



Minutes

Lakewood City Council

Regular Meeting held
August 23, 2005

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 Monsignor Joseph Greeley, St. Pancratius Catholic Church

PLEDGE OF ALLEGIANCE was led by Council Member Todd Rogers

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:

Mr. Michael Hunn, President and CEO of Lakewood Regional Medical Center, gave a brief presentation on impact of changes in local emergency department services. He noted that the emergency department at Downey Regional was closing, which would add stress on access to services throughout the area. He stated the major issues for emergency departments were access to services and the cost of uncompensated care. He concluded by stating that the emergency care system definitely needed restructuring.

Responding to questions from Vice Mayor Van Nostran, Mr. Hunn stated that there were seven emergency departments in the area and that they could probably expect a ten percent increase in need for services.

In response to a question from Council Member Rogers, Mr. Hunn advised that one strategy being looked at by the County and State would be to establish community clinics to provide urgent care services, allowing the hospital to focus on emergency services.

Council Member DuBois determined from Mr. Hunn that access to emergency services had become a nationwide problem.

ROUTINE ITEMS:

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 7.

RI-1 Approval of Minutes of the Meetings held August 9, 2005

RI-2 Approval of Personnel Transactions

ROUTINE ITEMS: Continued

RI-3 Approval of Registers of Demands dated August 4, and August 11, 2005

RI-4 Approval of Monthly Report of Investment Transactions

RI-5 RESOLUTION NO. 2005-56; DESIGNATION OF APPLICANT'S AGENT
RESOLUTION

RI-6 Approval of Amendment to Agreement with AESCO Technologies, Inc.

RI-7 Approval of Lease of Water Rights to South Montebello Irrigation District

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**2.1 • ORDINANCE NO. 2005-8; PERTAINING TO PROPERTY MAINTENANCE
STANDARD**

Mayor Esquivel announced that the proposed ordinance was being presented for second reading and adoption.

ORDINANCE NO. 2005-8; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO PROPERTY NUISANCES AND MAINTENANCE STANDARDS was read by title by the City Clerk.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER CROFT SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2005-8. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO ADOPT ORDINANCE NO. 2005-8. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • CONGESTION MANAGEMENT PROGRAM CONFORMANCE SELF-CERTIFICATION PROCESS

Community Development Director Chuck Ebner presented an oral report based on the memo contained in the agenda and stated that in compliance with State law, the City was part of a Congestion Management Program developed by the Los Angeles County Metropolitan Transportation Authority. He advised that as part of the program, the City was required to hold a public hearing annually and self-certify conformance with the Program. It was the recommendation of staff that the City Council hold a public hearing and then adopt the proposed resolution finding the City to be in conformance with the Congestion Management Program and adopting the CMP Local Development Report.

RESOLUTION NO. 2005-57; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

Mayor Esquivel opened the public hearing at 7:49 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 CROFT SECONDED TO APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.2 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CONDITIONAL USE PERMIT NO. 778, 3500 SOUTH STREET

The Director of Community Development displayed slides and presented an oral report based on the memo contained in the agenda. He reported that 7-Eleven, Inc. had submitted an application for a Conditional Use Permit to allow the sale of beer and wine for off-site consumption at a store to be located at 3500 South Street. He stated that the matter had been heard and approved by the Planning and Environment Commission on June 2, 2005. Subsequent to the hearing, an appeal of the Commission's decision had been filed by St. Pancratius Church and School and Council Member Croft had requested a City Council review of the matter, citing additional evidence that had not been available at the time of the Commission hearing. At the appeal hearing on July 26, 2005, the City Council had voted to conduct a hearing *de novo* to receive new evidence and testimony. He advised that the subject site was located on the suggested route-to-school map and that the State Alcohol Beverage Control Board considered crime statistics of only the census tract where the requested permit was located, not adjacent tracts. He concluded by stating that the City Council had three options for action, including the adoption of a resolution affirming the decision of the Planning and Environment Commission, a resolution affirming the Commission's decision with modified conditions, or directing staff to prepare a resolution denying CUP No. 778.

1.2 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CUP NO. 778, 3500 SOUTH STREET - Continued

Captain Dave Fender, Commander of the Lakewood Sheriff's Station, presenting statistics regarding the number of arrests involving alcohol, stated that alcohol could be considered a contributing factor in many crimes. He advised that immediately adjacent to the area where the convenience store was to be located, were the two highest crime areas in the City of Long Beach. He also noted that there had been a 7-Eleven convenience store located nearby, which had since been abandoned due to a fire, that had been the source for more than double the amount of calls for law enforcement services generally associated with such a use. He concluded by stating that due to the proximity to a high crime area, the Sheriff's Department would recommend denial of the Conditional Use Permit.

Council Member Croft determined from Captain Fender that the location of such a use directly adjacent to a large parking structure would make law enforcement responses much more difficult.

Responding to questions from Council Member Rogers, Captain Fender stated that 24-hour uses, such as convenience stores, tended to generate more late night traffic and calls for service. He also stated that the absence of alcohol sales at such a location would make the use much less attractive for loitering.

Captain Fender responded to questions from Council Member DuBois by stating that although imposing conditions would help, there would still be problems associated with this type of use and that although 7-Eleven had proposed a state-of-the-art security system, it was unproven as it had yet to be utilized in any other location.

