M I N U T E S

REGULAR MEETING OF THE
WEST COVINA CITY COUNCIL
JUNE 3, 2003

Mayor Herfert called to order the City Council of the City of West Covina at 7:33 pm in the City Hall Council Chambers, 1444 W. Garvey Avenue West Covina. Pastor Chris Pipes of Faith Community Church gave the invocation and Mayor Pro Tem led the Pledge of Allegiance.

ROLL CALL

Mayor Herfert, Mayor Pro Tem Miller, Councilmembers Hernandez, Sanderson, and Wong

Others Present:

Pasmant, Alvarez-Glasman, Freeland, Greene, Fields, Tedesco, Dewus, Samaniego, Paul, Morgan, McIsaac, Martinez, Durbin, Genovese, Yauchzee, Smilowitz, Hernandez, Bommarito, MacDonald, Berry

REPORT OUT FROM CLOSED SESSION

City Attorney Alvarez-Glasman reported that: all members of the City Council/RDA were present at 6:00 pm; that in relation to RDA property negotiations re Citrus/Workman, by a vote of 3-2 with Sanderson and Herfert voting no, the City Attorney was directed to put in writing the Agency's action rejecting the proposals to the McIntyre Company; that in regards to Kendrew Development, no final action was taken and there was nothing further to report; that in regards to Eclipse Development, the Agency Board authorized an extension to the ENA for a period not to exceed 100 days by 3-2 with Hernandez and Wong voting no; that in regards to Hassen Imports Partnership, direction was given to staff that information is obtained staff is authorized to send a letter of friendly condemnation to the seller.

Regarding the City Council closed session items: the conference re labor negotiations would be considered by the City Council at the conclusion of this meeting; that the Council received a briefing on the Vail vs the City case with direction to Special Council in resolving the issue, but no final action was taken; that there was no final action taken regarding the anticipated litigation and nothing further to report.

CHANGES TO THE AGENDA

City Manager Pasmant stated that he has removed Item E-4 (Educational and Recreational Bus Transportation Award of Contract) from the Agenda this evening and the City Council would not be considering it this evening.

PRESENTATIONS

Rob Lynch, Tournament of Roses, presented the City Council with the official, framed photograph of the 2003 West Covina Rose Float. It was received by Rob Sotelo, president of the West Covina Rose Float Committee, and Mayor Herfert.

With the assistance of Environmental Management Director Samaniego, Mayor Herfert presented to Maxine Mason and Geneva Nixon of West Covina Beautiful, Certificates for their efforts in keeping West Covina beautiful.

Another certificate was presented to Ricky Cordero, General Management of Athens Disposal for their assistance with the Clean-Up Saturdays Program.

Members of the West Covina Unified School District Board of Trustees were recognized:

Steve Cox, President of the Board
Mike Spence (absent)
Camie Poulos
George Fuller (absent)
Dr. Richard Vladovic, Superintendent

They assisted Mayor Herfert in presenting and recognizing:

a) U.S. Dept. of Education Blue Ribbon Nominees
Mary Donielson, Principal of California Elementary School
Marge Miller, Principal of Merced School

b) 2003 State Title I Achieving Schools
Marge Miller, principal of Merced School
Dave Roberts, Principal of Orangewood Elementary School

c) Nat'l Standards Counseling Prog. Academy Award 2003
Jim Mandala, Principal of Edgewood Middle School
Archie Newton, Principal of Coronado Alternative School
Cathy Turney, Counselor at Hollencrest Middle School
Jim Coombs, Principal of West Covina High School
Sonja Ohanja, Counselor at West Covina High School

John Hughes, MDA, and Todd Smith, presented Certificates of Appreciation to Jeffrey Almgren, Manager of Red Robin Restaurant, and to the participating Fire Fighters for the fundraiser. Todd Smith presented the $1500 to John Hughes.

The Blue Star Program video was aired.

A promotional video was aired promoting the upcoming Concerts in the Park Series for the summer.

ANNOUNCEMENT

City Clerk Berry announced Commission appointment:

Councilmember Hernandez appointed Sandra Taylor to the Waste Management/Environmental Quality Commission.

ORAL COMMUNICATIONS

George Ferreiro, 1728 E. Oakridge Circle, spoke in opposition to the concept of renaming the Azusa/Amar area "Little Manilla."

Karen Hunter, 1725 E. Woodgate Drive, spoke in opposition to the prospect of calling the southern portion of West Covina "Little Manilla" and submitted her letter.

Roberta Azpeitia, 1740 Oakridge Circle, concurred with the previous speakers.

Leonor Carbaja, 1805 Woodgate Drive, also spoke in opposition to renaming the area.

Linda Mooney, 1721 Woodgate Drive, spoke on behalf of her neighbors in agreement with the previous speakers.

Cookie Nance, 1236 W. Eckerman, agreed feeling it would be a step in the wrong direction.

Ed Cassanova, 809 Avington, addressed two issues: a) naming the new gymnasium at Cameron Park in honor of immediate past

mayor Michael Touhey and b) stopping Hooters restaurant from coming into West Covina at the old Charlie Brown's site.

Herb Redholtz, 2622 Altamira Drive, opposed the renaming of the Azusa/Amar area as Little Manilla.

Johnny Chua, 22037 La Puente Road, Walnut, thanked the City Council for their support with the Filipino-American functions.

Albert Wilson, Diamond Bar, suggested that Roger Hernandez should step down from the Rowland Unified School District Board of Directors or the City Council of West Covina.

Councilmember Hernandez responded, noting that he made a commitment to stay through the budget process for the school district making June 5th his last meeting there.

John Scheuplein, 1800 Aroma Drive, distributed copies of the United States Constitution and the Bill of Rights to the Council.

Lloyd Johnson, 1809 Adams Drive, commented on the housing project to be constructed at Badillo and Puente.

CONSENT CALENDAR

Commissions/Summary of Actions (receive & file)

Community Services	5/13/03
Human Services	4/09/03
Planning	5/13/03
Senior Citizens	5/08/03
Waste Management/Environmental Quality	5/15/03

Ordinance for Adoption (waive reading & adopt)

Ordinance 2101 -
Zone Change 02-05

ORDINANCE NO. 2101 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ZONE CHANGE NO. 02-05 (Orange/Badillo)

Claims Against the City (deny & notify claimant)

* Orlando Castaneda vs City of West Covina
* Francis Malcolm vs City of West Covina

Award of Bid

SP 03114 - Construction of Wheelchair Ramps
Street Barrier Removals

SP 93114 -
C. J. Construction, Inc.

Recommendation is to accept the bid of ***C. J. Construction, Inc.,*** Whittier, in the amount of $40,000.00 as submitted at the bid opening on May 20, 2003 and authorize the Public Works Director/City Engineer and City Clerk to execute the contract.

Traffic Committee Minutes (accept & file)

Regular meeting of May 20, 2003

City Treasurer's Report (receive & file)

Report for the month of April 2003

Miscellaneous – Police Department

Authorization for West Covina Service Group to Contract
with the Fujitsu Software Corporation
for HP 3000 Migration Software and Service

WCSG -
Fujitsu Software Corp.

Recommendation is to take the following actions:

* Authorize the WCSG to enter into a contract with Fujitsu Software Corporation for the purchase of HP 3000

migration software and ongoing software support services. The total cost of the initial contract will not exceed $145,000.

* Authorize $145,000 worth of appropriation transfer within the current WCSG budget to Account No. 375-320-2141-6120.

Miscellaneous – Public Works

Summary Vacation of Portions of Holt Avenue and Grand Avenue

Recommendation is to adopt the following resolution:

Resolution 2003-47
Holt Ave. & Grand Ave.

RESOLUTION NO. 2003-47 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, SUMMARILY VACATING PORTIONS OF GRAND AVENUE AND HOLT AVENUE WITHIN THE CITY OF WETS COVINA AND AS MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION

West Covina Landscape Maintenance District No. 1

Setting FY 2003/2004 Assessment Rate

Recommendation is to adopt the following resolution, which includes a rate increase from 8/7 cents to 9 cents per hundred dollars of assessed valuation:

Resolution 2003-48
MD No. 1

RESOLUTION NO. 2003-48 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, SETTING THE AMOUNT OF MONEY NECESSARY TO BE RAISED FOR WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 1 AND FIXING THE TAX RATE FOR SAID MAINTENANCE DISTRICT FO THE FISCAL YEAR BEGINNING JULY, 2003

West Covina Landscape Maintenance District No. 2

Setting the FY 2003/2004 Assessment Rate

Recommendation is to adopt the following resolution, which includes a rate increase from 4.6 to 5.5 cents per hundred dollars of assessment valuation:

Resolution 2003-49
MD No. 2

RESOLUTION NO. 2003-49 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, SETTING THE AMOUNT OF MONEY NECESSARY TO BE RAISED FOR WEST COVINA LANDSCAPE MAINTENANCE DISTRICT NO. 2 AND FIXING THE TAX RATE FOR SAID MAINTENANCES DISTRICT FOR THE FISCAL YEAR BEGINNING JULY, 2003

Miscellaneous – Environmental Management

Graffiti Removal Agreement Renewal

Graffiti Removal
Boy & Girls Club

Recommendation is to take the following actions:

1 Authorize the City Manager and City Clerk to execute Amendment No. 8 to the Graffiti Agreement with the Boys and Girls Club of San Gabriel Valley for graffiti removal services in the City of West Covina to August 31, 2004; and

2 Approve the following maximum expenditures for payment:
   * $43,200 from Account No. 110-320-2311-6169
   * $12,240 from Account No. 876-320-5100-6169
   * $14,400 from Account No. 862-320-5100-6169
   * $ 2,160 from Account No. 877-320-5100-6169
   * $37,000 from Account No. 180-320-2244-6130

Miscellaneous – Fire Department

West Covina School District Graduation Fireworks Display

Recommendation is to ratify authorization of a fireworks display at West Covina High School for the June 17, 2003 graduation ceremony.

West Covina Fourth of July Fireworks Display

Recommendation is to formally authorize a fireworks display at West Covina High School for the July 4, 2003 for the City's fireworks show.

Miscellaneous – Finance Department

Resolution Authorizing Access to Sales & Use Tax Information

Recommendation is to adopt the following resolution:

Resolution 2003-50
Examination of Records

RESOLUTION NO. 2003-50 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING EXAMINATION F SALES AND USE TAX RECORDS

City Loan for the Citywide Project Area

Recommendation is to adopt the following resolution:

Resolution 2003-51
City Loan

RESOLUTION NO. 2003-51 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA APPROVING A LOAN TO THE WEST COVINA REDEVELOPMENT AGENCY FOR THE PAYMENT OF PROJECT AND ADMINISTRATIVE EXPENSES FOR THE CITYWIDE PROJECT AREA

City Loan for the West Covina Redevelopment Project Area

Recommendation is to adopt the following resolution:

Resolution 2003-52
City Loan

RESOLUTION NO. 2003-52 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA APPROVING A LOAN TO THE WEST COVINA REDEVELOPMENT AGENCY FOR THE PAYMENT OF PROJECT AND ADMINISTRATIVE EXPENSES FOR THE WEST COVINA REDEVELOPMENT PROJECT AREA

Miscellaneous – Community Services

Facility Rental Use/Special Event Alcohol Serving Policy

Serving Alcohol at Sr. Cit. Center

Recommendation is to take the following actions:

1 Authorize the City Manager or his designee to establish a facility rental/special event alcohol serving policy that would not require City Council approval; and

2 Approve Senior Center facility rental use to serve alcohol for the Gonzales family on June 21, 2003 and the Laraespada family on September 6, 2003.

CONSENT CALENDAR ACTION

Motion by Sanderson and seconded by Wong to waive further reading of the resolutions and adopt; and to approve all other items listed, **except Items B-2, B-7k, B-7e.** Motion carried by roll call vote:

AYES: Hernandez, Miller, Sanderson, Wong, Herfert
NOES: None

Item B-2

In relation to **Item B-2 (Ordinance for Adoption),** Councilmember Miller requested separate action.

Motion by Herfert and seconded by Sanderson to waive further reading of the ordinance and adopt. Motion carried by the following vote:

AYES: Hernandez, Sanders, Herfert
NOES: Miller, Wong

David Cook

David Cook of D. C. Corporation stated that the demolition of the site would begin on July 1, 2003. (This is relative to the Badillo/Orange project site referenced to in the zoning described in the above ordinance.)

Item B-7e

In relation to **Item B-7e (Graffiti Removal Agreement Renewal),** Councilmember Hernandez asked staff to report back on the possibility of hydro blasting graffiti, rather than just painting over.

Motion by Hernandez and seconded by Sanderson to hold over the renewal of this contract until staff responds. Motion carried 5-0.

Item B-7k

In relation to **Item B-7k (Facility Rental Use/Special Event Alcohol Serving Policy),** Councilmember Wong suggested that the policy that is developed should be brought back to the City Council for general approval.

Motion by Wong and seconded by Sanderson to have staff report back with the policy. Motion carried 5-0.

Motion by Miller and seconded by Wong to approve the two requests to serve alcohol at the Senior Citizens Center. Motion carried 5-0.

REDEVELOPMENT AGENCY

Mayor Herfert recessed the City Council meeting at 8:57 pm to convene the Redevelopment Agency. The City Council reconvened at 9:04 pm with all members present.

DEPARTMENTAL MATTERS

REDEVELOPMENT AGENCY

REQUEST FOR FINANCING FOR WEST COVINA AUTO PLAZA READER BOARD SIGN REPLACEMENT & LANDSCAPE/HARDSCAPE IMPROVEMENTS

W C Auto Plaza

Redevelopment Agency Manager Lee presented the staff report.

Mayor Herfert summarized a portion of a letter faxed this evening by Joanne Wilner at 2108 Casa Linda regarding this issue. City Attorney Alvarez-Glasman responded to the question posed in her letter.

Motion by Hernandez and seconded by Sanderson to take the following actions:

1) Authorize staff to obtain private financing for the replacement of the Auto Plaza reader board sign and landscape/hardscape improvements, and
2) Authorize staff to propose assessing 2% interest premium over City's borrowing rate to the West Covina Auto Plaza Association; and
3) Authorize the City Manager or his designee to execute all documents hereto.

Motion carried 5-0.

HEARING

CONTINUED PUBLIC HEARING
TERMINATION FO CABLE TV CONTRACT

This matter was continued from May 6, 2003. The City Council reviewed the staff report.

Motion by Miller and seconded by Hernandez to continues this item to July 17, 2003 in order to allow staff to meet with Charter Communications and present the City's counter offer. Motion carried 5-0.

HEARING

PUBLIC HEARING
COMMUNITY SERVICES FEES & CHARGES

Community Services fees/charges

City Clerk Berry stated that the affidavit of publication is on file. Mayor Herfert opened the hearing and Finance Director Bachman presented the staff report. Mr. Bachman noted that the matter of increasing current fees and imposing new fees was brought before the City Council about a month ago and this portion regarding Community Services fees & charges was held over until this evening for additional information from staff. Staff responded to questions of Council.

Councilmember Miller read aloud a letter faxed to the City at 5:00 pm this evening from Joanne Wilner, 2108 Casa Linda, expressing her views regarding the proposed fees/charges.

Public Testimony

Mayor Herfert asked for testimony from the audience. The following spoke:

Royal Brown

Royal Brown, 2153 Aroma Drive, questioned the legality of the hearing if in fact there was an attachment referred in the staff report, but was not attached.

Dennis Swink, City Controller, stated that the information was distributed and posted ten day prior to the hearing, in compliance with state law. It is true that there were staff reports that did not include the referred to resolution.

Hearing continued

Mayor Herfert thought it best just to continue the hearing.

Motion by Miller and seconded by Hernandez to hold this matter over until the next Council meeting. Motion carried 5-0.

HEARING

PUBLIC HEARING
CODE AMENDMENT NO. 02-04
COMPUTER GAME/INTERNET ACCESS CENTERS

City Clerk Berry verified the affidavit of publication. Mayor Herfert opened the hearing and Planning Director McIsaac presented the staff report and responded to Council questions.

Public Testimony

Mayor Herfert opened the public testimony portion of the hearing and the following offered comments:

John Scheuplein

John Scheuplein, 1800 Aroma Drive, #247, spoke favorably of the amendment.

Emma Fischbeck

Emma Fischbeck, 130 S. Barranca Street, requested clarification of the Municipal Code Section regarding the protection of youth and suggested that the amendment be very specific as to what is an is not allowed.

Testimony closed

Mayor Herfert closed the public testimony portion of the hearing.

Council Discussion

Discussion ensued covering such issues as access to the Internet, curfews, and the enforcement of these and other related issues.

Ordinance introduced

City Clerk Berry presented:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTER 26 (ZONING) OF THE WEST COVINA MUNICIPAL CODE TO COMPUTER GAME/INTERNET ACCESS CENTERS (Code Amendment No. 02-04), incorporating the current curfew applicable to the age of 18.

Motion by Miller and seconded by Wong to waive further reading of the ordinance and adopt. Motion carried by the following vote:
AYES: Hernandez, Miller, Wong
NOES: Sanderson, Herfert

DEPARTMENTAL MATTERS (CONTINUED)

FINANCE DEPARTMENT

AWARD OF CONTRACT TO EDEN SYSTEMS FOR THE PURCHASE OF A FINANCIAL MANAGEMENT SOFTWARE SYSTEM

Council reviewed the staff report.

Motion by Hernandez and seconded by Sanderson to take the following actions:

1) Authorize the City to enter into a Software License and Use Agreement with ***Eden Systems*** for the purchase of a new financial management software system in the amount of $254,952.00 including license fees, taxes, and all professional services necessary to implement the system.
2) Approve the following resolution authorizing the lease purchase financing with SunTrust Leasing Corporation in the amount of $255,000.00 to fund the acquisition of the financial software and related professional services, and authorizing thee Finance Director to execute all necessary documents.

Motion carried 5-0.

