SPECIAL MEETING
OF THE
WEST COVINA CITY COUNCIL

Tuesday 5:45 pm
January 19, 2010 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 Sanderson, Mayor Pro Tem Herfert
Councilmembers Hernández, Lane, Touhey

I PUBLIC COMMENT ON ITEMS ON THE AGENDA

II CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code § 54956.9(a)

- Chung vs. City of West Covina
- Mendoza, et al vs. City of West Covina

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

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

REGULAR MEETING
OF THE
WEST COVINA CITY COUNCIL

Tuesday 7:00 pm
January 19, 2010 Council Chambers

A G E N D A

Agenda material is available for review at the City Clerk's Office, Room 317 in City Hall, 1444 W. Garvey Avenue, West Covina and at ***www.westcovina.org*** The City complies with the Americans With Disabilities Act (ADA). If you will need special assistance at Council meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Do call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Council meetings, please request no less than four working days prior to the meeting.

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 Nestor Rebong
St. Christopher's Church

PLEDGE OF ALLEGIANCE Councilmember Lane

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

REPORTING OUT FROM CLOSED SESSION

CHANGES TO THE AGENDA

PRESENTATIONS

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 July 21, 2009
  min 07-21-09
- Regular Meeting of August 18, 2009
  min 08-18-09
- Special Meeting of September 1, 2009
  smin 09-01-09
- Regular Meeting of September 1, 2009
  min 09-01-09
- Special Meeting of September 15, 2009
  smin 09-15-09
- Regular Meeting of September 15, 2009
  min 09-15-09
- Special Meeting of October 6, 2009
  smin 10-06-09
- Regular Meeting of October 6, 2009
  min 10-06-09
- Special Meeting of October 20, 2009
  smin 10-20-09
- Regular Meeting of October 20, 2009
  min 10-20-09

2) Commission Summary of Actions (receive & file)

Planning Commission 12/08/09
D-2

D) CONSENT CALENDAR (continued)

3) Ordinance for Adoption

a) Ordinance Approving Zone Change No. 09-01
Applicant: Tom Corley, Pacific Development
Location: 1838 E. Workman Avenue

This ordinance was introduced at the City Council meeting of December 15, 2009. The ordinance will change the zoning on a 1.10-acre property to allow the construction of a senior apartment housing development. The ordinance will become effective 30 days after adoption on February 18, 2010. It is recommended that the City Council adopt the following ordinance:
D-3a
D-3a Attach1

Attachment #2 is available for review at the City Clerk's Office.

ORDINANCE NO. _____ - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ZONE CHANGE NO. 09-01

3) Ordinance for Adoption (continued)

b) Ordinance Amending Chapter 26 (Zoning) Related to Low and Moderate-Income and Senior Housing and Density Bonuses (Code Amendment No. 09-03)

This ordinance was introduced at the City Council meeting of December 15, 2009. The ordinance will modify a section of the municipal code in order to increase the level of density bonuses that may be granted. The ordinance will become effective 30 days after adoption on February 18, 2010. It is recommended that the City Council adopt the following ordinance:
D-3b
D-3b Attach1

Attachment #2 is available for review at the City Clerk's Office.

ORDINANCE NO. _____ - 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 LOW AND MODERATE INCOME AND SENIOR HOUSING AND DENSITY BONUSES (CODE AMENDMENT NO. 09-03)

D) CONSENT CALENDAR (continued)

4) Traffic Committee Minutes of December 15, 2009 - (accept & file)

a. Accept and file the following minutes of the Traffic Committee Meeting of December 15, 2009.
D-4 & Attach1
D-4 Attach2

I. Request

City Initiated
That the traffic condition on Virginia Avenue from Barranca Street to Grand Avenue be reviewed.

Traffic Committee Recommendations:
That stop signs, stop ahead signs, and appropriate pavement markings be placed on the west and eastbound approaches of Virginia Avenue at Mesa Drive.

That Virginia Avenue from Barranca Street to Grand Avenue be posted at 25 miles per hour.

That the radar trailer be utilized to make drivers aware of their vehicle speed along Virginia Avenue and that the Police Department increase speed enforcement as feasible.

II. Request

Jose Victoria, West Covina Resident
That the installation of a traffic signal be considered at the Hollenbeck Avenue and Vine Avenue intersection.

Traffic Committee Recommendation:
That additional stop signs be installed at the centerline of Hollenbeck Avenue in four-foot wide raised medians for the north and southbound approaches at Vine Avenue.

b. It is recommended that the City Council introduce the following ordinance to reduce the speed limit on Virginia Avenue from 35 miles per hour to 25 miles per hour [refers to Traffic Committee Item I):

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 22-131 OF THE WEST COVINA MUNICIPAL CODE RELATING TO INCREASES OF STATE LAW MAXIMUM SPEEDS (VIRGINIA AVENUE)

5) City Treasurer's Report (receive & file)

Report for the Meeting of November 2009.
D-5 City Rpt
D-5 City Stmt
D-5 City Mthly Detail

D) CONSENT CALENDAR (continued)

6) Miscellaneous – Finance Department

a) Surplus Equipment

It is recommended that the City Council authorize the sale of the surplus vehicles listed in the report by public auction company, US Auctions, in accordance with Section 2-316 of the West Covina Municipal Code.

D-6a

ACTION ON CONSENT CALENDAR ITEMS NUMBER D-1 THROUGH D-6a:

Motion by _____ second by _____
To approve the consent calendar as recommended.

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

END OF CONSENT CALENDAR

E) PUBLIC HEARINGS

1) Public Hearing
Zone Change No. 09-02
Applicant: City of West Covina and Frank Rizzi for F & C Corporation
Location: 845 and 855 N. Lark Ellen Avenue

This is a hearing to consider a request for a zone change on two adjacent properties to "Office-Professional" (O-P) in order to be consistent with the City's General Plan and the current land use.

E-1
E-1 Attach1
E-1 Attach2
E-1 Attach3
E-1 Attach4
E-1 Attach5
E-1 Attach6

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING ZONE CHANGE NO. 09-02

Motion by _____ 2nd by _____

introduce _____ disapprove _____ hold over _____

ROLL CALL: Herfert, Hernández, Lane, Touhey, Sanderson

E) PUBLIC HEARINGS (continued)

2) Appeal Hearing
Appeal of Precise Plan No. 07-07
Appeal of Conditional Use Permit No. 08-05
Appeal of Tree Removal Permit No. 08-05
Negative Declaration of Environmental Impact
Applicant/Appellant: Roland Cordero (Foothill Transit)

This is an appeal of the August 11, 2009 denial by the Planning Commission. The project consists of a request to construct a five-and-a-half-level parking structure with 654 parking spaces and 2,000-square feet of retail space, the relocation of a two-lane drive-through automatic teller machine, and a tree removal permit to remove a tree in the front setback (Lakes Drive).

E-2
E-2 Attach1
E-2 Attach2
E-2 Attach3
E-2 Attach4
E-2 Attach5
E-2 Attach6
E-2 Attach7
E-2 Attach8
E-2 Attach9
E-2 Attach10
E-2 Attach11
E-2 Attach12

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

1) RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND DENYING PRECISE PLAN NO. 07-07 AND TREE REMOVAL PERMIT NO. 08-05

2) RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND DENYING CONDITIONAL USE PERMIT NO. 08-05

Motion by _____ 2nd by _____

adopt _____ disapprove _____ hold over _____

F) COMMUNITY DEVELOPMENT COMMISSION

Recess the City Council meeting at _____ p.m. to convene the CDC.
Reconvene the City Council meeting at _____ p.m.
CDC Agenda

G) DEPARTMENTAL MATTERS

COMMUNITY SERVICES DEPARTMENT

1) Selection of Dates for the Annual Independence Day Celebration

It is recommended that the City Council provide direction regarding the length of the 2010 Independence Day Celebration, as a one or two-day event.
G-1 & Attach1

Motion by _____ 2nd by _____

to _____

H) MAYOR'S/COUNCILMEMBERS REPORTS

1) Mayor Shelley Sanderson
Ordinance Amending the West Covina Municipal Code on the Appointment of City Commissioners

City staff recommends that the City Council introduce the following ordinance:
H-1
H-1 Attach1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING ARTICLE III OF CHAPTER 2 OF THE WEST COVINA MUNICIPAL CODE REGARDING ADVISORY COMMISSIONS

Motion by _____ 2nd by _____ to introduce the ordinance as recommended

introduce _____ disapprove _____ hold over _____
ROLL CALL: Herfert, Hernández, Lane, Touhey, Sanderson

H) MAYOR'S/COUNCILMEMBERS REPORTS (continued)

2) Mayor Shelley Sanderson

Annual Appointment of City Council Representatives to Other Agencies

It is recommended that the Mayor make appointments to the various organizations described in the staff report, subject to City Council confirmation. It is further recommended that the representatives to the San Gabriel Valley Council of Governments be named in the following resolution and the City Council adopt the resolution:

H-2
H-2 AttachA
H-2 AttachB
H-2 AttachC

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, NAMING _____ AS THE GOVERNING BOARD REPRESENTATIVE TO SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS, AND _____ AS THE ALTERNATE

Motion by _____ 2nd by _____ to confirm the Mayor's appointments and adopt the resolution as recommended

approve _____ disapprove _____ hold over _____

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.)

No reports for this meeting.

COUNCILMEMBER COMMENTS

ADJOURNMENT

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

Tentative City Council Meetings

Tuesday	February 2	7:00 p.m.	Council Chambers	Regular Meeting
Tuesday	February 16	7:00 p.m.	Council Chambers	Regular Meeting