



Minutes

Lakewood City Council

Regular Meeting held
April 28, 2009

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

INVOCATION was offered by Bishop Richard Bon, Church of Jesus Christ of Latter Day Saints

PLEDGE OF ALLEGIANCE was led by Council Member Larry Van Nostran

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Rogers extended thanks to all who had come out for Volunteer Day on April 25th to help out neighbors and improve our neighborhoods.

Vice Mayor Esquivel stated that he had attended the 'Project Pantry' food drive event sponsored by the Church of Jesus Christ of Latter Day Saints which had benefitted Lakewood's Project Shepherd.

ROUTINE ITEMS:

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 10.

- RI-1 Approval of Minutes of the Meetings held March 18, and April 14, 2009
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands
- RI-4 Approval of Meeting Reports and Authorizations Pursuant to AB1234
- RI-5 Approval of Monthly Report of Investment Transactions
- RI-6 Approval of Quarterly Schedule of Investments
- RI-7 Approving Renewal of Agreement with County of Los Angeles for Grounds Maintenance of the Iacoboni Library

ROUTINE ITEMS: Continued

RI-8 Approval of Lease of Water Rights to the City of Long Beach Water Department

RI-9 Approval of Agreement for Auditing Services with Diehl, Evans and Co.

RI-10 Approval of Agreements for Civic Center Block Party Fireworks Display

Mayor Rogers noted that he wished to abstain from approving the Minutes of the March 18, 2009 Adjourned City Council Meeting.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • SPECIFIC PLAN FOR 3201-3225 CARSON STREET

Community Development Director Jack Gonsalves displayed slides and made a presentation based on the memo in the agenda. He stated that an application had been made to amend an existing Specific Plan to allow the sale of beer and wine for on-site consumption in connection with bona fide eating establishments at the commercial center located at 3201-3225 Carson Street. Part of the approval process would require each establishment to comply with the floor plan configurations and seating limits set forth in the Specific Plan. He reviewed the other locations within the Census Tract that were approved for alcoholic beverage sales and the conditions of approval recommended by law enforcement. It was the recommendation of the Planning and Environment Commission that the City Council introduce the proposed ordinance for the implementation of an amendment to Specific Plan 2007-2.

ORDINANCE NO. 2009-2; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING AMENDMENT NO. 1 TO SPECIFIC PLAN 2007-2

Council Member Croft confirmed from Mr. Gonsalves that once granted, a restaurant could not convert to the sale of alcoholic beverages without the sale of food. City Attorney Steve Skolnik advised that a different type of license would be required for that type of use.

Mayor Rogers 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.

Shinh Zarkesh, property owner and manager, clarified for the Members of Council the hours of operation for the businesses and the operation of the location's video surveillance.

Rory Hargaden spoke in opposition to the amendment, citing the close proximity to residential property, the concentration of businesses serving alcoholic beverages in the area, and the adequacy of parking on the site.

1.1 • SPECIFIC PLAN FOR 3201-3225 CARSON STREET - Continued

Greg Walker, 3219 Carson Street, owner/operator of Walkers Barbeque, stated the ability to offer customers beer or wine would help his business survive the economic downturn.

Responding to a question from Mayor Rogers, Mr. Walker stated that there had not been any alcohol-related law enforcement issues or problems in the location's parking area. Council Member Van Nostran determined from Mr. Walker that although the parking directly in front of the restaurants tended to get full, there was adequate additional parking available on the west side of the lot.

Michael Kim, 3221 Carson Street, owner of Z Pizza, stated that 70 percent of his business was during the dinner hours and that he had never seen the parking lot completely full.

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

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

NAYS: COUNCIL MEMBERS: None

The City Attorney noted for the record that correspondence had been received from an attorney on behalf of one of the residential property owners adjacent to the subject location. He reviewed the points made in the correspondence and concluded that they were matters of policy and not legal requirements.

Mr. Gonsalves clarified that the provisions of the Lakewood Municipal Code dealing with joint use parking did not require totally different hours of operation for business uses to share a joint parking area, and recognized that some overlap would occur.

The City Attorney questioned Mr. Gonsalves and clarified that the method of calculation for the joint use parking agreement was a professionally recognized policy that was consistently applied throughout the City, and that the joint use parking had nothing to do with the sale of alcoholic beverages.

Responding to a question from Council Member Van Nostran, Mr. Skolnik stated that the State Alcoholic Beverage Control Board set the recommended number of licenses for alcoholic beverages based on the population level within a Census tract without any regard for the property uses within the tract.

Mayor Rogers determined from Mr. Gonsalves that there had not been any complaints or comments from any other residents in the area of the project.

Council Member Van Nostran determined from Mr. Gonsalves that the distances listed in the Municipal Code of alcoholic beverage sale uses from residential uses was for a business that was a bar with entertainment, not for a restaurant permitted to sell beer and wine with food.

1.1 • SPECIFIC PLAN FOR 3201-3225 CARSON STREET - Continued

Council Member Croft stated that he traveled past the subject location on a regular basis and had never witnessed a parking problem on the site.

Mayor Rogers determined from the property owner that they had been in contact with the attorney representing the adjacent home owner and tried to resolve their concerns, but were unable to offer a settlement satisfactory to the home owner.

COUNCIL MEMBER CROFT MOVED AND VICE MAYOR ESQUIVEL SECONDED TO INTRODUCE ORDINANCE NO. 2009-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.1 • APPOINTMENTS TO CITY COMMISSIONS

Mayor Rogers called for appointments to the City's commissions.

COMMUNITY SAFETY COMMISSION

Jim Choura by Council Member Van Nostran

Linda Quarto by Council Member DuBois

Ben Maleki by Council Member Croft

Lynda Carter by Vice Mayor Esquivel

Bill Baca by Mayor Rogers

PLANNING AND ENVIRONMENT COMMISSION

Sean Piazza by Council Member Van Nostran

Joy Janes by Council Member DuBois

Jan McKinnon by Council Member Croft

Ron Wade by Vice Mayor Esquivel

Vicki Stuckey by Mayor Rogers

RECREATION AND COMMUNITY SERVICES COMMISSION

Nancy Piazza by Council Member Van Nostran

Kirk Real by Council Member DuBois

Ben Delarosa by Council Member Croft

Jeff Wood by Vice Mayor Esquivel

Steve Richard by Mayor Rogers

RESOLUTION NO. 2009-12; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPOINTING MEMBERS OF THE VARIOUS COMMISSIONS OF THE CITY OF LAKEWOOD

2.1 • APPOINTMENTS TO CITY COMMISSIONS - Continued

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO ADOPT RESOLUTION NO. 2009-12 WITH THE NAMES AS RELATED. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.2 • SECOND READING AND ADOPTION OF ORDINANCE NO. 2009-1; AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO FEES FOR INDUSTRIAL WASTE

ORDINANCE NO. 2009-1; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE BY AMENDING SECTION 7230 PERTAINING TO AMENDMENTS TO THE SANITARY SEWER AND INDUSTRIAL WASTE ORDINANCE was read by title by the City Clerk.

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2009-1. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.1 • CONTRACT FOR CURBSIDE RECYCLING AND AUTOMATED REFUSE COLLECTION

Public Works Director Lisa Rapp displayed slides and made a presentation based on the memo in the agenda. She stated that the City had a long relationship with EDCO/BZ Disposal Services for trash collection. A proposal had been received from EDCO/BZ for the implementation of curbside recycling and automated refuse collection which had been detailed at the last regular City Council meeting. It was the recommendation of staff that the City Council approve an agreement for solid waste collection and disposal with EDCO Waste Services, LLC.

Steve South, EDCO Waste Services, stated he was pleased to present the City with the new program which had been specifically designed for Lakewood. He continued by stating that EDCO would work with residents to ease the transition.

Marty Fenton-Frear, Candice Aguirre and Chris Whitmar expressed support for the curbside recycling proposal.

Jerry Cleveland and Dave Morris spoke in opposition to the proposal citing storage space for carts and street parking issues.

3.1 • CONTRACT FOR CURBSIDE RECYCLING AND AUTOMATED REFUSE COLLECTION - Continued

Mayor Rogers stated that the City had been looking at this issue for more than a year. He advised that for years, Lakewood had been meeting its diversion goal set by the State, but there had been much discussion recently at the State level about increasing those goals. He stated that while the City Council was generally reluctant to impose major changes that would impact people's lifestyles, recycling was the right thing to do. He thanked EDCO for addressing every concern that had been raised during the process.

Vice Mayor Esquivel stated that he fully supported the proposal, noting that Lakewood's contract with the Long Beach SERRF facility, which had been instrumental in meeting our diversion goals, would be ending next year. He concluded by stating the City was fortunate to have a company like EDCO with such a good customer service record.

Council Member Van Nostran noted that EDCO, a family-owned company, had always stood by their promises and done an outstanding job for the City. He stated that although the City had been able to meet diversion goals so far through use of the SERRF facility and a separation facility, new regulations were imminent and it was good to know that EDCO would step up and help the City meet any new diversion goals.

Council Member Croft clarified with Ms. Rapp that City staff would work with EDCO to monitor diversion levels, with a monthly report being provided by EDCO. He noted that the City had been able to be more flexible and take the time to set up a custom program because we did not wait until further State regulations made a new program a necessity. He stated that Lakewood was, in many ways, an environmentally aware community, with programs that had been operating quietly for years, and that he had heard from many residents who enthusiastically supported the proposed program.

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

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

NAYS: COUNCIL MEMBERS: None

At 9:12 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 9:14 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Cheryl Fuller addressed the City Council regarding group homes.

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ORAL COMMUNICATIONS: Continued

Mayor Rogers advised Ms. Fuller that the City Council was fully aware of the situation on her block and that the Council's Intergovernmental Relations Committee was exploring every avenue to provide assistance.

Bob Clayton expressed support for the City Council and the recently appointed Mayor.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Rogers adjourned the meeting at 9:22 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk