



# Minutes

## Lakewood City Council

Regular Meeting held  
November 13, 2001

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**MEETING WAS CALLED TO ORDER** at 7:36 p.m. by Vice Mayor Van Nostran in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

**INVOCATION** was offered by Reverend Mark Wiley, First United Methodist Church

**PLEDGE OF ALLEGIANCE** was led by Council Member Wayne Piercy

**ROLL CALL: PRESENT:** Mayor Robert Wagner (arrived 7:45 p.m.)  
Vice Mayor Larry Van Nostran  
Council Member Joseph Esquivel  
Council Member Wayne Piercy  
Council Member Todd Rogers

### **ANNOUNCEMENTS AND PRESENTATIONS:**

Vice Mayor Van Nostran announced that Project Shepherd would again be collecting food items and gifts for needy children and families in Lakewood. He encouraged Lakewood residents to support the program.

The Vice Mayor advised that the City's greenwaste collection program was continuing and provided upcoming dates and times for local drop-off locations.

### **ROUTINE ITEMS:**

COUNCIL MEMBER ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 9.

- RI-1 Approval of Minutes of the Meetings held October 2, October 9, and October 23, 2001
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands dated October 18, October 25, and November 1, 2001
- RI-4 RESOLUTION NO. 2001-77; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD PROHIBITING THE PARKING OR STANDING OF VEHICLES BETWEEN 7 A.M. AND 12 P.M. ON TUESDAY OF EACH WEEK FOR STREET SWEEPING PURPOSES ON BOTH SIDES OF MASSINGER STREET BETWEEN HASTON PLACE AND PIONEER BOULEVARD

**ROUTINE ITEMS:** Continued

RI-5 Approval of Amendment to the Engineering Services Agreement for the Preparation of the Water Master Plan

RI-6 RESOLUTION NO. 2001-78; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD PROHIBITING THE PARKING OR STANDING OF VEHICLES ON THE WEST SIDE OF PALO VERDE AVENUE BETWEEN DROXFORD STREET AND ALLINGTON STREET WITHIN THE CITY OF LAKEWOOD

RESOLUTION NO. 2001-79; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A "NO PARKING, MONDAY TO FRIDAY, 1 P.M. TO 4 P.M., BUS LOADING" ZONE ON THE WEST SIDE OF PALO VERDE AVENUE BETWEEN DROXFORD STREET AND ALLINGTON STREET WITHIN THE CITY OF LAKEWOOD

RI-7 RESOLUTION NO. 2001-80; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD RESCINDING RESOLUTIONS ESTABLISHING PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACES WITHIN THE CITY OF LAKEWOOD

RI-8 Approval of Reduction of Retention for Public Works Project No. 01-3, Water Main Replacement

RI-9 Approval of Monthly Report of Investment Transactions

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Piercy, Van Nostran and Rogers

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Wagner

**3.1 • CONSULTING AGREEMENT FOR 2002 MAJOR STREET RESURFACING PROJECT**

The Director of Public Works, Lisa Rapp, gave a brief oral presentation based on the memorandum in the agenda packet and stated staff had obtained a proposal from Willdan for the design of the 2002 Major Street Resurfacing Project, which would include street overlays for Clark, Downey and Palo Verde Avenues and Pioneer Boulevard. It was the recommendation of staff that the City Council authorize the execution of an agreement with Willdan for the 2002 Major Street Overlay Project, in an amount not to exceed \$96,050.

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE STAFF'S RECOMMENDATION.

**3.1 • CONSULTING AGREEMENT FOR 2002 MAJOR STREET RESURFACING PROJECT - Continued**

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Piercy, Van Nostran and Rogers

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Wagner

Mayor Wagner arrived at 7:45 p.m. and took his seat at the Council table.

**ANNOUNCEMENTS AND PRESENTATIONS: Continued**

Mayor Wagner announced that a drive was in process to form a new Kiwanis Club in the City of Lakewood. He noted that such an organization would clearly benefit the community and urged any interested residents to contact City Hall for more information.

**1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 44, AMENDMENT NO. 5, ARBOR ROAD**

The Director of Community Development, Chuck Ebner, displayed slides and gave a brief oral presentation based on the memorandum in the agenda packet and stated St. Timothy Lutheran Church and School had applied for an amendment to their existing Conditional Use Permit to allow the installation of a portable building to be used as a before- and after-school day care center for their students. After receiving testimony and considering alternate locations for the portable unit, the Planning and Environment Commission had approved the request, finding that the proposed location provided the best buffer to the adjacent neighborhood and was least disruptive to use of the site. The Commission had also imposed a condition that children using the portable unit would not arrive earlier than 6:30 a.m. or be outside prior to 7:45 a.m. On October 18, 2001, Mr. William J. Furst had filed an appeal of the Commission's decision.

City Attorney John S. Todd enumerated for the record the documents presented for City Council consideration which included the staff report of the Director of Community Development with two diagrams attached; the written appeal of Mr. William J. Furst, with two photos, dated October 18, 2001; Planning and Environment Commission Resolution No. 24-2001, including exhibits A through G; and the minutes of the Planning and Environment Commission meetings held September 6, 2001, and October 4, 2001. He advised that the appeal was not limited to the material previously presented but was considered a hearing de novo and new evidence could be presented.

Mayor Wagner opened the public hearing at 7:57 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

**1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 44, AMENDMENT NO. 5, ARBOR ROAD - Continued**

William J. Furst distributed photographs to the City Council. When questioned by the City Attorney, he stated that he had taken the photographs himself on September 5, 2001, and that the photographs accurately represented the property as it presently existed.

Mr. Furst stated that initially the school had been quite small, but after the addition of the two-story building, enrollment had increased considerably, increasing the noise to the adjacent neighborhood. He further stated that an additional sound barrier was needed and that he would like to see the existing chain link fence replaced with a six-foot block wall.

Responding to a question from Mr. Furst regarding the disposition of the building after the five-year period expired, Mr. Ebner stated that after five years, the school would be required to replace the temporary building with a permanent structure.

Mayor Wagner asked Mr. Furst if he was aware of the condition which limited the drop-off time to 6:30 a.m. and no outside play until 7:45 a.m. Mr. Furst responded by stating that without adequate supervision, that condition would be difficult to enforce.

Vice Mayor Van Nostran expressed concern that construction of a block wall at the rear of the school would make the Southern California Edison right-of-way area a “no man’s land” where someone could easily hide.

Responding to Mr. Furst’s concern about the adequacy of the proposed space for a temporary building, Mr. Ebner reviewed the dimensions of the area and noted that there would be a five-foot setback, with landscaping, between the building and the chain-link fence.

Mr. Ebner responded to a question from Council Member Rogers by stating that the chain-link fence belonged to the school, not to Edison.

The City Attorney inquired if the right-of-way area was gated at the street. Water Resources Director Jim Glancy stated that the right-of-way area was open to the street at the Woodruff Avenue end.

Council Member Rogers pointed out that since the conditional use permit process provided a revocation procedure if all conditions were not met, Mr. Furst could be assured that the children would be kept inside the building prior to 7:45 a.m. and after 5:30 p.m. Mr. Furst responded that he was not convinced those conditions would be carried through by the school.

In response to a question from City Attorney Todd, Mr. Furst stated that he was speaking for himself and for his closest neighbor, Frank Spicer at Tanglewood Street.

**1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 44, AMENDMENT NO. 5, ARBOR ROAD – Continued**

Bob Brayton stated that he thought an understanding had been reached after the initial Planning and Environment Commission hearing that the school would meet with the neighboring residents about their concerns. He reported that there was never any subsequent contact by the school. He also stated that he felt a six or seven-foot block wall would not have any impact on the noise produced by the school.

Responding to a question from the City Attorney, Mr. Furst stated that although he had provided his name, address and telephone number to the church pastor, he was never contacted by the church or school either.

Judith Starr stated that she was the principal of the St. Timothy Lutheran School and that the school was not looking to increase enrollment, but that the building was intended to set aside a specific area for day care and keep the need to move students around to a minimum. Responding to a question from Mayor Wagner, Ms. Starr stated that about 85 students utilized the school provided day care, most of them after school.

Velia Guerra stated she was the Director of Extended Day Care for the school and was always on site during the morning day care hours. She advised that approximately 25 to 35 students were in day care between 6:30 and 7:30 a.m., with 85 in the after school program. She stated that student safety was always their highest priority and that students were never allowed outside before 7:45 a.m. or after 5 p.m.

Responding to questions from Council Member Piercy, Ms. Guerra stated that use of the playground was staggered so that not all grade levels were using it at the same time. She stated that the only problem in the day care program over the last six months was a student who was throwing rocks across the back fence and that the problem had been addressed. She noted that there had been no complaints from the neighbors and that things should be quieter once the building was in place.

Craig Swanson stated that he was a member of the church board and would guarantee that the school would abide by all of the conditions imposed by the Conditional Use Permit. He noted that the building would be much higher than a block wall and therefore much more effective at deflecting noise from the neighboring properties. He stated that he was unaware of any complaint from Mr. Furst or any of the other neighbors, but that he would be happy to work with the neighbors to resolve any problems.

Responding to a question from the City Attorney, Mr. Ebner stated that the side of the building that would face the neighboring properties had no windows and that the noise produced by the building's air conditioning unit were well under acceptable levels.

**VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO CLOSE THE PUBLIC HEARING.**

**1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 44, AMENDMENT NO. 5, ARBOR ROAD – Continued**

Council Member Rogers stated that unless a block wall was of extreme height, it would not help to muffle the noise of the school. He noted that the insulation in the building should provide a measure of sound-proofing.

Mayor Wagner stated that he could not see the need to impose any additional conditions unless it could be shown that there was an actual need for them. He noted that with the Edison right-of-way, the building would be about 70 feet from the actual residences and the real problem was not noise from the building, but noise from the playground. He stated that he felt the conditions regarding the hours the children were allowed outside were sufficiently restrictive, especially considering that by code, construction was allowed to begin as early as 7 a.m. He concluded by stating he could see no valid reason not to uphold the decision of the Planning and Environment Commission in this case.

MAYOR WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO UPHOLD THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION AFTER HAVING HEARD ALL OF THE EVIDENCE PRESENTED.

Vice Mayor Van Nostran expressed concern about the gates in the school property leading to the Edison right-of-way and suggested they be removed or secured.

Council Member Piercy stated that he agreed that it was important not to create a closed corridor by having block walls on both sides of the Edison right-of-way. He further stated that he felt the noise situation would improve with the installation of the building.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Piercy, Van Nostran, Rogers and Wagner

NAYS: COUNCIL MEMBERS: None

**2.1 • AMENDING THE ESTABLISHED LAKEWOOD HOUSING AUTHORITY BOARD TO PROVIDE FOR TENANT COMMISSIONERS**

The Director of Community Development gave a brief oral presentation based on the memorandum in the agenda packet and stated that Federal regulations pertaining to housing authorities had been changed and Lakewood had been notified by the Department of Housing and Urban Development that the Lakewood Housing Authority needed to add two tenant members to its board of directors. It was the recommendation of staff that the City Council amend the resolution which established the Lakewood Housing Authority to provide for seven commissioners on the Housing Authority Board, two of which would be tenant commissioners.

**2.1 • AMENDING THE ESTABLISHED LAKEWOOD HOUSING AUTHORITY BOARD TO PROVIDE FOR TENANT COMMISSIONERS - Continued**

RESOLUTION NO. 2001-81; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING RESOLUTION NO. 84-76 PERTAINING TO THE HOUSING AUTHORITY OF THE CITY OF LAKEWOOD

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO ADOPT RESOLUTION NO. 2001-81. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Piercy, Van Nostran, Rogers and Wagner

NAYS: COUNCIL MEMBERS: None

**3.2 • EASEMENT FOR THE SOUTH/WEST CORNER OF WOODRUFF AVENUE AND SOUTH STREET**

The Director of Water Resources, Jim Glancy, displayed slides and gave a brief oral presentation based on the memorandum in the agenda packet, stating the owner of the property located at the southwest corner of Woodruff Avenue and South Street had requested that a water pipeline be relocated in order to accommodate a new development on the site. It was the recommendation of staff that the City Council authorize an agreement for the installation of a new water pipeline, accept an easement for the newly installed pipeline, complete a vacation of the current easement and authorize the Mayor to execute all documents necessary to complete these actions.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Piercy, Van Nostran, Rogers and Wagner

NAYS: COUNCIL MEMBERS: None

**WRITTEN COMMUNICATIONS:**

CORRESPONDENCE FROM LONG BEACH CITY CLERK REQUESTING AUTHORIZATION TO CONDUCT ELECTION FUNCTIONS IN LAKEWOOD FOR APRIL 9, 2002 LBUSD AND LBCCD ELECTIONS

Mayor Wagner stated that the City Clerk of the City of Long Beach was requesting the authority to conduct the portion of the LBUSD and LBCCD elections that were inside the boundaries of the City of Lakewood.

**WRITTEN COMMUNICATIONS:** Continued

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE THE LONG BEACH REQUEST. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Piercy, Van Nostran, Rogers and Wagner

NAYS: COUNCIL MEMBERS: None

At 8:57 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:58 p.m., the City Council Meeting was reconvened.

**JOINT PUBLIC HEARING OF THE REDEVELOPMENT AGENCY AND THE CITY COUNCIL ON CONSIDERATION OF AN AMENDMENT TO THE LEASE OF REAL PROPERTY LOCATED AT 4950 CLARK AVENUE, LAKEWOOD, CALIFORNIA, TO THE BANK OF LAKEWOOD**

The Community Development Director gave a brief oral presentation based on the memorandum in the agenda packet and reported a request had been received from the Bank of Lakewood to extend the lease on the parcel of land located at 4950 Clark Avenue for an additional one year period. The annual rent for the parcel would be increased to \$57,300 to adjust for the rise in the cost of living and a 180-day termination clause would be added to the lease. It was the recommendation of staff that the City Council extend the lease with the Bank of Lakewood for the property located at 4950 N. Clark Avenue until December 31, 2002.

Council Member Piercy inquired about the addition of the 180-day termination clause. Mr. Ebner responded by stating the Bank had requested the addition, as they might be considering a move to a different location.

Mayor Wagner opened the public hearing at 9:01 p.m. and called for anyone in the audience wishing to be heard on this matter. There was no response.

COUNCIL MEMBER ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, Piercy, Van Nostran, Rogers and Wagner

NAYS: COUNCIL MEMBERS: None

At 9:03 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Housing Authority. At 9:05 p.m., the City Council Meeting was reconvened.

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**ORAL COMMUNICATIONS:** None

**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Wagner adjourned the meeting at 9:05 p.m.

Respectfully submitted,

Denise R. Hayward, CMC  
City Clerk