SPECIAL MEETING
OF THE
WEST COVINA CITY COUNCIL

Tuesday **5:45 pm**
May 4, 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)

- City of West Covina and City of West Covina Community Development Commission v. Hassen Imports Partnership, et al., and related cross complaints and cases
- Coppi v. City of West Covina

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

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

City Negotiator: Pasmant

- Miscellaneous Unrepresented Management Employees, 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**
May 4, 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 Dr. Glen Thorpe, Pastor
Community Presbyterian Church

PLEDGE OF ALLEGIANCE Councilmember Touhey

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

REPORTING OUT FROM CLOSED SESSION

CHANGES TO THE AGENDA

PRESENTATIONS

** Certificates of Recognition*
Rotary Interact Members - Community Volunteer Work

**Certificates of Recognition*
Vine Elementary School
- California Distinguished School

Rowland Elementary School
- California Distinguished School

Merced Elementary School
- California Distinguished School
- Title I Achievement School

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

MAYOR'S/COUNCILMEMBERS REPORTS

1) Appointment of City Commissioners

It is recommended that the City Council adopt the appropriate resolutions appointing individuals to various City Commissions as follows:

C-1
C-1 AttachA
C-1 AttachB

A. Planning Commission – Five commissioners: three persons to three-year terms and two persons for one-year terms.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPOINTING INDIVIDUALS TO THE WEST COVINA PLANNING COMMISSION

Motion by _____ 2nd by _____

approve _____ disapprove _____ hold over _____

B. Community Services Commission – Ten commissioners: five persons to three-year terms and five persons to one-year terms.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPOINTING INDIVIDUALS TO THE WEST COVINA COMMUNITY SERVICES COMMISSION

Motion by _____ 2nd by _____

approve _____ disapprove _____ hold over _____

(ITEM C-1 continues on the next page)

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

MAYOR'S/COUNCILMEMBERS REPORTS (continued)

1) Appointment of City Commissioners

C. Senior Citizens Commission – Five commissioners: three persons to three-year terms and two persons to one-year terms.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPOINTING INDIVIDUALS TO THE WEST COVINA SENIOR CITIZENS COMMISSION

Motion by _____ 2nd by _____

approve _____ disapprove _____ hold over _____

D. Public Arts Commission – Five commissioners: three persons to three-year terms and two persons to one-year terms.

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, APPOINTING INDIVIDUALS TO THE WEST COVINA PUBLIC ARTS COMMISSION

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) City Council Meeting Minutes (receive & file)

- Special Meeting of April 6, 2010
  smin 04-06-10
- Regular Meeting of April 6, 2010
  min 04-06-10
- Special Joint Meeting with Community Development Commission of April 15, 2010
  smin 04-15-10.joint w CDC

2) Commission Summary of Actions (receive & file)

a) Human Resources 10/14/09, 12/09/09, 03/17/10
D-2a

b) Planning 04/27/10
D-2b

c) Senior Citizens Commission.....02/25/10
D-2c

D) CONSENT CALENDAR (continued)

3) 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-3

- Olga Takeda vs. City of West Covina
- Jason & Angelyne Carlton vs. City of West Covina
- Moises I. Madriz vs. City of West Covina

4) Ordinance for Adoption

a) Tobacco Retail-Licensing Ordinance to Reduce Youth Access to Tobacco

This ordinance was introduced at the City Council meeting of April 20, 2010. The purpose of the ordinance is to encourage responsible tobacco retailing and to discourage the sale or distribution of tobacco products to minors. The ordinance will become effective 30 days after its adoption on June 3, 2010. It is recommended that the City Council adopt the following ordinance:
D-4a
D-4a Ord

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 14 OF THE WEST COVINA MUNICIPAL CODE, ADDING ARTICLE X, ESTABLISHING A TOBACCO RETAIL LICENSE

b) Solar Photovoltaic Installation Guidelines

This ordinance was introduced at the City Council meeting of April 20, 2010. The purpose of the ordinance is to increase public safety through the adoption of the Solar Photovoltaic Installation guidelines for structures equipped with Solar Photovoltaic Systems. This ordinance will become effective 30 days after adoption on June 3, 2010. It is recommended that the City Council adopt the following ordinance:
D-4b
D-4b Ord

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, RELATING TO "SOLAR PHOTOVOLTAIC INSTALLATION GUIDELINES" TO ARTICLE XIII BY AMENDING SECTION 7-223 OF THE WEST COVINA MUNICIPAL CODE

D) CONSENT CALENDAR (continued)

5) Traffic Committee Minutes of April 20, 2010 (accept & file)
D-5 & Attach1

I. Request

Charles Kim, West Covina Resident
That no parking on street sweeping days be implemented on Delores Street from Elena Avenue to Dee Lane every Friday of each month from 7:00 a.m. to 3:30 p.m.

Traffic Committee Recommendation:
That no parking on street sweeping days be implemented on Delores Street from Elena Avenue to Dee Lane every Friday of each month from 7:00 a.m. to 3:30 p.m.

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

Report for the Month of March 2010
D-6 City Rpt
D-6 City Stmt
D-6 Mthly Detail
D-6 Qtrly Bds Detail

7) Miscellaneous – Public Works Department

a) West Covina Citywide Sewer Service Charge Setting a Public Hearing Date on Method of Collection and Fee Increase
It is recommended that the City Council adopt the following resolution:
D-7a & Attachments

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DECLARING ITS INTENTION TO ADOPT A SCHEDULE OF SEWER FEE INCREASES AND COLLECT THE ANNUAL SEWER SERVICE CHARGE THROUGH THE COUNTY TAX BILL AND SETTING JULY 6, 2010 FOR A PUBLIC HEARING ON METHOD OF COLLECTION AND FEE INCREASES

b) Citywide Lighting and Maintenance District Preliminary Approval of the Engineer's Report
It is recommended that the City Council adopt the following resolution:
D-7b & Attachments

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, PRELIMINARILY APPROVING THE CERTIFIED ENGINEER'S REPORT AND DECLARING ITS INTENTION TO HOLD A PUBLIC HEARING ON JUNE 15, 2010 TO APPROVE CITYWIDE ASSESSMENTS COMMENCING IN FISCAL YEAR 2010-2011 TO FUND THE OPERATION AND MAINTENANCE OF STREET LIGHTS AND STREET TREES WITHIN THE DISTRICT

D) CONSENT CALENDAR (continued)

7) Miscellaneous - Fire Department

c) Authorization for Fire Works Display

It is recommended that the City Council authorize the following fireworks displays.
D-7c

1. Fireworks display at the West Covina High School graduation ceremony to be held on June 9, 2010.
2. Fireworks display for the City of West Covina Independence Day Celebration to be held on July 4, 2010 at Edgewood Middle School.

d) Adopting a Resolution Establishing Need for Summary Criminal History Information

It is recommended that the City Council adopt the below resolution to authorize the Fire Department to access state and federal level summary criminal history information for employment or certification purposes, including any volunteer or contract employees.
D-7d
D-7 Attach1
D-7d Attach2

RESOLUTION NO. _____ - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, AUTHORIZING ACCESS TO STATE AND FEDERAL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT AND CERTIFICATION PURPOSES

ACTION ON CONSENT CALENDAR ITEMS NUMBER D-1 THROUGH D-7d:

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 No Public Hearings scheduled.

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.

H) MAYOR'S/COUNCILMEMBERS REPORTS

1) Mayor Pro Tem Steve Herfert's Report on Elimination of Senior Citizens Discount Offered by Charter Communications

It is recommended that the City Council direct staff accordingly.
H-1

Motion by _____ 2nd by _____

to _____

2) City Attorney Report on Possible Legal Actions Against the Public Employee Retirement System (PERS) for Mismanagement of Public Funds

It is recommended that the City Council instruct the City Attorney's Office to monitor the criminal allegations that have been made against PERS and update the City Council if any such changes make it more feasible to file a lawsuit against PERS.
H-2

Motion by _____ 2nd by _____

to _____

H) MAYOR'S/COUNCILMEMBERS REPORTS (continued)

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 Shelley Sanderson Seeking the City Council's Consensus To Initiate a Code Amendment to Adopt Clear and Concise Regulations to Address Auto Repair Businesses Operating in Residential Zones

It is recommended that the City Council direct staff accordingly.
I-1

Motion by _____ 2nd by _____

to _____

COUNCILMEMBER COMMENTS

ADJOURNMENT

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

Tentative City Council Meetings

Tuesday	May 18	7:00 p.m.	Council Chambers	Regular Meeting
Tuesday	June 1	7:00 p.m.	Council Chambers	Regular Meeting