



Minutes

Lakewood City Council

Regular Meeting held
November 12, 2002

MEETING WAS CALLED TO ORDER at 7:30 p.m. by Mayor Van Nostran in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Bishop Alfred Coleman, Church of Jesus Christ of Latter Day Saints

PLEDGE OF ALLEGIANCE was led by Vice Mayor Joseph Esquivel

ROLL CALL: PRESENT: Mayor Larry Van Nostran
Vice Mayor Joseph Esquivel
Council Member Wayne Piercy
Council Member Todd Rogers
Council Member Robert Wagner

ANNOUNCEMENTS AND PRESENTATIONS:

State Assembly Member Sally Havice stated that it had been a tremendous honor to serve the Lakewood community in the California Assembly over the past six years. She noted that battles had been fought together and many won which had improved the quality of life for Lakewood's residents. She stated that one of those victories had been legislation providing for off-duty law enforcement officers, flying within California, to serve as sky marshals, an idea originally presented to her by Council Member Todd Rogers. She expressed her thanks to Council Member Rogers and presented him with House Resolution 35, "Cops on Board."

Council Member Rogers stated that while many talk about improving homeland security, Sally Havice had actually done something about it and that her willingness to take action was indicative of her service to the community.

Mayor Van Nostran announced that the meeting would be adjourned in memory of Tina Harris, a long-time employee who had worked as a crossing guard on Clark Avenue at Michelson Street.

ROUTINE ITEMS:

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 10.

RI-1 Approval of Minutes of the Meetings held October 22, 2002

RI-2 Approval of Personnel Transactions

ROUTINE ITEMS: Continued

RI-3 Approval of Registers of Demands dated October 17, October 24, and October 31, 2002

RI-4 Approval of Entry Permit for Chamber of Commerce Rose Parade Parking at Civic Center

RI-5 Acceptance of Notice of Completion for Public Works Project No. 02-3; 24-inch Waterline in Palo Verde Avenue, Valverde Construction

RI-6 Approval of Agreement for Engineering Services for Wellhead and Pump Design for Well 13A

RI-7 RESOLUTION NO. 2002-90; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A "20 MINUTE" LIMITED PARKING ZONE ON THE WEST SIDE OF PIXIE AVENUE NORTH OF COVER STREET WITHIN THE CITY OF LAKEWOOD

RI-8 RESOLUTION NO. 2002-91; 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 LONGWORTH AVENUE BETWEEN VENDALE DRIVE AND STILLMAN STREET

RESOLUTION NO. 2002-92; 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 THURSDAY OF EACH WEEK FOR STREET SWEEPING PURPOSES ON BOTH SIDES OF MICHELSON STREET BETWEEN DOWNEY AVENUE AND HAYTER AVENUE

RESOLUTION NO. 2002-93; 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 THURSDAY OF EACH WEEK FOR STREET SWEEPING PURPOSES ON BOTH SIDES OF COKE AVENUE BETWEEN MICHELSON STREET AND CAMERINO STREET

RI-9 Approval of Report of Monthly Investment Transactions

RI-10 Approval of Change Order for Public Works Contract No. 02-5; West San Gabriel River Open Space Project

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CONDITIONAL USE PERMIT CASE NO. 716; PERTAINING TO FENCING IN EXCESS OF 42 INCHES IN HEIGHT ON PROPERTY LOCATED AT FIDLER AVENUE

The Director of Community Development, Chuck Ebner, displayed slides and gave a brief oral presentation based on the memorandum contained in the agenda. He reported that the applicant, David Barragan, had constructed a front yard fence in excess of 42 inches in height, in violation of Lakewood Municipal Code 9384.B, which only allows such a use with a conditional use permit. The applicant had applied for a conditional use permit which had been heard by the Planning and Environment Commission at its October 3, 2002 meeting. Based upon testimony, the Commission had adopted a resolution denying the application.

Mayor Van Nostran opened the public hearing at 7:48 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

David Barragan, Fidler Avenue, stated that he did not believe the fence to be a safety hazard as it did not block visibility. He further stated that most of his neighbors had made positive comments about the fence and that the only party objecting to it did not actually live in the area.

Responding to questions from Council Member Wagner, Mr. Barragan stated that the fence had been installed by a contractor at his wife's request and that although he had thought that he should contact the City about building requirements, she had proceeded with the installation before he could do so.

Council Member Piercy inquired about the reason for the installation of the fence. Mr. Barragan stated that they had wanted an area that was safe for their daughter to play with the dog, without causing any problems for the neighbors.

Gayla Wilderson-Romero stated she was the owner of rental property located at Fidler Avenue and that she felt the fence was too high and should be lowered. Dave Romero echoed her remarks.

Donald Lewis Nelson also spoke in opposition to the height of the fence, stating it would encourage others to ignore City regulations and invite litigation.

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO CLOSE THE PUBLIC HEARING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

Mayor Van Nostran stated that he had gone to visit the site and found the property to be well maintained and the fence attractive. He concluded by stating that he had no problem with the fence and would favor granting the conditional use permit.

1.1 • APPEAL OF CONDITIONAL USE PERMIT CASE NO. 716 - Continued

Council Member Rogers inquired of the City Attorney whether the granting of this conditional use permit could expose the City to future liability.

City Attorney John S. Todd responded by stating that the Lakewood Municipal Code gave the City Council the authority, based upon the evidence, to grant an appeal of a Planning and Environment Commission decision and that although an argument might be made that the granting of a particular appeal set a precedent, it could also be argued that each case was different and must be considered on its individual merits.

Council Member Wagner stated that although you could see through the fence, it made the property look very different from the surrounding properties and that he felt it would look much better if it were lowered and more in line with surrounding properties. He concluded by stating that lacking some rationale or need for installing a higher fence, the height should be reduced.

Council Member Piercy stated that he agreed with Council Member Wagner on this issue. He noted that although the fence was attractive, there was no control over the fence being covered by vines or other growth in the future. He concluded by stating he felt it was not wise to set a precedent with this type of use.

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER WAGNER SECONDED TO DENY THE APPEAL OF CONDITIONAL USE PERMIT CASE NO. 716. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: Van Nostran

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT RESOLUTION NO. 2002-94.

RESOLUTION NO. 2002-94; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF CONDITIONAL USE PERMIT CASE NO. 716 AND DENYING CONDITIONAL USE PERMIT TO MAINTAIN A FENCE IN EXCESS OF 42 INCHES IN HEIGHT WITHIN THE REQUIRED FRONT YARD AT FIDLER AVENUE, LAKEWOOD, CALIFORNIA

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: Van Nostran

1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 02-10; DRILLING WELL 13A

The Director of Public Works, Lisa Rapp, gave a brief oral presentation based on the memorandum contained in the agenda and stated two sealed bids had been received for the drilling of water well 13A, located at the southwest corner of Palo Verde Avenue and Candlewood Street. Work was projected to begin in early January and be completed in mid-March, 2003. It was the recommendation of staff that the City Council approve the plans, specifications and working details for the project; award a contract to Beylik Drilling, Inc. in the amount of \$424,000; and authorize staff to approve a cumulative total of change orders, not to exceed \$40,000.

Mayor Van Nostran opened the public hearing at 8:14 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

2.1 • ORDINANCE NO. 2002-8; SPECIFIC PLAN FOR LAKEWOOD AUTO CENTER LOCATED AT THE CORNER OF CHERRY AVENUE AND 36TH STREET

The Community Development Director reported that the proposed ordinance had been introduced for first reading at the Council's last meeting held on October 22, 2002, and was presented for second reading and adoption at this time.

ORDINANCE NO. 2002-8; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING THE LAKEWOOD AUTO CENTER SPECIFIC PLAN was read by title by Mayor Van Nostran.

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR ESQUIVEL SECONDED TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2002-8. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.2 • INTERIM URGENCY ZONING ORDINANCE NO. 2002-9; PROHIBITING THE ESTABLISHMENT OF ANY MOTEL/HOTEL USES

The Community Development Director gave a brief oral presentation based on the memorandum contained in the agenda and reported that an inquiry regarding the use of a Carson Street property as a motel had prompted staff to review the regulations contained in the Municipal Code pertaining to motels and hotels. It was found that existing motel or hotel uses had raised some recurring code enforcement, public nuisance and criminal-type problems. It was the recommendation of staff that the City Council adopt Ordinance No. 2002-9, establishing a moratorium on the development of motels and hotels in the City pending a study by the Planning and Environment Commission as to the appropriate zoning regulations for that type of use.

Council Member Piercy inquired about the scope of the study. Mr. Ebner responded by stating that the study would encompass the entire City and identify any problems with the type of use and potential mitigation measures. Noting that the ordinance specified a 45-day moratorium, Council Member Piercy determined from Mr. Ebner that the study could not be completed that quickly and an extension would certainly be requested.

The City Attorney briefly outlined the legal process for moratorium ordinances.

ORDINANCE NO. 2002-9; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD PROHIBITING THE ESTABLISHMENT OF ANY MOTEL OR HOTEL WITHIN THE CITY PENDING COMPLETION OF A STUDY AND REPORT BY THE PLANNING AND ENVIRONMENT COMMISSION PERTAINING TO THE PROPER ZONE CLASSIFICATION FOR CONDITIONS OF USE FOR MOTELS OR HOTELS WITHIN THE CITY AS AN INTERIM ZONING ORDINANCE, AND SETTING FORTH FACTS CONSTITUTING THE SAME AS AN URGENCY ORDINANCE was read by title by Mayor Van Nostran.

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER ROGERS SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2002-9. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER WAGNER MOVED AND VICE MAYOR ESQUIVEL SECONDED TO INTRODUCE ORDINANCE NO. 2002-9. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER WAGNER MOVED AND VICE MAYOR ESQUIVEL SECONDED TO ADOPT ORDINANCE NO. 2002-9.

2.2 • INTERIM URGENCY ZONING ORDINANCE NO. 2002-9; PROHIBITING THE ESTABLISHMENT OF ANY MOTEL/HOTEL USES - Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.1 • LAKEWOOD WEB SITE RE-LAUNCH STATUS REPORT

Assistant City Manager Michael Stover gave a brief oral presentation based on the memorandum contained in the agenda and stated a new content management system was being implemented for the City's web site. He provided a live demonstration to briefly review the improved features available to web site visitors with the Civica software and announced that the Internet site was ready for re-launch. It was the recommendation of staff that the City Council receive and file the report.

Council Member Wagner inquired about accessing the Municipal Code. Mr. Stover responded by stating that since a single database was used, Code updates would be available through the Internet as soon as the update was implemented internally. Council Member Wagner complimented staff for a very good looking upgrade.

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR ESQUIVEL SECONDED TO RECEIVE AND FILE THE REPORT AS PRESENTED. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

WRITTEN COMMUNICATIONS:

CORRESPONDENCE FROM TOBY HESS REGARDING THE CABLECASTING OF LONG BEACH UNIFIED SCHOOL DISTRICT BOARD MEETINGS

Mayor Van Nostran read a letter that had been received from Toby Hess regarding a citizens' group wishing to independently videotape meetings of the Long Beach Unified School District Board meeting and have their tapes broadcast on the Lakewood municipal access channel.

Responding to questions from Council Member Wagner and Vice Mayor Esquivel, the Assistant City Manager confirmed that there would not be a problem finding an available broadcast time for the meeting tapes, even if all four districts meetings were to be made available.

Jeannine McManigal-Ball, Long Beach, stated that the board meetings for LBUSD were not at a convenient time or location for the general public to attend. She concluded by stating that broadcasting the meetings would give everyone a better understanding of what was going on in the District.

WRITTEN COMMUNICATIONS: Continued

Responding to a question from Vice Mayor Esquivel, the City Attorney advised that California's Brown Act, which governs open meetings, would allow any member of the public to videotape a public meeting as long as it was not disruptive to the proceedings.

Council Member Wagner determined from Ms. McManigal-Ball that this was intended to be a pilot program and that since the broadcasts were not live, the plug could be pulled at any time.

Council Member Piercy clarified with the group that they were requesting air time for their tapes of the Board meetings.

Council Member Rogers stated that he wished there were residents in all of the school districts who were willing to do the same thing. He noted that there was a keen interest in the community to be informed about the decisions being made by the school districts. He encouraged granting approval for cable air time.

Sheila LaTourette-McManigal stated that she had been able to get her name on the mailing list for the LBUSD agendas but had found them hard to understand and the meetings difficult to attend due to traffic at the time of day the meetings are held.

Debbie Smith stated that parents needed to be informed in order to participate and encouraged the City Council to support the pilot program.

Steve Croft also spoke in support of the program and expressed the desire to see the program spread to the other districts.

Toby Hess thanked all who had expressed support for the proposal.

The City Attorney advised that for the City Council to take action on the item, it should be formally added to the agenda.

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER ROGERS SECONDED TO ADD TO THE AGENDA, THE APPROVAL OF THE REQUEST TO PROVIDE CABLECASTING TIME FOR LONG BEACH UNIFIED SCHOOL DISTRICT BOARD MEETINGS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER WAGNER SECONDED TO APPROVE THE REQUEST TO PROVIDE CABLECASTING TIME FOR LONG BEACH UNIFIED SCHOOL DISTRICT BOARD MEETINGS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

At 9:02 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 9:04 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Sheila LaTourette-McManiga addressed the City Council regarding an unsigned, undated flyer attacking the City Council's action pertaining to schools which had been included in the *Long Beach Press Telegram*. She expressed anger about the content of the flyer and that she found it to be cowardly to have sent it unsigned.

Steve Croft stated that while the flyer was critical of the City Council for funds used for school district consulting services, most residents in Lakewood were more than willing to spend the funds to improve the chances of providing quality education to the City's youth.

Council Member Wagner stated that many items outlined in the flyer were misleading, deceptive and did not accurately reflect the actions that had been taken. He briefly outlined the City's attempts to meet and discuss the matter with the Bellflower Unified School District.

Mayor Van Nostran summarized his attempts to get more information about the proposal and concluded by noting that he had contacted one of the BUSD Board Members who was totally unaware of any plan by the Board or any map of a proposed joint district. He declared that he was willing to work with anyone, if it would mean a better education for Lakewood students.

Council Member Rogers stated that the City Council's position was not to reconstruct battles from the past, but to move away from the politicizing of the issue. He stated that he had previously met with BUSD Board Member Jerry Cleveland to discuss a generic plan for a possible joint district, but had never seen a proposal, map or anything else in writing. He concluded by expressing his willingness to sit down and discuss any idea that could make education better for the Lakewood community.

Council Member Wagner stated that the Council's School District Formation Committee had made every effort to tone down the rhetoric and de-politicize the issue. He noted that they had met with the other school districts, but that BUSD had refused to meet with them.

CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Mayor Van Nostran announced that based on the confidential written report of the City Attorney, the City Council would recess to a closed session pursuant to Government Code Section 54956.8 to confer with its real property negotiator, Assistant City Manager Michael Stover, pertaining to the proposed purchase of water rights.

At 9:33 p.m., the meeting was reconvened. Mayor Van Nostran announced that the City Council had met in closed session to consider the purchase of water rights from Golden West Refining Company and had given its real property negotiator instructions pertaining to the purchase of said water rights.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Van Nostran adjourned the meeting at 9:35 p.m. in memory of Willitine "Tina" Harris.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk