



# Minutes

## Lakewood City Council

Adjourned Regular Meeting held  
April 4, 2002

---

**MEETING WAS CALLED TO ORDER** at 5:34 p.m. by Mayor Van Nostran in the Executive Board Room at the Civic Center, 5000 Clark Avenue, Lakewood, California.

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

Mayor Van Nostran announced that he had received a request from Council Member Wagner to reconsider the organizational appointments. He noted that since two of the Council Members would be out of town at the next regular meeting, he would like to take care of the matter tonight so that all Members of the City Council could have input in the process.

**MAYOR VAN NOSTRAN MOVED AND VICE MAYOR ESQUIVEL SECONDED TO ADD TO THE AGENDA, RECONSIDERATION OF THE ORGANIZATIONAL APPOINTMENTS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:**

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

Mayor Van Nostran inquired why Council Member Wagner voted in opposition to dealing with the matter at this meeting. Council Member Wagner stated that he preferred to wait for the next regular meeting.

### **NPDES PERMIT STATUS REPORT**

City Manager Howard Chambers stated that due to the complexity of the issues surrounding the National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, this briefing would present the fundamental issues.

Public Works Director Lisa Rapp displayed slides and stated that materials had been distributed that would give the City Council a broad overview of the Permit process, which was in the appeal process, outlining which sections were being appealed and why.

Rufus Young of Burke, Williams & Sorenson, special counsel, stated that the NPDES had been created by an act of the U.S. Congress as a part of the Clean Water Act to protect the Nation's waters. He reviewed definitions of terminology and permit regulations. Authority to grant the permits, which must be renewed every five years, was delegated by the Federal Environmental Protection Agency (EPA) to the State Water Resources Control Board and through them to nine Regional Water Quality Control Boards, with the EPA retaining enforcement authority.

**NPDES PERMIT STATUS REPORT - Continued**

Ralph Vasquez, Senior Regulatory Compliance Specialist with EBS/SCS Engineers, reported on the various agencies involved and their roles, and the history of NPDES.

Mr. Young advised that the Permit for cities in Los Angeles County was renewed for the third time on December 13, 2001, and that cities were required to adopt Standard Urban Storm Water Mitigation Plans (SUSMPs) establishing conditions for development and redevelopment. He reviewed the SUSMP requirements for different types of development.

Mr. Young also reviewed the Total Maximum Daily Loads (TMDL) set for various bodies of water statewide, stating that acceptable trash levels for the Los Angeles River were set at zero, even though the process set forth by the EPA had not been accurately followed.

The City Manager inquired if progress towards cleaner water had been made in the years since the first implementation of NPDES. Mr. Young stated that while there were some good devices and things that could be done to improve the situation, there was no way to achieve 100 percent clean. Mr. Vasquez reported that the problem of documenting improvements was made more difficult since a lot of good programs and practices were implemented before good record keeping or monitoring had been required. Mr. Vasquez noted that the problem was compounded because monitoring practices had improved so much that much lower levels of pollutants were able to be detected.

Mr. Young confirmed for Council Member Wagner that although TMDLs could vary from state to state since they were established by regional water boards for each specific body of water, they did require approval by state boards and ultimately the EPA. Mr. Young also noted conflicting regulations such as the State goal that the Los Angeles River become fishable and swimmable when, in fact, Federal law prohibited any swimming in the lower L.A. River.

Responding to a question from Mr. Chambers, Mr. Vasquez stated that the reason the issue was higher profile in California than in other areas was largely due to the fact that in much of the east and mid-west, storm drains were part of the sewer system and storm water runoff was directed through treatment facilities.

Council Member Rogers inquired if there was any chance for relief from the EPA if cities failed in their appeal on the state level. Mr. Young responded by stating that there was some room for optimism and that the City of Los Angeles was already challenging the State of California over the trash TMDL of zero for the Los Angeles River.

Council Member Wagner expressed concern that a settlement could be reached which would only give satisfaction to the City of Los Angeles and leave all of the other L.A. County cities in the same poor position. Mr. Young stated that any judgment or settlement in that case would affect all of the Los Angeles River and therefore all cities bordering the River.

**NPDES PERMIT STATUS REPORT - Continued**

Responding to Mr. Vasquez's statement that the fight was made more difficult for L.A. County cities because the permit had passed for San Diego County with very little protest, the City Manager inquired if those cities had erred. Mr. Vasquez stated that the San Diego cities had counted on the County of San Diego doing something to establish more reasonable conditions and the County had not acted. Mr. Young stated that the first draft of the new permit had been far beyond the experience or expertise of most of the cities to deal with or analyze it.

Council Member Piercy referenced the implementation schedule displayed and inquired about the requirement for public outreach. Mr. Vasquez stated that the City would be required to designate a staff person as the contact person and have started a program by May 1, not be required to have completed it by then.

Senior Management Analyst Scott Pomrehn stated that the City was currently operating under the provisions of the old permit and had been doing many outreach programs such as recycled oil, and a booth at the annual Pan American Fiesta to promote recycling programs.

Assistant City Manager Michael Stover reviewed possible legislative remedies and stressed a point made by Mr. Chambers that it would be vital to make State legislators aware of the issue and the problems it presented to city governments.

The Public Works Director noted that the City was already participating in the Coalition for Practical Regulation (CPR) and had been approached regarding another advocacy group called BEACON (Balancing Economic and Clean Ocean Needs.)

Council Member Piercy inquired if the League of California Cities was involved on this issue. Ms. Rapp stated that she was on a League sub-committee that was actively studying this issue.

. . .

**ORAL COMMUNICATIONS:** None

. . .

At 7:10 p.m., Mayor Van Nostran called for a recess. At 7:16 p.m., the meeting was reconvened with all Members of Council present.

. . .

City Attorney John S. Todd advised that since this meeting had been adjourned from the March 26, 2002, meeting where the organizational appointments item had been considered, it was not necessary to add it to the agenda since the item could just be brought back for reconsideration.

City Council Minutes

April 4, 2002

Page 4

MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER PIERCY SECONDED TO RESCIND THE ADDITIONAL ITEM. 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 MOVED AND VICE MAYOR ESQUIVEL SECONDED TO RECONSIDER THE ORGANIZATIONAL APPOINTMENTS ITEM. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: Wagner

Mayor Van Nostran stated that he felt it was important to have the full City Council present during the reconsideration of this item which meant either discussing it now or postponing the discussion until the regular meeting to be held on April 23, 2002.

Council Member Wagner stated that he would prefer the discussion be continued to the meeting of April 23, 2002.

The City Attorney confirmed for Council Member Rogers that until such time as the matter was reconsidered, the appointments made on March 26 would stand and remain in effect.

**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Van Nostran adjourned the meeting at 7:23 p.m.

Respectfully submitted,

Denise R. Hayward, CMC  
City Clerk