



Minutes

Lakewood City Council

Regular Meeting held
February 22, 2011

MEETING WAS CALLED TO ORDER at 7:30 p.m. by Mayor Esquivel 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 Campfire USA

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

ANNOUNCEMENTS AND PRESENTATIONS:

Council Member Rogers stated he wanted to publicly clarify some economic development issues that were currently being discussed in the community. He reported that plans were being developed to demolish the Pacific Theater South buildings, which would be replaced by a new 24-hour Fitness; the old Circuit City building would be converted into a Sports Authority, opening some time this summer; the vacant market building on South Street and Downey Avenue would soon be occupied by a new market; and that the City Council was actively working to establish a site and identify funding source for a dog park in Lakewood.

Council Member Rogers was presented with a painting from a young Lakewood artist, Tomas Castro.

Mayor Esquivel announced that the meeting would be adjourned in memory of former Congressman Stephen Horn, who had been Lakewood's representative in Washington D.C. for ten years, and had also served the community as the President of California State University Long Beach.

ROUTINE ITEMS:

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 10.

RI-1 Approval of Minutes of the Meeting held January 25, 2011

RI-2 Approval of Personnel Transactions

ROUTINE ITEMS: Continued

- RI-3 Approval of Registers of Demands
- RI-4 Approval of Appointment to the Development Review Board
- RI-5 Approval of Utility Easement on Mae Boyar Park
- RI-6 Approval of Report of Monthly Investment Transactions
- RI-7 RESOLUTION NO. 2011-2; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE WEST SIDE OF ALBURTIS AVENUE WITHIN THE CITY OF LAKEWOOD
- RESOLUTION NO. 2011-3; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD RESCINDING RESOLUTION NUMBER 2003-60 ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE SOUTH SIDE OF 207TH STREET WITHIN THE CITY OF LAKEWOOD
- RI-8 Acceptance of Notice of Completion for Public Works Contract No. 09-03; Nixon Yard Lead Abatement Project; Envirocon Contracting, Inc.
- RI-9 Approval of Change Order for Public Works Contract No. 09-05, Demolition for Scattered Lot Acquisition Program
- RI-10 Approval of Professional Design Services Agreement with Meyer and Associates for Bloomfield Park, Phase I Improvement Project

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN AND ACTION PLAN SUBSTANTIAL AMENDMENT NO. 1

Community Development Director Sonia Southwell made a presentation based on the memo in the agenda and stated that subsequent to the City Council approval of the 2010-2015 Consolidated Plan and 2010-2011 Action Plan on May 11, 2010, the City had been notified that an additional \$241,000 in excess Community Development Block Grant entitlement funds was available, requiring the adoption of a Substantial Amendment. She reported that the proposed use for the additional funds was to increase the amount available for street improvements and to begin design development activities for the Bloomfield Facility & Park Project. It was the recommendation of staff that the City Council conduct a public hearing to receive comments and direct staff to consider all comments received in preparation of the amendment.

1.1 • COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN AND ACTION PLAN SUBSTANTIAL AMENDMENT NO. 1 - Continued

Mayor Esquivel opened the public hearing at 7:47 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

1.2 • 2010 GENERAL PLAN ANNUAL PROGRESS REPORT

The Director of Community Development gave a report based on the memo in the agenda and stated the California Department of Housing and Community Development required the submittal of an annual progress report to discuss the progress made toward allowing for the development of housing as specified by the Regional Housing Needs Assessment as well as implementation of the General Plan. She advised that the document had been reviewed by the City's Planning and Environment Commission on February 3rd and been found to be an appropriate guide for the City's development. It was the recommendation of the Planning and Environment Commission that the City Council receive and file the report as presented and direct staff to submit the report to the Governors Office of Planning and Research and Department of Housing and Community Development.

Council Member Croft noted that the annual figures for building permits issued demonstrated the impacts of the economy on residential development and that the level of business activity was encouraging.

Mayor Esquivel 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. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

1.3 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 11-01, WATERMAIN REPLACEMENT 2011

Public Works Director Lisa Rapp gave a report based on the memo in the agenda and stated 16 bids had been received for a project to replace about 2.2 miles of water mains with eight-inch PVC water pipe. The project was scheduled to begin in April and be completed by September of this year. It was the recommendation of staff that the City Council adopt the plans, specifications and working details for the project; appropriate \$110,000 from the Water Fund to the project account; award a contract to T.A. Rivard, Inc. in the amount of \$967,225; and authorize staff to approve a cumulative total of change orders not to exceed \$150,000.

Vice Mayor Van Nostran noted the large gap between the highest and lowest bids. Ms. Rapp responded by stating that comparing the lowest bids to each other, the amount were not out of line. She also pointed out that having done work in the City previously, the low bidder may have been able to streamline their bid accordingly.

Ms. Rapp confirmed for Council Member DuBois that the project had been budgeted as part of the water main replacement strategy.

Mayor Esquivel 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. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

1.4 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 11-02, RESIDENTIAL STREET REHAB

The Director of Public Works made a presentation based on the report in the agenda and stated ten bids had been received for a project to resurface approximately 2.9 miles of residential street and one alley with rubberized asphalt concrete. She advised that any damaged sidewalks, curbs or gutters would be repaired as part of the project. She also noted that the per cubic yard price quoted by the low bidder was the best price the City had received since 2005. It was the recommendation of staff that the City Council adopt the plans, specifications and working details for the project; award a contract to Silvia Construction, Inc. in the amount of \$696,405.00, subject to the approval of the Substantial Amendment No. 1 to the Community Development Block Grant Consolidated Plan and Action Plan; and authorize staff to approve a cumulative total of contract change orders, not to exceed \$100,000.

1.4 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 11-02, RESIDENTIAL STREET REHAB - Continued

Vice Mayor Van Nostran, noting the favorable pricing and the good work done by this contractor previously, encouraged staff to see if there were available funds to extend the scope of work for the project.

Responding to a question from Council Member DuBois, Mr. Rapp stated that about 92 percent of the City's residential streets had been resurfaced to date.

Council Member Croft stated that the recent rains had proven the value of the rubberized asphalt mix as following the storms, the streets had drained quickly.

Mayor Esquivel opened the public hearing at 8:05 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

VICE MAYOR 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, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

2.1 • ADOPTING BY REFERENCE THE 2010 LA COUNTY BUILDING, MECHANICAL, ELECTRICAL, GREEN BUILDING AND RESIDENTIAL CODES

The Director of Community Development gave a presentation based on the memo in the agenda and stated that the Lakewood Municipal Code needed to be updated to reflect the most current building codes. She noted that there were two new codes: the Green Building Code and the Residential Code. She stated that after review of the Los Angeles County Codes by staff and the building inspection staff, sections inappropriate to Lakewood would not be adopted. It was the recommendation of staff that the City Council adopt the proposed resolution setting a public hearing on the adoption of the LA County 2011 Building, Mechanical, Plumbing, Electrical, Green Building and Residential Codes.

RESOLUTION NO. 2011-4; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DECLARING ITS INTENTION TO AMEND THE LAKEWOOD MUNICIPAL CODE BY ADOPTING THE LOS ANGELES COUNTY 2011 BUILDING CODE, PLUMBING CODE, MECHANICAL CODE, ELECTRICAL CODE, GREEN BUILDING CODE AND RESIDENTIAL CODE AND DECLARING ITS INTENTION TO ADOPT ORDINANCE NO. 2011-1 ENTITLED "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTIONS 50022.2 AND 50022.9, THE 2010 CALIFORNIA BUILDING CODE (TITLE 26 LOS ANGELES COUNTY BUILDING CODE), THE 2010

2.1 • ADOPTING BY REFERENCE 2010 LA COUNTY BUILDING, MECHANICAL, ELECTRICAL, GREEN BUILDING AND RESIDENTIAL CODES - Continued

CALIFORNIA ELECTRICAL CODE (TITLE 27 LOS ANGELES COUNTY ELECTRICAL CODE), THE 2010 CALIFORNIA PLUMBING CODE (TITLE 28 LOS ANGELES COUNTY PLUMBING CODE), THE 2010 CALIFORNIA MECHANICAL CODE (TITLE 29 LOS ANGELES COUNTY MECHANICAL CODE), THE 2010 CALIFORNIA RESIDENTIAL CODE (TITLE 30 LOS ANGELES COUNTY RESIDENTIAL CODE), THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE (TITLE 31 LOS ANGELES COUNTY GREEN BUILDING STANDARDS CODE) AND ADOPTING LOCAL AMENDMENTS THERETO” 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, APRIL 12, 2011

