



MINUTES OF OCTOBER 18, 2016
REGULAR MEETING OF THE COVINA CITY COUNCIL/SUCCESSOR AGENCY TO
THE COVINA REDEVELOPMENT AGENCY/COVINA PUBLIC FINANCING
AUTHORITY/COVINA HOUSING AUTHORITY HELD IN THE COUNCIL
CHAMBER OF CITY HALL, 125 EAST COLLEGE STREET, COVINA, CALIFORNIA

CALL TO ORDER

Mayor Stapleton called the Council/Agency/Authority meeting to order at 6:30 p.m. with Councilmembers Allen and King, Mayor Pro Tem Marquez, and Mayor Stapleton present, and announced that Councilmember Delach was participating by teleconference from The Westin Ka'anapali, 6 Kai Ala Drive, Room 2220, Lahaina, HI. There were no public comments. Mayor Stapleton recessed the Council to closed session at 6:30 p.m.

ROLL CALL

Councilmembers Present: Walter Allen III, John C. King, Mayor Pro Tem/Vice-Chair Jorge A. Marquez, and Mayor/Chair Kevin Stapleton.

Councilmember Participating by Telephonic Conference: Peggy A. Delach.

Councilmembers Absent: None.

Elected Members Present: City Clerk Mary Lou Walczak and City Treasurer Geoffrey Cobbett.

Elected Members Absent: None.

Staff Members Present: Interim City Manager Donald E. Penman, City Attorney Candice K. Lee, Police Chief John Curley, Community Development Director Brian Lee, Public Works Director Siobhan Foster, Parks and Recreation/Library Director Amy Hall-McGrade, Human Resources Director Danielle Tellez, Finance Director Anita Agramonte, Acting Assistant Fire Chief Jim Enriquez, and Chief Deputy City Clerk/Records Management Director Sharon F. Clark.

CLOSED SESSION

**A. Government Code § 54956.9(d)(1) – CONFERENCE WITH LEGAL COUNSEL:
EXISTING LITIGATION**

- Name of Case: Powers, Justin v. City of Covina, et al; Case No. 2:15 CV 5877

**B. Government Code § 54956.9(d)(1) – CONFERENCE WITH LEGAL COUNSEL:
EXISTING LITIGATION**

- Name of Case: Oscar Hernandez and Laura Asencio v. City of Covina; Case No. BC620177 Superior Court of the State of California for the County of Los Angeles

C. Government Code § 54957.6 – CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representative: Danielle Tellez, Human Resources Director
Employee Organizations: American Federation of State, County and Municipal Employees (AFSCME); Police Association of Covina (PAC); Police Management Group (PMG); and Police Supervisors of Covina (PSC)

D. Government Code § 54957.6 – CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representative: Danielle Tellez, Human Resources Director
Unrepresented Employees: Mid-Management, Supervisory and Professional, and Confidential and Technical Employees; and Executive Employees (excluding the City Manager)

RECONVENE AND CALL TO ORDER

Mayor Stapleton reconvened the meeting into open session at 7:30 p.m. and announced that Councilmember Delach was participating by teleconference from The Westin Ka'anapali, 6 Kai Ala Drive, Room 2220, Lahaina, HI.

PLEDGE OF ALLEGIANCE

Police Chief Curley led the Pledge of Allegiance.

INVOCATION

Covina Police Chaplain Truax gave the invocation.

CLOSED SESSION REPORT

City Attorney Lee announced that there was no reportable action taken and direction was given to staff.

PRESENTATIONS

Breast Cancer Awareness Proclamation

A Proclamation declaring October as Breast Cancer Awareness Month was read into the record by Mayor Stapleton and presented to Citrus Valley Health Foundation Board of Directors Chairman Walt Allen and Citrus Valley Health Foundation Board Member Rich Jett. Councilmember Allen encouraged women to get regular check-ups.

Red Ribbon Week Proclamation

A Proclamation declaring October 23-29, 2016, as Red Ribbon Week was read into the record and presented by Mayor Stapleton to Covina Police Chief Curley.

Covina Concert Band 60th Anniversary Recognition

A plaque commemorating the 60th Anniversary of the Covina Concert Band was presented by Mayor Stapleton to Covina Concert Band President Bob Praeger. Band supporter Bob Gorski thanked Parks & Recreation staff for their involvement with the Concert Band.

PUBLIC COMMENT

Leonard W. Rose, Jr. invited all to Covina Assembly of God's Carnival, encouraged everyone to vote this year, and commented on religious TV programs, volunteerism, and health matters.

Dora Gomez congratulated Police Chief Curley on his appointment, and announced Covina Assembly of God's Carnival on Friday, October 28, Saturday, October 29, and Sunday, October 30, 2016.

Fred Feldheim congratulated Chief Curley on his appointment, and thanked Police Department and Parks and Recreation staff for Chief Raney's retirement events and the installation celebration for Chief Curley.

Covina Valley Historical Society President Bob Ihsen announced a fundraising appraisal fair and dinner on Thursday, October 27, 2016, from 6:00 to 9:00 p.m. at the Covina Woman's Club.

COUNCIL/AGENCY/AUTHORITY COMMENTS

Councilmember Delach congratulated Chief Curley on his appointment, and congratulated Covina Concert Band on their 60-year anniversary.

Councilmember King commended the Covina Valley Historical Society on a great fundraising idea; commented on Covina Concert Band and its founder Charles King; expressed his thankfulness that the Band continues today; on behalf of the King family, congratulated Police Chief Curley on his appointment; and commented on Police Chief Raney's retirement event.

Councilmember Allen concurred with Councilmember King's remarks, commented that Police Captain Webster had done a great job in the recruitment process, commended Police Department staff and Executive Assistant to the Police Chief Sierra for great retirement and installation events, and expressed his appreciation for having Chief Curley as the new chief. He explained the history of Red Ribbon Week, reminisced about the Covina Concert Band playing at the Memorial Day Ceremony at Forest Lawn every year and encouraged attendance at the Band's concerts, and complimented Parks & Recreation staff and the Downtown Business Association for the Thunderfest event.

Mayor Pro Tem Marquez congratulated Police Chief Curley on his appointment; commented on the retirement dinner for Police Chief Raney and a Project 2911 dinner he had attended; announced the Dia de los Muertos event on Sunday, October 30, 2016, from 2:00 to 8:00 p.m.; and reported on a Foothill Gold Line meeting on October 14, 2016, at which an update was given on transit-oriented development in the San Gabriel Valley, and offered to share his notes with staff and the public.

Mayor Stapleton commented on recent events:

- League of California Cities Conference;
- 21st Annual Thunderfest;
- Former Police Chief Kim Raney's Retirement Dinner;
- Swearing-In Ceremony for Police Chief John Curley.

He announced the following upcoming events:

- Covina Library Book Fortune Teller on October 18, 19, and 22, 2016;
- Christmas Parade Participant Applications due on Thursday, October 20, 2016;
- Public Works Department's annual Community Cleanup and Shredding event at the Covina Public Works Yard, 534 N. Barranca Avenue, from 8:00 a.m. to 3:00 p.m.;
- 46th Covina Chamber of Commerce Annual Golf Classic on Monday, October 24, 2016, at South Hills Country Club in West Covina;
- Senior Center Halloween Party on Wednesday, October 26, 2016, from 11:15 a.m. to 1:00 p.m. at Valleydale Park Community Center, 5525 N. Lark Ellen Avenue, Azusa;
- Covina Library's Harvest Celebration and Harry Potter Halloween Magic Show on October 29, 2016;
- Dia de los Muertos (Day of the Dead) on Sunday, October 30, 2016, at Forest Lawn, 21300 Via Verde Drive, Covina Hills;
- Covina Parks & Recreation Department Halloween Carnival on Monday, October 31, 2016, from 5:30 p.m. to 8:30 p.m. at Covina Park, 301 N. Fourth Avenue.

In closing, he expressed his pride in new Police Chief John Curley.

Councilmember Allen reported he had attended a League of California Cities meeting and had served as a facilitator for a panel on Diversity in City Management. Mayor Stapleton stated he had not been able to attend.

CITY MANAGER COMMENTS

Interim City Manager Penman reported he had attended the League of California Cities conference; and announced a revision to Consent Calendar item CC 7: On the chart on page 2, Table 1, Summary of Proposal Ratings, the average for Stetson Engineers was revised from 83 to 81. He concluded that this revision did not change any staff recommendations.

CONSENT CALENDAR

Mayor Stapleton requested that Consent Calendar item CC 10 be pulled for separate discussion.

A motion was made by Councilmember King, seconded by Mayor Pro Tem Marquez, to approve Consent Calendar items CC 1 – 6, 8 - 9, and CC 11 as presented, and CC 7 as revised.

Motion approved Consent Calendar items CC 1 – 9 and 11 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

CC 1. City Council approved the Minutes of the September 20, 2016, Study Session and October 4, 2016, Regular Meetings of the City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Housing Authority.

CC 2. City Council approved the payment of City Demands in the Amount of \$3,699,783.21.

- CC 3. Successor Agency to the Covina Redevelopment Agency approved the payment of Agency Demands in the Amount of \$62,434.26.
- CC 4. City Council: 1) Adopted **Resolution No. 16-7539** Confirming Continued Existence of An Emergency Condition for the Residual Control System at the Charter Oak Reservoir Site Pursuant to Chapter 2.5 (Emergency Contracting Procedures) of the Public Contracts Code; 2) Approved Change Order No. 2 to furnish temporary Residual Control System rental Unit, increasing the contract cost with Doane and Hartwig Water Systems, Inc. by \$8,500, from \$126,000 to \$134,500; and 3) Authorized the Interim City Manager to execute Change Order No. 1.
- CC 5. City Council approved Miscellaneous Concrete and Asphalt Repairs Change Order No. 2, increasing the contract cost with FS Contractors, Inc. by \$1,416; 2) Accepted the work performed by FS Contractors Inc. for the amount of \$95,316; and 3) Authorized the City Clerk to file a Notice of Completion for the Miscellaneous Concrete and Asphalt Repairs project.
- CC 6. City Council authorized the Interim City Manager to execute the Professional Services Agreement with KJServices Environmental Consulting to provide services for the Used Oil Payment Program in an amount not-to-exceed \$24,750.
- CC 7. City Council authorized the Interim City Manager to execute the Professional Services Agreement with Stetson Engineers, Inc. for the Development of the 2015 Urban Water Management in an amount not-to-exceed \$24,000.
- CC 8. Covina Housing Authority received and filed the Covina Housing Authority Annual Report FY 2015-2016.
- CC 9. City Council approved the Lease Agreement with the Covina Valley Historical Society for the Firehouse Jail Museum.
- CC 11. City Council/Successor Agency to the Covina Redevelopment Agency received and filed the Quarterly Report of the Treasurer to the City Council and the Successor Agency to the Covina Redevelopment Agency for the Quarter Ended September 30, 2016.

CONSENT CALENDAR ITEM PULLED FOR SEPARATE DISCUSSION

- CC 10. Second Amendment to Professional Services Agreement with Covina Irrigating Company for Water System and Water Quality Consulting Services and Adoption of Resolution No. 16-7544 to Amend the FY 2017 Operating Budget by \$65,000 to Provide Funding for the Second Amendment to Professional Services Agreement with Covina Irrigating Company.

Mayor Stapleton expressed concern with the seeming inability to retain staff. Interim City Manager Penman responded with an update on the status of recruitment and hiring for Water Division positions and stated he would provide an additional update in the City Manager's weekly report to Council.

