNSON

18) Request from Mayor Lloyd Johnson Seeking the City Council's Consensus to Contact Los Angeles County Sheriff's Department Requesting More Proactive Measures to Address Homeless Persons Living in Los Angeles County Flood Control Channels

ACTION: MOTION BY MAYOR JOHNSON, SECOND BY MAYOR PRO TEM WU, **CARRIED 5-0** to contact Los Angeles County Sheriff's Department requesting more proactive measures to address homeless persons living in Los Angeles County Flood Control Channels.

19) Request from Mayor Lloyd Johnson Seeking the City Council's Consensus to Create a Mayor's Ad Hoc Committee on Budget Engagement

ACTION: MOTION BY MAYOR JOHNSON, SECOND BY COUNCILMAN WARSHAW, **CARRIED 3-2** (SPENCE, WU) to return for Council's discussion regarding the creation of a Mayor's ad hoc committee on budget engagement.

MAYOR PRO TEM TONY WU

20) Request from Mayor Pro Tem Tony Wu Requesting the City Council's Consideration to Request Los Angeles Homeless Services Authority's Support for Funding and Resources to Address Homeless Issues in West Covina

ACTION: MOTION BY WU, SECOND BY SPENCE, **CARRIED 5-0** to request Los Angeles Homeless Services Authority's support for funding and resources to address homeless issues in West Covina.

COUNCILMEMBER MIKE SPENCE

21) Request from Councilman Mike Spence Requesting the City Council's Consideration to Send a Letter Supporting an Independent Review of Ethical Questions Related to CalPERS Chief Executive Officer Marcie Frost

ACTION: MOTION BY SPENCE, SECOND BY JOHNSON, **CARRIED 4-0-1** (TOMA-ABSTAIN) to send a letter supporting an independent review of ethical questions related to CalPERS Chief Executive Officer Marcie Frost.

CITY COUNCIL COMMENTS

None

ADJOURNMENT

Mayor Johnson adjourned the meeting at 10:33 p.m. The next Regular City Council Meeting is scheduled for Tuesday, December 4, 2018 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor

DRAFT



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

DECEMBER 4, 2018, 7:00 PM
REGULAR MEETING

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

MINUTES

CALL TO ORDER

A Regular Meeting of West Covina City Council was called to order on Tuesday, December 4, 2018 at 7:00 p.m. in the Council Chambers located at 144 West Garvey Avenue South, West Covina, California, by Mayor Johnson.

ROLL CALL

Council Members

Present: Councilmembers Spence, Toma, Warshaw, Mayor Pro Wu, Mayor Johnson

City Council Members

Absent: None

City Staff Present:

Chris Freeland City Manager, Nikole Bresciani Assistant City Manager, Scott Attorney City Attorney; Other staff presented reports or responded to questions as indicated in the minutes.

PLEDGE OF ALLEGIANCE

Councilman Mike Spence led the Pledge of Allegiance.

ORAL COMMUNICATIONS - Five (5) minutes per speaker

Speaker:

Bill Robinson

Ben Wong

George Hogit

Bill Elliot

---End of Oral Communications---

DEPARTMENTAL REGULAR MATTERS

1) **OFFICIAL ELECTION RESULTS OF THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTIONS**

CARRIED 5-0 to: adopt the following RESOLUTION NO. 2018-135 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD NOVEMBER 6, 2018 DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

MAYOR/COUNCILMEMBERS REPORTS

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

None.

CITY COUNCIL REQUESTS FOR REPORTS, STUDIES OR INVESTIGATION

None.

CITY COUNCIL COMMENTS

New City Council Members express their gratitude for becoming part of the City Council for the City of West Covina.

ADJOURNMENT

Mayor Johnson adjourned the meeting at 8:22 p.m. The next Regular City Council Meeting is scheduled for Tuesday, December 18, 2018 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor

DRAFT



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

DECEMBER 5, 2018, 6:00 PM
SPECIAL MEETING – CLOSED SESSION

CITY MANAGER'S CONFERENCE ROOM
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

MINUTES

CALL TO ORDER

A closed session meeting was called to order at 6:13 p.m. on Wednesday, December 05, 2018 at the City Manager's Conference Room, 1444 West Garvey Avenue South, West Covina, CA 91790, by Mayor Johnson.

ROLL CALL

Councilmembers

Present: Council Members Lopez-Viado, Dario Castellanos, Mayor Pro Tem Tony Wu,
Mayor Lloyd Johnson

Councilmembers

Absent: None

City Staff

Present: Chris Freeland City Manager, Nikole Bresciani Assistant City Manager/Public Services Director, Scott Porter City Attorney, Edward Macias Human Resources Director, Paulina Morales Community Economic Development Housing Manager, Gerado Rojas Community Economic Development Project Coordinator, Jeff Anderson Community Development Director.

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Singpoli CEO, CFO, Architect all made a comments during the meeting.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Government Code § 54956.9(d)(2) Number of Cases: One (1)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code § 54956.9(d)(1)

Briley v. City of West Covina (Los Angeles Superior Court Case No. BC630552)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8 Property: Galster Park APN#8493-003-911

Agency Negotiator: Freeland, Bresciani, Morales, Porter Negotiating Parties: Suburban Water Systems

Under Negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

Property: BKK APN# 8735-002-906, 8735-002-909, 8735-002-910, AND 8735-002-018 / AAA PAD APN#8735-001-912 / Water Tank APN# 8735-001-933, 8735-001-934

Agency Negotiator: Freeland, Bresciani, Morales, Porter Negotiating Parties: Singpoli, LLC

Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Freeland, Macias, Bresciani, Porter Employee Organizations

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

ADJOURNMENT

Mayor Lloyd Johnson adjourned the meeting at 9:26 p.m. The next Regular Council Meeting will be held on Tuesday December 18, 2018 at 7:00p.m.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor

DRAFT



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY

DECEMBER 18, 2018, 6:00 PM
REGULAR MEETING - CLOSED SESSION

CITY MANAGER'S CONFERENCE ROOM
1444 W. GARVEY AVENUE SOUTH
WEST COVINA, CALIFORNIA 91790

MINUTES

CALL TO ORDER

A Regular Meeting of West Covina City Council was called to order on Tuesday, December 18, 2018 at 6:00 p.m. in the Council Chambers located at 1444 West Garvey Avenue South, West Covina, California, by Mayor Johnson.

ROLL CALL

Council Members

Present: Councilmembers Letty Lopez-Viado, Jessica Shewmaker, Dario Castellanos, Mayor Pro Tem Wu, Mayor Johnson.

Council Members

Absent: None

City Staff

Present: Chris Freeland City Manager, Nikole Bresciani Assistant City Manager, Scott Porter City Attorney, Edward Macias Human Resources Director; Other city staff provided reports and responded to questions as indicated in the minutes.

PUBLIC COMMENTS ON ITEMS ON THE AGENDA

None

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Pursuant to Government Code § 54956.9(d)(2)

Number of Cases: Two (2)

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

City Negotiators: Freeland, Macias, Bresciani, Hall Barlow

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

ADJOURNMENT

Mayor Johnson adjourned the meeting at 6:56 p.m. The next Regular City Council Meeting is scheduled for Tuesday, January 15, 2019 at 7:00 p.m., in the Council Chamber, 1444 West Garvey Avenue South, West Covina, California.

Submitted by:

Carrie Gallagher, CMC
Assistant City Clerk

Lloyd Johnson
Mayor



CITY OF WEST COVINA

CITY COUNCIL/SUCCESSOR AGENCY/COMMUNITY DEVELOPMENT COMMISSION

DECEMBER 18, 2018, 7:00 PM
REGULAR MEETING

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

MINUTES

CALL TO ORDER

A Regular Meeting of West Covina City Council was called to order on Tuesday, December 18, 2018 at 7:00 p.m. in the Council Chambers located at 1444 West Garvey Avenue South, West Covina, California, by Mayor Johnson.

ROLL CALL

Council Members

Present: Council Members Castellanos, Lopez-Viado, Mayor Pro Tem Wu, Mayor Johnson

City Council

Absent: None

City Staff Present: Chris Freeland City Manager, Nikole Bresciani Assistant City Manager, Scott Porter City Attorney, Marc Taylor Police Chief, Paulina Morales Economic Development Housing Manager; Other city staff presented reports or answered inquires.

PLEDGE OF ALLEGIANCE

Mayor Lloyd Johnson led the Pledge of Allegiance.

REPORTING OUT FROM CLOSED SESSION

None

PRESENTATIONS

Recognition of Retirement of Police Department Records Specialist Sylvia Luna

ORAL COMMUNICATIONS - Five (5) minutes per speaker.

Speaker:

John Shewmaker
Susan Rubio
Sue Aguino
Elsy Mesman
Bridgett Sisemano
Jim Grivich
Jerri Potras
Andrea Moreno
Bill Elliot
Ray Edmunson
Laura Viera
David Williams

CONSENT CALENDAR

ACTION: MOTION BY MAYOR PRO TEM WU AND SECONDED BY COUNCILWOMAN LOPEZ-VIADO, CARRIED 4-0 to Approve Consent Calendar Items 1 thru 3, 6 thru 10.

ACTION: MOTION BY COUNCILWOMAN LOPEZ-VIADO AND SECONDED BY COUNCILMAN CASTELLANOS 4-0 to Approve Consent Calendar Item 4 (Consent Item 4 pulled by MAYOR PRO TEM WU)

ACTION: MOTION BY MAYOR PRO TEM WU AND SECONDED BY COUNCILMAN CASTELLANOS, CARRIED 3-1(WU) to Approve Consent Calendar Item 5 (Consent Item 5 pulled by MAYOR PRO TEM WU)

ACTION: MOTION BYMAYOR PRO TEM WU AND SECONDED BY COUNCILWOMAN LOPEZ-VIADO, CARRIED 4-0 to Approve Consent Calendar Item 11(Consent Item 11 pulled by MAYOR PRO TEM WU)

ACTION: MOTION BYMAYOR PRO TEM WU AND SECONDED BY COUNCILMAN CASTELLANOS, CARRIED 3-1(LOPEZ-VIADO) to Approve Consent Calendar Item 12 (pulled by COUNCILWOMAN LOPEZ-VIADO)

ACTION: MOTION BY COUNCILMAN CASTELLANOS AND SECONDED BY COUNCILWOMAN LOPEZ-VIADO, CARRIED 4-0 to Approve Consent Calendar Item 13 (PULLED BY COUNILMAN CASTELLANOS)

ACTION: MOTION BY COUNCILMAN CASTELLANOS AND SECONDED BY MAYOR PRO TEM WU, CARRIED 4-0 to Approve Consent Calendar Item 14(pulled by COUNCILMAN CASTELLANOS)

ACTION: MOTION BY COUNCILMAN CASTELLANOS AND SECONDED BY MAYOR JOHNSON, CARRIED 4-0 to Approve Consent Calendar Item 15 (pulled by COUNCILMAN CASTELLANOS)

ACTION: MOTION BY MAYOR JOHNSON AND SECODNED BY COUNCILMAN CASTELLANOS, CARRIED 3-1(WU) to Approve Consent Calendar Item 16 (pulled by MAYOR JOHNSON)

ACTION: MOTION BY MAYOR PRO TEM WU AND SECONDED BY MAYOR JOHNSON, CARRIED 4-0 to Approve Consent Calendar Item 17 (pulled by COUNCILWOMAN LOPEZ-VIADO)

APPROVAL OF MEETING MINUTES (receive & file)

CLAIMS AGAINST THE CITY

1) GOVERNMENT TORT CLAIM DENIALS

CARRIED 4-0 to: deny the following Government Tort Claims and the claimants be notified:

- Rutilio Cordova vs. The City of West Covina
- Mike Stella vs. The City of West Covina
- Rocio Rivera vs. The City of West Covina
- Janie Moreno vs. The City of West Covina

INVESTMENT REPORT (receive & file)

2) **CITY INVESTMENT REPORT FOR THE MONTH ENDED OCTOBER 31, 2018**

CARRRIED 4-0 to: receive and file the Investment Report for the month ended October 31, 2018.

3) **SUCCESSOR AGENCY INVESTMENT REPORT FOR THE MONTH ENDED OCTOBER 31, 2018**

CARRRIED 4-0 to: receive and file the Investment Report for the month ended October 31, 2018.

ORDINANCES FOR ADOPTION

4) **AMENDMENT TO THE WEST COVINA MUNICIPAL CODE, CHAPTER 22, ARTICLE V FOR THE REGULATION OF SIDEWALK VENDORS WCMC SEC. 22-183.2 SIDEWALK VENDORS**

(Item pulled by Mayor Pro Tem Wu)

CARRRIED 4-0 to: adopt the following ORDINANCE NO. 2451 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 22-183.2 (“VENDING AUTOMOBILES, WAGONS OR STANDS”) OF ARTICLE V OF CHAPTER 22 OF THE MUNICIPAL CODE TO REGULATIONS FOR SIDEWALK VENDORS

5) **CODE AMENDMENT NO. 18-02 ACCESSORY DWELLING UNITS GENERAL AND STATUTORY EXEMPTION**

(Item pulled by Mayor Pro Tem Wu)

CARRRIED 3-1(WU) to: amend the following ORDINANCE NO. 2449 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING DIVISION 11 OF ARTICLE XII OF CHAPTER 26 OF THE MUNICIPAL CODE TO AMEND SETBACK AND LOCATION RELATED ZONING REGULATIONS APPLICABLE TO ACCESSORY DWELLING UNITS

6) **AMENDMENT TO THE WEST COVINA MUNICIPAL CODE ARTICLE XVI, WASTE REDUCTION, REUSE AND RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS ORDINANCE**

CARRRIED 4-0 to: adopt the following ORDINANCE NO. 2447 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING THE WEST COVINA MUNICIPAL CODE ARTICLE XVI, WASTE REDUCTION, REUSE AND RECYCLING OF CONSTRUCTION AND DEMOLITION DEBRIS, OF CHAPTER 7, BUILDINGS AND BUILDING

REGULATIONS, TO BE CONSISTENT WITH THE REQUIREMENTS OF CALIFORNIA GREEN BUILDING STANDARDS CODE, CORRECT NECESSARY LANGUAGE TO REFLECT THE CITY DEPARTMENTS ORGANIZATION, AND REMOVING RE-ROOFING PROJECTS FROM PROJECTS REQUIRED TO MEET THE DIVERSION REQUIREMENTS

7) **CODE AMENDMENT NO. 18-03
DOWNTOWN PLAN AND CODE PARKING STANDARDS
GENERAL EXEMPTION**

CARRRIED 4-0 to: adopt the following ORDINANCE NO. 2450 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA CALIFORNIA AMENDING ARTICLE XV OF CHAPTER 26 OF THE MUNICIPAL CODE, THE DOWNTOWN PLAN AND CODE PARKING STANDARDS

CITY CLERK'S OFFICE

8) **BIENNIAL REVIEW OF THE CITY OF WEST COVINA'S CONFLICT OF INTEREST CODES**

CARRRIED 4-0 to: adopt the following resolutions amending the Conflict of Interest Codes for the City of West Covina, the West Covina Community Development Commission and the Successor Agency to the West Covina Redevelopment Agency: RESOLUTION NO. 2018-136 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE FOR THE CITY OF WEST COVINA

RESOLUTION NO. 2018-137 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE FOR THE WEST COVINA COMMUNITY DEVELOPMENT COMMISSION

RESOLUTION NO. 2018-138 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE FOR THE SUCCESSOR AGENCY TO THE WEST COVINA REDEVELOPMENT AGENCY

CITY MANAGER'S OFFICE

9) **ANNOUNCEMENT OF CITY COUNCIL'S INTENT TO FILL VACANT CITY COUNCIL POSITION**

CARRRIED 4-0 to: receive applications to fill the vacant City Council seat by appointment before the February 2, 2019 deadline.

COMMUNITY DEVELOPMENT

10) RELEASE OF FAITHFUL PERFORMANCE GUARANTEE FOR 2937 E. CORTEZ STREET (DESIGN REVIEW NO.15-42)

CARRRIED 4-0 to: accept all on-site and off-site improvements for 2937 E. Cortez Street (Design Review 15-42) and authorize release of the Performance Security cash deposit in the amount of \$10,686.

11) ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR THE RESIDENTIAL STREETS REHABILITATION IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ELIGIBLE AREAS (PROJECT NO. SP-18038)
(Item was pulled by Mayor Pro Tem WU)

CARRRIED 4-0 to: take the following actions:

1. Accept the public improvements constructed for Project No. SP-18038;
2. Authorize recordation of Notice of Completion with the Los Angeles County Recorder; and
3. Authorize release of retention funds 35 days after recordation of the Notice of Completion.

12) PLAZA WEST COVINA DISPOSITION AND DEVELOPMENT AGREEMENT - ENVIRONMENTAL INITIAL STUDY AND SECTION 15183 EXEMPTION PREPARATION

(Item pulled by Councilwoman Lopez-Viado)

CARRRIED 3-1(WU) to: authorize the City Manager to execute an agreement with Rincon Consultants, Inc. for a cost not to exceed \$86,706 for preparation of an Initial Study and Section 15183 Exemption for the proposed redevelopment of the Plaza West Covina Mall.

POLICE DEPARTMENT

13) EXTENSION OF FORECLOSURE PROPERTIES ORDINANCE
(Item pulled by Councilman Castellanos)

CARRRIED 4-0 to: recommended that the City Council take the following actions:

1. Extend the Foreclosure Ordinance for an additional three years, to December 2021;
2. Introduce, waive further reading, and give first reading to the following ORDINANCE NO. 2452 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, EXTENDING THE TERMS AND PROVISIONS OF ORDINANCE NO. 2238 FOR AN ADDITIONAL PERIOD OF THREE YEARS, AMENDING CHAPTER 15 OF THE MUNICIPAL CODE TO REQUIRE

REGISTRATION, MAINTENANCE AND SECURITY OF PROPERTIES IN
FORECLOSURE

PUBLIC SERVICES

**14) AWARD OF BID – LANDSCAPE MAINTENANCE OF LANDSCAPE
MAINTENANCE DISTRICTS 1, 2, 4 AND OF THE BIG LEAGUE DREAMS
PERIMETER AREAS**

(Item pulled by Councilman Castellanos)

CARRRIED 4-0 to: take the following actions: 1. Authorize the City Manager to execute a contract with Merchants Landscape Services, Inc. (Merchants) in the total amount of Two Million One Hundred Ninety Thousand Dollars (\$2,190,000) for a three-year contract with two optional one-year extensions to provide landscape maintenance services to Landscape Maintenance Districts 1, 2, 4 and the Big League Dreams (BLD) perimeter areas; and 2. Appropriate \$46,158.36 from the available fund balance to Service Contracts as outlined in the report.

**15) ACCEPTANCE OF DROUGHT TOLERANT LANDSCAPING
IMPROVEMENTS IN LANDSCAPE MAINTENANCE DISTRICT NO. 7 (PHASE
2) - PROJECT NO. 18024**

(Item pulled by Councilman Castellanos)

CARRRIED 4-0 to: recommended that the City Council take the following actions: 1. Accept the Drought Tolerant Landscaping Improvements in Landscape Maintenance District 7 (Phase 2) for Project No. 18024; 2. Authorize recordation of Notice of Completion with the Los Angeles County Recorder; and 3. Authorize the release of retention funds 35 days after recordation of the Notice of Completion.

16) AWARD OF BID FOR CITY PARKS RESTROOM MAINTENANCE

(Item pulled by Mayor Johnson)

CARRRIED 3-1(WU) to: authorize the City Manager to execute a contract with Azteca Landscape in the total amount of \$238,015.08 for a one-year contract to provide parks restroom maintenance services for all City Parks.

**17) AWARD OF CONTRACT FOR THE INSTALLATION OF WROUGHT IRON
FENCE AND GATE AT ORANGEWOOD SOCCER COMPLEX (PROJECT NO.
19010)**

(Item pulled by Councilwoman Lopez-Viado)

CARRRIED 4-0 to: accept the bid from Ace Fence Company, of La Puente, California in the amount of \$36,500, and authorize the City Manager to execute a contract with Ace Fence Company for Capital Improvement Project No. 19010.

END OF CONSENT CALENDAR

HEARINGS

PUBLIC HEARINGS

DEPARTMENTAL REGULAR MATTERS

MAYOR/COUNCILMEMBERS REPORTS

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

None

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/Community Development Commission agenda as items of business and must be approved by a majority of the City Council/Successor Agency Board.)

18) REQUEST FROM MAYOR PRO TEM TONY WU REQUESTING THE CITY COUNCIL'S CONSIDERATION TO EXPLORE THE CITY'S FINANCIAL ABILITY TO REINSTATE ENGINE NO. 4

ACTION: MOTION MAYOR PRO TEM WU AND SECONDED BY COUNCILMAN CASTELLANOS, CARRIED 3-1 (JOHNSON) to: recommend that the City Council direct staff accordingly.

19) REQUEST FROM MAYOR PRO TEM TONY WU REQUESTING THE CITY COUNCIL'S APPROVAL TO INSTRUCT CITY STAFF TO PROVIDE A REPORT ON THE COSTS TO DO TREE TRIMMING AND WEED ABATEMENT IN THE CITY'S MAINTENANCE DISTRICTS AND REDUCE THE CITYWIDE TREE TRIMMING CYCLE FROM SEVEN TO FIVE YEARS

ACTION: MOTION BY MAYOR PRO TEM WU AND SECONDED BY COUNCILMAN CASTELLANOS, CARRIED 4-0 to: recommend that the City Council direct staff accordingly.

20) REQUEST FROM MAYOR PRO TEM TONY WU REQUESTING THE CITY COUNCIL'S CONSIDERATION TO EXPLORE THE CITY'S FINANCIAL ABILITY TO REINSTATE THE POLICE DEPARTMENT OVERLAP SHIFT

ACTION: MOTION BY MAYOR PRO TEM AND SECONDED BY LOPEZ-VIADO, CARRIED 3-1 (JOHNSON) to: recommend that the City Council direct staff accordingly.

21) REQUEST FROM COUNCILMAN DARIO CASTELLANOS REQUESTING THE CITY COUNCIL'S CONSIDERATION TO HAVE ALL DEPARTMENT HEADS SUBJECT TO EMPLOYMENT CONTRACTS SELECTED BY THE CITY MANAGER AND APPROVED BY THE CITY COUNCIL

ACTION : MOTION BY COUNCILMAN CASTELLANOS AND SECONDED BY LOPEZ-VIADO, CARRIED 3-1(JOHNSON) to: recommend that the City Council direct staff accordingly.

- 22) **REQUEST FROM COUNCILMAN DARIO CASTELLANOS REQUESTING THE CITY COUNCIL'S CONSIDERATION TO INSTRUCT STAFF TO PROVIDE A REPORT TO THE CITY COUNCIL ON THE PURCHASING POLICY OF THE CITY AND SELECTION OF VENDORS**

ACTION: MOTION BY COUNCILMAN CASTELLANOS AND SECONDED BY COUNCILWOMAN LOPEZ-VIADO, CARRIED 4-0 to: recommend that the City Council direct staff accordingly.

- 23) **REQUEST FROM COUNCILMAN DARIO CASTELLANOS REQUESTING THE CITY COUNCIL'S CONSIDERATION TO INSTRUCT STAFF TO DEVELOP A RELATIONSHIP WITH A HOMELESS SERVICES PROVIDER TO ADDRESS HOMELESSNESS IN WEST COVINA**

ACTION: MOTION BY COUNCILMAN CASTELLANOS AND SECONDED BY LOPEZ-VIADO, CARRIED 4-0 to: recommended that the City Council direct staff accordingly.

- 24) **REQUEST FROM COUNCILWOMAN LETTY LOPEZ-VIADO REQUESTING THE CITY COUNCIL'S CONSIDERATION TO PROMOTE VOLUNTEERISM IN THE POLICE DEPARTMENT TO HELP ADDRESS CODE ENFORCEMENT AND OTHER COMMUNITY ISSUES**

ACTION: MOTION BY LOPEZ-VIADO AND SECONDED BY COUNCILMAN CASTELLANOS, CARRIED 4-0 to: recommended that the City Council receive and file.

- 25) **REQUEST FROM COUNCILWOMAN LETTY LOPEZ-VIADO REQUESTING THE CITY COUNCIL'S CONSIDERATION TO INSTRUCT STAFF TO PREPARE A STAFF REPORT WITH OPTIONS TO DEVELOP A PARTNERSHIP WITH RING VIDEO DOORBELL AND SECURITY CAMERAS**

ACTION: MOTION BY LOPEZ-VIADO AND SECONDED BY MAYOR JOHNSON, CARRIED 4-0 to recommend that the City Council provide staff direction.

- 26) **REQUEST FROM COUNCILWOMAN LETTY LOPEZ-VIADO REQUESTING THE CITY COUNCIL TO INSTRUCT STAFF TO PREPARE A PROGRAM THAT ALLOWS DONATIONS AND PARTNERSHIPS FROM RESIDENTS, BUSINESSES, AND CIVIC GROUPS TO SPONSOR COMMUNITY EVENTS**

ACTION: MOTIONN BY LOPEZ-VIADO AND SECONDED BY MAYOR PRO TEM WU, CARRIED 4-0 to recommend that the City Council direct staff accordingly.

CITY COUNCIL COMMENTS

Mayor Pro Tem Wu and council comment on the budget.

ADJOURNMENT

Mayor Johnson adjourns City Council Meeting at 10:40 p.m. The next City Council meeting will be held on January 15, 2019 at 7:00 p.m. in the Council Chambers, 1444 West Garvey Avenue South, West Covina, CA, 91790.

DRAFT



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: **GOVERNMENT TORT CLAIM DENIALS**

RECOMMENDATION:

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

- Mercury Insurance ASO Eva Stoltz vs. The City of West Covina
- Quang Trang vs. The City of West Covina
- Bryan VanEck vs. The City of West Covina

DISCUSSION:

As you are aware, since all claims should be considered potential lawsuits, it is requested that all Councilmembers refrain from making specific public comments so as not to prejudice any claim. Specific questions should be referred to the City Attorney.

Prepared by: Nick Ledesma, Administrative Aide

Fiscal Impact

FISCAL IMPACT:

None.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: ADOPTION OF ORDINANCE NO. 2454 - AMENDING SECTION 2-151 OF THE WEST COVINA MUNICIPAL CODE, REGARDING THE APPOINTMENT POWERS OF THE CITY MANAGER

RECOMMENDATION:

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

ORDINANCE NO. 2454 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA AMENDING SECTION 2-151 OF THE WEST COVINA MUNICIPAL CODE, REGARDING THE APPOINTMENT POWERS OF THE CITY MANAGER

DISCUSSION:

This ordinance was first introduced at the March 19, 2019 City Council Meeting. The purpose of the proposed ordinance no. 2454 is to amend section 2-151 of the West Covina Municipal Code, regarding the appointment powers of the City Manager.

The ordinance will take effect 30 days after its adoption on April 2, 2019.

Prepared by: Carrie Gallagher, Assistant City Clerk

Attachments

03.19.10 Staff Report Intro Ordinance 2453
Ordinance No. 2454



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: March 19, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: APPOINTMENT POWERS OF THE CITY MANAGER

RECOMMENDATION:

It is recommended that the City Council introduce by title, waive further reading of the following ordinance:

ORDINANCE NO. 2454 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA AMENDING SECTION 2-151 OF THE WEST COVINA MUNICIPAL CODE, REGARDING THE APPOINTMENT POWERS OF THE CITY MANAGER

BACKGROUND:

This item was requested to be agendized by a unanimous vote of the City Council at the March 5, 2019 City Council Meeting.

DISCUSSION:

Currently, under Section 2-151 of the City of West Covina Municipal Code, the City Manager is granted certain powers with respect to appointing department heads for the City. Under the current code, the City Manager can hire department heads without prior approval or vetting of potential candidates by the City Council.

The City Council desires to modify that process to review and approve appointments of department heads prior to the City Manager hiring a potential department head. Minor edits were made to the proposed ordinance, with the most significant language addition as follows:

"Notwithstanding the foregoing, the city manager shall not appoint or promote a person to serve as the director of a department, unless a majority of the city council first voted in favor of the city manager's proposed appointment or promotion; this limitation does not limit the city manager's authority to appoint or promote a person to temporarily fill such positions on

an acting or interim basis, nor does it in any way affect the city manager's power to appoint to or promote to other positions."

Full tracked changes of the proposed Ordinance No. 2454 are included in Attachment No. 1.

Additional Approval: Scott Porter, City Attorney

Attachments

Attachment No. 1 - Ordinance No. 2454

ORDINANCE NO. 2454

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA AMENDING SECTION 2-151 OF THE WEST COVINA MUNICIPAL CODE, REGARDING THE APPOINTMENT POWERS OF THE CITY MANAGER

WHEREAS, the City of West Covina, pursuant to its police power, may enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, the City Council intends to reserve for itself the authority to approve the appointment or promotion to all director positions;

WHEREAS, it is in the public interest that the City Council review and approve appointments of department heads prior to the City Manager hiring a potential department head;

WHEREAS, at the time this ordinance went into effect, the City had the following nine departments head positions which are intended to become subject to this ordinance: Assistant City Clerk, Assistant City Manager, Community Development Director, Deputy City Manager, Finance Director, Fire Chief, Human Resources & Risk Management Director, Police Chief and Public Services Director;

WHEREAS, the City Council does not desire to add limits to the City Manager's power over the appointment/promotion to mid-management and similar positions of Departments;

WHEREAS, the City Council hereby reaffirms that the City Manager retains all authority to remove and demote all employees;

WHEREAS, the City Council desires that references to the "City Manager" be gender neutral;

WHEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF WEST COVINA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. MUNICIPAL CODE AMENDMENT. Section 2-151 (Powers and Duties) of Chapter 2 (Administration) of the Municipal Code is hereby amended to read as follows:

Sec. 2-151. - Powers and duties.

The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this Code. ~~He~~ The city manager shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. ~~He~~ The city manager shall prescribe such administrative rules and procedures as the city manager may deem proper or necessary for the general conduct and operation of the city functions under ~~his~~ the city manager's jurisdiction. In addition to the city

manager's ~~his~~ general powers as administrative head, and not as a limitation thereon, it shall be the city manager's ~~his~~ duty and ~~he~~ shall have the powers set forth in the following paragraphs of this section:

- (a) Law enforcement. It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all the laws of the state pertaining to the city are faithfully observed.
- (b) Ordinances. It shall be the duty of the city manager ~~and he shall~~ to recommend to the city council for adoption such measures and ordinances as the city manager deems necessary or expedient.
- (c) Investigations. It shall be the duty of the city manager to make investigations into any of the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city. ~~He~~ The city manager shall examine or cause to be examined, without notice, the official conduct of any officer or employee of the city.
- (d) Complaints; franchises. It shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city, and to see that all franchises, permits, contracts and privileges granted by the city are faithfully performed and observed.
- (e) Public buildings. It shall be the duty of the city manager ~~and he shall~~ to exercise general supervision over all public buildings, public parks and all other public property which are under the control and jurisdiction of the city. ~~He~~ The city manager shall direct the planning and construction of all public works.
- (f) Authority over employees. It shall be the duty of the city manager ~~and he shall~~ to ~~have the authority to~~ control, order and give directions to all heads of departments and to subordinate officers, and employees of the city under his jurisdiction through their department heads.
- (g) Power of appointment. It shall be the duty of the city manager to ~~, and he shall~~ appoint, remove, promote and demote any and all officers and employees of the city, except the city clerk, city attorney and city treasurer, subject to the rules and regulations of any applicable civil service or other personnel system in effect. Notwithstanding the foregoing, the city manager shall not appoint or promote a person to serve as the director of a department, unless a majority of the city council first voted in favor of the city manager's proposed appointment or promotion; this limitation does not limit the city manager's authority to appoint or promote a person to temporarily fill such positions on an acting or interim basis, nor does it in any way affect the city manager's power to appoint to or promote to other positions.
- (h) Reorganization of offices. It shall be the duty and responsibility of the city manager

to recommend to the city council such organization or reorganization of offices, positions, departments or units under ~~his~~ the city manager's direction including the transfer of employees between departments and offices, as may be indicated in the interest of efficient, effective and economical conduct of the city's business.

- (i) Departmental cooperation. It shall be the duty of all subordinate officers and the city clerk, city treasurer and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the city.
- (j) Attendance at council meetings. It shall be the duty of the city manager to attend all meetings of the city council, unless excused therefrom. ~~He~~ The city manager may participate in council deliberations but shall not have a vote.
- (k) Attendance at commission meetings. The city manager may attend any and all meetings of the planning commission, recreation and park commission, and any other city commissions, boards or committees hereafter created by the city council, upon ~~his~~ the city manager's own volition and shall attend such meeting upon direction of the city council. At such meetings which the city manager attends, ~~he~~ the city manager shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and ~~he~~ shall inform said members as to the status of any matter being considered by the city council and ~~he~~ shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council.
- (l) Financial reports. It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and future needs of the city and to make such recommendations as to ~~him~~ the city manager may seem appropriate or desirable. ~~He~~ The city manager shall prepare and submit to the city council at the end of each fiscal year a comprehensive report of the finances and administrative activities of the city for the preceding fiscal year.
- (m) Budget. It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval and ~~he~~ the city manager shall be responsible for the administration thereof upon adoption by the city council.
- (n) Supplies and materials. It shall be the duty of the city manager to prepare and enforce rules and regulations governing the contracting for, purchasing, storing, distribution and disposal of all supplies, materials and equipment required by any office, department or agency of the city and to recommend them to the city council for adoption.
- (o) Hours of employment. It shall be the duty of the city manager to devote his or her entire time to the duties of his office in the interests of the city.

- (p) Additional duties. It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution or other action of the city council.
- (q) Council-manager relations. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. The city manager shall take his or her orders and instructions from the city council only when sitting in a duly held meeting of the city council and no individual council ~~member~~ shall give any orders or instruction to the city manager. The city council shall instruct the city manager in matters of policy. No council ~~member~~ shall in any manner directly or indirectly by suggestion or otherwise attempt to influence or coerce the city manager or any candidate for the position of city manager on matters relating to the appointment, promotion or demotion or removal of any employee or the award of any purchase order or contract.
- (r) Authorization to sign documents. It shall be the duty of and the city manager is hereby authorized to execute documents as provided in California Government Code section 40602, whenever such documents are within the city manager's purchasing authority or have been approved by the city council for execution by the city manager by resolution, motion, minute order or other appropriate action.

SECTION 2. REPEAL OF INCONSISTENT SECTIONS Any provision of the West Covina Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, are repealed or modified solely to the extent necessary to preserve the provisions of this Ordinance.

SECTION 3. ENVIRONMENTAL REVIEW The Council finds that adoption of this ordinance is not a "project" pursuant to California Public Resources Code Section 21065 and CEQA Guidelines Section 15378(a)(5) because CEQA only applies to "projects" and the definition of "project" excludes "administrative activities of governments that will not result in direct or indirect physical change in the environment", and this ordinance merely amends the appointment power of the city manager.

SECTION 4. SEVERABILITY If any section, subsection, clause or phrase or portion of this code 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 all other provisions of this ordinance. The City Council of West Covina hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 5. ATTESTATION The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the

official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

PASSED, APPROVED AND ADOPTED this 2nd day of April 2019.

Lloyd Johnson
Mayor

APPROVED AS TO FORM

ATTEST

Scott E. Porter
City Attorney

Carrie Gallagher
Assistant City Clerk

I, CARRIE GALLAGHER, Assistant City Clerk, of the City of West Covina, do hereby certify the foregoing Ordinance, being Ordinance No. 2454 as passed by the City Council of the City of West Covina, signed by the Mayor of said Council, and attested by the Assistant City Clerk, at a regular meeting of the City Council held on the 2nd of April 2019, and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINED:



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

**SUBJECT: INITIATION OF CODE AMENDMENT NO. 19-02 (R-1 STANDARDS), CODE AMENDMENT NO. 19-03 (TEMPORARY SIGNS) AND CODE AMENDMENT NO. 19-04 (PARK FEES)
GENERAL EXEMPTION**

RECOMMENDATION:

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

RESOLUTION NO. 2019-13 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 19-02 TO STUDY REAR SETBACKS AND ACCESSORY HABITABLE QUARTERS IN SINGLE FAMILY ZONES

RESOLUTION NO. 2019-14 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 19-03 TO STUDY TEMPORARY SIGN STANDARDS

RESOLUTION NO. 2019-15 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 19-04 TO STUDY PARK FEES

DISCUSSION:

This staff report covers three code amendment initiations. The Municipal Code requires that a notice be published in the newspaper advertising public hearings for code amendments. No other type of noticing is required. For the three proposed code amendments, staff intends to keep an address list of interested individuals and provide notices in the mail for each study session and public hearing.

Code Amendment No. 19-02

At the February 5, 2019 City Council Meeting, the City Council discussed items concerning accessory dwelling units standards including rear setbacks, minimum lot size and maximum unit size. At the conclusion of the hearing the City Council adopted an ordinance that clarified text for accessory dwelling units and requested that staff agendize the initiation of a code amendment to study R-1 rear yard standards and standards for accessory habitable quarters. The R-1 standards are included in the Zoning Code requiring the adoption of a resolution by the Planning Commission or City Council to initiate a code amendment.

Code Amendment No. 19-03

At the January 15, 2019 City Council Meeting, Mayor Johnson requested to initiate a code amendment to consider revisions to the temporary signs standards in the Zoning section of the Municipal Code for temporary noncommercial signs. The sign standards are included in the Zoning Code requiring the adoption of a resolution by the Planning Commission or City Council to initiate a code amendment.

Code Amendment No. 19-04

At the February 5, 2019 City Council Meeting, the Council requested the initiation of a code amendment to require Parks and Recreation dedications or in-lieu fees for residential subdivisions and rental units. Currently, Parks and Recreation Fees requirement is located in the Subdivision section of the Municipal Code for subdivisions (tract and parcel maps), with a reference in the Zoning section of the Municipal Code. The code amendment would consider revisions of the Municipal Code to ensure that park fees are required when either rental units or for-sale units are constructed. Since revisions to the Municipal Code for park fees may include the Zoning Code, an initiation resolution has been provided to comply with Zoning Code requirements that a resolution initiating a code amendment be adopted by the Planning Commission or City Council.

OPTIONS:

The City Council has the following options:

1. Approve staff's recommendation;
2. Decline to initiate one or more a code amendments; or
3. Provide alternative direction.

ENVIRONMENTAL REVIEW:

The proposed code amendments are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines in that they consist of a code amendments to the Municipal Code, which do not have the potential for causing a significant effect on the environment.

Prepared by: Jeff Anderson, Community Development Director

Attachments

Attachment No. 1 - Resolution No. 2019-13 R-1 Standards

Attachment No. 2 - Resolution No. 2019-14 Temporary Signs

Attachment No. 3 - Resolution No. 2019-15 Park Fees

ATTACHMENT NO. 1

C I T Y C O U N C I L

R E S O L U T I O N N O. 2019-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 19-02 TO STUDY REAR YARD SETBACKS AND ACCESSORY HABITABLE QUARTERS IN SINGLE FAMILY ZONES

WHEREAS, on April 2, 2019, the City Council initiated a code amendment to consider revisions to rear yard setbacks and accessory habitable quarters in single family zones; and

WHEREAS, the studies and investigations made by the City Council and in its behalf reveal the following facts:

1. The current zoning standards for rear yard setbacks in Single-Family zones have not been reviewed since 1977.
2. The Municipal Code currently includes accessory habitable quarters standards in the City of West Covina.
3. The consideration of the code amendment would evaluate revisions to the rear yard setback and accessory habitable quarters standards in single family zones.
4. The proposed action is considered to be exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the proposed action consists of the consideration of a potential code amendment, which does not of itself have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of West Covina, in conformance with Section 26-153(a)(2) of the West Covina Municipal Code, does hereby initiate a Code Amendment related to rear yard setbacks and accessory dwelling unit standards in Single-Family Residential zones.

APPROVED AND ADOPTED on this 2nd day of April, 2019.

Lloyd Johnson
Mayor

ATTEST:

City Clerk Nickolas Lewis

I, NICKOLAS LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the forgoing resolution was duly adopted by the City Council of the City of West Covina, California, at a regular meeting held thereof on the 2nd day of April, 2019 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk Nickolas Lewis

APPROVED AS TO FORM:

City Attorney

ATTACHMENT NO. 2

CITY COUNCIL

RESOLUTION NO. 2019-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, INITIATING CODE AMENDMENT NO. 19-03 TO STUDY TEMPORARY SIGN STANDARDS

WHEREAS, on April 2, 2019, the City Council initiated a code amendment to consider revisions to the temporary signs standards in the West Covina Municipal Code; and

WHEREAS, the studies and investigations made by the City Council and in its behalf reveal the following facts:

1. On January 15, 2019, the City Council requested to consider changes to the temporary sign standards in an effort to reduce the number of campaign signs on public property and address violations.
2. The Sign Section of the Municipal Code includes temporary sign standards that specify where a temporary sign may be placed, the length of time the sign may remain, the size standards, and the type of permit needed. It is necessary to review the standards to determine if the current standards are appropriate and legally defensible.
3. The proposed action is considered to be exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the proposed action consists of a code amendment, which does not have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of West Covina, in conformance with Section 26-153(a)(2) of the West Covina Municipal Code, does hereby initiate an application for a Code Amendment related to the sign regulation section of the Municipal Code.

APPROVED AND ADOPTED on this 2nd day of April 2019.

Lloyd Johnson
Mayor

ATTEST:

City Clerk Nickolas Lewis

I, NICK LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the forgoing resolution was duly adopted by the City Council of the City of West Covina, California, at a regular meeting held thereof on the 2nd day of April, 2019 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk Nickolas Lewis

APPROVED AS TO FORM:

City Attorney

ATTACHMENT NO. 3

C I T Y C O U N C I L

R E S O L U T I O N N O . 2 0 1 9 - 1 5

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WEST COVINA, CALIFORNIA, INITIATING CODE
AMENDMENT NO. 19-04 TO STUDY PARK FEES**

WHEREAS, on April 2, 2019, the City Council initiated a code amendment to consider revisions to require park fees for all multiple family residential developments; and

WHEREAS, the studies and investigations made by the City Council and in its behalf reveal the following facts:

1. The Municipal Code currently requires developers of projects involving subdivisions to pay fees for the purpose of providing park and recreational facilities to serve future residents.
2. The consideration of the code amendment would require developers to pay park fees for all multiple family residential developments.
3. The proposed action is considered to be exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, in that the proposed action consists of the consideration of a potential code amendment, which does not of itself have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of West Covina, in conformance with Section 26-153(a)(2) of the West Covina Municipal Code, does hereby initiate a Code Amendment related to accessory dwelling unit standards.

APPROVED AND ADOPTED on this 2nd day of April, 2019.

Lloyd Johnson
Mayor

ATTEST:

City Clerk Nickolas Lewis

I, NICKOLAS LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the forgoing resolution was duly adopted by the City Council of the City of West Covina, California, at a regular meeting held thereof on the 2nd day of April, 2019 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk Nickolas Lewis

APPROVED AS TO FORM:

City Attorney



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: CONGESTION MANAGEMENT PROGRAM (CMP) OPT-OUT

RECOMMENDATION:

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

RESOLUTION NO. 2019-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ELECTING TO BE EXEMPT FROM THE CONGESTION MANAGEMENT PROGRAM

BACKGROUND:

In 1990, the California Legislature enacted the Congestion Management Program (CMP) to implement Proposition 111, a state-wide transportation funding proposal that required local governments to implement mitigation measures to offset the impacts from new development on the regional transportation system. The goal was to link land use, transportation, and air quality decisions at the regional and local level. The program required, among other things, that every county designate a congestion management agency, which in turn would designate a regional roadway network for monitoring purposes and develop a deficiency plan to address deficiencies in levels of service on the network. The legislation also provided that jurisdictions that fail to comply with the CMP requirements will lose their state gasoline tax revenue.

State legislation requires the Los Angeles County Metropolitan Transportation Authority (Metro) to annually monitor and determine that local jurisdictions are in conformance with all applicable requirements of the CMP. Metro initiated a process of outreach to local governments and the private sector, established a policy advisory committee, and after considerable effort, settled on a “debit-credit” system for determining local government compliance. Under this framework, local governments were required to analyze new development projects to determine their impact on the regional transportation system, which would generate “debits,” and impose specific mitigation measures (transportation improvements) that would in turn generate “credits” to balance out the impacts. Metro developed a comprehensive tool box of mitigation measures and assigned uniform credit values to the measures to facilitate the analytical process. Cities were required to report their activities to Metro annually and certify that they were in compliance with the CMP requirements.

In August 2003, Metro adopted the 2003 Short Range Transportation Plan (SRTP). As part of the plan, Metro staff was authorized to conduct a Nexus Study to determine the feasibility of implementing a Congestion Mitigation Fee to meet CMP Deficiency Plan requirements. This system worked for a number of years, and was more useful in communities that were developing, but did not work particularly well in cities that were fully built-out or otherwise

economically static. Over time, more and more cities ran out of mitigation measures to generate credits and risked losing their gas tax. The CMP was increasingly perceived as a numbers game that didn't produce meaningful reduction in congestion. The more effective mitigation measures required dollars to implement, and sufficient funds were not being generated from project-by-project fees or local return funds from County Prop A, Prop C, and Prop R transportation sales tax measures. The restriction that local return funds be expended within the jurisdiction also limited the number of regionally significant projects that could be funded. Metro suspended the "debit-credit" program and the necessity to mitigate development impacts or generate credits but continued to require cities to report their development activity through the Local Development Report (LDR).

Prior to Metro suspending the credit/debit program, the City of West Covina had 11,314 credits (June 1, 2002 - May 31, 2003 reporting period) "on hold" during the Nexus study period. The City of West Covina continued to adopt a resolution certifying the City's conformance with the CMP and submit the LDR to Metro annually until 2016, to maintain eligibility to receive the City's share of the State Gas Tax revenues for capital improvement projects.

In 2017, Metro suspended the reporting period to allow time to determine the future of the CMP and no action was taken by the City of West Covina during this reporting period.

DISCUSSION:

On June 28, 2018, the Metro Board approved a staff recommendation to initiate the process to opt-out of the State mandated Congestion Management Program (CMP). The action allows Metro staff to proceed with the next step in the process, which is to provide public agency partners with the option to opt-out of the CMP Program as well. According to Metro, "opting out of the CMP gives Metro the flexibility to implement mobility improvements through the programs and projects in the Long Range Transportation Plan adopted by the Board, while furthering improvement to transportation capacity, choice, and cost-effectiveness." The CMP has been found to contradict Metro's own efforts to promote a more sustainable and equitable region. In addition, the passage of Measure M and the update of the Long-Range Transportation Plan present Metro with an opportunity to consider new ways to measure transportation system performance, measures that complement efforts to combat climate change, support sustainable, vibrant communities and improve mobility. For Metro and cities alike, the continued administration of the CMP is an impediment to improving Metro's envisioned transportation system. Over the last several years, the CMP has become increasingly outdated in relation to the direction of Metro's planning process and regional, state, and federal transportation planning requirements.

Additional reasons to opt out of the CMP include:

- Relieves Metro and local jurisdictions of a mandate to use a single measure (LOS) to determine roadway deficiencies;
- Eliminates the risk to local jurisdictions of losing their state gas tax funds or being ineligible to receive state and federal Transportation Improvement Program funds, as a result of not being in compliance with CMP requirements or performance standards; and
- Eliminates the administrative and financial burden to cities associated with the preparation of documents to demonstrate conformance with the CMP.

In order to "opt-out", the City of West Covina must adopt the attached resolution formally requesting exemption from the CMP. Upon receipt of formally-adopted resolutions from a majority of local jurisdictions representing a majority of the population, Metro will notify the State Controller, Caltrans, and the Southern California Association of Governments (SCAG) that Los Angeles County has opted out of the CMP in accordance with statutory requirements.

Metro is working with all cities in Los Angeles County to obtain enough resolutions to allow opting-out of the CMP and is hopeful the minimum required number of resolutions are obtained. If this effort is unsuccessful, Metro would continue to enforce the requirements of the CMP.

OPTIONS:

The City Council has the following options:

1. Approve staff's recommendation;
2. Decline to adopt the resolution electing to be exempt from the Congestion Management Program; or
3. Provide alternative direction.

Prepared by: Jo-Anne Burns, Planning Manager

Attachments

Attachment No. 1 - Resolution 2019-16 CMP Opt-Out

ATTACHMENT NO. 1

CITY COUNCIL

RESOLUTION NO. 2019 - 16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ELECTING TO BE EXEMPT FROM THE CONGESTION MANAGEMENT PROGRAM

WHEREAS, on April 2, 2019, the City Council approved a motion to be exempt from the Congestion Management Program (CMP) in accordance with the State CMP statute; and

WHEREAS, the studies and investigations made by the City Council and on its behalf reveal the following facts:

1. In 1990 the voters of California passed Proposition 111 and the requirement that urbanized counties develop and implement a Congestion Management Program.
2. The legislature and governor established the specific requirements of the Congestion Management Program by passage of legislation which was a companion to Proposition 111 and is encoded in California Government Code Section 65088 to 65089.10.
3. The Los Angeles County Metropolitan Transportation Authority (Metro) has been designated as the Congestion Management Agency responsible for Los Angeles County's Congestion Management Program.
4. California Government Code Section 65089.3 allows urbanized counties to be exempt from the Congestion Management Program based on resolutions passed by local jurisdictions representing a majority of a county's jurisdictions with a majority of the county's population.
5. The Congestion Management Program is outdated and increasingly out of step with current regional, State, and federal planning processes and requirements, including new State requirements for transportation performance measures related to greenhouse gas reduction.
6. On June 28, 2018 the Metro Board of Directors to action to direct Metro staff to work with local jurisdictions to exempt Los Angeles County from the Congestion Management Program and prepare the necessary resolutions to exempt the County from the Congestion Management Program.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of West Covina, in conformance with Section 26-153(a)(2) of the West Covina Municipal Code, does hereby elect to be exempt from the Congestion Management Program (CMP) in accordance with the State CMP statute.

APPROVED AND ADOPTED on this 2nd day of April, 2019.

Lloyd Johnson
Mayor

ATTEST:

City Clerk Nickolas Lewis

City of West Covina, California, do hereby certify that the forgoing resolution was duly adopted by the City Council of the City of West Covina, California, at a regular meeting held thereof on the 2nd day of April, 2019 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk Nickolas Lewis

APPROVED AS TO FORM:

City Attorney



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: RELEASE OF FAITHFUL PERFORMANCE GUARANTEE AND LABOR AND MATERIAL BONDS FOR PARCEL MAP NO. 74133 - SILVERARDO PROPERTY GROUP LLC

RECOMMENDATION:

It is recommended that the City Council accept all on-site and off-site improvements for Parcel Map No. 74133 located at 2222 W. Garvey Avenue South and authorize the release of Faithful Performance and Labor and Material Bonds in the amounts of \$26,500 and \$8,000, respectively.

DISCUSSION:

Silverado Property Group, LLC applied to subdivide a 25,521 square-foot vacant residential parcel into three parcels to construct three single-family residences. On January 31, 2018, Silverado Property Group, LLC entered into an Improvement Agreement with the City for the required on-site and off-site improvements in accordance with the conditions of approval for the development. A form of security was required to be posted to guarantee construction of the required improvements to the satisfaction of the City Engineer. Silverado Property Group, LLC posted a Faithful Performance Bond in the amount of \$26,500 and a Labor and Material Payment Bond in the amount of \$8,000 to guarantee completion of the required improvements.

All improvements have been completed in accordance with the Improvement Agreement and to the satisfaction of the City Engineer. Therefore, Silverado Property Group, LLC is requesting the release of the bonds.

OPTIONS:

The City Council has the following options:

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

Prepared by: Hossana Conner, Senior Administrative Assistant

Fiscal Impact

FISCAL IMPACT:

None.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: APPROVAL OF FINANCIAL CONSULTANT SERVICES AGREEMENT

RECOMMENDATION:

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

1. Authorize the Acting City Manager to execute the third amendment to the Professional Services Agreement with Vavrinek, Trine, Day & Co., LLP; and
2. Appropriate \$100,000 from General Fund fund balance for financial consultant services for Fiscal Year 2018-19 to Account No. 110.13.1310.6110.

DISCUSSION:

The City of West Covina has experienced significant turnover in the Finance Department over the last few years, and consulting services are essential to being able to provide segregation of duties to ensure adequate controls in financial operations of the City. City staff has an excellent rapport with the consultants from VTD, and as positions are once again vacant in the Finance Department, it would be a hardship to go through the RFP process to procure services from another vendor at this time. Consultants from this firm have been working with the City since July 3, 2018, and as such have more historical knowledge than many of the full-time employees and subsequently have been training many of the newer employees as well.

Without consultant services for the Finance Department, staff cannot complete necessary accounting duties to ensure operations continue. In addition, the City's Fiscal Year 2019-20 Budget will not be completed before June 30, 2019, if a consultant's services are not utilized.

OPTIONS:

The City Council has the following options:

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

Prepared by: Mark Baxter, Acting Finance Director

Fiscal Impact

FISCAL IMPACT:

Approval of the third amendment with VTD for financial consultant services will require an appropriation from General Fund fund balance in the amount of \$100,000 for Fiscal Year 2018-19, and an appropriation during the Fiscal Year 2019-20 Budget Adoption of \$234,000.

Attachments

- Attachment No. 1 - VTD Third Amendment
 - Attachment No. 2 - VTD Second Amendment
 - Attachment No. 3 - VTD First Amendment
 - Attachment No. 4 - Original Agreement VTD
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-

**THIRD AMENDMENT TO
CITY OF WEST COVINA
PROFESSIONAL SERVICES AGREEMENT**

This Third Amendment to the Agreement dated July 3, 2018 between the **CITY OF WEST COVINA**, a municipal corporation, hereinafter referred to as "City" and, **Vavrinek, Trine, Day & Co., LLP**, hereinafter referred to as "Consultant" ("Original Agreement") is made and entered into as of April 2, 2019. 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 October 31, 2018;

WHEREAS, the First Amendment extended the expiration date to December 31, 2018;

WHEREAS, the Second Amendment extended the expiration date to June 30, 2019; and

WHEREAS, the City and Contractor desire to extend the term of the Agreement as provided for in Section 4.1 and the compensation amount of the Agreement as provided for in Section 2.1 of the Original Agreement.

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 Section 4.1 of the Original Agreement shall be extended for an additional term of six (6) months ending on December 31, 2019 unless terminated sooner at any time by the City for any reason or no reason at all upon fifteen (15) days written notice to Consultant.
2. The Compensation of the Agreement, as set forth in Section 2.1 of the Original Agreement shall be revised from a total compensation amount of One hundred sixty-eight thousand five hundred (\$168,500) to Five hundred and five thousand (\$505,000).
3. Except as herein amended, the terms and conditions of the Original Agreement, executed on July 3, 2018 shall remain in full force and effect.

[Signatures on following page.]

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

CITY OF WEST COVINA

Vavrinek, Trine, Day & Co., LLP

By: Nikole Bresciani
Acting City Manager

By: Joseph Aguilar
Partner

ATTEST:

Carrie Gallagher
Assistant City Clerk

APPROVED AS TO FORM:

Scott E. Porter
City Attorney

**SECOND AMENDMENT TO
CITY OF WEST COVINA
PROFESSIONAL SERVICES AGREEMENT**

This Second Amendment to the Agreement dated July 3, 2018 between the **CITY OF WEST COVINA**, a municipal corporation, hereinafter referred to as "City" and, **Vavrinek, Trine, Day & Co., LLP**, hereinafter referred to as "Contractor" ("Original Agreement") is made and entered into as of December 19, 2018. 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 October 31, 2018.

WHEREAS, the First Amendment extended the expiration date to December 31, 2018.

WHEREAS, the City and Contractor desire to extend the term of the Agreement as provided for in Section 2.2 of the Original Agreement.

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 Section 4.1 of the Original Agreement shall be extended for an additional term of six (6) months, year ending on June 30, 2019, unless terminated sooner at any time by the City for any reason or no reason at all upon fifteen (15) days written notice to Contractor.
2. Except as herein amended, the terms and conditions of the Original Agreement, executed on July 3, 2018, shall remain in full force and effect.

[Signatures on following page.]

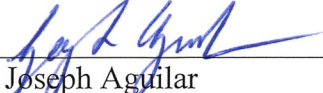
IN WITNESS WHEREOF, City and Contractor have executed this First Amendment as of the date set forth above.

CITY OF WEST COVINA

NAME OF CONSULTANT



By: Chris Freeland
City Manager



By: Joseph Aguilar
Partner

ATTEST:



Carrie Gallagher
Assistant City Clerk

APPROVED AS TO FORM:



Scott E. Porter
City Attorney

**FIRST AMENDMENT TO
CITY OF WEST COVINA
PROFESSIONAL SERVICES AGREEMENT**

This First Amendment to the Agreement dated July 3, 2018 between the **CITY OF WEST COVINA**, a municipal corporation, hereinafter referred to as "City" and, **Vavrinek, Trine, Day & Co., LLP**, hereinafter referred to as "Contractor" ("Original Agreement") is made and entered into as of October 10, 2018. 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 October 31, 2018.

WHEREAS, the City and Contractor desire to extend the term of the Agreement as provided for in Section 2.2 of the Original Agreement.

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

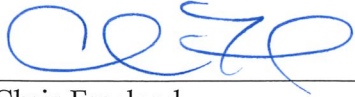
1. The Term of the Agreement, as set forth in Section 4.1 of the Original Agreement shall be extended for an additional term of two (2) months, year ending on December 31, 2018, unless terminated sooner at any time by the City for any reason or no reason at all upon fifteen (15) days written notice to Contractor.
2. Except as herein amended, the terms and conditions of the Original Agreement, executed on July 3, 2018, shall remain in full force and effect.

[Signatures on following page.]

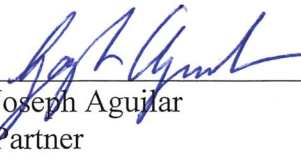
IN WITNESS WHEREOF, City and Contractor have executed this First Amendment as of the date set forth above.

CITY OF WEST COVINA

NAME OF CONSULTANT

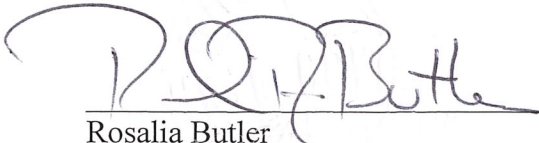


By: Chris Freeland
City Manager



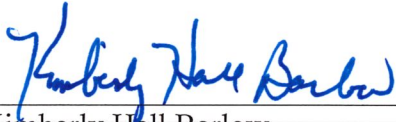
By: Joseph Aguilar
Partner

ATTEST:



Rosalia Butler
Assistant City Clerk

APPROVED AS TO FORM:



Kimberly Hall Barlow
City Attorney

COPY

020765

**CITY OF WEST COVINA
PROFESSIONAL SERVICES AGREEMENT
WITH
Vavrinek, Trine, Day & Co., LLP
FOR
Accounting Services**

THIS AGREEMENT is made and entered into this 3rd day of July, 2018 ("Effective Date"), by and between the CITY OF WEST COVINA, a municipal corporation ("City"), and, Vavrinek, Trine, Day & Co., LLP ("Consultant").

WITNESSETH:

A. WHEREAS, City proposes to utilize the services of Consultant as an independent contractor to City, as more fully described herein; and

B. WHEREAS, Consultant represents that it has that degree of specialized expertise contemplated within California Government Code Section 37103, and holds all necessary licenses to practice and perform the services herein contemplated, except that if Consultant is required to but does not yet hold a City business license, it will promptly obtain a business license and will not provide services to the City until it has done so; and

C. WHEREAS, City and Consultant desire to contract for the specific services described in Exhibit "A" and desire to set forth their rights, duties and liabilities in connection with the services to be performed; and

D. WHEREAS, no official or employee of City has a financial interest, within the provisions of Sections 1090-1092 of the California Government Code, in the subject matter of this Agreement.

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

1.0. SERVICES PROVIDED BY CONSULTANT

1.1. Scope of Services. Consultant shall provide the professional services described in the Scope of Services attached hereto as Exhibit "A," incorporated herein by this reference.

1.2. Professional Practices. All professional services to be provided by Consultant pursuant to this Agreement shall be provided by personnel experienced in their respective fields and in a manner consistent with the standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields and circumstances in accordance with sound professional practices. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise City of any changes in any laws that may affect Consultant's performance of this Agreement. Consultant shall keep itself informed of State and Federal laws and regulations which in any manner affect those employed by it or in any way affect the performance of its service pursuant to this Agreement. The Consultant shall at all times observe and comply with all such laws and regulations. City Officers and employees shall not be liable at law or in equity for any claims or damages occurring as a result of failure of the Consultant to comply with this section.

1.3. Performance to Satisfaction of City. Consultant agrees to perform all the work to

the reasonable satisfaction of the City. Evaluations of the work will be conducted by the City Manager or his or her designee. If the quality of work is not satisfactory, City in its discretion has the right to:

- (a) Meet with Consultant to review the quality of the work and resolve the matters of concern;
- (b) Require Consultant to repeat the work at no additional fee until it is satisfactory; and/or
- (c) Terminate the Agreement as hereinafter set forth.

1.4. Warranty. Consultant warrants that it shall perform the services required by this Agreement in compliance with all applicable Federal and California employment laws, including, but not limited to, those laws related to minimum hours and wages; occupational health and safety; fair employment and employment practices; workers' compensation; and all other Federal, State and local laws and ordinances applicable to the services required under this Agreement.

1.5. Non-discrimination. In performing this Agreement, Consultant shall not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religion, color, national origin, ancestry, age, physical or intellectual disability, medical condition, genetic information, pregnancy, marital status, sex, gender, gender identity, gender expression, or sexual orientation, except as permitted pursuant to Section 12940 of the Government Code.

1.6. Non-Exclusive Agreement. Consultant acknowledges that City may enter into agreements with other consultants for services similar to the services that are subject to this Agreement or may have its own employees perform services similar to those services contemplated by this Agreement.

1.7. Confidentiality. Employees of Consultant in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and employees of City. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without written authorization by City. City shall grant such authorization if disclosure is required by law. All City data shall be returned to City upon the termination of this Agreement. Consultant's covenant under this Section shall survive the termination of this Agreement.

1.8 Public Records Act Disclosure. Consultant has been advised and is aware that this Agreement and all reports, documents, information and data, including, but not limited to, computer tapes, discs or files furnished or prepared by Consultant, or any of its subcontractors, pursuant to this Agreement and provided to City may be subject to public disclosure as required by the California Public Records Act (California Government Code Section 6250 *et seq.*). Exceptions to public disclosure may be those documents or information that qualify as trade secrets, as that term is defined in the California Government Code Section 6254.7, and of which Consultant informs City of such trade secret. The City will endeavor to maintain as confidential all information obtained by it that is designated as a trade secret. The City shall not, in any way, be liable or responsible for the disclosure of any trade secret including, without limitation, those records so marked if disclosure is deemed to be required by law or by order of the Court.

2.0. COMPENSATION AND BILLING

2.1. Compensation. Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "B," attached hereto and made a part of this Agreement (the "Fee Schedule"). Consultant's total compensation shall not exceed One hundred sixty eight thousand five hundred (\$168,500.00).

2.2. Additional Services. Consultant shall not receive compensation for any services provided outside the scope of services specified in the Consultant's Proposal unless the City, prior to Consultant performing the additional services, approves such additional services in writing. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable. Should the City request in writing additional services that increase the hereinabove described "SCOPE OF SERVICES", an additional fee based upon the Consultant's standard hourly rates shall be paid to the Consultant for such additional services. Such increase in additional fees shall be limited to 25% of the total contract sum or to the maximum total contract amount of \$25,000, whichever is greater. The Department Head or City Manager is authorized to approve a Change Order for such additional services.

2.3. Method of Billing. Consultant may submit invoices to the City for approval on a progress basis, but no more often than once a month. Said invoice shall be based on the total of all Consultant's services which have been completed to City's sole satisfaction. City shall pay Consultant's invoice within forty-five (45) days from the date City receives said invoice. Each invoice shall describe in detail the services performed, the date of performance, and the associated time for completion. Any additional services approved and performed pursuant to this Agreement shall be designated as "Additional Services" and shall identify the number of the authorized change order, where applicable, on all invoices.

2.4. Records and Audits. Records of Consultant's services relating to this Agreement shall be maintained in accordance with generally recognized accounting principles and shall be made available to City for inspection and/or audit at mutually convenient times for a period of three (3) years from the Effective Date.

3.0. TIME OF PERFORMANCE

3.1. Commencement and Completion of Work. The professional services to be performed pursuant to this Agreement shall commence within five (5) days from the Effective Date of this Agreement. Said services shall be performed in strict compliance with the Project Schedule approved by City as set forth in Exhibit "C," attached hereto and incorporated herein by this reference. The Project Schedule may be amended by mutual agreement of the parties. Failure to commence work in a timely manner and/or diligently pursue work to completion may be grounds for termination of this Agreement.

3.2. Excusable Delays. Neither party shall be responsible for delays or lack of performance resulting from acts beyond the reasonable control of the party or parties. Such acts shall include, but not be limited to, acts of God, fire, strikes, material shortages, compliance with laws or regulations, riots, acts of war, or any other conditions beyond the reasonable control of a party. If a delay beyond the control of the Consultant is encountered, a time extension may be mutually agreed upon in writing by the City and the Consultant. The Consultant shall present documentation satisfactory to the City to substantiate any request for a time extension.

4.0. TERM AND TERMINATION

4.1. Term. This Agreement shall commence on the Effective Date and continue for a period of four (4) months, ending on October 31, 2018, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

4.2. Notice of Termination. The City reserves and has the right and privilege of canceling, suspending or abandoning the execution of all or any part of the work contemplated by this Agreement, with or without cause, at any time, by providing at least fifteen (15) days prior written notice to Consultant. In the event of such termination, Consultant shall immediately stop rendering services under this Agreement unless directed otherwise by the City. If the City suspends, terminates or abandons a portion of this Agreement such suspension, termination or abandonment shall not make void or invalidate the remainder of this Agreement.

If the Consultant defaults in the performance of any of the terms or conditions of this Agreement, it shall have ten (10) days after service upon it of written notice of such default in which to cure the default by rendering a satisfactory performance. In the event that the Consultant fails to cure its default within such period of time, the City shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled to at law, in equity, or under this Agreement.

The City also shall have the right, notwithstanding any other provisions of this Agreement, to terminate this Agreement, at its option and without prejudice to any other remedy to which it may be entitled to at law, in equity, or under this Agreement, immediately upon service of written notice of termination on the Consultant, if the latter should:

- a. Be adjudged a bankrupt;
- b. Become insolvent or have a receiver of its assets or property appointed because of insolvency;
- c. Make a general assignment for the benefit of creditors;
- d. Default in the performance of any obligation or payment of any indebtedness under this Agreement;
- e. Suffer any judgment against it to remain unsatisfied or unbonded of record for thirty (30) days or longer; or
- f. Institute or suffer to be instituted any procedures for reorganization or rearrangement of its affairs.

4.3. Compensation. In the event of termination, City shall pay Consultant for reasonable costs incurred and professional services satisfactorily performed up to and including the effective date of the City's written notice of termination, within forty-five (45) days after the effective date of the notice of termination or the final invoice of the Consultant, whichever occurs last. Compensation for work in progress shall be prorated based on the percentage of work completed as of the effective date of termination in accordance with the fees set forth herein.

4.4. Documents. In the event of termination of this Agreement, all documents prepared by Consultant in its performance of this Agreement including, but not limited to, finished or unfinished design, development and construction documents, data studies, drawings, maps and reports, shall be delivered to the City within ten (10) days of the effective date of the notice of termination, at no cost to City.

5.0. INSURANCE

5.1. Minimum Scope and Limits of Insurance. Consultant shall obtain, maintain, and keep in full force and effect during the life of this Agreement all of the following minimum scope of insurance coverages with an insurance company admitted to do business in California, rated "A," Class X, or better in the most recent Best's Key Insurance Rating Guide, and approved by City:

- (a) Broad-form commercial general liability, in a form at least as broad as ISO form #CG 00 01 11 88, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence. If such insurance contains a general aggregate limit, it shall apply separately to this Agreement or shall be twice the required occurrence limit.
- (b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence for bodily injury and property damage.
- (c) Workers' compensation insurance as required by the State of California. Consultant agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the City, its officers, agents, employees, and volunteers for losses arising from work performed by Consultant for the City and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.

By execution of this Agreement, the Consultant certifies as follows:

I am aware of, and will comply with, Section 3700 of the Labor Code, requiring every employer to be insured against liability of Workers' Compensation or to undertake self-insurance before commencing any of the work.

The Consultant shall also comply with Section 3800 of the Labor Code by securing, paying for and maintaining in full force and effect for the duration of this Agreement, complete Workers' Compensation Insurance, and shall furnish a Certificate of Insurance to the City before execution of this Agreement by the City. The City, its officers and employees shall not be responsible for any claims in law or equity occasioned by failure of the consultant to comply with this section.

- (d) Professional errors and omissions ("E&O") liability insurance with policy limits of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. Architects' and engineers' coverage shall be endorsed to include contractual liability. If the policy is written as a "claims made" policy, the retroactivity date shall be prior to the start of the contract work. Consultant shall obtain and maintain said E&O liability insurance during the life of this Agreement and for three

years after completion of the work hereunder.

5.2. Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions:

- (a) Additional insureds: "The City of West Covina and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the Consultant pursuant to its contract with the City; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; automobiles owned, leased, hired, or borrowed by the Consultant."
- (b) Notice: "Said policy shall not terminate, be suspended, or voided, nor shall it be cancelled, nor the coverage or limits reduced, until thirty (30) days after written notice is given to City."
- (c) Other insurance: "The Consultant's insurance coverage shall be primary insurance as respects the City of West Covina, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of West Covina shall be excess and not contributing with the insurance provided by this policy."
- (d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City of West Covina, its officers, officials, agents, employees, and volunteers.
- (e) The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

5.3. Deductible or Self Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured retention shall be approved in advance by City.

5.4. Certificates of Insurance. Consultant shall provide to City certificates of insurance showing the insurance coverages and required endorsements described above, in a form and content approved by City, prior to performing any services under this Agreement.

5.5. Non-limiting. Nothing in this Section shall be construed as limiting in any way the indemnification provision contained in this Agreement.

6.0. GENERAL PROVISIONS

6.1. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. This Agreement may be modified only in writing, and signed by the parties in interest at the time of such modification.

6.2. Representatives. The City Manager or his or her designee shall be the representative of City for purposes of this Agreement and may issue all consents, approvals, directives and agreements on behalf of the City, called for by this Agreement, except as otherwise expressly provided in this Agreement.

Consultant shall designate a representative for purposes of this Agreement who shall be authorized to issue all consents, approvals, directives and agreements on behalf of Consultant called for by this Agreement, except as otherwise expressly provided in this Agreement.

6.3. Key Personnel. It is the intent of both parties to this Agreement that Consultant shall make available the professional services of Brent Miller, Joanne Gitmed, Brent Kuhn and Adrianna Manza, who shall coordinate directly with City. Any substitution of key personnel must be approved in advance by City's Representative and the Agreement shall be amended to reflect the changes.

6.4. Notices. Any notices, documents, correspondence or other communications concerning this Agreement or the work hereunder may be provided by personal delivery, facsimile, Email or by U.S. mail. If by U.S. mail, it shall be addressed as set forth below and placed in a sealed envelope, postage prepaid, and deposited in the United States Postal Service. Such communication shall be deemed served or delivered: a) at the time of delivery if such communication is sent by personal delivery; b) at the time of transmission if such communication is sent by facsimile or by Email; and c) 72 hours after deposit in the U.S. Mail as reflected by the official U.S. postmark if such communication is sent through regular United States mail.

IF TO CONSULTANT:

Vavrinek, Trine, Day & Co., LLP
2151 River Plaza Dr., Suite 308
Sacramento, CA 95833
Tel: (916) 570-1880
Fax: (916) 570-1875
Email: jaguilar@vtdcpa.com
Attn: Joseph Aguilar

IF TO CITY:

City of West Covina
1444 West Garvey Ave. South
West Covina, CA 91790
Tel: (626) 939-8402
Fax: (626) 939-8406
Email: Chris.Freeland@westcovina.org
Attn: Chris Freeland

6.5. Attorneys' Fees. If litigation is brought by any party in connection with this Agreement against another party, the prevailing party shall be entitled to recover from the opposing party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof.

6.6. Governing Law. This Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Agreement, the parties hereto agree that the sole and exclusive venue shall be a court of competent jurisdiction located in Los Angeles County, California.

6.7. Assignment. Consultant shall not voluntarily or by operation of law assign, transfer, sublet or encumber all or any part of Consultant's interest in this Agreement without City's prior written consent. Any attempted assignment, transfer, subletting or encumbrance shall be void and shall constitute a breach of this Agreement and cause for termination of this Agreement. Regardless of City's consent, no subletting or assignment shall release Consultant of Consultant's obligation to perform all other obligations to be performed by Consultant

hereunder for the term of this Agreement.

6.8. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, hold free and harmless the City, its elected and appointed officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, demands, actions, suits or other legal proceedings brought against the City, its elected and appointed officials, officers, agents and employees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected and appointed officials, officers, agents and employees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

6.9. Independent Contractor. Consultant is and shall be acting at all times as an independent contractor and not as an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its or employees are in any manner agents or employees of City. Consultant shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold City harmless from any failure of Consultant to comply with the applicable worker's compensation laws. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this paragraph.

6.10. PERS Eligibility Indemnification. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

6.11. Cooperation. In the event any claim or action is brought against City relating to Consultant's performance or services rendered under this Agreement, Consultant shall render any reasonable assistance and cooperation which City might require.

6.12. Ownership of Documents. All findings, reports, documents, information and data including, but not limited to, computer tapes or discs, files and tapes furnished or prepared by Consultant or any of its subcontractors in the course of performance of this Agreement, shall be and remain the sole property of City. Consultant agrees that any such documents or information shall not be made available to any individual or organization without the prior consent of City. Any use of such documents for other projects not contemplated by this Agreement, and any use of incomplete documents, shall be at the sole risk of City and without liability or legal exposure to Consultant. City shall indemnify and hold harmless Consultant from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from City's use of such documents for other projects not contemplated by this Agreement or use of incomplete documents furnished by Consultant. Consultant shall deliver to City any findings, reports, documents, information, data, in any form, including but not limited to, computer tapes, discs, files audio tapes or any other Project related items as requested by City or its authorized representative, at no additional cost to the City. Consultant or Consultant's agents shall execute such documents as may be necessary from time to time to confirm City's ownership of the copyright in such documents.

6.13. Electronic Safeguards. Contractor shall identify reasonably foreseeable internal and external risks to the privacy and security of personal information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of the information. Contractor shall regularly assess the sufficiency of any safeguards and information security awareness training in place to control reasonably foreseeable internal and external risks, and evaluate and adjust those safeguards in light of the assessment.

6.14. Economic Interest Statement. Consultant hereby acknowledges that pursuant to Government Code Section 87300 and the Conflict of Interest Code adopted by City hereunder, Consultant is designated in said Conflict of Interest Code and is therefore required to file an Economic Interest Statement (Form 700) with the City Clerk, for each employee providing advise under this Agreement, prior to the commencement of work, unless waived by the City Manager.

6.15. Conflict of Interest. Consultant and its officers, employees, associates and subconsultants, if any, will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this agreement, including, but not limited to, the Political Reform Act of 1974 (Government Code Section 81000, *et seq.*) and Government Code Sections 1090-1092. Consultant covenants that none of Consultant's officers or principals have any interest in, or shall acquire any interest, directly or indirectly, which will conflict in any manner or degree with the performance of the services hereunder, including in any manner in violation of the Political Reform Act. Consultant further covenants that in the performance of this Agreement, no person having such interest shall be used by Consultant as an officer, employee, agent, or subconsultant. Consultant further covenants that Consultant has not contracted with

nor is performing any services, directly or indirectly, with any developer(s) and/or property owner(s) and/or firm(s) and/or partnership(s) owning property in the City and further covenants and agrees that Consultant and/or its subconsultants shall provide no service or enter into any agreement or agreements with a/any developer(s) and/or property owner(s) and/or firm(s) and/or partnership(s) owning property in the City prior to the completion of the work under this Agreement.

6.16. Prohibited Employment. Consultant will not employ any regular employee of City while this Agreement is in effect.

6.17. Order of Precedence. In the event of an inconsistency in this Agreement and any of the attached Exhibits, the terms set forth in this Agreement shall prevail. If, and to the extent this Agreement incorporates by reference any provision of any document, such provision shall be deemed a part of this Agreement. Nevertheless, if there is any conflict among the terms and conditions of this Agreement and those of any such provision or provisions so incorporated by reference, this Agreement shall govern over the document referenced.

6.18. Costs. Each party shall bear its own costs and fees incurred in the preparation and negotiation of this Agreement and in the performance of its obligations hereunder except as expressly provided herein.

6.19. No Third Party Beneficiary Rights. This Agreement is entered into for the sole benefit of City and Consultant and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

6.20. Headings. Paragraphs and subparagraph headings contained in this Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or interpretation of this Agreement.

6.21. Amendments. Only a writing executed by the parties hereto or their respective successors and assigns may amend this Agreement.

6.22. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

6.23. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable in any circumstance, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or of the offending provision in any other circumstance. Notwithstanding the foregoing, if the value of this Agreement, based upon the substantial benefit of the bargain for any party, is materially impaired, which determination made by the presiding court or arbitrator of competent jurisdiction shall be binding, then both parties agree to substitute such provision(s) through good faith negotiations.

6.24. Counterparts and Electronic Signatures. This Agreement may be executed in


one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement. Counterpart written signatures may be transmitted by facsimile, email or other electronic means and have the same legal effect as if they were original signatures.

6.25. Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so the parties hereto are formally bound to the provisions of this Agreement.

6.26 Taxpayer Identification Number. Consultant shall provide City with a complete Request for Taxpayer Identification Number and Certification, Form W9, as issued by the Internal Revenue Service.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

CITY OF WEST COVINA,
A municipal corporation



Chris Freeland, City Manager

Date: 8-1-18


CONSULTANT



Joseph Aguilar, Partner

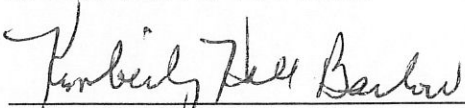
Date: 7/18/18

ATTEST:



Assistant City Clerk of the
City of West Covina


APPROVED AS TO FORM:



Kimberly Hall Barlow, City Attorney

Date: 7/26/18

APPROVED AS TO INSURANCE:



Risk Management

Date: 7/30/18

EXHIBIT A
SCOPE OF SERVICES

To perform all duties assigned and necessary to provide accounting services for the City of West Covina in relation to year end audit, and day to day functions, responsibilities and tasks of the Accounting Manager and Accountant in the Finance Department.

- VTD will perform general accounting functions of the Finance Department.
- VTD will provide analytical work in surveying its expenditures and receipts.
- VTD will assist the City in reviewing work performed by staff including journal entries, cost distributions, bank reconciliations and other accounting reports.
- VTD will assist with monthly closing of accounting records and provide informational reports to City Departments.
- VTD will perform accounting work related to the City's year-end workpapers and financial statements in preparation of the year end audit.
- VTD will perform various accounting duties as assigned.
- VTD will participate in the work thru the end of the City's audit.
- VTD staff estimated hours of work per week:
 - Senior Manager – at least 2 days per week up to 3 days per week
 - Manager – at least 2 days up to 4 days per week
 - Accounting Supervisor – no more than 4 days per week
 - Senior Accountant – at least 3 days per week up to 4 days per week

EXHIBIT B
FEE SCHEDULE

Personnel	Hourly Rate	
Partner	\$195.00	Joseph Aguilar
Senior Manager	\$180.00	Brent Miller
Manager	\$160.00	Joanne Gitmed
Accounting Supervisor	\$145.00	Brent Kuhn
Senior Accountant	\$100.00	Adrianna Manza

EXHIBIT C
PROJECT SCHEDULE

As mutually agreed to by consultant and the City.



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: SECOND QUARTER FINANCIAL REPORT FOR FISCAL YEAR 2018-19

RECOMMENDATION:

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

1. Receive and file the Second Quarter Financial Report for Fiscal Year 2018-19; and
2. Adopt the following resolution:

RESOLUTION NO. 2019-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, AND ENDING JUNE 30, 2019 (Second Quarter Financial Report)

DISCUSSION:

The City of West Covina has completed the second quarter of Fiscal Year 2018-19. The attached Quarterly Financial Report summarizes the City's overall financial position for the period of July 1, 2018 through December 31, 2018, 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 (West Covina Service Group) and Special Revenue Funds (i.e. Measure R, Proposition A, etc.).

With only 29.9% of the City's General Fund Revenues received by December 31, 2018, the General Fund Revenues are below budget at this time. This is expected, as the City's two largest General Fund revenues (sales and property taxes) are not received on a consistent basis. In fact, most property tax revenues are received in December and April. As part of the second quarter review, staff reviewed General Fund revenue trends and current available information to provide revised General Fund revenue projections. The revised revenue projections reflect increases and decreases of various estimated revenues with a net total reduction of \$369,234. The largest decrease in estimated revenues was for Charges for Services at \$622,698. This category reflected decreases in Fire Fees per the Fee Schedule. The decreases were mainly due to non-approval and late approval of Fire Fees and related contracts.

With 50% of the year completed, a review of the City's General Fund Expenditures by department shows that departments are on target with budget projections; except for the Fire Department. The Fire Department expenditures for the second quarter are trending higher than 50% due to over budgeted use of overtime. The over budgeted use of overtime is from the delay in implementing the staffing model changes in the department, vacancies

that are still being filled in the department, and participation in strike teams for mutual aid wildfires. The State of California will be reimbursing the City for the overtime costs related to the mutual aid for the wildfires which will offset that overtime expenditure. Therefore, with the reimbursement and salary savings from the vacant positions, the Fire Department is expected to come within budget at the end of the fiscal year. A review of the Police Department budget shows that the department is managing its overtime costs, even with a number of vacant positions.

The overtime budgets for the Police and Fire Departments are being reviewed monthly by City staff, in which the results are being shared with the City Council. Staff will also provide another update on the overtime for both departments in the Third Quarter Report.

Lastly, the City prepaid its unfunded pension liability to CalPERS at the beginning of the fiscal year at a General Fund cost of \$9,051,268. Doing so, saved the City approximately \$364,000 in General Fund pension costs for the fiscal year.

The City will also make these reports available on the City's website for future review.

Prepared by: Todd Ownens, Accounting Manager

Fiscal Impact

FISCAL IMPACT:

The proposed budget amendment will decrease General Fund estimated revenues by \$369,234, increase General Fund expenditures by \$571,000 which will result in a decrease in the fund balance of the General Fund of \$940,234. Based on the cumulative effect of previously approved amendments coupled with this budget amendment, the estimated unassigned fund balance at June 30, 2019 will be \$8,915,601 (12.98%); the result of which is \$2,765,334 less than what is needed to meet the City's Fund Balance Reserve Policy of 17%.

Proposed General Fund (Fund 110) changes are as follows:

- Increase and decrease to various Revenues based on revised projections with a net decrease of \$369,234,
- Increase Administration Department Salaries & Benefits budget by \$318,000 for cost of City Manager's separation agreement,
- Increase Administration Department Legal Fees budget by \$200,000,
- Increase City Clerk Department Election expense budget by \$53,000,
- Increase Finance Department Professional Services budget by \$100,000,
- Increase Human Resource Department Professional Services budget by \$90,000, and
- Decrease Community Services Animal Services Expenditures/Revenue budget by \$190,000, netting zero.

Attachments

Attachment No. 1 - Second Quarter Financial Report for Fiscal Year 2018-19

Attachment No. 2 - Resolution No. 2019-17 & Exhibit No. 1

CITY COUNCIL GOALS & OBJECTIVES: Build Financial Health & Economic Stability



**CITY OF
WEST COVINA**

SECOND QUARTER FINANCIAL REPORT

Fiscal Year 2018-19

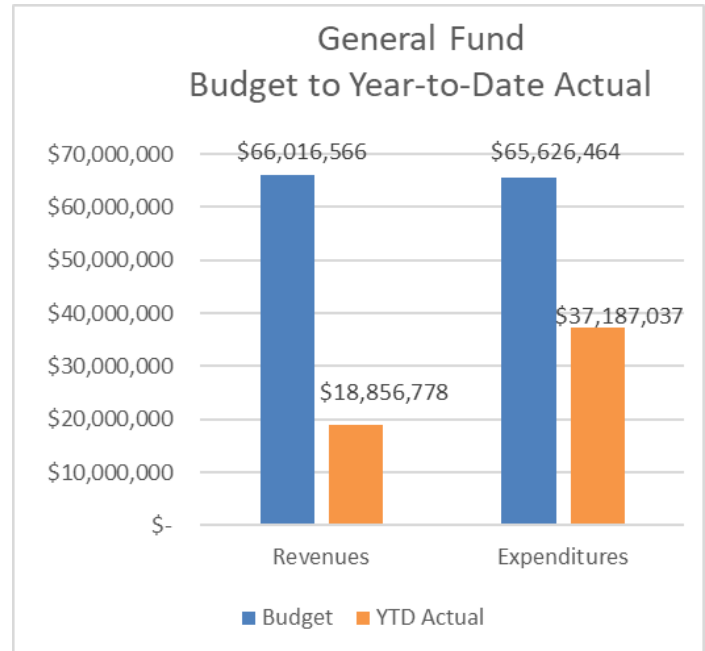
The City has completed the second quarter of Fiscal Year 2018-19. This report summarizes the overall financial performance of the City for the period of July 1, 2018 through December 31, 2018, but it is not meant to be inclusive of all finance and accounting transactions. While the focus of the report 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 only to provide the City Council and the public with an overview of the City's general fiscal condition.

The revenue and expenditure budgets per the Budget to Actual comparisons include adjustments for carryovers and any appropriations made as of December 31, 2018. 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 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.

The General Fund budget for FY 2018-19 as of December 31, 2018 is \$66,016,566 for revenues and \$65,626,464 for expenditures. With 50% of the year complete, General Fund revenues are at 28.6% of budget and expenditures are at 49.4% excluding the prepayment of the PERS Unfunded Accrued Liability (UAL).



GENERAL FUND REVENUES	BUDGET	YTD ACTUAL	%
Property Tax	\$ 25,056,583	\$ 4,698,174	18.8%
Sales Tax	16,525,000	4,997,184	30.2%
Other Taxes	9,341,850	2,280,993	24.4%
Licenses & Permits	1,498,413	618,836	41.3%
Fines & Forfeitures	710,000	456,435	64.3%
Interest & Rents	915,284	531,342	58.1%
Revenue from other Agencies	2,302,000	1,765,599	76.7%
Charges for Services	7,201,398	3,191,189	44.3%
Other Revenues	291,852	111,830	38.3%
Transfers In	2,174,186	205,196	9.4%
TOTAL	\$ 66,016,566	\$ 18,856,778	28.6%

The City's two major General Fund revenue sources are Property Tax and Sales Tax which make up over 63% of the General Fund revenues.

- Property Tax:** The first major apportionment distribution to the City for FY 2018-19 occurred in December 2018. Also, the revenues received in July and August are for prior year and accrued as such. Included in this line item are Property Taxes in-Lieu of Vehicle License Fees (VLF) and residual payments from the dissolution of the former redevelopment agency.
- Sales Tax:** The City received the first monthly allocation for sales tax in September 2018. As of December 2018, the allocation received represents approximately 30% of the total sales tax allocation for the year. 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 November 2019. Sales Tax growth is projected to remain flat for the fiscal year.
- Other Taxes:** Includes Franchise Fees, Business License Tax, Transient Occupancy Tax, and Property Transfer Tax.
- License & Permits:** Revenues include building and engineering permits, and animal licenses. The main decrease in License & Permits revised revenues was due to a decrease in projected revenue for Animal Services of \$190,000. This revenue decrease has an off-setting expenditure reduction of the same amount for Animal control services in the Community Services Department. Revenue and expenditure activity is lower than originally projected.
- Revenues from other Agencies:** Includes Vehicle in-Lieu, State Mandated reimbursement revenue, and the exchange of Prop A funds, which are the largest revenue source in this category. The Prop A exchange was received during the first quarter.
- Charges for Services:** Revenues include plan check and zoning related fees, recreation fees, interfund charges, and police and fire fees. Included in the budget were new fire fees. Fire fees represent the largest component of this category at 44%. These fees were recommended for approval as part of the FY 2018-19 Fee Schedule. Fire Inspection Fees were not approved and resulted in a reduction of projected revenues of \$161,000. The approval of the Fee Schedule was delayed and approved late October. This resulted in an additional projected reduction in revenues of approximately \$324,600 due to the late implementation of other fire fees. Another reduction to projected charges for services revenues was for false alarm fees, the reduction of \$100,000 projected revenues is due to the delay in approval of the billing contract which in turn delayed the implementation of such program. The remaining balance of \$37,098 is comprised of various smaller amounts.

Revenue projections were revised based on revenue trends, and activity to date. The following revised revenue projections reflect a total reduction in estimated revenues of \$369,234.

GENERAL FUND REVENUES	BUDGET	ADJUSTMENT	REVISED PROJECTIONS
Property Tax	\$ 25,056,583	\$ 643,417	\$ 25,700,000
Sales Tax	16,525,000	375,000	16,900,000
Other Taxes	9,341,850	(185,850)	9,156,000
Licenses & Permits	1,498,413	(205,113)	1,293,300
Fines & Forfeitures	710,000	70,000	780,000
Interest & Rents	915,284	(243,384)	671,900
Revenue from other Agencies	2,302,000	(84,700)	2,217,300
Charges for Services	7,201,398	(622,698)	6,578,700
Other Revenues	291,852	(115,920)	175,932
Transfers In	2,174,186	14	2,174,200
TOTAL	\$ 66,016,566	\$ (369,234)	\$ 65,647,332

GENERAL FUND EXPENDITURES	BUDGET	YTD ACTUAL	%
Administration	\$ 1,407,638	\$ 694,469	49.3%
City Clerk	487,615	105,343	21.6%
Finance	3,056,195	1,388,875	45.4%
Human Resources	670,006	272,926	40.7%
Planning	521,530	260,754	50.0%
Police	26,387,200	12,979,674	49.2%
Fire	16,138,156	8,693,187	53.9%
Public Works	3,746,952	1,769,042	47.2%
Community Services	2,521,314	1,016,568	40.3%
Transfers Out/Debt Service	1,997,968	954,931	47.8%
TOTAL (Excluding PERS UAL)	\$56,934,574	\$ 28,135,769	49.4%
PERS (UAL)	8,691,890	9,051,268	104.1%
TOTAL	\$65,626,464	\$ 37,187,037	56.7%

As of December 31, 2018, with 50% of the year complete, \$37.2 million or 56.7% of the General Fund budget has been expensed. The expenditures are higher than 50% due to the July prepayment of CalPERS Unfunded Accrued Liability which is approximately 14% of the total annual General Fund Budget. Excluding the PERS UAL prepayment, General Fund expenditures are at 49.4% of budget for the second quarter.

Overtime expenditures should be 46% of budget based on the number of payrolls for the second quarter of the year. The Police Department is trending to be within its overtime budget at slightly below 45%. The Fire Department overtime expenditures are over budget. This is due to the filling of vacancies with overtime, mainly for Fire Engine 4. The delay in closing Fire Engine 4 caused the Fire Department to incur more overtime in the first quarter. Also, overtime incurred for Strike Team in response to mutual aid increased Fire Department overtime expenditures. Such expenditures are reimbursed by the State and result in an increase of expenditures as well as offsetting revenues. Although the Fire Department overtime expenditure is expected to exceed budget for the fiscal year, total department personnel costs are not projected to exceed the personnel budget. This is mainly because of salary savings from vacant positions.

At the end of the second quarter, eight of the General Fund departments expenditures are at or below 50% of budget, excluding the PERS UAL prepayment. The Fire Department expense is at 53.9% of budget (excluding PERS UAL), mainly due to the delayed restructuring of the Fire Department. The General Fund budget for FY 2018-19 is \$66,016,566 for revenues and \$65,626,464 for expenditures. This reflects a budget with a surplus. However, after adjusting revenues to the revised projections of \$65,647,332 and taking into account budget amendments for a revised expenditures budget of \$68,711,384 the revised General Fund budget is projected to have a shortfall of \$3,064,052.

GENERAL FUND EXPENDITURES	BUDGET	APPROVED BA	AMENDED BUDGET	REQUESTED BA	AMENDED BUDGET
Administration	\$ 1,526,122		\$ 1,526,122	\$ 518,000	\$ 2,044,122
City Clerk	520,155		520,155	53,000	573,155
Finance	3,271,956		3,271,956	100,000	3,371,956
Human Resources	730,500		730,500	90,000	820,500
Planning	605,732		605,732		605,732
Police	31,025,478		31,025,478		31,025,478
Fire	19,397,234		19,397,234		19,397,234
Public Works	3,945,758	74,500	4,020,258		4,020,258
Community Services	2,605,561		2,605,561	(190,000)	2,415,561
Debt Service	1,997,968		1,997,968		1,997,968
Transfers Out	-	2,439,420	2,439,420		2,439,420
TOTAL	\$65,626,464	\$ 2,513,920	\$ 68,140,384	\$ 571,000	\$68,711,384

The approved budget amendments of \$2,513,920 were three (3) separate budget amendments approved by City Council. On February 5, 2019, Resolution No. 2019-10 approved a budget amendment of \$1,726,663 for General Liability Insurance for unanticipated claims against the City, and an amendment of \$366,619 for unanticipated expenses related to fleet maintenance, landscape maintenance and utilities. On March 5, 2019, Resolution No. 2019-12 approved a \$420,638 budget amendment for a fire station pre-alerting system.

The requested budget amendments of \$571,000 are as follows: 1) \$518,000 increase for the Administration Department (\$200,000 for legal fees, and \$318,000 increase in Salaries and Benefits for increased cost of the City Manager's separation agreement), 2) \$53,000 for City Clerk's Election costs increase due to LA County under-projecting expenses, 3) \$100,000 for Finance Department's professional services for consulting fees to fill various vacancies, 4) \$90,000

increase for Human Resources professional services for Interim Director, 5) a \$190,000 decrease to service contracts for animal services (an off-set of the same amount as animal service revenues).

ENTERPRISE FUND

The following table summarizes the revenues and expenditures for the City's Enterprise Fund:

ENTERPRISE FUND REVENUES	BUDGET	YTD ACTUAL	%
Police Computer Service Fund	\$ 1,296,400	\$ 1,141,725	88.1%

ENTERPRISE FUND EXPENDITURES	BUDGET	YTD ACTUAL	%
Police Computer Service Fund	\$ 1,816,757	\$ 719,512	39.6%

The Police Department's Computer Service Group revenues and expenditures are trending to be within budget. Originally the West Covina Service Group was budgeted at a deficit for FY 2018-19, the Police Department is taking actions to balance their budget saving approximately \$500,000.

OTHER FUNDS

Special Revenue Funds are restricted in their use for specified purposes. Budget versus actual comparisons for both revenue and expenditures for Special Revenue Funds are presented below:

SPECIAL REVENUE FUNDS REVENUES	BUDGET	YTD ACTUAL	%
Assessment Districts	\$ 3,912,692	\$ 1,674,262	42.8%
Sewer Maintenance	3,595,003	1,463,041	40.7%
Gas Tax	2,329,700	1,564,852	67.2%
Prop A	2,213,862	1,065,903	48.1%
Prop C	1,750,353	950,358	54.3%
Measure R	1,312,792	695,986	53.0%
Measure M	1,487,800	774,428	52.1%
Housing Authority	-	92,684	0.0%
CDBG	846,361	89,864	10.6%
Grants	2,517,881	475,273	18.9%
Other Special Revenues	2,571,597	683,624	26.6%
TOTAL	\$22,538,041	\$ 9,530,275	42.3%

SPECIAL REVENUE FUNDS EXPENDITURES	BUDGET	YTD ACTUAL	%
Assessment Districts	\$ 4,592,819	\$ 1,627,990	35.4%
Sewer Maintenance	5,182,807	963,084	18.6%
Gas Tax	2,168,331	924,479	42.6%
Prop A	2,234,723	2,234,354	100.0%
Prop C	2,826,951	604,346	21.4%
Measure R	3,308,116	865,492	26.2%
Measure M	2,736,275	46,143	1.7%
Housing Authority	1,036,114	296,972	28.7%
CDBG	1,481,899	580,441	39.2%
Grants	2,308,725	399,206	17.3%
Other Special Revenues	3,018,510	773,164	25.6%
TOTAL	\$30,895,270	\$ 9,315,671	30.2%

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. 2019-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING A BUDGET AMENDMENT FOR THE FISCAL YEAR COMMENCING JULY 1, 2018, AND ENDING JUNE 30, 2019 (Second Quarter Financial Report)

WHEREAS, the City Manager, on or about August 2, 2018, submitted to the City Council a proposed budget for the appropriation and expenditure of funds for the City for West Covina for Fiscal Year 2018-19; and

WHEREAS, following duly given notice and prior to budget adoption, the City Council held a public meeting on August 2, 2018, considering and evaluating all comments, and adopted a budget for the fiscal year commencing July 1, 2018 and ending July 30, 2019; 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. Budget Amendment No. 80 is hereby approved as reflected on Exhibit No. 1, attached hereto.

SECTION 2. That this resolution shall be effective immediately upon passage and adoption.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 2nd day of April 2019.

Lloyd Johnson
Mayor

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof on the 2nd day of April 2019 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Carrie Gallagher
Assistant City Clerk

**CITY OF WEST COVINA
BUDGET AMENDMENT**

BA #	80
Posted By:	
Date Posted:	

Date:	4/2/2019	Fiscal Year:	2018-19
Requested by:		Amount:	\$940,234
Dept/Div:	Finance	Description:	2nd Quarter Financial Report

EXPENDITURES

Account Number	Dept/Account Description	Current Budget	Proposed Amendment	Amended Budget
General Fund				
110.11.1140.6111	Legal Services	120,000.00	200,000.00	320,000.00
110.11.1140.6111	Leave Lump Sum - CM Cashout	-	318,000.00	318,000.00
110.12.1210.6118	Elections	175,000.00	53,000.00	228,000.00
110.13.1310.6110	Professional Services	376,400.00	100,000.00	476,400.00
110.14.1410.6110	Professional Services	130,000.00	90,000.00	220,000.00
110.51.5190.6130	Service Contracts	690,000.00	(190,000.00)	500,000.00

REVENUES

Account Number	Account Description	Current Budget	Proposed Amendment	Amended Budget
110.00.4010	CURRENT YEAR SECURED	11,536,525	163,475	11,700,000.00
110.00.4012	SUPPL IN LIEU OF VLF	11,720,058	79,942	11,800,000.00
110.00.4014	RESIDUAL/EXCESS TAX INCREMENT	1,800,000	400,000	2,200,000.00
110.00.4110	SALES AND USE TAXES	16,525,000	375,000	16,900,000.00
110.00.4120	FRANCHISE	4,206,850	(850)	4,206,000.00
110.00.4140	BUSINESS LICENSE TAX	2,585,000	(285,000)	2,300,000.00
110.00.4160	CONTRACTORS LICENSE TAX	300,000	100,000	400,000.00
110.13.4290	OTHER LICENSES & PERMITS	10,000	(8,000)	2,000.00
110.32.4250	FIRE PERMIT FEES	56,713	287	57,000.00
110.41.4222	PLUMBING PERMITS	90,000	(10,000)	80,000.00
110.41.4257	ONSITE IMPROVEMENTS	25,000	2,000	27,000.00
110.41.4261	CURB & GUTTER	-	200	200.00
110.41.4262	DRIVEWAY APPROACH	1,500	500	2,000.00
110.41.4264	CURB DRAINS, ALL OTHER INSPECT	500	(300)	200.00
110.41.4273	ENCROACHMENT	1,000	(500)	500.00
110.41.4281	SEWER MAINTENANCE	-	200	200.00
110.41.4290	OTHER LICENSES & PERMITS	7,500	500	8,000.00
110.51.4210	ANIMAL CONTROL	440,000	(190,000)	250,000.00
110.31.4315	PARKING CODE FINES	250,000	50,000	300,000.00
110.31.4321	VEHICLE IMPOUND FEES	75,000	10,000	85,000.00
110.31.4325	ADMINISTRATIVE CITATIONS	5,000	27,000	32,000.00
110.31.4326	ADMIN CITATION-COMM ENHANCEM	10,000	(5,000)	5,000.00
110.41.4330	WASTE DIVERSION PLAN FORFEITU	50,000	(12,000)	38,000.00
110.00.4410	INTEREST INCOME	208,937	(208,937)	-
110.00.4430	RENT	685,947	(34,447)	651,500.00
110.00.4511	ST MOTOR VEHICLE LIEU TX	42,000	8,000	50,000.00
110.00.4573	STATE MANDATED REVENUE	102,500	(54,800)	47,700.00
110.31.4571	CROSSING GUARD AID	110,000	(32,400)	77,600.00
110.31.4573	STATE MANDATED REVENUE	7,500	(5,500)	2,000.00
110.00.4647	MISC REIMBURSEMENTS	137,648	5,052	142,700.00
110.00.4658	PAID PARKING - CIVIC CENTER	35,000	5,000	40,000.00
110.13.4643	STREET ADDRESS CHANGE REVIEW	199	1	200.00
110.13.4647	MISC REIMBURSEMENT	-	25,000	25,000.00
110.13.4660	SERVICE FEE - CREDIT/DEBIT CARD	25,000	(15,000)	10,000.00
110.21.4611	PLANNING FILING FEES	320,000	(70,000)	250,000.00
110.21.4613	PLAN REVIEW SURCHARGE	85,000	65,000	150,000.00
110.31.4602	TOWING FRANCHISE	250,000	(66,000)	184,000.00
110.31.4605	JAIL BOOKING	30,000	20,000	50,000.00
110.31.4616	SEARCH FEES	3,000	1,000	4,000.00
110.31.4620	FORECLOSURE REGISTRATION	110,000	(45,000)	65,000.00
110.31.4640	FALSE ALARMS	100,000	(100,000)	-
110.31.4645	POLICE REIMBURSEMENTS	40,000	80,000	120,000.00
110.31.4646	GRAFFITI RESTITUTION	1,000	2,800	3,800.00
110.32.4604	GROUND EMERGENCY MEDICAL TR	138,547	453	139,000.00
110.32.4609	AMBULANCE SERVICES	2,400,000	(100,000)	2,300,000.00

110.32.4630	FIRE PLAN CHECK/INSP. FEES	141,318	682	142,000.00
110.32.4631	FIRE INCIDENT REPORT COPYING	881	119	1,000.00
110.32.4634	EMS TREATMENT FEE	50,000	150,000	200,000.00
110.32.4635	FIRE EMERGENCY INCIDENT BILLING	206,000	(206,000)	-
110.32.4637	FIRE SEMINAR	19,397	(19,397)	-
110.32.4640	FALSE ALARMS	-	9,800	9,800.00
110.32.4648	FIRE LIFE SAFETY INSPECTIONS	161,000	(161,000)	-
110.32.4657	AMBULANCE SUBSCRIPTION FEE	13,728	(28)	13,700.00
110.41.4615	CONTRACT PLAN CHECK (PLANNING)	20,000	(3,000)	17,000.00
110.41.4628	WASTE MANAGEMENT FEES	75,000	5,000	80,000.00
110.41.4647	MISC REIMBURSEMENT	-	200	200.00
110.41.4655	ADMIN COST RECOVERY FEE	26,500	(6,500)	20,000.00
110.51.4651	AFTERSCHOOL PROGRAM-WESCOV	290,850	(142,850)	148,000.00
110.51.4653	AFTERSCHOOL PROGRAMS-VINE	198,188	21,812	220,000.00
110.51.4655	ADMIN COST RECOVERY FEE	50,000	(17,000)	33,000.00
110.51.4663	FACILITY RENTAL - CCC	169,750	250	170,000.00
110.51.4664	RECREATION CLASSES	130,000	(10,000)	120,000.00
110.51.4675	PALM VIEW AFTER SCHOOL PROGR	150,760	(25,760)	125,000.00
110.51.4682	FACILITY RENTALS	71,590	410	72,000.00
110.51.4685	PARK SHELTER RENTALS	68,250	(28,250)	40,000.00
110.51.4687	FACILITY RENTALS - SHADOW OAK	65,000	(10,000)	55,000.00
110.51.4690	SENIOR CENTER RENTALS	50,000	10,000	60,000.00
110.00.4750	OVERHEAD	997,460	40	997,500.00
110.00.4811	SALE REAL/PERSONAL PROP	-	23,000	23,000.00
110.00.4814	PROCEEDS FROM AUCTION	-	56,800	56,800.00
110.00.4823	PROCEEDS FROM SALE	163,000	(163,000)	-
110.13.4818	MISCELLANEOUS	30,000	(30,000)	-
110.31.4818	MISCELLANEOUS	1,000	8,300	9,300.00
110.32.4818	MISCELLANEOUS	1,652	(52)	1,600.00
110.41.4813	SALE MAPS/PLANS/DOCUMENTS	1,000	(900)	100.00
110.41.4816	FINAL MAP, LOT ADJ, CERT COMPL	10,000	(10,000)	-
110.41.4818	MISCELLANEOUS	-	500	500.00
110.41.4822	CONTRACTUAL REIMBURSEMENT	2,200	(100)	2,100.00
110.00.9300	TRANSFER IN	1,903,794	6	1,903,800.00
110.00.9815	TRANSFER IN	130,392	8	130,400.00

REASON/JUSTIFICATION (Please be specific)

To adjust General Fund revenue and expenditure budgets based on Second Quarter financial data and revised year end projections. Appropriate from General Fund Balance \$940,234.

APPROVALS

City Council Approval Date (if required, attach minutes): 4/2/2019 Approval Not Required

Dept Head Approval: see attached Date: _____

Finance Director: _____ Date: _____

Funds Available? Yes No

City Manager: see attached Date: _____

(if over \$100,000)

Approved Denied



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: CITY MANAGER SALARY SURVEY

RECOMMENDATION:

Staff recommends that the City Council adopt the following resolution establishing an annual salary for the position of City Manager:

RESOLUTION NO. 2019-18 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING AN ANNUAL SALARY FOR THE POSITION OF CITY MANAGER

BACKGROUND:

To allow staff to advertise for the open City Manager position, it is recommended that the City Council establish a salary that it would pay for City Manager services. Setting either a salary or a salary range is a requirement should the City hire an interim City Manager who is a PERS annuitant; the interim must be paid an hourly rate amount within the range, or at the salary that is established. The approved salary amount for the City Manager position would be in addition to any other compensation or benefits such as auto allowance, contribution to deferred compensation account, health benefits etc. An interim City Manager candidate would not receive compensation other than an hourly wage within the approved range.

DISCUSSION:

Human Resources staff surveyed 14 surrounding cities, and also 13 cities with comparable populations.

OPTIONS:

The City Council has the following options:

1. Approve staff's recommendation to set an exact salary amount;
2. Approve a salary range; or
3. Provide alternative direction.

Prepared by: Martin Pinon, Interim HR Director

Fiscal Impact

FISCAL IMPACT:

This position is allocated, however there is insufficient funding in the General Fund to cover additional salary in the Fiscal Year 2018-2019 budget. A future budget amendment would be needed to be approved if additional salary is approved by the City Council.

Attachments

Attachment No. 1 - Resolution No. 2019-18 City Manager Salary

Attachment No. 2 - City Manager Salary Survey

RESOLUTION NO. 2019-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING AN ANNUAL SALARY FOR THE POSITION OF CITY MANAGER

WHEREAS, the City of west Covina does not have a resolution in place establishing establishing an annual salary for the position of City Manager.

WHEREAS, for the City to advertise for a City Manager position, it is recommended that the City Council establish a salary that it would pay for City Manager services.

WHEREAS, the approved salary amount for the City Manager position would be in addition to any other compensation or benefits such as auto allowance, contribution to deferred compensation account, health benefits etc.

WHEREAS, to provide the City Council with data on City Manager salaries, staff has conducted a survey of City Manager salaries in 14 surrounding cities, and of 13 cities with comparable populations.

WHEREAS, once the City Council sets a salary amount they will offer a City Manager the recruitment for the permanent city manager will be publicly posted.

WHEREAS, the appointment of the permanent City Manager is expected to occur no later than August of 2019;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA RESOLVES AS FOLLOWS:

To establish an annual salary of \$_____ for a permanent City Manager, not including other benefits such as auto allowance, contribution to deferred compensation account, health benefits etc.

PASSED, APPROVED AND ADOPTED on April 2, 2019

Lloyd Johnson
Mayor

ATTEST:

Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing resolution was duly adopted by the City Council of the City of West Covina, California, at a regular meeting thereof held on the 2nd day of April 2019, by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

Nickolas S. Lewis
City Clerk

APPROVED AS TO FORM:

Scott E. Porter
City Attorney

EXHIBIT A City Manager

Salary Survey

Comparing 14 surrounding cities

City	County	Population	City Manager		Safety	
			Annual Salary	Nature	Fire	Police
Pasadena	Los Angeles	143,333	\$ 296,010.00	C	Y	Y
Downey	Los Angeles	113,832	\$ 263,304.00	C	Y	Y
Baldwin Park	Los Angeles	75,537	\$ 245,829.00	C	County	Y
Alhambra	Los Angeles	86,922	\$ 243,980.00	C	Y	Y
EL Monte	Los Angeles	114,268	\$ 236,901.00	C	County	Y
San Dimas	Los Angeles	34,231	\$ 225,324.00	C	County	Sheriff
Azusa	Los Angeles	49,762	\$ 214,001.00	C	County	Y
West Covina	Los Angeles	107,813	\$ 212,004.00	C	Y	Y
San Gabriel	Los Angeles	41,020	\$ 210,000.00	C	Y	Y
Glendora	Los Angeles	52,608	\$ 209,001.00	C	County	Y
Irwindale	Los Angeles	1,423	\$ 206,292.00	C	County	Y
Covina	Los Angeles	49,011	\$ 205,001.00	C	County	Y
Rosemead	Los Angeles	54,984	\$ 190,001.00	C	County	Sheriff
La Verne	Los Angeles	33,174	\$ 204,625.00	Range	Y	Y

Comparing 13 CA cities with populations' between 100k to 110K

City	County	Population	City Manager		Safety	
			Annual Salary	Nature	Fire	Police
Burbank	Los Angeles	105,033	\$ 293,717.06	Range	Y	Y
San Mateo	San Mateo	103,426	\$ 265,000.00	C	Joint Authority	Y
Norwalk	Los Angeles	105,526	\$ 260,004.00	C	County	Sheriff
Vista	San Diego	101,797	\$ 245,244.00	C	Y	Sheriff
San Buenaventura	Ventura	109,275	\$ 243,503.00	Range	Y	Y
El Cajon	San Diego	102,803	\$ 241,901.00	C	Y	Y
Daly City	San Mateo	109,287	\$ 236,900.00	C	Y	Y
Clovis	Fresno	110,762	\$ 228,552.00	Range	Y	Y
Compton	Los Angeles	100,050	\$ 221,001.00	C	Y	Sheriff
West Covina	Los Angeles	107,813	\$ 212,004.00	C	Y	Y
Rialto	San Bernardino	106,528	\$ 196,068.00	C	Y	Y
Jurupa Valley	Riverside	101,315	\$ 150,000.00	C	County	Sheriff
Santa Maria	Santa Barbara	106,280	\$ 102,072.00	Range	Y	Y

Notes:

- Data obtained through various cities Human Resources' department website, including published CM's contracts.
- Salaries listed are rounded-up to the nearest dollar, and do not reflect benefits.
- Population data is based on information from League of Cities.
- C = Contract
- Range = Position is placed on an employment salary schedule, with annual step increases



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: LETTER OF OPPOSITION FOR SENATE BILL (SB) 50

RECOMMENDATION:

It is recommended that the City Council provide staff direction.

BACKGROUND:

This item was requested to be agendized by Mayor Lloyd Johnson.

Summary of SB 50: Existing law, known as the Density Bonus Law, requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents. This bill would require a city, county, or city and county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development, as defined, that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project, as those terms are defined; the site does not contain, or has not contained, housing occupied by tenants or accommodations withdrawn from rent or lease in accordance with specified law within specified time periods; and the residential development complies with specified additional requirements under existing law.

The bill would require that a residential development eligible for an equitable communities incentive receive waivers from maximum controls on density and minimum controls on automobile parking requirements greater than 0.5 parking spots per unit, up to 3 additional incentives or concessions under the Density Bonus Law, and specified additional waivers if the residential development is located within a 1/2-mile or 1/4-mile radius of a major transit stop, as defined. The bill would authorize a local government to modify or expand the terms of an equitable communities incentive, provided that the equitable communities incentive is consistent with these provisions. This bill contains other related provisions and other existing laws.

DISCUSSION:

The League of California Cities has submitted a letter of opposition unless SB 50 is amended. While the State of California needs more affordable housing, the bill lacks the flexibility needed to meet the State's housing goals and is believed to hinder local control. The League's letter of opposition outlines details for opposition in Attachment No. 1.

Attachments

Attachment No. 1 - Letter of Opposition SB 50



2018-2019

LEAGUE OFFICERS**President**

Janet Arbuckle
Council Member,
Grass Valley

First Vice President

Randon Lane
Mayor Pro Tem, Murrieta

Second Vice President

John Dunbar
Mayor, Yountville

Immediate Past President

Rich Garbarino
Vice Mayor,
South San Francisco

Executive Director

Carolyn M. Coleman

March 27, 2019

The Honorable Scott Wiener
State Senator
State Capitol Building, Room 5100
Sacramento, CA 95814

RE: SB 50 (Wiener) Planning and Zoning. Housing Development Incentives Oppose Unless Amended (as amended 3/11/19)

Dear Senator Wiener:

The League of California Cities must respectfully oppose SB 50 unless the measure is amended to address our key concerns. SB 50 would allow developers of certain types of housing projects to override locally developed and adopted height limitations, housing densities, parking requirements, and limit design review standards.

We agree with the fundamental problem—there aren't enough homes being built in California. The League of California Cities remains committed to working with you, the Legislature, and the Governor on finding ways to help spur much needed housing construction statewide without upending longstanding community driven planning processes and stakeholder involvement.

Unfortunately, SB 50 as presently drafted lacks the flexibility needed to meet the State's housing goals while also acknowledging community input and engagement. Specifically, the League has significant concerns with the following:

- **SB 50 would greatly undermine locally adopted General Plans, Housing Elements** (which are certified by the Department of Housing and Community Development), and Sustainable Community Strategies (SCS). By allowing developers to override state approved housing plans, SB 50 seriously calls to question the need for cities to develop these community based plans in the first place.
- **Housing developers and transit agencies would have the power to determine housing densities, heights up to 55 feet, parking requirements, and design review standards for "transit-rich housing projects" within one-half mile of a major transit stop.** For those "transit-rich housing projects" within one-quarter mile radius of a stop on a high-quality bus corridor, developers would be able to determine housing density, and parking requirements above .5 spots per unit.
- **What is the full scope of SB 50?** As presently drafted, it is very difficult to determine what constitutes a "jobs-rich area" since the Department of Housing and Community Development and the Office of Planning and Research are largely tasked with making that determination.
- **Greater density but no public transit?** SB 50 would require cities to allow greater density in communities that are high opportunity and jobs rich, but

lack access to public transit. This seems at odds with many state policies that encourage and incentivize more dense housing near transit so that individuals may become less dependent on automobiles.

- **SB 50 allows some communities to be exempt** if they develop their own plan that is consistent with the objectives of the bill. Why not all communities? Shouldn't all jurisdictions have the ability to have a community-led planning process that takes into account local needs and input as long as state objectives are still met?

For these reasons, the League of California Cities opposes SB 50 unless it is amended to address the above concerns. If you have any questions, please feel free to contact me at (916) 658-8264.

Sincerely,



Jason Rhine
Assistant Legislative Director

cc. Members, Senate Committee on Housing
Alison Hughes, Consultant, Senate Committee on Housing
Ryan Eisberg, Consultant, Senate Republican Caucus



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: WEST COVINA FILM FESTIVAL FOR STUDENTS

RECOMMENDATION:

It is recommended that the City Council approve hosting the First Annual West Covina Film Festival highlighting West Covina student films.

BACKGROUND:

This item has been requested to be agendaized by Councilwoman Letty Lopez-Viado. Started in 2014, Youth Film Productions is a non-profit multi-disciplinary arts and education program which offers a variety of inventive programs that provides students, ages 12-18, with opportunities to explore their creativity through, film, video, music, photography, multimedia, and print publications.

DISCUSSION:

Students will hold the spotlight at the First Annual West Covina Film Festival, a **FREE** event for all. Short Film submissions under 6 minutes each will be accepted by Jr. High and High School Students who attend any school in the City of West Covina. The top 20 films will be showcased at the West Covina Film Festival and there will be prizes for all five film categories with the grand prize going to the special category, "What I Love About West Covina".

Youth Film Productions is working with Covina and West Covina Unified School District to allow students to film on school grounds. The organization is requesting to hold a West Covina Film Festival event in conjunction with the City of West Covina's Movie Under the Stars program which runs from June 17-July 30. The event will be held at the City of West Covina Civic Center, and will include a live band, student films, and vendors. The program is free for students submitting films and the event is free and open to the public.

If the City Council approves hosting this event, staff will work with the organization to find a mutually beneficial date within the Movie Under the Stars program and promote the event through the City and Youth Film Productions' website, social media, City events, School Districts and Youth Council. More information about the event can be found at westcovinafilmfestival.com.

OPTIONS:

The City Council has the following options:

1. Approve staff's recommendation;
2. Deny the request for the City to host the West Covina Film Festival; or
3. Provide alternative direction.

Fiscal Impact

FISCAL IMPACT:

Full-time City staff will help support this event, but any operating costs for the event will be paid for by Youth Film Productions. There is no impact to the General Fund with approval of this item.

Attachments

Attachment No. 1 - West Covina Film Festival Flyer

Call for Short Film Entries!

Over \$3,000 in Cash and Prizes

Deadline May 30, 2019

MVP
CHANNEL.NET



Winning films showcased at the West Covina Film Festival

Free and open to all

Jr. High and High School Students in West Covina

For more info: visit www.WestCovinaFilmFestival.com

Or email: info@youthfilmproductions.com



AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

DATE: April 2, 2019

TO: Mayor and City Council

FROM: Nikole Bresciani
Acting City Manager

SUBJECT: EVALUATION OF AVAILABLE CITY SERVICES ONLINE AND AFTER HOURS

RECOMMENDATION:

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

BACKGROUND:

At the February 5, 2019 City Council Meeting, Councilman Dario Castellanos requested City Council consideration of having staff survey other Cities to learn what services they provide after hours, on weekends, or when City Hall is closed. Further direction was given by the Council to have staff seek input from the community on what services they would like to see provided after hours or during holiday closures.

DISCUSSION:

Below, staff has listed the services the City currently provides online and after normal business hours. Also, included is a listing of projects that are in progress and will provide additional services once fully implemented.

To accommodate citizen requests for additional hours of customer service, in January 2019, the Public Services Department relocated its public counter to the Cameron Community Center, which is open 7 days a week with extended hours. Operating hours include: Monday through Friday from 8 a.m. to 9 p.m., Saturday from 8 a.m. to 8 p.m. and Sunday from 8 a.m. to 6 p.m. Having the Department's public counter at Cameron Community Center allows residents to speak to staff by phone or in-person to discuss a range of issues related to maintenance and City trees, in addition to parks and recreation programs.

The following services are currently available online:

- Live streaming of City meetings
- Feature to report issues such as graffiti, code violations, street maintenance, tree related requests, sewer/storm drain, traffic signals, animal control, shopping cart retrieval, and other miscellaneous issues
- Submit business licenses and related permits, including payment processing
- File police reports, dispute and pay for citations and file complaints
- Apply and pay for Fire and Police false alarm permits
- Register and pay for classes, programs, services and events provided at the community centers
- Submit public information requests
- Ability to search City documents
- Community Development forms available online including permits for planning, building, engineering and fire as well

- Vendor registration and searching for open bids/RFP's via Planetbids.com
- Apply for job availability and submittal of applications
- Request for military Blue Star program posters

Online services to be available in the next few months, after implementation of new software, include:

- Community Development and Fire permit application processing
- Community Development and Fire plan check submittal
- Schedule inspections related to permits and plan checks
- Permit payment processing
- Booking of City facilities to include community centers, sports fields and civic center rooms available for rent for special events and meetings

Staff has surveyed surrounding cities to compare services provided online, after hours, and days and hours of operation of City Hall and the details of that survey are included in Attachment No. 1. Staff is in the process of gathering information from the residents via an online survey that was recently launched. This survey can be accessed on the City's website and social media, and hard copies of the survey are also available at public counters for accessibility. The results will be provided to the City Council at the conclusion of the survey, which is anticipated to be completed at the end of April.

OPTIONS:

The City Council has the following options:

1. Receive and file;
2. Provide alternative direction.

Prepared by: Deborah Johnston, Administrative Assistant II

Additional Approval: Kelly McDonald, Public Services Manager

Attachments

Attachment No. 1 - City Services Survey

Online and After Hours Services Provided By The Following Cities		
City Name	Online and After Hours Services Provided	City Hall Hours
City of Azusa	Activate utilities. Apply for job opportunities. Apply/renew business license online. Online bill and payment (Utilities). Permit search. Property application forms (Complete the RPRR for sell of property, rental or vacant property registrations). Register for recreation classes. Request forms and report issues. Search for city documents.	Monday -Thursday 7 a.m. - 5:30 p.m. Closed Friday
City of Baldwin Park	Apply for false alarm reduction program. Online facility reservations. Pay parking citations online. Register for recreation class. Report a crime (non emergency). Request traffic collision reports. Search and download forms for all departments.	Monday - Thursday 7:30am - 6:00pm, Closed Friday
City of Covina	File a Police report (temporarily suspended) Municipal and daily parking permits Pay for water bill and parking permits Request information or services Traffic/parking tickets Trash/recycling bills Watch City Council and Planning Commission meetings	Monday - Thursday, 7:00am - 6:00pm Closed every Friday
City of El Monte	Live streaming of City meetings. Obtain applications for jobs, business license, alarm permits and apply for water service. Online payments for admin citations, parking citations, business license, water bill, alarm permit and accounts receivable invoices. Register for recreation classes. Search for City documents. Submit requests for information on all departments as well as report issues.	Monday - Thursday 8:00 a.m. - 5:00 p.m.
City of Glendora	Apply for jobs. Business License processing (new, renewal and payments). Filing a police report. Online "How to do" video library. Online Inspection Scheduling services. Online payment options for water bill, business license, parking permit and parking citations. Online Permitting System (Building Division). Online Video Library to search meetings that are recorded. Register for recreation classes. Report Problems/issues. Search for City documents. Submit services request.	Monday - Friday 8:00 a.m. - 5:00 p.m.
City of Irwindale	Apply for job opportunities. Apply/renew business license online. Report issues. Search for current documents, forms and applications.	Monday - Thursday 8:00 a.m. - 6:00 p.m. Closed Fridays
City of La Puente	Obtain applications for permits, jobs and various city documents Pay for business license and parking tickets Sign up for recreation classes	Monday - Thursday 7:30 am - 5:30 pm, Friday 7:30 am - 4:30 pm
City of Pasadena	Apply for alarm permits Apply for animal license Apply for Arts & Culture Grant Apply for various permits (does not include building, engineering, planning or fire permits) Apply to become a vendor Report issues Submit service requests	7:30 am to 5:30 pm; Monday – Thursday and every other Friday.
City of Walnut	Apply for emergency notifications. Obtain overnight parking permits. Pay parking citations online. Register for recreation classes. Report issues. Search for current city documents, forms and applications.	Monday-Thursday, 7 a.m. to 6 p.m. Closed Fridays
City of Whittier	Apply for permits & schedule inspections (building, planning, engineering & enforcement) Graffiti removal requests Online payments (Business License & Water Bills) Registration for recreation classes RFP's and bids Whittier 24/7 (24 hour none emergency service requests application)	Monday - Friday 8 a.m. - 5 p.m.

CITY HALL HOURS	
No. of Cities Monday - Thursday	6
No. of Cities Monday - Friday every week	3
No. of Cities that alternate Fridays closed	1