ORDINANCE NO. 2011-1; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING BY REFERENCE, PURSUANT TO GOVERNMENT CODE SECTIONS 50022.2 AND 50022.9, THE 2010 CALIFORNIA BUILDING CODE (TITLE 26 LOS ANGELES COUNTY BUILDING CODE), THE 2010 CALIFORNIA ELECTRICAL CODE (TITLE 27 LOS ANGELES COUNTY ELECTRICAL CODE), THE 2010 CALIFORNIA PLUMBING CODE (TITLE 28 LOS ANGELES COUNTY PLUMBING CODE), THE 2010 CALIFORNIA MECHANICAL CODE (TITLE 29 LOS ANGELES COUNTY MECHANICAL CODE), THE 2010 CALIFORNIA RESIDENTIAL CODE (TITLE 30 LOS ANGELES COUNTY RESIDENTIAL CODE), THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE (TITLE 31 LOS ANGELES COUNTY GREEN BUILDING STANDARDS CODE) AND ADOPTING LOCAL AMENDMENTS THERETO was read by title by the City Clerk.

Responding to a question regarding parking requirements in the Green Building Code from Council Member Rogers, Ms. Southwell stated that the Green Building Code contained provisions for reducing vehicle parking in favor of bicycle parking, but reduced vehicle parking was not recommended for adoption.

Responding to a question from Council Member DuBois, City Attorney Steve Skolnik stated that the process was to introduce the proposed ordinance and adopt the proposed resolution to set the public hearing on the ordinance. He noted that the ordinance contained Lakewood-specific exceptions.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER ROGERS SECONDED TO ADOPT RESOLUTION NO. 2011-4, INTRODUCE ORDINANCE NO. 2011-1 AND WAIVE FURTHER READING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.2 • ADOPTING BY REFERENCE THE 2011 LA COUNTY FIRE CODE

The Director of Community Development made a presentation based on the memo in the agenda and stated that the County of Los Angeles had adopted a new Fire Code in November and recommended its adoption to the cities served by the Los Angeles County Fire Department. She reported that the new code would not greatly impact Lakewood, as the major changes involved Fire Hazard Severity Zones, and there were no such zones within the City. She concluded by stating that it was the recommendation of staff that the City Council introduce the proposed ordinance and resolution to adopt the 2011 Fire Code by reference, and that a representative from the Fire Department was present to answer questions.

Assistant Fire Chief Gerry Heinzl responded to questions from the City Council by stating that one of the new provisions would allow the Fire Department to collect fees for their time spent on permits relating to the motion picture filming industry and that changes to the building codes to require fire sprinklers for all new residential properties would also impact the Department.

Council Member Croft expressed condolences to the Chief and all fire personnel on the recent loss of an LA City firefighter in the line of duty.

RESOLUTION NO. 2011-5; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DECLARING ITS INTENT TO ADOPT BY REFERENCE THE 2011 FIRE CODE OF THE CONSOLIDATED FIRE DISTRICT OF LOS ANGELES COUNTY, AS SET FORTH IN TITLE 32 OF THE LOS ANGELES COUNTY CODE, RATIFYING THE MORE RESTRICTIVE BUILDING STANDARDS CONTAINED IN THAT CODE, AND AMENDMENT SECTION 3101 OF THE LAKEWOOD MUNICIPAL CODE, AND SETTING A HEARING THEREON BEFORE THE CITY COUNCIL AT 7:30 P.M. ON TUESDAY, APRIL 12, 2011, IN THE CITY COUNCIL CHAMBERS, 5000 CLARK AVENUE, LAKEWOOD, CALIFORNIA

ORDINANCE NO. 2011-2; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING BY REFERENCE THE 2011 FIRE CODE OF THE CONSOLIDATED FIRE DISTRICT OF LOS ANGELES COUNTY, AS SET FORTH IN TITLE 32 OF THE LOS ANGELES COUNTY CODE, RATIFYING THE MORE RESTRICTIVE BUILDING STANDARDS CONTAINED IN THAT CODE, AND AMENDING SECTION 3101 OF THE LAKEWOOD MUNICIPAL CODE was read by title by the City Clerk

COUNCIL MEMBER DUBOIS MOVED AND VICE MAYOR VAN NOSTRAN SECONDED TO WAIVE FURTHER READING, INTRODUCE ORDINANCE NO. 2011-2 AND ADOPT RESOLUTION NO. 2011-5. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.3 • AUTHORIZING PROMISSORY NOTES FOR LOANS BY THE CITY TO THE REDEVELOPMENT AGENCY

Administrative Services Director Diane Perkin advised that the proposed resolution was prepared in response to the recent proposed actions by the State against redevelopment agencies. She stated that the Lakewood Redevelopment Agency had long had specific payment obligations to the City of Lakewood and that the proposed resolution would formalize that payment schedule. It was the recommendation of staff that the City Council adopt the proposed resolution.

RESOLUTION NO. 2011-6; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING AMENDMENTS TO THE PROMISSORY NOTES WHICH MEMORIALIZE LOANS FROM THE CITY OF LAKEWOOD TO THE LAKEWOOD REDEVELOPMENT AGENCY

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

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

NAYS: COUNCIL MEMBERS: None

3.1 • WATER CONSERVATION REBATE PROGRAM STATUS REPORT

Water Resource Director Jim Glancy displayed slides and presented a report based on the memo in the agenda. He reported that the Rebate Program was scheduled to begin for Outdoor Water Conservation. He advised that the program, initially approved for implementation by the City Council in November, would provide rebates, in the form of billing credits, for the purchase and installation of eligible water-saving irrigation devices. He noted that although adequate rainfall had been experienced during the current year, Southern California was coming off of the driest eight-year period in recorded history and the City was required to meet new State mandated conservation goals. He reviewed the different types of devices eligible for rebate and advised that the program was scheduled to begin on May 1 and continue until funds budgeted for the rebates were expended.

COUNCIL MEMBER DUBOIS MOVED THAT THE STATUS REPORT BE RECEIVED AND FILED. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

At 8:40 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:45 p.m., the City Council Meeting was reconvened in joint session with the Agency.

JOINT PUBLIC HEARING

DISPOSITION AND DEVELOPMENT AGREEMENT WITH ALEMBIC NPI, LLC

The City Attorney advised that the City Council had previously approved the course of action that led to the agreement presented at this time.

The Director of Community Development made a presentation based on the memo in the agenda and stated there were five blighted Lakewood properties owned by the Lakewood Redevelopment Agency that had been acquired under the Scattered-Lot Acquisition Program for the development of Low and Moderate Income housing. She reported that a proposal had been received from Alembic NPI, LLC for the purchase and development of the properties located at 11643, 11649, and 11610-18 207th Street; 11644 206th Street; and 20920 Roseton Avenue into 32 affordable housing units. It was the recommendation of staff that the City Council conduct a public hearing, adopt the proposed resolution, and approve the Disposition and Development Agreement and Health and Safety Code Section 33433 Summary Report.

RESOLUTION NO. 2011-7; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE LAKEWOOD REDEVELOPMENT AGENCY AND ALEMBIC NPI, LLC AND THE SALE OF REAL PROPERTY BY LAKEWOOD REDEVELOPMENT AGENCY PURSUANT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT

Vice Mayor Van Nostran inquired about the time frame for development and any restrictions on the sale of the development once constructed. Ms. Southwell stated that the developer would be seeking tax credit funding and would have until May of 2012 to do so. She also stated that there was a restriction that the units must remain affordable housing units for a period of 55 years and that the City would have reasonable input in the event of a sale of the properties.

Council Member Croft stated that a review of the information available through the company's website seemed to indicate that they were invested not just in the development, but also the management of properties. Ms. Southwell responded by stating that one of the attractive parts of this proposal was the company's history of developing and then managing.

Responding to a question from Council Member Rogers, Ms. Southwell stated that although the original proposal showed all of the units as two-bedroom units, there was flexibility built into the agreement.

Mayor Esquivel opened the public hearing at 8:55 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Tom Warnke, representing Alembic NPI, LLC, stated they were excited about the opportunity to develop the properties. He stated his company had a particular mission to serve immigrant communities and that they would be willing to work with Community Development staff to provide 3-bedroom and handicapped units. He concluded by stating that they intended to hold on to the properties throughout the entire 55-year term.

JOINT PUBLIC HEARING - Continued

DISPOSITION AND DEVELOPMENT AGREEMENT WITH ALEMBIC NPI, LLC
VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT
SECONDED TO CLOSE THE PUBLIC HEARING AND ADOPT RESOLUTION NO.
2011-7 AND APPROVE THE DISPOSITION AND DEVELOPMENT AGREEMENT AND
SECTION 33433 SUMMARY REPORT. UPON ROLL CALL VOTE, THE MOTION
WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

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ORAL COMMUNICATIONS: None

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel
adjourned the meeting at 9:01 p.m. in memory of Stephen Horn.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk