***SPECIAL MEETING***
***OF THE***
**WEST COVINA CITY COUNCIL**

Tuesday 5:45 pm
September 1, 2009 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 Hernández, Mayor Pro Tem Sanderson
Councilmembers Herfert, Lane, Touhey

**I PUBLIC COMMENT ON ITEMS ON THE AGENDA**

*IV. II CLOSED SESSION*

CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code § 54957.6
City Negotiators: Pasmant, Bachman
- Non-Sworn Safety Support Employees

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

# REGULAR MEETING
# OF THE
# WEST COVINA CITY COUNCIL

Tuesday 7:00 pm
September 1, 2009 Council Chambers

# A G E N D A

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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** Andrew Pasmant, City Manager

**PLEDGE OF ALLEGIANCE** Councilmember Touhey

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

**REPORTING OUT FROM CLOSED SESSION**

**CHANGES TO THE AGENDA**

**PRESENTATIONS**

* *Proclamation*
Los Angeles County Fair Month – September 2009

* *Presentation*
Wells Fargo Donation of $1000 to Senior Center

* *Certificates of Recognition*
Youth Pony Red All Stars – PONY West Zone
SoCal East Region Champions

Youth Pony Pinto Red 8 All Stars – PONY West Zone
SoCal East Region Champions

Youth Pony Bronco Red 8 All Stars – PONY West Zone
SoCal East Region Champions

American Little League
All Stars Champion – District 19, 11 Year Olds

## 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)

- Special Meeting of April 7, 2009
  **smin 04-07-09.pdf**
- Regular Meeting of April 7, 2009
  **min 04-07-09.pdf**

**2) Commission Summary of Actions** (receive & file)

**a)** Community Services.....05/12/09 & 06/23/09
**D-2a 05-12-09.pdf**
**D-2a 06-23-09.pdf**

**b)** Human Resources .....04/08/09 & 05/13/09 & 05/28/09
**D-2b 04-08-09, 05-13-09 & 05-28-09.pdf**

**3) Award of Bid**

**a) Award of Bid for Construction of Sidewalks and Repair Damaged Sidewalk at Various Locations – (Project No. TP-10505 – Phase I)**
It is recommended that the City Council take the following actions:
**D-3a.pdf**
**D-3a Attach1.pdf**

1. Accept the bid of FS Construction, Inc. in the amount of $24,400.00 as submitted on August 11, 2009, and authorize the Public Works Director/City Engineer to execute the contract.

2. Authorize the Public Works Director/City Engineer and City Clerk to execute a change order in the amount of $9,256.50 with FS Construction, Inc. for additional sidewalk repair work on Sentous Avenue.

**b)** **Cardiovascular Fitness Equipment – Award of Purchase**
It is recommended that the City Council approve an award of purchase to Advantage Fitness of Culver City, California, to provide fitness equipment for the West Covina Fire Department's Wellness and Fitness Program, in an amount not to exceed $49,003.38.
**D-3b.pdf**

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

Report for the Month of July 2009
**D-4 City Staff Rpt.pdf**
**D-4 City Stmt.pdf**
**D-4 City Mthly Detail.pdf**
**CDC IA.pdf**
**CDC Stmt.pdf**

**5)** **Miscellaneous – Human Resources Department**

**a)** **Resolution Waiving the PERS 960-Hour Rule for One Assistant Fire Chief**
It is recommended that the City Council adopt the following resolution:
**D-5a & Reso.pdf**

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, WAIVING THE CALPERS 960-HOUR RULE FOR RICHARD GENOVESE

**b)** **Approval of Class Specification for Police Reserve Commander**
It is recommended that the City Council adopt the following resolution, regarding the proposed class specification for Police Reserve Commander:
**D-5b & Reso.pdf**

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPROVING THE CLASS SPECIFICATION FOR POLICE RESERVE COMMANDER

**Miscellaneous - Planning Department**

**c)** **Ordinance for Adoption**
**Code Amendment No. 08-06 – Mobile Food Vendors**
This ordinance was introduced at the City Council meeting of July 7, 2009 and the proposed code amendment was continued to July 21, 2009 to allow staff to provide additional information to City Council. This ordinance will become effective 30 days after its adoption on October 1, 2009. It is recommended that the City Council adopt the following ordinance:
**D-5c.pdf**
**D-5c Attach1.pdf**
**D-5c Attach1 ExhibitA.pdf**
**D-5c Attach2**

ORDINANCE NO. _____ - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA,

AMENDING CHAPTER 14 (LICENSES AND BUSINESS REGULATIONS) AND CHAPTER 26 (ZONING) OF THE WEST COVINA MUNICIPAL CODE REGULATING MOBILE FOOD VENDORS (CODE AMENDMENT NO. 08-06)

ACTION ON CONSENT CALENDAR ITEMS NUMBER D-1 through D-5c:

Motion by _____ second by _____
to introduce/adopt resolutions/ordinances as recommended

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

**END OF CONSENT CALENDAR**

**E) PUBLIC HEARINGS**

**1) Public Hearing**
**2009 Congestion Management Program (CMP)**
**Conformance Self-Certification and Local Development Report (LDR)**
The purpose of this hearing is to certify the 2009 Congestion Management Program (CMP) that allows the City of West Covina to maintain its eligibility to receive its share of State Gas Tax revenues for capital improvement projects.
**E-1.pdf**
**E-1 Attach1.pdf**
**E-1 Attach2.pdf**

a) Verification of publication
b) Open hearing
c) Staff presentation
d) Public testimony
e) Close hearing
f) Council discussion
g) Recommendation: Staff recommends that the City Council adopt the following resolution:

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

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.pdf**

**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) Request from Mayor Roger Hernández Requesting the City Council Instruct City Staff to Prepare a Report Supporting AB 1121 – Ranked Voting**
It is recommended that the City Council direct staff accordingly.
**I-1.pdf**

Motion by _____ 2nd by _____

to _____

**COUNCILMEMBER COMMENTS**

**ADJOURNMENT**

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

Tentative City Council Meetings

| | | | | |
|---|---|---|---|---|
| Tuesday | September 15 | 7:00 p.m. | Council Chambers | Regular Meeting |
| Tuesday | October 6 | 7:00 p.m. | Council Chambers | Regular Meeting |