



Minutes

Lakewood City Council

Regular Meeting held
May 13, 2008

MEETING WAS CALLED TO ORDER at 7:41 p.m. by Mayor Croft in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Rabbi Howard Laibson, Congregation Shir Chadash

PLEDGE OF ALLEGIANCE was led by Vice Mayor Todd Rogers

ROLL CALL: PRESENT: Mayor Steve Croft
Vice Mayor Todd Rogers
Council Member Diane DuBois
Council Member Joseph Esquivel
Council Member Larry Van Nostran

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Croft announced that the meeting would be adjourned in memory of Vickie O'Neal, a volunteer with the Disabled American Veterans local post for many years.

Mayor Croft also announced that a reception had been held prior to the meeting formally introducing Captain Christy Guyovich as the new commander of the Lakewood Sheriff's Station; to recognize Iacoboni Library Manager Donna Walters for her years of service to the community as she prepares to retire in June; and to acknowledge the Humanitarian Award received by Lakewood resident Ron Piazza from the California Conference for Equality and Justice. Mayor Croft also advised that many volunteers participating in Lakewood's Volunteer Day and as coaches for the Lakewood Youth Sports program were recognized. He stated that he would lead an effort over the coming year to encourage young residents and new residents to become involved in volunteer work in the community in the tradition of the City's founders.

Mayor Croft noted that Southern California Edison Company was in the process of reviewing viable alternatives for the oversized pole located on Palo Verde Avenue at Centralia Street.

ROUTINE ITEMS:

COUNCIL MEMBER VAN NOSTRAN MOVED AND VICE MAYOR ROGERS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 12.

RI-1 Approval of Minutes of the Meeting held April 22, 2008

RI-2 Approval of Personnel Transactions

ROUTINE ITEMS: Continued

- RI-3 Approval of Registers of Demands

- RI-4 Approval of Meeting Reports and Authorizations Pursuant to AB1234

- RI-5 RESOLUTION NO. 2008-14; RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOODS, AND COASTAL PROTECTION BOND ACT OF 2002, THE WATER, SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002, AND THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROP 84) FOR THE W. SAN GABRIEL RIVER PARKWAY – PHASE 3 DEVELOPMENT

- RI-6 Approval of Extension of Time for Tentative Tract Map No. 62379, 11610 207th Street

- RI-7 Approval of Telecommunications Facility Improvements

- RI-8 Approval of Information Infrastructure Hardware Acquisition

- RI-9 Approval of Network Infrastructure Project

- RI-10 RESOLUTION NO. 2008-15; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DIRECTING THE PREPARATION OF A REPORT OF DELINQUENT FEES FOR GARBAGE, WASTE AND REFUSE COLLECTION AND DISPOSAL WITHIN THE CITY OF LAKEWOOD, AND SETTING A PUBLIC HEARING THEREON FOR JULY 22, 2008

- RI-11 RESOLUTION NO. 2008-16; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD CONSENTING TO THE ESTABLISHMENT OF PARAMOUNT BOULEVARD FROM CANDLEWOOD STREET TO COVER STREET, WITHIN SAID CITY, AS PART OF THE SYSTEM OF HIGHWAYS OF THE COUNTY OF LOS ANGELES

- RI-12 Consideration of Lakewood Drive Traffic Study

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, DuBois, Rogers, Van Nostran and Croft

NAYS: COUNCIL MEMBERS: None

1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 499, AMENDMENT NO. 1, FOR PROPERTY LOCATED AT 4130 PARAMOUNT BOULEVARD

City Attorney Steve Skolnik explained the procedure the City Council would follow for the appeal and that pursuant to §9407 of the Lakewood Municipal Code, the Council would consider the evidence from the record of the hearing before the Planning and Environment Commission without new testimony unless they requested a new hearing.

Community Development Director Jack Gonsalves made a presentation based on the memo in the agenda and stated that Rustler's Sports Bar and Grill, located at 4130 Paramount Boulevard, currently held a Conditional Use Permit (CUP) to operate an establishment offering alcoholic beverages for sale and consumption on the premises in conjunction with a bona-fide eating establishment. Responding to complaints from the neighboring residential area and calls requiring substantial services from the Sheriff's Department, the Planning and Environment Commission had held a hearing to consider the modification or revocation of the Conditional Use Permit. It was the decision of the Commission to modify the CUP with additional conditions. The letter of appeal requested reconsideration of two of those conditions, the restricted hours of operation and the requirement for two security guards each night.

Mayor Croft, noting that the appellant had been fined by the Department of Alcoholic Beverage Control (ABC) for a number of violations, determined from Mr. Gonsalves that the City had no input into the ABC process that led to either fines or a suspension of license.

Vice Mayor Rogers inquired about the percentage of alcoholic beverage sales compared to food sales on the site. The City Attorney stated that the record of the Commission hearing indicated that food sales were ancillary to the sales of alcoholic beverages.

Morgan Ralls, representing the appellant, John Milam, stated that he had requested additional information on the nature of the calls for service to the Sheriff's Station, but had not received the information. He further stated that it was possible that some of the calls were related to incidents in the common parking area with other businesses in the center. Mr. Ralls also stated that the comparison of calls for service by the Sheriff's Department to other bar businesses in the City was not a fair comparison since the Rustler's business was much larger in square footage.

Karen Ray, Mae Prouty and Dionne Topete spoke in favor of upholding the decision of the Planning and Environment Commission.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO CLOSE THE PUBLIC HEARING. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 499 - Continued

Council Member Esquivel confirmed with the City Attorney that the testimony given by the representative of the Sheriff's Department was part of the record of the Commission proceeding.

Vice Mayor Rogers stated that while he was in favor of denying the appeal, he was not convinced that the additional conditions imposed by the Commission would be enough to solve the problems at the subject location.

Council Member DuBois inquired if the City Council could direct that a 60-day review of the effectiveness of the additional conditions be brought back directly to the City Council. The City Attorney confirmed that the Council could choose to take jurisdiction in this case.

Council Member Van Nostran stated he shared Vice Mayor Rogers' concerns and viewed this next 60-day period as a last chance for the business owner to prove that he was able to get his business under control.

Mayor Croft stated that he found a "crimes per square foot" defense of this business to be incredible and that the business owner needed to demonstrate that he was willing to work with the City to alleviate the problems at this location.

COUNCIL MEMBER DUBOIS MOVED AND VICE MAYOR ROGERS SECONDED TO DENY THE APPEAL OF CONDITIONAL USE PERMIT 499, AMENDMENT NO. 1, AND TO REQUIRE A 60-DAY REPORT BE MADE TO THE CITY COUNCIL REGARDING THE BUSINESS.

RESOLUTION NO. 2008-17; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF THE MODIFICATION IN THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 499 A-1, AND UPHOLDING THE PLANNING AND ENVIRONMENT COMMISSION DECISION TO AMEND CONDITIONAL USE PERMIT NO. 499, 4130 PARAMOUNT BOULEVARD, LAKEWOOD, CALIFORNIA

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, DuBois, Rogers, Van Nostran and Croft

NAYS: COUNCIL MEMBERS: None

1.2 • CONSIDERATION OF PERMIT APPLICATIONS FOR SALE OF FIREWORKS

Administrative Services Director Diane Perkin gave a report based on the memo contained in the agenda and stated that 27 community organizations had submitted application for permits for temporary fireworks stands. Permits were available to nonprofit or tax exempt associations established primarily for patriotic, veteran, civic betterment, religious, welfare, youth or charitable purposes. She advised that the applications had been reviewed by the Public Safety Committee. It was the recommendation of staff that the City Council approve the issuance of permits for temporary fireworks stands to 27 organizations.

Mayor Croft opened the public hearing at 8:35 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Sharon Pollock, Activities Director for Artesia High School, thanked the City Council for the opportunity to get a permit. She detailed some of the school programs that benefitted from the funds raised at the fireworks stand.

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

AYES: COUNCIL MEMBERS: Esquivel, DuBois, Rogers, Van Nostran and Croft

NAYS: COUNCIL MEMBERS: None

1.3 • APPLICATION SUBMITTAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT – FISCAL YEAR 2008-09

The Director of Community Development made a presentation based on the memo in the agenda and stated that Federal funding came to the City each year through the Community Development Block Grant Program. As a requirement of the Program, staff had prepared an Action Plan detailing the proposed projects for the \$722,690 in funding to be received in fiscal year 2008-09. He noted that 80 percent of the funds would benefit low- and moderate-income persons within the City. It was the recommendation of staff that the City Council conduct a public hearing to receive comments on the Action Plan, approve the Plan, and authorize the City Manager to submit the funding application with the required certification to the Department of Housing and Urban Development.

Council Member Van Nostran inquired about the possibility of funding cuts due to Federal budget constraints. Mr. Gonsalves replied that this funding had already been committed and so were not in danger of being cut.

Mayor Croft opened the public hearing at 8:38 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

1.3 • APPLICATION SUBMITTAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT – FISCAL YEAR 2008-09 – Continued

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

AYES: COUNCIL MEMBERS: Esquivel, DuBois, Rogers, Van Nostran and Croft

NAYS: COUNCIL MEMBERS: None

2.1 • DECLARING INTENT TO ADOPT COUNTY OF LOS ANGELES UNIFORM BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODES BY REFERENCE

The City Attorney advised that the City was mandated by State law to adopt new building codes by reference and that the proposed resolution would introduce the enabling ordinance and set a public hearing date.

The Director of Community Development noted that although the codes had been adopted at the State level, Lakewood would be adopting a version that included modifications specific to Los Angeles County.

RESOLUTION NO. 2008-18; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DECLARING ITS INTENTION TO AMEND THE LAKEWOOD MUNICIPAL CODE BY ADOPTING THE CALIFORNIA BUILDING CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE AND THE ELECTRICAL CODE AND DECLARING ITS INTENTION TO ADOPT ORDINANCE NO. 2008-2 ENTITLED "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE MUNICIPAL CODE BY ADOPTING BY REFERENCE COUNTY OF LOS ANGELES 2008 BUILDING CODE, COUNTY OF LOS ANGELES 2008 ELECTRICAL CODE, COUNTY OF LOS ANGELES 2008 PLUMBING CODE, AND COUNTY OF LOS ANGELES 2008 MECHANICAL CODE, AND AMENDING THE BUILDING, PLUMBING, MECHANICAL, AND ELECTRICAL CODES OF THE CITY OF LAKEWOOD," AND SCHEDULING A HEARING THEREON BEFORE THE CITY COUNCIL IN THE COUNCIL CHAMBERS AT 5000 CLARK AVENUE, LAKEWOOD, CALIFORNIA, AT 7:30 P.M. ON TUESDAY, JUNE 10, 2008

ORDINANCE NO. 2008-2; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE MUNICIPAL CODE BY ADOPTING BY REFERENCE COUNTY OF LOS ANGELES 2008 BUILDING CODE, COUNTY OF LOS ANGELES 2008 ELECTRICAL CODE, COUNTY OF LOS ANGELES 2008 PLUMBING CODE, AND COUNTY OF LOS ANGELES 2008 MECHANICAL CODE AND AMENDING THE BUILDING, PLUMBING, MECHANICAL AND ELECTRICAL CODES OF THE CITY OF LAKEWOOD

2.1 • DECLARING INTENT TO ADOPT COUNTY OF LOS ANGELES UNIFORM BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODES BY REFERENCE – Continued

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO ADOPT RESOLUTION NO. 2008-18 AND INTRODUCE ORDINANCE NO. 2008-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, DuBois, Rogers, Van Nostran and Croft
NAYS: COUNCIL MEMBERS: None

At 8:41 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:46 p.m., the City Council Meeting was reconvened.

2.2 • INTRODUCTION OF ORDINANCE NO. 2008-3, ADOPTING AMENDMENT NO. 4 TO THE REDEVELOPMENT PLAN FOR PROJECT AREA NO. 2

The City Attorney advised that the proposed ordinance had been recommended for adoption by the Lakewood Redevelopment Agency and prepared by the Agency's legal counsel.

ORDINANCE NO. 2008-3; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING AND ADOPTING AMENDMENT NO. 4 TO THE REDEVELOPMENT PLAN FOR THE LAKEWOOD REDEVELOPMENT PROJECT AREA NO. 2

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO INTRODUCE ORDINANCE NO. 2008-3. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Esquivel, DuBois, Rogers, Van Nostran and Croft
NAYS: COUNCIL MEMBERS: None

ORAL COMMUNICATIONS: None

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Croft adjourned the meeting at 8:47 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk