REGULAR MEETING
OF THE
WEST COVINA CITY COUNCIL

Tuesday 7:00 pm
September 21, 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 Mary Minor
Murph Chapel AME Church

PLEDGE OF ALLEGIANCE Councilmember Hernández

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

REPORTING OUT FROM CLOSED SESSION

CHANGES TO THE AGENDA

PRESENTATIONS * *Proclamation*
Fire Prevention Week
October 3 - 9

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 HEARINGS

1) Appeal Hearing
Planning Director's Modification No. 10-20
(Vehicular Security Gates)
Location: 318 Great Mountain Drive
Applicant/Appellant: Bancomer Construction

This appeal hearing was continued from the September 7, 2010 Council meeting. The applicant is appealing the Planning Commission denial for installation of security gates at the property.

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
C-1 Attach15
C-1 Attach16
C-1 Attach17

a) Open hearing
b) Staff presentation
c) Public testimony
d) Close hearing
e) Council discussion
f) Recommendation: It is recommended that the City Council overturn the Planning Commission decision and approve Planning Director's Modification No. 10-20 (therefore allowing the installation of vehicular security gates on the private street).

Motion by _____ 2nd by _____

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) Commission Summary of Actions (receive & file)

Planning 08/24/10, 09/14/10
D-1 8-24-10
D-1 9-14-10

2) Claims Against the City of West Covina

Government Tort Claim Denials (deny & notify claimant)
It is recommended that the following Government Tort Claims be denied and the claimants and/or their respective attorneys be so notified.
D-2

- Roy R. Pool vs. City of West Covina
- Ismael Lontok vs. City of West Covina
- Ralph Ramirez vs. City of West Covina
- Safeco Insurance/Eleanor J. Bury vs. City of West Covina
- Helen Andrea Martinez vs. City of West Covina
- Gary Williams vs. City of West Covina

3) Award of Bid

Award of Bid for Plaza Drive Street Improvements - Project No. SP-07114 and Federal Project HPLUL-5259(015)
It is recommended that the City Council accept the bid of Bannaoun Engineers Constructors Corporation in the amount of $426,433.75 as submitted at the bid opening on August 31, 2010 and authorize the Public Works Director/City Engineer to execute an agreement with Bannaoun Engineers Constructors Corporation to perform the work.
D-3 & Attach1

4) Miscellaneous - City Clerk's Office

Conflict of Interest Code Biennial Update
It is recommended that the City Council adopt the following resolution amending the Conflict of Interest Code for the City of West Covina in compliance with Government Code requirements.
D-4 & Attachments

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE FOR THE CITY OF WEST COVINA

D) CONSENT CALENDAR (continued)

5) Councilmember Reports

West Covina Veterans' Memorial

It is recommended that the City Council approve the tentative design and location of the West Covina Veterans' Memorial in the Civic Center Courtyard.

D-5
D-5 Attach1

ACTION ON CONSENT CALENDAR ITEMS NUMBER D-1 THROUGH D-5:

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

1) Appeal Hearing
Appeal of Planning Commission Approval of
Conditional Use Permit No. 10-10
Appellant: Sayeed H. Arastu
Applicant: Mike Blackwell for Clearwire
Location: 1030 E. Merced Avenue

E-1
E-1 Attach1
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: Staff recommends that Conditional Use Permit No. 10-10 to allow the installation of a wireless communications tower designed in the shape of a cross (monocross) be referred back to the Planning Commission due to new information being presented by neighboring residents that was not available at the time of Planning Commission review.

Motion by _____ 2nd by _____

approve _____ disapprove _____ hold over _____

E) PUBLIC HEARINGS (continued)

2) Public Hearing
Amendments to the FY 2010-2011 Community Development Block Grant (CDBG)Action Plan

The purpose of this hearing is to hear public comment on proposed amendments to the FY 2010-2011 Action Plan for the City's Community Development Block Grant (CDBG) program.
E-2
E-2 Attach1

a) Verification of publication
b) Open hearing
c) Staff presentation
d) Public testimony
e) Close hearing
f) Council discussion
g) Recommendation: It is recommended that the City Council approve the proposed amendments to the FY 2010-2011 CDBG Action Plan as detailed on Attachment #1 of the staff report and appropriate $40,000 as necessary, to implement the amendments.

Motion by _____ 2nd by _____

approve _____ disapprove _____ hold over _____

3) Protest Hearing
Weed Abatement 2010 – Various Locations Citywide
E-3
E-3 Attach1
E-3 Attach2
E-3 ExhibitA

a) Affidavit of Mailing
b) Open hearing
c) Staff presentation
d) Written Protests or Objections
e) Public testimony
f) Close hearing
g) Council discussion
h) Recommendation: It is recommended that the City Council order the abatement of weeds and rubbish on those properties described in Resolution No. 2010-48.

Motion by _____ 2nd by _____

approve _____ disapprove _____ hold over _____

F) COMMUNITY DEVELOPMENT COMMISSION

No meeting scheduled.

G) DEPARTMENTAL MATTERS

No reports for this meeting.

H) MAYOR'S/COUNCILMEMBER 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) COUNCILMEMBER REQUESTS 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 Requesting the City Council to Instruct City Staff to Prepare a Report to Take a Position on Proposition 23
It is recommended that the City Council direct staff accordingly.
I-1

Motion by _____ 2nd by _____

to _____

I) COUNCILMEMBER REQUESTS FOR REPORTS, STUDIES OR INVESTIGATIONS (continued)

2) Councilmember Roger Hernández
Request from Councilmember Roger Hernández Requesting the City Council to Instruct City Staff to Prepare a Report for the City Council to Take a Position on the Labor Dispute between the Nurses and Administration at Citrus Valley Health Partners
It is recommended that the City Council direct staff accordingly.
I-2

Motion by _____ 2nd by _____

to _____

COUNCILMEMBER COMMENTS

ADJOURNMENT

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

Tentative City Council Meetings

Tuesday	October 5	7:00 p.m.	Council Chambers	Regular Meeting
Tuesday	October 19	7:00 p.m.	Council Chambers	Regular Meeting