Vice Mayor Van Nostran confirmed with Captain Fender that the former 7-Eleven location that had generated all of the calls for service had been selling alcoholic beverages.

Mayor Esquivel opened the public hearing at 8:20 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Ira Handelman, a consultant for 7-Eleven, Inc., stated that most people shopping in their stores were good people who would not cause problems for the neighboring properties. He stated that the corporation had agreed to the conditions imposed by the Planning and Environment Commission and had additionally offered to limit the sales of alcoholic beverages to a 10 a.m.-10 p.m. time period. He stated that the corporation was the industry leader in training and that the proposed interactive security system would offer improved protection. He concluded by stating that 7-Eleven, Inc. wanted to be a good neighbor.

Wayne Fisher, representing the 7-Eleven corporation, stated that he was responsible for nearly 100 stores and that the corporation provided field consultants to visit each location twice weekly to ensure that standards were maintained.

Responding to a question from Council Member Croft, Mr. Fisher stated that the previous location had experienced problems that were in part due to the other tenants at the location.

1.2 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CUP NO. 778, 3500 SOUTH STREET - Continued

Mr. Fisher confirmed for Council Member DuBois that there were other 7-Eleven locations that did not sell beer and wine.

Council Member Rogers inquired why the 7-Eleven uses seemed to have a poor reputation in some cities. Mr. Fisher disagreed with that assessment, stating that 7-Eleven put considerable effort into being good neighbors.

At 8:38 p.m., Mayor Esquivel called for a brief recess. At 8:45 p.m., the City Council Meeting was reconvened.

Monsignor Joseph Greeley, St. Pancratius Church, stated that the proposed 7-Eleven was located only 180 feet away from the Church and School property, causing concern for the safety of the children in attendance. He expressed concern about the sale of alcoholic beverages increasing the incidents of crime in the neighborhood and asked the City Council to deny the application for Conditional Use Permit.

Karen Toussant spoke about the undue concentration of alcohol sales in the subject area.

Pat Hunter expressed concerns about increased traffic and traffic safety.

Tom Hitchcock felt the sale of alcoholic beverages would attract criminal activity.

Michael McCarthy, Carol Kulesza, Susan DeoGracias, Kevin Gates, Peggy O'Neil Kubachka, Ashley Kubachka, Vincent DeoGracias, Susan Dobson, Sonny Araquel and Robert Dutil speaking as concerned teachers, administrators, parents, students and neighbors, requested the City Council deny the permit.

Michael Hunn, representing Lakewood Regional Medical Center, expressed concern about the impacts to their facility, especially the parking structure immediately adjacent to the proposed convenience store location.

Joy Janes stated that as a member of the Planning and Environment Commission, the fact that conditions, including improved security, could be imposed as part of the permit process had weighed heavily with the Commission.

Ira Handelman thanked the speakers for their courtesy in addressing this issue and advised that the 7-Eleven corporation planned to move forward at the subject location, even if the sale of beer and wine were to be denied.

1.2 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CUP NO. 778, 3500 SOUTH STREET - Continued

City Attorney Steve Skolnik advised that following City Council deliberations, there were three options for action. He noted that should the City Council decide to deny the application for Conditional Use Permit, a resolution would need to be prepared and adopted at the next regular City Council meeting.

Council Member DuBois stated that while she did not believe that 7-Eleven was a bad business, having heard the testimony and evidence presented she would support the denial of the Conditional Use Permit application.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER ROGERS SECONDED TO DIRECT STAFF TO PREPARE A RESOLUTION DENYING CONDITIONAL USE PERMIT NO. 778.

Council Member Croft stated he had brought this case before the City Council because he had felt that the Planning and Environment Commission had not been provided with all of the relevant evidence at their hearing. He stated that while he had nothing against 7-Eleven, the sale of alcoholic beverages at the proposed location provided too much potential for increased crime.

Vice Mayor Van Nostran stated that the concerns expressed by the Sheriff's Department should not be taken lightly and that especially with children walking past this location to get to school, the sale of beer and wine at the subject location would not be a wise move.

Council Member Rogers determined from the City Attorney that unless a Conditional Use Permit were granted for the location, no conditions could be imposed.

The City Attorney advised that the 7-Eleven convenience store was an allowable use for the zoning of the subject location and that other than needing a Conditional Use Permit to sell beer and wine, only a business license would be required to operate the store.

Council Member Rogers stated that considering the proximity to a high crime area, he would hope that the 7-Eleven operators would voluntarily adhere to the conditions recommended by the Planning and Environment Commission in order to preserve the quality of life for the neighboring properties.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

At 9:45 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 9:47 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Monsignor Joseph Greeley, Chris Lopez-Coffey, Karen Toussant, Tom Hitchcock, Pat Hunter, Mindy Zumwalde, Susan DeoGracias, and Peggy O'Neil-Kubachka requested the City Council consider implementing a moratorium on any new convenience store use pending a study of the impacts of such uses.

The City Attorney advised the speakers of the limitations on City Council actions under the Ralph M. Brown Act.

Craig Chambers addressed the City Council regarding increasing security measures at City-owned swimming pool facilities.

Richard Hopp spoke about a business license issue and the lighting on the U.S. flag in the Civic Center.

The City Attorney advised Mr. Hopp that staff was already taking action to address his business license issue.

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 10:24 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk