M I N U T E S

REGULAR MEETING OF THE
WEST COVINA CITY COUNCIL
August 7, 2007

Mayor Touhey called to order the regular meeting of the West Covina City Council at 7:05 p.m in the City Hall Council Chambers, 1444 W. Garvey Avenue, West Covina.

INVOCATION Reverend Mary Hollifield
West Covina United Methodist Church

PLEDGE OF ALLEGIANCE Councilmember Sanderson

ROLL CALL Mayor Touhey, Mayor Pro Tem Lane,
Councilmembers Herfert, Hernandez, Sanderson

Others present: Fields, Alvarez-Glasman, Fields, Bachman, Chung, Durbin, Freeland, Hoppe, McNeill, Wills, Yauchzee, Samaniego, Rush

REPORTING OUT FROM CLOSED SESSION

City Attorney Alvarez-Glasman reported the following:

All members were present with the exception of Councilmember Hernandez and Sanderson and prior to convening into closed session, all items on the City Council and Community Development Commission (CDC) agendas were announced for inclusion in the closed session discussion.

Items on the City Agenda:

Conference with Labor Negotiators – Miscellaneous Unrepresented Management Employees including: Assistant City Clerk, Assistant City Manager, Communications Director, Community Development Commission Director, Community Services Director, Environmental Management Director, Finance Director, Fire Chief, Director of Human Resources, Planning Director, Police Chief, Public Works Director and City Engineer, Director of Risk Management – No action taken and nothing further to report.

Conference with Legal Counsel – Anticipated Litigation – One Case – McIntosh – No action taken and nothing further to report.

Items on the CDC Agenda:

Conference with Real Property Negotiators - Property: Vacant Property on South Willow Avenue (APN: 8467-011-023) – Direction was provided to staff. No action taken and nothing further to report.

CHANGES TO THE AGENDA City Manager Pasmant announced that Item D-3e *Acceptance of Proposal to Provide Temporary Building Inspection Services* would be carried over to a future meeting.

PRESENTATIONS Blue Star Video was aired.

Mayor Touhey introduced Albert Medina, Manager of the West Covina National Little League White Sox, who introduced members of his team who were the 2007 National Little League City Major Division Champions. Team members were presented with Certificates of Recognition.

Mayor Touhey introduced Michael Quinn, Manager of the West Covina American Little League Cardinals, who introduced the members of his team, the 2007 American Little League City Minor Division Champions. Team members were presented with Certificates of Recognition.

Mayor Touhey introduced Mari Larios, Manager of the West Covina Girls Softball 10 & under, who introduced the members of the 10 & Under All Starts "JYNX" who won the ASA State Tournament and the 10 & Under National Championship at the National Tournament in New Mexico. Team members were presented with Certificates of Recognition.

Recess

Mayor Touhey called for a recess at 7:32 p.m. The City Council reconvened at 7:46 p.m. with all members present.

ANNOUNCEMENTS

Community Services Director McNeill announced the Faces in the Crowd program and gave details on how the community may participate.

ORAL COMMUNICATIONS

Ed Casanova

Ed Casanova, West Covina resident, recognized his daughter as the first girl to participate on the West Covina Varsity football team and for her role in a film being submitted to the Sundance Film Festival; he thanked the Council for the Blue Star Banner program and recognized Lloyd Johnson for his time served in the Marines.

Ana Marie LeNoue

Ana Marie LeNoue, Montebello resident and president of Avant-Garde addressed item D-3d – *Award of Contract for Transit Marketing* - and requested council to consider their bid proposal.

Alfred Williams

Alfred Williams, West Covina resident, addressed the hiring of a management company for the transit market advertising for West Covina Heights and Big League Dreams.

Royall Brown

Royall Brown, West Covina resident, addressed a reclaimed water project that could bring reclaimed water to West Covina and a picture in the West Covina Discover newsletter that he feels is a misleading representation of the current development plan at Shadow Oak Park.

Birdie Azpeitia

Birdie Azpeitia, West Covina resident, addressed traffic committee recommendation to install a cross walk on Badillo.

Joanne Wilner

Joanne Wilner, West Covina resident, inquired as to invoking the provisions of WCMC 2-54 (that reasons of dissent from or protest against any action of the council be entered in the minutes). City Attorney stated the code section refers to a Councilmember, not the general public.

Ms. Wilner inquired as to whether a proposed bond for the radio project would need a vote of the people; supported the City's membership in the SGVCOG; requested Council to not sell civic center property and not pursue development at the site; addressed bike path connectivity in the city and requested whether Council would reconsider naming a street at the Sportsplex after Giambi.

Bruce Leinbach

Bruce Leinbach, West Covina resident, complimented retiring Fire Chief Elliott; and commented on the investigation of

Councilmember Hernandez for allegedly directing staff to create a video of council meeting excerpts.

Joel Gelfand

Joel Gelfand, West Covina resident, addressed Los Angeles County Animal Care & Control, the lack of return phone calls from councilmembers; Lark Ellen between the freeway and Walnut Creek; bicycle safety and lack of helmet enforcement.

Robert Larabee

Robert Larabee, Ontario resident, protested and denounced Traub & Associates, who handled Councilmember Hernandez' harassment investigation.

Glenn Kennedy

Glenn Kennedy, West Covina resident, commented on the success of the volunteer graffiti paint program; asked Council for support to paint the American flag on the curbs of veterans in the City.

John Schewmaker

John Schewmaker, West Covina resident, commented on remarks made between residents at a previous meeting.

Mayor Touhey announced that Oral Communications on the remaining non-agenda items would continue at the end of the meeting.

Councilmember Sanderson addressed issues raised by citizens and asked the City Attorney to address a correspondence that transpired between the City Manager's Office and District Attorney's Office regarding Councilmember Hernandez' request of staff members.

Councilmember Herfert requested to agendize Glenn Kennedy's request to have the American Flag painted in curbs of resident veterans.

CONSENT CALENDAR

Councilmember Hernandez requested **Item D-3b, D-6d** and **D-6** be removed for separate consideration.

Councilmember Sanderson requested **Item D-6b** be removed for separate consideration.

D-1

City Council Meeting Minutes (receive & file)
No reports for this meeting.

D-2
Summary of Actions

Commission Summary of Actions (receive & file)

a) Community Services	04/10/07, 05/08/07
b) Senior Citizen Commission	02/08/07, 04/12/07, 05/10/07

Award of Bid

D-3a
Street Rehab Improvements

Award of Contract – Major Street Rehabilitation Improvement – (Project No. PP-07112)

Recommendation is that the City Council accept the bid of All American Asphalt in the amount of $857,356.50 as submitted at the bid opening on July 24, 2007, and authorize the Public Works Director/City Engineer to execute an agreement with All American Asphalt of Corona, California for the work to be done.

D-3b
Picnic Tables/Shelter Improvements

Award of Bid for City Parks Picnic Table and Shelter (Project No. PP-08205)

Recommendation is that the City Council accept the bid of Green Giant Landscape in the amount of $233,350 submitted at the bid opening on July 17, 2007 and authorize the Public Works Director/City Engineer and City Clerk to execute the contract.

D-3c
Safety Netting – Del Norte Park

Award of Bid for Safety Netting at Del Norte Ball Field – (Project) No. YP-08603)

Recommendation is that the City Council take the following actions:

1. Transfer $7,000 from PP-08205 for park picnic tables and benches (170.82.8828.7122) to YP-08603 (170.86.8872.7700).
2. Transfer $7,000 from PP-08204 (161.82.8827.7700) and $5,000 from PP-07203 (163.82.8732.7700) for miscellaneous park improvements to YP-08603 (170.86.8872.7700).
3. Accept the bid of West Coast Netting in the amount of $86,100 as submitted at the bid opening on July 3, 2007 and authorize the Public Works Director/City Engineer and City Clerk to execute the contract to install new safety netting at Del Norte Park's east and west baseball fields.

This item was removed for separate consideration.

D-3d
Transit Marketing – BLD

Award of Contract for Transit Marketing to Include West Covina Heights Shopping Center and Big League Dreams as a Destination Point

Recommendation is that the City Council approve the following recommendations:

1. Accept the proposal of Ambient Solutions of West Covina, California, in the amount not to exceed $45,000 for the creation, coordination, production, printing, and delivery of a transit advertisement campaign incorporating West Covina Heights Shopping Center and Big League Dreams as destination points along the Green Route.
2. Authorize staff to utilize up to $45,000 from the Proposition A Fund, account 121.51.51xx.xxxx, for transit marketing purposes.

D-3e
Building Inspection Services

Acceptance of Proposal to Provide Temporary Building Inspection Services

Recommendation is that the City Council authorize the Public Works Director/City Engineer and City Clerk to execute an agreement with CBI Inspectors to provide the Building Division with the services of one full-time Building Inspector as temporary staff to accommodate increased levels of public and private construction projects.

D-4
Traffic Committee

Traffic Committee Minutes of July 17, 2007 (accept & file)

Recommendation is that the City Council take the following action:

1. Approve the establishment of a marked crosswalk on Badillo Street at David Court with modification to the existing raised median islands, installation of in-roadway lights, and required signage.
2. Appropriate $50,00 from Community Development Block Grant fund if approved by Housing Urban Development for immediate installation

And accept and file the following Traffic Committee Recommendation:

Request of Roberta Azpeitia, West Covina Resident
To install a Signalized Pedestrian Crossing on Badillo Street at David Court.

Traffic Committee Recommendation:
That pedestrian crosswalks be established on Badillo Street at David Court with modification to the existing raised median islands, installation of in-roadway lights, and required signage.

That R9-3a (No Pedestrian Crossing) and R9-3b (Use Crosswalk) sign be installed in existing median.

D-5
Treasurer's Report

City Treasurer's Report (receive and file)
Report for the Month of June 2007

D-6a
Mobile Radio Design

Miscellaneous – Communications
Land-Mobile Radio Project Design
Recommendation is that the City Council:

1. Approve the Land-Mobile Radio System design as outlined in the Consultant's Report and authorize staff to proceed to bid project equipment and supporting facilities.
2. Approve a contract in the amount of $36,000 with Tech/Knowledge, Inc. for service related to the bidding process for the radio system.

D-6b

COG Dues

Miscellaneous – City Manager's Office
This item was removed for separate consideration.
Payment of San Gabriel Valley Council of Governments 2007-2007 Dues
Recommendation is that the City Council authorize the payment of dues for the San Gabriel Valley Council of Governments in the amount of $30,000 from Transit and Transportation program fee (Prop. A & C) of $30,000 to be paid out of account 121-51-5140-6120.

D-6c
Dynamic ENA

Miscellaneous – Community Development Commission
This item was removed for separate consideration.
Third Amendment to the Exclusive Negotiating Agreement with Dynamic Business Holdings, Inc. for the Development of a 2.6 Acre Portion of the Civic Center Property
Recommendation is that the City Council approve a Third Amendment to the Exclusive Negotiating Agreement with Dynamic Business Holdings, Inc., extending the term of the agreement for a period of one hundred eighty days to allow Dynamic Business Holdings, Inc. time to complete the entitlement process, comply with the California Environmental Quality Act and finalize the terms of a Lease and Development Agreement for City Council consideration.

D-6d
Civic Center Restaurant Pads

First Amendment to the Exclusive Negotiating Agreement Between the City and Main & Main, Inc. for the Purchase and Development of the Proposed Civic Center Restaurant Pads
Recommendation is that the City Council approve the First Amendment to the Exclusive Negotiating Agreement with Main & Main, Inc. extending the terms of agreement for a period of one hundred and eighty days for the potential development of two (2) restaurants within the Civic Center site.

D-6e
Prop A Funding for transportation

Miscellaneous – Community Services
Proposition A Transportation Funding – Request for Distribution & Service Enhancement Actions
Recommendation is that the City Council:

1. Authorize staff to proceed with service enhancement plans to fund transit law enforcement personnel, procure and install a transit surveillance system, develop and print transit-marketing materials, purchase transit accessories, and purchase ArcGIS software.
2. Authorize staff to utilize up to $243,400 from Proposition A funds, account 121.51.51xx.xxxx for transit improvement purposes.

Miscellaneous – Environmental Management

D-6f
BKK Status

BKK Landfill Site Quarterly Status Report

Recommendation is that the City Council receive and file this report.

Miscellaneous – Fire Department

D-6g
Firefighters' 48/96 Schedule

Extension of the 48/96 Work Schedule for the West Covina Firefighters' Association

Recommendation is that the City Council authorize the extension of the Fire Department 48/96 work schedule for a second period of twelve (12) months as it relates to the City of West Covina and West Covina Firefighters' Association Memorandum of Understanding.

Miscellaneous – Human Resources

D-6h
Cook Salary Range

Revised Salary Range for Limited Services Assistant Cook Classification

Recommendation is that the City Council adopt the proposed resolution regarding the revised salary range for the limited services Assistant Cook classification as follows:

Reso No. 2007-61

RESOLUTION NO. 2007-61 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING RESOLUTION NO. 2001-100 AND 2007-8 RELATING TO THE COMPENSATION OF LIMITED SERVICES POSITIONS, AS AMENDED; AND APPROVING THE REVISED SALARY RANGE FOR THE LIMITED SERVICES ASSISTANT COOK CLASSIFICATION

Miscellaneous – Police Department

D-6i
PD Offsite Records Storage

Off-Site Police Records Storage and Retrieval

Recommendation is that the City Council approve a continued contract with Recall Total Information Management for Police records archiving and retrieval, for an estimated $30,000 annually.

AB1234 Conference and Meeting Report

D-7a
Sister City Trip

Conference and Meeting Report – Sister City Trip

Recommendation is that the City Council receive and file the report.

D-7b
Independent Cities Association

Conference and Meeting Report – Independent Cities Association

Recommendation is that the City Council receive and file the report.

CONSENT CALENDAR ACTION

Motion by Herfert and seconded by Sanderson to waive further reading of the resolutions and adopt, and approve all items except **D-3d, D-6b, D-6d,** and **D-6e**. Motion carried 5 – 0 by the following roll call vote:

AYES: Herfert, Hernandez, Lane, Sanderson, Touhey
NOES: None

D-3d

Award of Contract for Transit Marketing to Include West Covina Heights Shopping Center and Big League Dreams as a Destination Point – Councilmember Hernandez concerned with staff recommendation and the lack of a competitive bid process. He stated that Big League Dreams had agreed to bring in a management company to market the park and asked for the source of funding.

Community Services Director McNeill presented a brief report and stated that staff's interest is to boost public transit with the Sportsplex site being a destination point of the transit system.

Councilmember Herfert stated that funding is through Proposition A funds, which is transportation funds, and that is an appropriate use of the funds.

Motion

Motion by Herfert and seconded by Sanderson to approve recommendation as presented by staff:
Motion carried by 4 – 1 (Hernandez No).

D-6b

Payment of San Gabriel Valley Council of Governments 2007-2008 Dues – Councilmember Sanderson requested the record reflect her vote in opposition.

Motion

Motion carried 4 – 1 by the following roll call vote:
AYES: Herfert, Hernandez, Lane, Touhey
NOES: Sanderson

D-6d

First Amendment to the Exclusive Negotiating Agreement Between the City and Main & Main, Inc. for the Purchase and Development of the Proposed Civic Center Restaurant Pads – Councilmember Hernandez requested an independent vote in order to record his opposition to selling of City property and instead supported a ground lease.

Motion

Motion by Herfert and seconded by Lane to approve staff recommendation.
Motion carried by 4 – 1 (Hernandez No).

D-6e

Proposition A Transportation Funding – Request for Distribution & Service Enhancement Actions – Community Services Director McNeill presented a brief report as to the purpose of the proposed transit system enhancements. Councilmember Hernandez would like further discussion on the issue before committing to such expenditures.

Motion

Motion by Sanderson and seconded by Herfert to approve staff's recommendation.
Motion carried 4-0-1. (Hernandez abstained).

PUBLIC HEARINGS

Public Hearing

E-1
Sewer Service Charge

West Covina Citywide Sewer Service Charge

Mayor Touhey announced the public hearing matter and Assistant City Clerk Rush verified that proper legal notice had been given. Mayor Touhey opened the hearing and Public Works Director Yauchzee presented the staff report.

Public Testimony

Mayor Touhey opened the public testimony portion of the hearing and asked for public comments.

Close Testimony

There being no one else wishing to address the council, Mayor Touhey closed the public testimony portion of the hearing.

Assistant City Clerk Rush presented:

Reso No. 2007-62

RESOLUTION NO. 2007-62 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, SETTING THE RATE AND AUTHORIZING THE COLLECTION OF THE ANNUAL SEWER SERVICE CHARGE THROUGH THE COUNTY TAX BILL

Motion

Motion by Herfert and seconded by Lane to waive further reading of the resolution and adopt. Motion carried by 5 – 0.

COMMUNITY DEVELOPMENT COMMISSION

Mayor Touhey recessed the City Council meeting at 9:00 p.m. to convene the Community Development Commission meeting. The Council reconvened at 9:01 p.m. with all members present.

DEPARTMENTAL MATTERS

G-1
League Voting Delegate

Designation of Voting Delegate for League of California Cities Annual Conference

Motion by Touhey and seconded by Sanderson to appoint Councilmember Roger Hernandez as the voting delegate to the League of California Cities Annual Conference.

Motion carried by 5 – 0.

MAYOR'S/COUNCILMEMBERS REPORTS

Councilmember Hernandez

H-1
Bicycle Path Connectivity

Green Linkages: Bicycle Path Connectivity

Motion by Hernandez to direct staff to initiate dialogue with Baldwin Park, local legislator's offices and work on developing a plan for the development of Green Linkages.

Mayor Touhey seconded the motion but shared his concern with the impact to the residents whose homes back up to the bike path areas along Walnut Creek

Motion by Councilmember Hernandez to amend his motion to include members of the Council, himself and another, to be a part of the discussions. Touhey seconded the amendment with himself being the second councilmember.

Motion carried by 5 – 0.

H-2
Bike Route Safety

Bicycle Route Safety Review and Education

Councilmember Hernandez shared his concerns of bicyclists who share the road with vehicles and on bicycle lanes.

Motion by Hernandez and seconded by Sanderson to receive and file this report and continue with striping and replacement/new signage work that is currently in progress by the maintenance department.

Motion carried 5-0.

H-3
Environmental Purchasing Policy

Environmentally Preferable Purchasing Policy

Councilmember Hernandez briefly discussed his request for the City to be a leader in making environmentally friendly purchases where feasible.

Motion by Sanderson and seconded by Herfert to receive and file this report. Motion carried by 5-0.

H-4
Street Improvement Schedule

Residential Street Improvement Schedule – Informational (Project No. SP-07112)

Councilmember Hernandez shared his concerns with the conditions of the streets and the maintenance upkeep of the parks. He further stated his request was for a report for the community on how the City addresses maintenance and upkeep of the streets and parks.

Public Works Director Yauchzee presented a staff report which provided an update of the residential street paving program and a listing of which streets are currently scheduled for repaving.

Motion by Herfert and seconded by Sanderson to receive and file.

Motion carried 5-0.

H-5
Landscape Maintenance Schedule

Landscape Maintenance Schedule Report

Councilmember Hernandez shared his concerns with the quality of work of the maintenance within the parks. He further stated he wanted a report for the community of how our parks maintained and how the maintenance schedule works in relation to what is required of the contractor and how the City holds the contractor accountable for the work.

Public Works Director Yauchzee presented a staff report which addressed the maintenance of parkland, staffing and the decreasing maintenance due to funding lost under Proposition 218 and the failure of Measure "C".

Councilmember Hernandez requested to receive copies of the landscape maintenance contracts.

Motion by Sanderson and seconded by Herfert to receive and file the report.

Motion carried 5-0.

COUNCILMEMBERS' REQUESTS FOR REPORTS, STUDIES OR INVESTIGATIONS

I-1
Home Ownership Workshop

Councilmember Hernandez
Request from Councilmember Roger Hernandez Seeking the City Council's Consensus to Instruct City Staff to Coordinate a Home Ownership Workshop for West Covina Residents

Councilmember Hernandez requested the consensus of Council to consider the development of Home Ownership Workshops.

Councilmember Herfert felt those types of workshops should be handled by private organizations.

Mayor Pro Tem Lane left the dais at 9:45 p.m.

Community Development Director Chung answered questions from Council and stated that many lending institutions have ceased holding these types of workshops due to changes in their lending practices.

Motion

Motion by Herfert and seconded by Sanderson to receive and file this report. Motion carried by 3-1 (Hernandez-No, Lane absent).

I-2
Public Art Commission

Councilmember Steve Herfert
Request from Councilmember Steve Herfert Requesting the City Council Consider Creating a Public Art Commission

MotionMotion by Herfert and seconded by Sanderson to hold over to the next meeting. Motion carried by 4 – 0.

Mayor Pro Tem Lane returned to the dais at 9:54 p.m.

CONTINUED ORAL COMMUNICATIONS

Herb Redholtz

Herb Redholtz, West Covina resident, commented on the development and progress of Big League Dreams.

John Scheuplein

John Scheuplein, West Covina resident, requested council consideration for a memorial commemorative plaque for casualties of the current Iraq War and addressed disrespectful comments made by residents toward Marine Veteran Lloyd Johnson.

Lloyd Johnson

Lloyd Johnson, West Covina resident, addressed council as a resident and proud Vietnam Veteran and the struggles of veterans. He read a letter addressed to residents who made disrespectful remarks to him as a Vietnam Vet.

COUNCILMEMBER COMMENTS

Councilmember Herfert	Councilmember Herfert commented on the negative attacks that are often brought into the Council meetings and requested staff review the container ordinance and the container of property at the entrance of his street.
Councilmember Hernandez	Councilmember Hernandez asked to incorporate Labor Day and Memorial Day events into the City's event schedule. Mayor Touhey stated these currently are events hosted through Veterans organizations.

ADJOURNMENT

Motion by Herfert and seconded by Sanderson to adjourn the meeting in memory of Steven Remba and Alex Dupont, West Covina residents, at 10:32 p.m. Motion carried 5-0.

Submitted by:

_____
Assistant City Clerk Susan Rush

_____
Mayor Michael Touhey