A motion was made by Mayor Stapleton, seconded by Councilmember Allen, to approve Consent Calendar item CC 10 as presented.

Motion approved Consent Calendar item CC 10 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

City Council: 1) Authorized the Interim City Manager to execute the Second Amendment to the Professional Services Agreement with Covina Irrigating Company for Water System and Water Quality Consulting Services; and 2) Adopted **Resolution No. 16-7544** to amend the FY 2017 Operating Budget by \$65,000 to provide funding for the Second Amendment to Professional Services Agreement with Covina Irrigating Company.

PUBLIC HEARING

PH 1. Ordinance No. 16-2062 Setting the City's Refuse Collection Services Rates for Residential, Commercial, and Industrial Customers for FY 2016-17 through FY 2018-19, Effective July 1, 2016 – Public Hearing and Adoption.

Mayor Stapleton opened the public hearing.

The staff report was presented by Public Works Director Foster.

In response to a question from Mayor Stapleton, Public Works Director Foster replied that the increase for the average residential user would be \$2.84.

Speaker Joe Samec commented that residents in the County area are paying \$64.80 while Covina is at \$81.80 plus this additional increase, and asked about the difference in services provided.

Gary Clifford, representing Athens Services, explained that the County contract is significantly different than the franchise agreement with Covina in that Covina's contract includes bulky item pickup and other amenities, and the recyclable diversion rate is 30-40 points higher.

Discussion followed regarding diversion being mandatory in Covina, fines of \$10,000 per day if the required diversion level is not met, differences in indemnification and amenities between the County and Covina contracts, and costs of this contract being in the bottom third compared to other area cities.

Mayor Stapleton announced that this was the last opportunity to submit a written protest or written request to withdraw a protest previously submitted, and asked for any additional protests or requests to be given to the City Clerk. None were submitted.

Mayor Stapleton closed the public hearing and requested that City Clerk Walczak tally all protest letters which had been received to date.

City Clerk Walczak tallied the protest letters and announced that a total of 14 protest letters had been received, and that there was an absence of a majority protest, as written protests against the

proposed increase had not been received from more than one-half of the customers of record for the property.

Councilmember King thanked Mr. Samec for asking questions and expressed his confidence in the work done by Public Works staff with Athens Services to achieve a fair and equitable deal.

Councilmember Allen commented that a consulting firm had been hired to work the numbers to ensure Covina received the best deal possible.

A motion was made by Councilmember Allen, seconded by Councilmember King to: 1) Determine that there is not a majority protest; and 2) Waive full reading, read by title only and adopt on second reading **Ordinance No. 16-2062** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, SETTING THE CITY'S REFUSE COLLECTION SERVICES RATES FOR RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL CUSTOMERS, FOR FISCAL YEAR 2016-17 THROUGH FISCAL YEAR 2018-19, EFFECTIVE JULY 1, 2016."

Motion approved Public Hearing item PH 1 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

CONTINUED BUSINESS

CB 1. Consideration of Resolutions relating to Covina's General Municipal Election to be held on March 7, 2017, including Placing a Measure Extending the City's Utility Users Tax on the March 2017 Ballot.

The staff report was presented by Chief Deputy City Clerk Clark.

Speaker Win Patterson congratulated Police Chief Curley on his appointment, and representing the group Covina Community Matters, stated that the group is here to help in any way to get the measure passed, and that based on conversations with community members, highly recommends Option 1 with a 10-year sunset for the utility tax.

Mayor Stapleton announced he had received an email from Phyllis Meadow who expressed concern with measure wording and stated she would support extension of the tax at the same percentage not to exceed 6%, and only with same utilities being taxed.

Councilmember Allen stated that based on resident input and his own opinion, he agrees with Ms. Meadow to proceed exactly as in the past with Option 1 for a 10-year sunset.

Mayor Pro Tem Marquez and Councilmember Delach stated that they agree that including the sunset is the way to go.

Mayor Stapleton expressed his preference to have Covina Community Matters write the ballot argument. Councilmember Allen agreed and recommended that Mayor Stapleton and Mayor Pro Tem Marquez oversee the process.

City Attorney Lee clarified that though Covina Community Matters may draft the argument, it will be the official Council argument in favor of the measure.

A motion was made by Councilmember Delach, seconded by Councilmember Allen to:

1. Adopt **Resolution No. 16-7540** calling for the holding of a General Municipal Election on Tuesday, March 7, 2017.
2. Adopt **Resolution No. 16-7541** requesting the Board of Supervisors of the County of Los Angeles to direct the Registrar-Recorder/County Clerk's Office to administer, manage and oversee the Election.
3. Adopt **Resolution No. 16-7544** requesting the Board of Supervisors to render specified services relating to the Election.
4. Adopt **Resolution No. 16-7542** adopting regulations for candidates' statements.
5. Adopt **Resolution No. 16-7543** ordering that an ordinance to extend the City's existing utility users tax with Option 1 for a 10-year sunset be submitted to the voters at the General Municipal Election to be held March 7, 2016, directing the City Attorney to prepare an impartial analysis of the measure, setting priorities for filing a written argument relating to the ballot measure, designating Mayor Stapleton and Mayor Pro Tem Marquez to prepare and submit a ballot argument in favor of the measure, and providing for rebuttal arguments relating to the ballot measure.

Motion approved Continued Business item CB 1 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

NEW BUSINESS

NB 1. Request from LA Works for \$20,000 to Pay for Expenses Related to the Closeout of the Agency.

The staff report was presented by Interim City Manager Penman. There was no public comment.

A motion was made by Mayor Pro Tem Marquez, seconded by Mayor Stapleton, to appropriate \$20,000 from the Liability Insurance Fund to pay for expenses related to the closeout of LA Works.

Motion approved New Business item NB 1 as follows:

AYES: ALLEN, DELACH, KING, MARQUEZ, STAPLETON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

NB 2. Ordinance No. 16-2063 - Adopting by Reference the 2016 Editions of the California Administrative, Building, Electrical, Mechanical, Plumbing, Energy, Historical Building, Fire, Existing Building, Green Building Standards, and Reference Standards Codes and Related Model Codes, with Appendices and Amendments Thereto; and Amending Title 14 (Building and Construction) of the Covina Municipal Code.

The staff report was presented by Community Development Director Lee. There was no public comment.

A motion was made by Councilmember Delach, seconded by Councilmember Allen to:

1. Waive full reading, read by revised title only, and introduce **Ordinance No. 16-2063** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, ADOPTING BY REFERENCE THE 2016 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE, BUILDING, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, FIRE, EXISTING BUILDING, GREEN BUILDING STANDARDS, AND REFERENCE STANDARDS CODES AND RELATED MODEL CODES, WITH APPENDICES AND AMENDMENTS THERETO; AND AMENDING TITLE 14 (BUILDING AND CONSTRUCTION) OF THE COVINA MUNICIPAL CODE."
2. Schedule a public hearing for November 15, 2016, to receive public input on the proposed adoption by reference of the aforementioned Codes.

City Attorney Lee read the Ordinance title into the record.

ADJOURNMENT

At 8:48 p.m., the meeting of the Covina City Council/Successor Agency to the Covina Redevelopment Agency/Covina Public Financing Authority/Covina Housing Authority was adjourned to its next regular meeting of the Council/Agency/Authority scheduled for Tuesday, November 1, 2016, at 6:30 p.m. for closed session and 7:30 p.m. for open session inside the Council Chamber, 125 East College Street, Covina, California, 91723.

Respectfully submitted:



Sharon F. Clark, CMC
Chief Deputy City Clerk

Approved this 1st day of November, 2016:



Kevin Stapleton, Mayor/Chair