***SPECIAL MEETING***
***OF THE***
**WEST COVINA CITY COUNCIL**

Tuesday 5:45 pm
July 7, 2009 City Manager's Conf. Room

# A G E N D A

Agenda material is available for review before the meeting at the City Clerk's Office, Room 317 at City Hall, 1444 W. Garvey Avenue, West Covina. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at this meeting, the City will try to accommodate you in every reasonable manner. Please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8:00 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting. For sign language interpreter services at Council meetings, please call at least four working days prior to the meeting.

**ROLL CALL** Mayor Hernández, Mayor Pro Tem Sanderson
Councilmembers Herfert, Lane, Touhey

## I PUBLIC COMMENT ON ITEMS ON THE AGENDA

## II CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code § 54956.9(b)
One case - Sue Williams

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code § 54956.9(a)
Chung vs. City of West Covina

CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code § 54957.6
City Negotiators: Pasmant, Bachman

- Employee Organizations
  - Confidential Employees
  - General Employees
  - Maintenance & Crafts Employees
  - Mid-Management Employees
  - Non-Sworn Safety Support Employees
  - W.C. Police Officers' Association
  - W.C. Police Management Association
  - W. C. Firefighters' Management Assoc.
  - W.C. Firefighters' Association, I.A.F.F., Local 3226

City Negotiator: Pasmant

- Miscellaneous Unrepresented Management Employee, including
  - Assistant City Clerk
  - Assistant City Manager
  - Community Development Commission Director
  - Community Services Director
  - Deputy City Manager
  - Finance Director
  - Fire Chief
  - Director of Human Resources
  - Planning Director
  - Police Chief
  - Public Works Director and City Engineer
  - Director of Risk Management

**ADJOURNMENT** Motion by _____ 2nd by _____ to adjourn the meeting at _____ p.m.

# REGULAR MEETING
# OF THE
# WEST COVINA CITY COUNCIL

Tuesday
July 7, 2009

7:00 pm
Council Chambers

# A G E N D A

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Any writings or documents, not exempt from public disclosure, provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, Room 317 of City Hall located at 1444 W. Garvey Avenue, West Covina, during normal business hours.

**INVOCATION** — Pastor Kelly Dupeé
Faith Community Church

**PLEDGE OF ALLEGIANCE** — Mayor Pro Tem Sanderson

**ROLL CALL** — Mayor Hernández, Mayor Pro Tem Sanderson,
Councilmembers Herfert, Lane, Touhey

**REPORTING OUT FROM CLOSED SESSION**

**CHANGES TO THE AGENDA**

**PRESENTATIONS** — * Certificate of Appreciation
*Tennant Foundation*

**ANNOUNCEMENTS**

## 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 must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.

(b) Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the council shall be forthwith, by the presiding officer, barred from further audience before the council, unless permission to continue be granted by a majority vote of the council.

**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.

## ADDRESSING THE CITY COUNCIL/COMMUNITY DEVELOPMENT COMMISSION

*(Per WCMC 2-48, Ordinance No. 2150)*

Any person wishing to address the City Council/Community Development Commission 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/Secretary.

***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 shall 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.

**A) 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.*

Per Resolution No. 2009-25 adopted June 2, 2009, when the titles of ordinances and resolutions appear on the City Council agenda, they shall be deemed to have been read by title and further reading is waived.

**B) UPDATES/REPORTS FROM CONSULTANTS**

No reports for this meeting.

**C) ITEMS CARRIED OVER FROM PREVIOUS COUNCIL MEETINGS**

No reports for this meeting.

**D) CONSENT CALENDAR**

All matters listed under the 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 request specific items to be removed from the Consent Calendar for separate action.

**1) City Council Meeting Minutes** (receive & file)

- Regular Meeting of March 3, 2009
  **min 03-03-09.pdf**
- Special Meeting of March 17, 2009
  **smin 03-17-09.pdf**
- Regular Meeting of March 17, 2009
  **min 03-17-09.pdf**

**2) Claims Against the City of West Covina**

**Government Tort Claim Denials** (deny & notify claimant)

It is recommended that the following Government Tort Claims be denied and the claimants and/or their respective attorneys be so notified.
**D-2.pdf**

- Curtis Sanders vs. City of West Covina
- Robert Smith vs. City of West Covina
- Sharon Garcia vs. City of West Covina

**3) Traffic Committee Minutes of June 16, 2009 –** (accept & file)
**D-3 & Attach1.pdf**
**D-3 Attach Maps 2a, 3a & 5a.pdf**

*I. City Initiated*
That parking on Baymar Street from Shamwood Street to North Garvey Avenue be restricted to permit only parking.

*Traffic Committee Recommendation:*
That parking on Baymar Street from Shamwood Street to North Garvey Avenue be restricted to permit only parking.

*II. Linda Mooney, West Covina resident*
That parking on Woodgate Drive from Temple Avenue to Courtnay Circle be restricted to permit only parking.

*Traffic Committee Recommendation:*
That parking on Woodgate Drive from Temple Avenue to Courtnay Circle be restricted to permit only parking.

*III. City Initiated*
That a multi-way stop sign be installed at the intersection of Fairway Lane and Garvey Avenue North.

*Traffic Committee Recommendation:*
That stop signs and appropriate pavement markings be placed on the west and eastbound approaches of Fairway Lane at North Garvey Avenue.

**4) City Treasurer's Report** (receive & file)

Report for the Month of May 2009
**D-4 City Rpt.pdf**
**D-4 City Stmt.pdf**
**D-4 City Mthly Detail.pdf**

**5) Miscellaneous - City Manager's Office**

**a) Resolution Opposing the State of California's Unconstitutional Take Away of the City of West Covina's Gas Tax**
It is recommended that the City Council adopt the following resolution:
**D-5a.pdf**
**D-5a Attach1.pdf**
**D-5a Attach2.pdf**

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS

**Miscellaneous - Community Services Department**

**b) Five Year Extension of the Bus Shelter Advertising Agreement with Clear Channel Outdoor, Inc.**

It is recommended that the City Council authorize the City Manager to execute a five-year extension of the Clear Channel Outdoor, Inc. Bus Shelter Advertising Agreement through June 30, 2014.

**D-5b.pdf**
**D-5b Attach1.pdf**

**5) Miscellaneous – Public Works Department**

**c) Lot Line Adjustment No. 176**
**Location: 112 Plaza Drive**
**Applicant: Westfield Corporation, Inc.**

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

**D-5c.pdf**
**D-5c Attach1.pdf**
**D-5c Attach2.pdf**
**D-5c Attach3.pdf**
**D-5c Attach4.pdf**

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT NO. 176 LOCATED AT 112 PLAZA DRIVE AND DIRECTING THE RECORDATION THEREOF

**5) Miscellaneous – Risk Management**

**d) Payment of FY 2009-10 Excess Workers' Compensation Insurance Coverage**

It is recommended that the City Council authorize payment of the City's 2009/10 Excess Workers' Compensation coverage with the Big Independent Cities Excess Pool (BICEP), in the amount of $66,000, to be paid from account 363.15.1530.6418.

**D-5d.pdf**

**e) Payment of FY 2009/10 Excess Liability Insurance Coverage and Approval of Continued Membership with the Big Independent Cities Excess Pool (BICEP)**

It is recommended that the City Council:

**D-5e.pdf**

1. Authorize payment of the City's 2009/10 excess liability insurance coverage with the Big Independent Cities Excess Pool (BICEP) in the amount of $348,600 to be paid from account 361.15.1530.6411.

2. Approve West Covina's continued membership in BICEP for an additional three years beginning July 1, 2009.

ACTION ON CONSENT CALENDAR ITEMS NUMBER D-1 THROUGH D-5e:

Motion by _____ second by _____
to adopt resolutions as recommended

and approve all items except: _____
ROLL CALL: Herfert, Lane, Sanderson, Touhey, Hernández

**END OF CONSENT CALENDAR**

## E) PUBLIC HEARINGS

**1) FY2009-2010 Community Development Block Grant (CDGB) Program Public Service Project Funding**

**E-1.pdf**
**E-1 Attach1.pdf**
**E-1 Attach2.pdf**

a) Verification of publication
b) Open hearing
c) Staff presentation
d) Public testimony
e) Close hearing
f) Council discussion
g) Recommendation: It is recommended that the City Council:

1) Allocate $203,068 CDBG funds to the Public Services Projects in Attachment #1 of the report under staff recommendation Column H;

2) Direct staff to reduce funding allocations to all programs, on a percentage basis, if the actual amount of program income received through June 30, 2009 is less than the projected $156,268.

Motion by _____ 2nd by _____

approve _____ disapprove _____ hold over _____

**2) Public Hearing**
**Code Amendment No. 08-06 – Mobile Food Vendors**

**E-2.pdf**
**E-2 Attach1.pdf**
**E-2 Attach1 Exhibit A.pdf**
**E-2 Attach2.pdf**
**E-2 Attach3.pdf**
**E-2 Attach4.pdf**

a) Verification of publication
b) Open hearing
c) Staff presentation
d) Public testimony
e) Close hearing
f) Council discussion
g) Recommendation: The Planning Commission and staff recommend that the City Council introduce the following ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTER 14 (LICENSES AND BUSINESS REGULATIONS) AND CHAPTER 26 (ZONING) OF THE WEST COVINA MUNICIPAL CODE RELATING TO MOBILE FOOD VENDORS (CODE AMENDMENT NO. 08-06)

Motion by _____ 2nd by _____

introduce _____ disapprove _____ hold over _____

## G) DEPARTMENTAL MATTERS

### CITY MANAGER'S OFFICE

**1) Designation of Voting Delegate for League of California Cities Annual Conference**

It is recommended that the City Council designate a voting delegate and up to two alternates for the League of California Cities Annual Conference.

**G-1.pdf**

Motion by _____ 2nd by _____

to _____

***CALL TO ORDER THE COMMUNITY DEVELOPMENT COMMISSION AT _____ PM.***

*Roll Call:* *Chairman Hernández, Vice Chairman Sanderson*
*Commissioner Herfert, Commissioner Lane, Commissioner Touhey*

### PUBLIC WORKS

**2) Election on the Levy of Special Taxes in Community Facilities District No. 2009-1 and Certification of the Election Results**

The purpose of this item is to conduct an election on Community Facilities District No. 2009-1 (the "District") and the levy of special taxes to finance the ongoing maintenance and operations of the roadways, curbs and gutters, sidewalks, multi-purpose trails, storm drains, and related infrastructure within the District (pursuant to the Resolution of Consideration);

**G-2.pdf**
**G-2 Attach1.pdf**
**G-2 Attach2.pdf**
**G-2 Attach3.pdf**
**G-2 Attach4.pdf**
**G-2 Attach5.pdf**

**Election and Casting of votes by the City Council and Community Development Commission**

*City Council Action*

It is recommended that the City Council adopt the following Resolution casting the City's votes in favor of the levy of special taxes in the District:

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, VOTING IN FAVOR OF LEVYING SPECIAL TAXES TO FINANCE SPECIFIED PUBLIC FACILITIES AND SERVICES FOR COMMUNITY FACILITIES DISTRICT NO. 2009-1

Motion by _____ 2nd by _____ to

adopt _____ disapprove _____ carryover _____

*Community Development Commission Action*

It is recommended that the Community Development Commission adopt the following Resolution casting the Community Development Commission's votes in favor of the levy of special taxes in the District:

***Item G-2 continues on the next page***

**G) DEPARTMENTAL MATTERS (continued)**
**PUBLIC WORKS (continued)**

RESOLUTION NO. _____ - A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF WEST COVINA, CALIFORNIA, VOTING IN FAVOR OF LEVYING SPECIAL TAXES TO FINANCE SPECIFIED PUBLIC FACILITIES AND SERVICES FOR COMMUNITY FACILITIES DISTRICT NO. 2009-1

Motion by _____ 2nd by _____ to

adopt _____ disapprove _____ carryover _____

**2) Election on the Levy of Special Taxes in Community Facilities District No. 2009-1 and Certification of the Election Results (continued)**

**Certifying Election Results**

It is recommended that the City Council adopt the following Resolution certifying the election results:

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CERTIFYING THE RESULTS OF THE ELECTION HELD ON JULY 7, 2009, ON THE LEVY OF SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO. 2009-1

Motion by _____ 2nd by _____ to

adopt _____ disapprove _____ carryover _____

It is further recommended that in the event that two-thirds or more of the votes cast in the election are in favor of the levying of special taxes to fund ongoing maintenance and operations of the roadways, curbs and gutters, sidewalks, multi-purpose trails, storm drains, and related infrastructure, and the results of the election are certified by the City Council, the City Council should then direct the City Clerk to conduct the second reading of the Ordinance levying and apportioning special taxes in the District.

ORDINANCE NO. _____ - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, LEVYING AND APPORTIONING SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2009-1, IN ACCORDANCE WITH RESOLUTION NO. 2009-11 AND 2009-17

Motion by _____ 2nd by _____ to

adopt _____ disapprove _____ carryover _____

**F) COMMUNITY DEVELOPMENT COMMISSION**
Recess the City Council meeting at _____ p.m. to continue the CDC.
Reconvene the City Council meeting at _____ p.m.
**CDC Agenda.pdf**

## H) MAYOR'S/COUNCILMEMBERS REPORTS

No reports for this meeting.

**AB 1234 Conference and Meeting Report**
*(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.)*

If applicable, Councilmembers may make a verbal report at this time.

## I) COUNCILMEMBERS' REQUEST FOR REPORTS, STUDIES OR INVESTIGATIONS

*(Per City of West Covina Standing Rules 4.f – Requests by Councilmembers for reports, studies, or investigations that are not readily available must be placed on the City Council agenda as items of business and must be approved by a majority of the City Council.)*

**1) Councilmember Michael Touhey**
**Request from Councilmember Michael Touhey Requesting the City Council to Instruct City Staff to Prepare a Report Renaming the Street Entering the Civic Center after Judge Robert O. Young**
It is recommended that the City Council direct staff accordingly.
**I-1.pdf**
**I-1 Attach.pdf**

Motion by _____ 2nd by _____

to _____

## COUNCILMEMBER COMMENTS

## ADJOURNMENT

Motion by _____ 2nd by _____ to adjourn the meeting at _____ p.m.

Tentative City Council Meetings

| | | | | |
|---|---|---|---|---|
| Tuesday | July 21 | 7:00 p.m. | Council Chambers | Regular Meeting |
| Tuesday | August 4 | 7:00 p.m. | Council Chambers | Regular Meeting |