



Minutes

Lakewood City Council

Regular Meeting held
December 10, 2013

MEETING WAS CALLED TO ORDER at 7:32 p.m. by Mayor Croft in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Dr. John C. Bonner, Chaplain Emeritus to the City Council

PLEDGE OF ALLEGIANCE was led by Girl Scout Troop #523

ROLL CALL: PRESENT: Mayor Steve Croft
Vice Mayor Todd Rogers
Council Member Diane DuBois
Council Member Ron Piazza
Council Member Jeff Wood

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Croft announced that the meeting would be adjourned in memory of Jesus Ontiveros, husband of Maricela Montenegro Ontiveros of the City's Administration Department.

City Attorney Steve Skolnik advised that there had been several news articles regarding the California Department of Finance demanding a \$9 million payment from the City or face the loss of sales and property tax revenue. He advised that the background for the story was rooted in the history between the City and its Redevelopment Agency. The City had loaned money to the Agency which, by formal written agreement, was to be paid back over a 20-year period. He noted that even though the last loan payment made by the Agency occurred before the law dissolving redevelopment went into effect, the State was demanding that the City return that payment. He noted that although this provision, referenced as the "claw back" was currently the subject of litigation between many cities and the State, the Department of Finance was demanding the repayment before the courts had made a ruling. He stressed that the City's financial position was stable, and that even if the payment had to be made, operations would not be affected.

Vice Mayor Rogers pointed out that the State of California could not pay its own bills so they decided to take money away from each city, because, unlike the State, city government works well. But the takeaway forced cities to waste their money on lawsuits just to try and get their own money back.

Council Member Piazza stated that there was no need for residents to feel threatened by the State's takeaway attempt. He noted that his City Council colleagues, both past and present, had done such a good job at planning for a "rainy day" that the City would continue to run well, even if the funds were lost to the State.

ANNOUNCEMENTS AND PRESENTATIONS: Continued

Council Member DuBois noted that there had been numerous reports that the State would finally be out of the red and have a budget surplus, but it would be because of money taken from our residents' pockets.

ROUTINE ITEMS:

At the request of Vice Mayor Rogers, Routine Item 5 was considered separately.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER WOOD SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 4 AND 6 THROUGH 9.

- RI-1 Approval of Minutes of the Meetings held November 12, and November 26, 2013
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands
- RI-4 Approval of Memorandum of Understanding and Easement Agreement with the County of Los Angeles for the Iacoboni Library
- RI-6 Approval of Lakewood High School Conservation Garden Grant
- RI-7 Approval of Contract for Collection Services with Linebarger Goggan Blair & Sampson, LLP
- RI-8 RESOLUTION NO. 2013-55; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A DISABLED PERSONS DESIGNATED PARKING SPACE ON THE SOUTH SIDE OF DENMEAD STREET WITHIN THE CITY OF LAKEWOOD
- RESOLUTION NO. 2013-56; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A DISABLED PERSONS DESIGNATED PARKING SPACE ON THE EAST SIDE OF PEPPERWOOD AVENUE WITHIN THE CITY OF LAKEWOOD
- RI-9 Acceptance of Notice of Completion for Public Works Contract No. 2011-04, Mayfair Park HVAC Equipment Replacement Project, Pardess Air, Inc.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

ROUTINE ITEMS: Continued

RI-5 RESOLUTION NO. 2013-54; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING BIENNIAL STORMWATER FACILITY PERMIT FEES FOR SERVICES RELATING TO THE NPDES MUNICIPAL SEPARATE STORM SEWER (MS4) PERMIT-WATERSHED MANAGEMENT PROGRAM

Public Works Director Lisa Rapp gave a brief presentation based on the memo in the agenda and stated that the proposed stormwater facility permit fees were directly tied to the Low Impact Development ordinance adopted in November. She reported that the proposed fee was intended to cover the expense of inspections required under the ordinance and the City's NPDES permit.

Noting that the cost of the permit, Vice Mayor Rogers asked for a breakdown. Director of Administrative Services Diane Perkin responded by stating that the cost was an estimate based on a cost of services survey done in March, 2010, and that with experience, the cost could be adjusted down. Vice Mayor Rogers also determined from Ms. Rapp that all single-family residential uses would be exempt from the permit requirement.

Mayor Croft stated that during the annual periodic fee structure reviews, this specific fee could be re-visited.

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO ADOPT RESOLUTION NO. 2013-54. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

1.1 • ESTABLISHMENT OF TOBACCO AND NICOTINE PRODUCT SALES IN THE C-4 ZONE

ORDINANCE NO. 2013-9; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF TOBACCO AND NICOTINE PRODUCT SALES IN THE C-4 (GENERAL COMMERCIAL) ZONE was read by title by the City Clerk.

Mayor Croft opened the public hearing at 7:52 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Craig Chambers, Lakewood, spoke in support of passage of the ordinance.

Father Jack Kearney, Lakewood, stated he would support passage of the ordinance provided electronic cigarettes be removed.

1.1 • ESTABLISHMENT OF TOBACCO AND NICOTINE PRODUCT SALES IN THE C-4 ZONE - Continued

Council Member Piazza emphasized that this ordinance only addressed businesses whose sales of tobacco and nicotine products were at least fifty percent or more of their business. He stated that he felt the ordinance represented a fair balance between those who want or need to use the products and those that do not want to be around those using them. He also noted that all of the currently operating businesses could continue to operate.

Vice Mayor Rogers stated that while he appreciated the input of Father Kearney, and he hoped the product proved to be positive and not harmful in the long term, it was the obligation of the City Council to be pro-active and not reactive, especially with products that could also be used for illegal substances as well as the legal ones.

Mayor Croft expressed the hope that the devices were helpful to those who wanted to quit smoking, but also expressed concern that the fastest growing sector using the devices was young people.

COUNCIL MEMBER PIAZZA MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO ADOPT ORDINANCE NO. 2013-9. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

1.2 • ESTABLISHMENT OF INDUSTRIAL TRAINING FACILITIES

Community Development Director Sonia Southwell made a presentation based on the memo in the agenda and stated that based on business inquiries, staff had determined that there was a need to amend the City's Municipal Code in order to allow industrial training facilities in the M-1, Light Manufacturing zone. Although currently allowed in commercial zones, along with trade and vocational schools, it was recommended that industrial training facilities be more appropriately located farther from residential uses. It was the recommendation of the Planning and Environment Commission that the City Council hold a public hearing and introduce the proposed ordinance.

ORDINANCE NO. 2013-10; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF INDUSTRIAL TRAINING FACILITIES IN THE M-1 (LIGHT MANUFACTURING) ZONE

Council Member Wood determined from Ms. Southwell that the most recent inquiry for this type of use was for the location formerly occupied by a batting cage business.

Council Member Piazza stated that the proposed change made good common sense and that the training facilities, as a part of the City's vibrant industrial area, could bring more jobs to the City.

1.2 • ESTABLISHMENT OF INDUSTRIAL TRAINING FACILITIES - Continued

Mayor Croft opened the public hearing at 8:13 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER WOOD SECONDED TO CLOSE THE PUBLIC HEARING AND INTRODUCE ORDINANCE NO. 2013-10. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

1.3 • PURCHASE OF CNG FUEL COMPRESSORS

The Director of Administrative Services gave a presentation based on the memo in the agenda and reported that two compressed natural gas (CNG) fueling station compressors at both the Nixon and Arbor yards had reached the end of their useful life and required replacement. She advised that funding for the replacement equipment was available from a combination of Air Quality Management District grant funds and the water enterprise budget. Requests for Proposal had been submitted to three vendors with one response. It was the recommendation of staff that the City Council authorize the purchase and installation of four Bauer C120-9 CNG refueling compressors from Greenfix, for a total price of \$135,116.

Mayor Croft opened the public hearing at 8:15 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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: Rogers, Piazza, DuBois, Wood and Croft

NAYS: COUNCIL MEMBERS: None

3.1 • COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR YEAR ENDED JUNE 30, 2013

The Director of Administrative Services gave a presentation based on the memo in the agenda and stated the Comprehensive Annual Financial Report (CAFR) was compiled by the Administrative Services Department staff and audited by the certified accounting firm of White Nelson Diehl Evans, LLP. She advised that the document was comprised of four sections, the Introductory, Financial, Supplemental Schedules and Statistical and provided a review of the year-over-year changes from the previous fiscal year. She noted that an Extraordinary Item in the CAFR was entirely related to the State's dissolution of redevelopment agencies, including the Lakewood Redevelopment Agency. She concluded by reporting that General Fund revenues exceeded expenditures and the City remained in sound fiscal condition.

3.1 • COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR YEAR ENDED JUNE 30, 2013 - Continued

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER WOOD SECONDED TO RECEIVE AND FILE THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AS PRESENTED. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft
NAYS: COUNCIL MEMBERS: None

WRITTEN COMMUNICATIONS:

Correspondence from the Greater Los Angeles County Vector Control District Regarding Appointment of Representative to their Board of Trustees
Mayor Croft stated that he would like to continue to represent the City on this Board and recommended a two-year appointment.

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPOINT STEVE CROFT TO A TWO-YEAR TERM AS THE CITY'S REPRESENTATIVE TO THE VECTOR CONTROL DISTRICT BOARD OF TRUSTEES. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft
NAYS: COUNCIL MEMBERS: None

Correspondence from the City of Long Beach Regarding the April 8, 2014 Election for Long Beach Unified School District and Long Beach Community College District
Mayor Croft summarized the correspondence from the City of Long Beach, stating that since both Long Beach Unified School District and Long Beach Community College District covered portions of the City of Lakewood, the City of Long Beach was requesting concurrence to conduct the elections for those portions within the City of Lakewood.

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE THE REQUEST FROM THE CITY OF LONG BEACH. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft
NAYS: COUNCIL MEMBERS: None

SUCCESSOR AGENCY ACTIONS

1. Approval of Register of Demands

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE THE REGISTER OF DEMANDS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft
NAYS: COUNCIL MEMBERS: None

. . .

SUCCESSOR HOUSING ACTIONS

1. Approval of Registers of Demands

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER WOOD SECONDED TO APPROVE THE REGISTERS OF DEMANDS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Piazza, DuBois, Wood and Croft
NAYS: COUNCIL MEMBERS: None

. . .

ORAL COMMUNICATIONS:

Sharon Gerhardt, Lakewood, addressed the City Council regarding speeding vehicles around Palms Elementary School.

Mitch Ramirez, Lakewood, addressed the City Council regarding overweight trucks on Paramount Boulevard causing damage to street pavement.

Christopher Sutton, representing the Bonaventure Hotel, Los Angeles, addressed the City Council regarding a Metropolitan Transportation Authority transit project.

. . .

At 8:38 p.m., the City Council recessed to a closed session.

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Government Code §54956.9(d)(1)

City of Lakewood, et al. v. Board of Equalization, John Chang, et al., Case No. 34-2013-80001683

At 9:12 p.m., the City Council reconvened. No action was taken.

. . .

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Croft adjourned the meeting at 9:12 p.m. A moment of silence was observed in memory of Jesus Ontiveros.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk