M I N U T E S

REGULAR MEETING OF THE
WEST COVINA CITY COUNCIL
March 17, 2009

Mayor Hernández called to order the regular meeting of the West Covina City Council at 7:04 p.m in the City Hall Council Chambers, 1444 W. Garvey Avenue, West Covina.

INVOCATION Andrew Pasmant, City Manager

PLEDGE OF ALLEGIANCE Mayor Hernández

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

REPORTING OUT FROM CLOSED SESSION

City Attorney Arnold Alvarez-Glasman reported the following:

All members were present except Mayor Hernández and prior to convening into closed session, all items on the City Council agenda and Community Development Commission (CDC) agenda were announced for inclusion in the closed session discussion. Closed session was called to order with Commissioners Herfert, Lane and Touhey present.

Items on the CDC Agenda:

Conference with Real Property Negotiators – Property: 3228 East Holt Avenue (Apn#8480-002-052) – Commissioners received briefing; and rejected the opportunity to purchase the property by unanimous vote.

Items on the City Agenda:

Public Employee Performance Evaluation – City Manager- Council authorized the City Attorney to draft a two-year extension to the City Manager's current employment agreement and to further provide clarification to supplemental benefits as expressed in closed session. The City Attorney is directed to craft the language, and present for execution; the Mayor has been authorized by the City Council to execute the amendment.

Conference with Legal Counsel – Anticipated Litigation – Claim of S. Williams – Council authorized retaining Dave Lawrence, Special Counsel, and other direction was provided to the City Attorneys Office regarding the claim.

Vice Chairman Sanderson arrived and was included in the final matter for discussion.

Conference with Legal Counsel – Existing Litigation – Chung v. City of West Covina, Roger Hernández, et. al.- Council received a briefing from special counsel and direction was provided; there was no further action and nothing further to report.

CHANGES TO THE AGENDA None.

PRESENTATIONS Mayor Hernández called West Covina Bruin Cheer Squad Head Coach Yvette Bingochea-Garcia who called forward her team to be recognized.

Mayor Hernández called forward Dr. Maria Ott, Superintendent of Rowland Unified School District to discuss the recent approval by the Rowland Unified School District (RUSD) Board to place a

parcel tax on an upcoming election in June for School projects and programs.

ORAL COMMUNICATIONS

Lloyd Johnson — Lloyd Johnson, West Covina resident, addressed the position of the POW Flag and proper protocol and requested a plaque be installed behind the flag in the chamber depicting the proper order.

Brian Gutierrez — Brian Gutierrez, West Covina resident, requested the council support the RUSD Parcel Tax.

Dana Sykes — Dana Sykes, West Covina resident, addressed concerns with the paid parking at the Civic Center and visitors parking in the near by merchants parking areas to avoid paying; posed a question regarding Glenn Kennedy's proposal of a volunteer graffiti program along Interstate 10; spoke on the upcoming Casino fundraiser hosted by RUSD.

Joanne Wilner — Joanne Wilner, West Covina resident, expressed concern with the fact that there hasn't been a public hearing with regard to paid parking at the Civic Center and voiced several concerns within the ordinance; inquired about the Athens surcharge with increased fuel costs and whether there is a reversal of the charge due to declining gas costs.

Alfred Williams — Alfred Williams, West Covina resident, addressed agenda item from Councilmember Touhey regarding PEG funds and the intent of the agenda item; addressed remarks and comments made at the previous meeting; and recent calls of "point of order" during the meeting and the proper procedure per Roberts Rules of Order for handling such call.

Ricardo Andrade — Ricardo Andrade, West Covina resident, addressed comments at previous meetings and requested that when a "point of order" is called that the point of order be confirmed and proper protocol be followed; spoke in support of meetings on cable be returned.

Allan Yang — Allan Yang, Anaheim resident, announced his family's new business in West Covina; stated his intention to run for city council.

Glenn Kennedy — Glenn Kennedy, West Covina resident, addressed previous speakers question regarding his proposed program to abate graffiti along the I-10 freeway.

Councilmember Herfert clarified that the request from Councilmember Touhey on tonight's agenda was a resolution to show support for Mr. Kennedy's proposal and did not entail a monetary award.

Councilmember Touhey asked Assistant City Manager Bachman questions regarding fuel estimate number that Athens Services used in their contract.

Assistant City Manager Bachman responded that the supplemental fuel increase was based on fuel prices through December 2007.

Councilmember Herfert left the dais at 7:44 p.m.

CONSENT CALENDAR

Mayor Pro Tem Sanderson requested Item D-4b, *Implementation of Paid Parking at the Civic Center,* be removed from the consent calendar for separate consideration.

D-3
Claims

Claims Against the City of West Covina
Government Tort Claim Denials (deny & notify claimant)
Recommendation is that the following Government Tort Claims be denied and the claimants and/or respective attorneys be so notified.

- Juan Francisco Tavarez Jr. vs. City of West Covina
- Aurora "Betty" Valles vs. City of West Covina

D-4a
Ordinance No. 2188

Ordinance for Adoption (adopt ordinance)
Ordinance Accepting the Commission on Peace Officer Standards and Training (POST) Training and Recruitment Standards Relating to Public Safety Dispatchers
ORDINANCE NO. 2188 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ACCEPTING THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) REQUIREMENTS AS TO THE RECRUITMENT AND TRAINING STANDARDS OF PUBLIC SAFETY DISPATCHERS

D-4b
Ordinance No. 2189

This item was pulled for separate discussion:
Implementation of Paid Parking at the Civic Center
ORDINANCE NO. 2189 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ESTABLISHING SECTION 22-191 OF THE WEST COVINA MUNICIPAL CODE TO PROHIBIT, RESTRICT OR REGULATE THE PARKING, STOPPING AND STANDING ON THE CIVIC CENTER PARKING OWNED OR OPERATED BY THE CITY OF WEST COVINA

D-4c
Dial-A-Ride Contract Extension

Miscellaneous – Community Services Department
Extension of Transportation Agreement for Fixed Route Shuttle Services and Dial-A-Ride Services
Recommendation is that the City Council authorize the City Manager to extend the transportation agreement with Southland Transit for up to two additional years.

D-4d
Fire Protection Specialist Specs

Miscellaneous – Human Resources Department
Approval of Revised Classification Specification for Fire Protection Specialist
Recommendation is that the City Council adopt the following resolution regarding the proposed revised classification specification (class spec) for Fire Protection Specialist.

Reso No. 2009-12

RESOLUTION NO. 2009-12 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE REVISED CLASSIFICATION SPECIFICATION FOR FIRE PROTECTION SPECIALIST

D-4e
Replacement of Police Copiers

Miscellaneous – Police Department
Replacement of Police Copiers
Recommendation is that the City Council find that the National Joint Powers Alliance contract #021808-SP for Sharp MX-850 and AR-M355U copiers satisfies West Covina's bid process and authorize the Chief of Police to enter into a 60-month lease agreement with the City's vendor, MWB Business Systems.

D-5
Conference & Meeting Report

AB1234 Conference and Meeting Report (receive & file)
AB1234 Conference and Meeting Report – International Council of Shopping Centers (ICSC) and California Park & Recreation Society Meeting and Conference Report

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

CONSENT CALENDAR MOTION

Motion by Sanderson and seconded by Lane to waive further reading of the resolutions/ordinances and adopt, and approve all items except **Item D-4b** *Implementation of Paid Parking at the Civic Center*.

Motion carried 4-0 (Herfert Absent)

Councilmember Herfert returned to the dais at 7:46 p.m.

Item D-4b

Implementation of Paid Parking at the Civic Center

Public Works Director Yauchzee addressed question brought forward under oral communications and stated the actual fees will be brought back at a subsequent meeting.

Councilmember Herfert spoke of a type of paid parking system that he feels will enable the consumer to use both a credit card or cash and can receive a receipt.

Motion by Herfert and seconded by Sanderson to adopt the following ordinance as recommended by staff.

Ordinance 2189

ORDINANCE No. 2189 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ESTABLISHING SECTION 22-191 OF THE WEST COVINA MUNICIPAL CODE TO PROHIBIT, RESTRICT OR REGULATE THE PARKING, STOPPING AND STANDING ON THE CIVIC CENTER PARKING OWNED OR OPERATED BY THE CITY OF WEST COVINA

Motion carried 5-0.

PUBLIC HEARINGS

E-1
Christmas Tree Code Update

Public Hearing
Code Amendment No. 09-01
General Exemption
Christmas Tree Sales Code update
Applicant: City of West Covina
Location: Citywide

Mayor Hernández announced the public hearing matter and Assistant City Clerk Rush verified that proper legal notice had been given. Mayor Hernández opened the public haring. Acting City Planner Jeff Anderson gave a brief report explaining the Code Amendment would allow Christmas tree vendors to set up lots no more than fourteen (14) calendar days prior to the Friday after the Thanksgiving Day holiday.

Public Testimony

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

Closed Testimony

With no one wishing to address Council, Mayor Hernández closed the public testimony port of the hearing.

Assistant City Clerk presented:

Ordinance introduction

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTER 26 (ZONING) OF THE WEST COVINA MUNICIPAL CODE

RELATED TO CHRISTMAS TREE SALES (CODE AMENDMENT NO. 09-01)

Motion by Herfert and seconded by Sanderson to waive further reading of the ordinance and introduce.

Motion carried 5-0.

COUNCILMEMBERS' REQUESTS FOR REPORTS, STUDIES OR INVESTIGATIONS

I-1
Support of Volunteer Graffiti

Councilmember Michael Touhey

Request from Councilmember Michael Touhey Requesting the City Council Adopt a Resolution in Support of Glenn Kennedy's Volunteer Graffiti Abatement Program for Interstate 10

Motion by Touhey and seconded by Lane to prepare a resolution of support to CalTrans asking for their support of the volunteer graffiti abatement program proposed by Glenn Kennedy.

Motion carried 5-0 to bring resolution back at the next meeting.

Councilmember Michael Touhey

Request from Councilmember Michael Touhey Requesting the City Council Review the City's Public, Education, & Government (PEG) Fee Account

Motion by Touhey and seconded by Sanderson to request council consensus to review and discuss options to refund excess surplus PEG monies to subscribers who have paid; the possible set up of an account to accept donations for the operation of the City's Cable Channel and the possible elimination or suspension of the City's collection of PEG fees.

Mayor Hernández requested clarification on how Councilmember Touhey anticipated a refund method to work.

Touhey responded that the City would work with Charter who collected the fees from the subscribers.

Mayor Hernández stated he would not support the motion because he would like to see the money remain in the fund for the broadcasting of meetings on cable.

Action

Motion carried 4-0-1 (Hernández abstained). Mayor Hernández stated for the record that he would only support the creation of an account that would accept donations for the operation of the City's Cable Channel and would not want to limit the City's ability to provide public education and the airing of governmental changes to the public.

Discussion ensued as to the use of PEG funds and the prior use of such funds when the City aired cable television. Finance Director Bachman responded to question regarding prior use.

COUNCILMEMBERS COMMENTS

Mayor Hernández requested to agendize a request to Athens for reimbursement of fuel surcharge.

Mayor Hernández requested to agendize to request Big League Dreams share with the City 60% of their profit margin they are making beyond their 100% expectation.

ADJOURNMENT

Motion by Touhey and seconded by Herfert to adjourn the meeting at 8:18 p.m. in memory of Fred Woodford, Rod Garrity, and David Tracy Kammueller, long time West Covina residents and West Covina Lions members.

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Assistant City Clerk Susan Rush

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Mayor Roger Hernández