SPECIAL MEETING
OF THE
WEST COVINA CITY COUNCIL

Tuesday 5:45 pm
February 2, 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

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

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

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

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 7:00 pm
February 2, 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 Reverend Mary Hollifield
West Covina United Methodist Church

PLEDGE OF ALLEGIANCE Councilmember Touhey

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

REPORTING OUT FROM CLOSED SESSION

CHANGES TO THE AGENDA

PRESENTATIONS

* *Resolution of Commendation and Tile Presentation*
  Assistant Fire Chief Richard Genovese

* *Resolution of Commendation and Tile Presentation*
  Fire Captain Scott MacMaster

* *Resolution of Commendation and Tile Presentation*
  Firefighter/Paramedic John Russell

* *Resolution of Commendation and Tile Presentation*
  Police Lieutenant Marcos Plebani

* *Certificates of Recognition*
  Volunteers of the Year
  Carolyn Arndt – Community Services
  Jerry Curcio - Recreation Services
  Joanne Moses - Senior Services

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

Public Hearing

1) 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
Appellant/Applicant: 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).

C-1
C-1 Attach1
C-1 Attach2
C-1 Attach3
C-1 Attach4
C-1 Attach5
C-1 Attach6
C-1 Attach7
C-1 Attach8
C-1 Attach9
C-1 Attach10
C-1 Attach11
C-1 Attach12
C-1 Attach13
C-1 Attach14

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 _____

C) ITEMS CARRIED OVER FROM PREVIOUS COUNCIL MEETINGS (continued)

Mayor's/Councilmembers Reports

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:
C-2
C-2 AttachA
C-2 AttachB
C-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 _____

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 November 3, 2009
  min 11-03-09
- Regular Meeting of November 17, 2009
  min 11-17-09
- Special Meeting of December 1, 2009
  smin 12-01-09
- Regular Meeting of December 1, 2009
  min 12-01-09
- Regular Meeting of December 15, 2009
  min 12-15-09

D) CONSENT CALENDAR (continued)

2) Commission Summary of Actions (receive & file)

a) Planning 01/26/10
D-2a

3) Ordinance for Adoption

a) Ordinance Amending the West Covina Municipal Code on the Appointment of City Commissioners

This ordinance was introduced at the City Council meeting of January 19, 2010. The ordinance restructures the appointment process for appointing city commissioners. The ordinance will become effective 30 days after its adoption on March 4, 2010. It is recommended that the City Council adopt the following ordinance:
D-3a
D-3a Attach1

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

ORDINANCE NO. _____ - 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

3) Ordinance for Adoption (continued)

b) Ordinance Amending Section 22-131 of the Municipal Code Relating to Increase of State Law Maximum Speeds (Virginia Avenue)

This ordinance was introduced at the City Council meeting of January 19, 2010. The ordinance will reduce the speed limit on Virginia Avenue from 35 miles per hour to 25 miles per hour. The ordinance will become effective 30 days after its adoption on March 4, 2010. It is recommended that the City Council adopt the following ordinance:
D-3b
D-3b Attach1

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

ORDINANCE NO. _____ - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING SECTION 22-131 OF THE MUNICIPAL CODE RELATING TO INCREASE OF STATE LAW MAXIMUM SPEEDS (VIRGINIA AVENUE)

c) Ordinance Approving Zone Change No. 09-02 845 and 855 N. Lark Ellen Avenue

This ordinance was introduced at the City Council meeting of January 19, 2010. The ordinance will change the zoning on two adjacent properties located at 845 and 855 N. Lark Ellen Avenue to "Office-Professional" (O-P). The ordinance will become effective 30 days after its adoption on March 4, 2010. It is recommended that the City Council adopt the following ordinance:
D-3c
D-3c Attach1

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

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

D) CONSENT CALENDAR (continued)

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

Report for the Month of December 2009.
D-4 City Rpt
D-4 City Stmt
D-4 City Mthly Detail
D-4 City Qtrly Bds

5) Miscellaneous - Public Works Department

a) Request for Reallocation of Property Taxes
Los Angeles County Sanitation District No. 22 (Annexation No. 396)
Location: Cortez Street Between Peace and Quiet Drive and Prospero Drive (Three Existing Single-Family Homes and Three Proposed Single-Family Properties)
It is recommended that the City Council adopt the following resolution:
D-5a
D-5a Attach1,2 &3

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, ADOPTING THE JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 22 OF THE COUNTY OF LOS ANGELES, AND THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING AND ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUES RESULTING FROM AN ANNEXATION TO COUNTY SANITATION DISTRICT NO. 22, BEING ANNEXATION NO. 396

5) Miscellaneous – Public Works Department

b) Approval to Use Grant Funds to Infill the City Hall's First Floor and Request For Proposals (RFP) for Design Services
It is recommended that the City Council take the following actions:

D-5b

1. Accept Grant Funds from the Castucci Foundation to be used to infill the City Hall's first floor for the expansion of the Police Department.

2. Direct staff to prepare and send a Request for Proposal (RFP) for related design services.

3. Appropriate $80,000 for design from Grant Funds to Fund 160 (Capital Project Fund).

Miscellaneous – Community Development Commission

c) Agreement for City Sponsored Event Services with Greater West Covina Business Association to Conduct Events on Behalf of the City at the Lakes Outdoor Entertainment Area
It is recommended that the City Council approve said Agreement for City Sponsored Event Services with the Greater West Covina Business Association ("GWC") to conduct on behalf of the City outdoor events at the Lakes Outdoor Entertainment Area, and authorize the City Manager or his designee to execute all necessary agreements.
D-5c
D-5c Attach1&2

D) CONSENT CALENDAR (continued)

6) Councilmember Reports

Resolution Requesting the United States Government to Work with the Mexican Government to Ensure a Thorough and Expedited Investigation into the Brutal Murder of Robert "Bobby" Salcedo in Gomez Palacio, Durango, Mexico

It is recommended that the City Council adopt the following resolution:
D-6
D-6 Attach1

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, CALLING FOR A THOROUGH AND EXPEDITED INVESTIGATION INTO THE BRUTAL MURDER OF ROBERT "BOBBY" SALCEDO IN GOMEZ PALACIO, DURANGO, MEXICO

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

Motion by _____ second by _____
to approve all items on the Consent Calendar as recommended

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

END OF CONSENT CALENDAR

E) PUBLIC HEARINGS (continued)

1) Public Hearing
Code Amendment No. 08-01
None-Residential Zone Code Update
Applicant: City of West Covina
Location: Citywide

This is a hearing to consider a proposed code amendment to Chapter 26 (Zoning) regarding maintenance standards, land uses, zoning designations and clarifications of terms to the Nonresidential section of the Zoning Code related to commercial businesses and development, including parking standards, land uses and entitlement procedures.

E-1
E-1 Attach1
E-1 Attach1 ExhibitA
E-1 Attach2
E-1 Attach3
E-1 Attach4
E-1 Attach5
E-1 Attach6
E-1 Attach7
E-1 Attach8
E-1 Attach9

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING CHAPTER 26 (ZONING) OF THE WEST COVINA MUNICIPAL CODE RELATING TO DEFINITIONS; PROCEDURE, HEARINGS, NOTICES, FEES AND CASES; NONRESIDENTIAL ZONES; MASSAGE PARLORS AND BATHHOUSES; AND ON-SALE ALCOHOL LICENSES SECTIONS OF THE MUNICIPAL CODE (CODE AMENDMENT NO. 08-01)

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

approve _____ disapprove _____ hold over _____
Roll Call: Herfert, Hernández, Lane, Touhey, Sanderson

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

No reports for this meeting.

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 Roger Hernández
Request from Councilmember Roger Hernández Instructing City Staff to Prepare a Report for the City Council to Reconsider the Guidelines Outlined in Ordinance No. 2196 Related to Mobile Food Vendors
It is recommended that the City Council direct staff accordingly.
I-1

Motion by _____ 2nd by _____

to _____

2) Councilmember Roger Hernández
Request from Councilmember Roger Hernández Requesting the City Council to Instruct City Staff to Prepare a Report on Recommendations to Streamline the Permit Process & Fee Structure for Solar Panel Installation
It is recommended that the City Council direct staff accordingly.
I-2

Motion by _____ 2nd by _____

to _____

3) Councilmember Roger Hernández
Request from Councilmember Roger Hernández Requesting the City Council to Instruct City Staff to Prepare a Tobacco Retail-Licensing Ordinance to Reduce Youth Access to Tobacco
It is recommended that the City Council direct staff accordingly.
I-3

Motion by _____ 2nd by _____

to _____

COUNCILMEMBER COMMENTS

ADJOURNMENT

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

Tentative City Council Meetings

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