Resolution 2003-54
Finance System

City Clerk Berry presented:
RESOLUTION NO. 2003-54 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT SCHEDULE NO. 02, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

Motion by miller and seconded by Wong to waive further reading of the resolution and adopt. Motion carried 5-0.

COMMUNITY SERVICES

BLUE LINE SHUTTLE EXTENSION

Blue Line Shuttle Extension

Interim Community Services Director Samaniego presented the staff report and responded to Council questions.

Motion by Hernandez and seconded by Wong to authorize the Community Services staff to expand the City's Go West shuttle service Blue Line to the northern end of the City. Motion carried 5-0.

EDUCATIONAL AND RECREATIONAL BUS TRANSPORTATION – AWARD OF CONTRACT

City Manager Pasmant announced at the beginning of the meeting that this item was withdrawn from the Agenda.

MAYOR'S REPORTS

No reports for this meeting.

COUNCILMEMBERS' REPORTS

Councilmember Miller –
Letter of Opposition to SB 163
Personal Contracting Services: Counties and Cities

Councilmember Miller elaborated on his written report.

SB 163

Motion by Miller and seconded by Herfert to direct staff to forward a letter of opposition to SB 163 from the City to all state elected officials representing West Covina, the appropriate Senate Committee Members, and the League of California Cities. Motion carried 5-0.

Councilmember Miller –
Letter of Opposition to AB 1720
Los Angeles County MTA:
Allocation of State Transportation Assistance Program Funds

Councilmember Miller elaborated on his written report.

AB 1720

Motion by Herfert and seconded by Miller to direct staff to forward a letter of opposition to AB 1720 to all state elected officials representing West Covina, the appropriate Assembly Committee Members, League of California Cities, and the San Gabriel Valley Council of Governments. Motion carried 5-0.

Councilmember Miller –
Letter of Opposition to SB 537 (Romero)
Solid Waste Management: L.A. County Sanitation Districts

SB 537

Councilmember Miller elaborated on his written report and suggested that the City remain neutral at this time and watch its progress.

Councilmember Miller –
Political Signs in Public Rights-of Way

Councilmember Miller elaborated on his written report. Council discussion followed regarding the public rights-of-way versus private property.

John Scheuplein

John Scheuplein, 1800 Aroma Drive #247, believed that the current political sign ordinance is sufficient.

Art Velasquez

Art Velasquez, 1312 Devers Street, previous Engineering Department employee, stated that in most instances property owners actually own up to half the street and it is the City that has an easement on their property to place sidewalks and tree wells.

Emma Fischbeck

Emma Fischbeck, 130 S. Barranca Street, suggested that City staff review requirements of other cities.

Royal Brown

Royal Brown, 2153 Aroma Drive, offered his comments as well.

Council discussion continued. Councilmember Miller suggested that the regulations be placed in the West Covina Discover. Councilmember Wong also suggested that a notation be placed directly on the signs that authorize property owners to remove any signs where prior permission was given. City Attorney stated that his office would need to look at that from a Constitutional point of view.

Motion by Miller and seconded by Sanderson to place the regulations in the West Covina Discover and the City's website. Motion carried 5-0.

Councilmember Wong would still appreciate a legal opinion on the language (notation) he proposed.

Councilmember Sanderson –
City Council Standing Rules, Ralph M. Brown Act,
and Municipal Code Excerpts

Councilmember Sanderson requested a workshop for the Councilmembers and the City Commissioners on these rules.

City Attorney Alvarez-Glasman stated that his office would be able to provide the training.

Councilmember Sanderson –
Opposition to Los Angeles County Trail Maintenance Cuts

Councilmember Sanderson elaborated on the report and recommended that the following resolution be adopted:

Resolution 2003-55
L.A. County Trail Maint.

RESOLUTION NO. 2003-55 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, OPPOSING A REDUCTION IN THE LOS ANGELES COUNTY BUDGET FOR TRAILS MAINTENANCE

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

Councilmember Hernandez –
Citizen Ad-Hoc Committees

Councilmember Hernandez elaborated on the staff report.

Motion by Hernandez and seconded by Wong to direct staff to schedule four informal town hall meetings to be followed by four regular City Council meetings throughout the four areas of the City. Motion carried 5-0.

ADJOURNMENT

Motion by Herfert and seconded by to adjourn the meeting at 10:37 pm in memory of Isaiah "El" Bethley, an 18-year resident of the City of West Covina who recently passed away at the age of 43. Councilmember Wong noted that former Planning Commission Jim Schoonover's mother, Carol, recently passed away as well. Motion carried 5-0.

City Manager Pasmant reminded Council that they still needed to conclude an item in closed session and they went up to the City Manager's Conference Room to finish close session.