



# Minutes

## Lakewood City Council

Regular Meeting held  
October 11, 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 Pastor Eric Atherton, Life Center Assembly of God Church

**PLEDGE OF ALLEGIANCE** was led by Council Member Diane DuBois

**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:**

State Senator Alan Lowenthal gave a brief presentation on the California 2005 Legislative Session noting that his two major issues were infrastructure and environmental quality. He spoke briefly on SB 760 which would establish a container fee at the Port of Long Beach to help fund infrastructure, port security and air pollution measures. He noted that although the State budget had been balanced, problems still existed and there would be a deficit next year. He touched on the topics of telecommunications, housing and neighborhood protection.

Vice Mayor Van Nostran inquired if the repayment of the Vehicle License Funds opened the door to more borrowing by the State from local governments. Senator Lowenthal replied that the battle over raiding local government funds was pretty much over and that although legislation would allow the State to borrow again in an economic downturn, he had not sensed any such inclination among Sacramento legislators.

Responding to a question from Mayor Esquivel, Senator Lowenthal stated that if there were any Lakewood-specific issues that needed to be addressed in Sacramento, this would be the time to raise such issues, since new legislation will be introduced in January.

Lieutenant Rick Nutt, Lakewood Sheriff's Station, addressed the City Council regarding Barbara Rogers, the Lakewood woman whose disappearance was now classified as a homicide. He stated that colleagues of Ms. Rogers had offered a \$10,000 reward for information about the case and that with the County of Los Angeles Board of Supervisors considering adding \$5,000, the City of Lakewood was requested to consider a similar reward to encourage someone to come forward with information about the case.

**ANNOUNCEMENTS AND PRESENTATIONS:** Continued

City Attorney Steve Skolnik advised that in order for the City Council to consider this request, this item would have to be added to the City Council agenda. In order to add the item to the agenda, the City Council would have to be able to establish that the matter came to their attention too late to be placed on the published agenda; and that the matter would require immediate action by the City Council. On making such findings, not less than 75 percent of the City Council Members would have to vote to add the matter.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER CROFT SECONDED TO FIND THAT THE MATTER OF A REWARD IN THE BARBARA ROGERS CASE HAD ARISEN SUBSEQUENT TO THE POSTING OF THE AGENDA AND THAT SINCE IT REQUIRED THE IMMEDIATE ACTION OF THE CITY COUNCIL, IT BE ADDED TO THE CITY COUNCIL AGENDA. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

The City Attorney suggested that if the City Council should wish to authorize a reward for information, that it also stipulate that the reward was for information leading to the arrest and conviction of the person/s responsible in the death of Barbara Rogers.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO AUTHORIZE A REWARD OF \$5,000 FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF THE PERSON/S RESPONSIBLE IN THE DEATH OF BARBARA ROGERS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**ROUTINE ITEMS:**

COUNCIL MEMBER CROFT MOVED AND VICE MAYOR VAN NOSTRAN SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 4.

RI-1 Approval of Minutes of the Meeting held September 27, 2005

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated September 22, and September 29, 2005

RI-4 RESOLUTION NO. 2005-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING RESOLUTION NO. 2005-24 PERTAINING TO MILEAGE REIMBURSEMENT RATES FOR CITY OFFICERS AND EMPLOYEES OF THE CITY OF LAKEWOOD

**ROUTINE ITEMS:** Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.1 • STREET VACATION FOR PARKVIEW DRIVE AND MANOR DRIVE**

The City Attorney advised that this matter had first come before the City Council nearly two years ago with a formal public hearing being set for this date. He pointed out the letter contained in the agenda packet from Dr. Lance Sieger and Dr. Rochelle Sieger requesting a continuance of the public hearing to November 8th as they were out of the country. He noted that since the hearing had been published and posted for this meeting and there were residents in attendance on this issue, the first order of business should be a determination on whether to grant the continuance. He also advised that although not necessarily an impediment, there was an unresolved issue pertaining to the fee title on the portion of Parkview Drive which crossed the Lakewood County Club Golf Course. He noted that since the original developer had not conveyed the property to the County of Los Angeles, it remained to be determined who was the successor to the title.

Responding to a question from Mayor Esquivel, Mr. Skolnik stated that the process may be able to move forward, but it may take a few weeks before staff would have a complete understanding of the fee title issue.

Mayor Esquivel opened the public hearing at 8:08 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Matthew Sieger stated his parents were currently out of the country and he read into the record the letter previously submitted by the Doctors Sieger expressing their opposition to the street vacation, concern regarding impacts to emergency response units and requesting the public hearing be continued. He further stated that he felt the addition of a gate would not make the neighborhood any safer and that he was concerned about access for emergency vehicles and the appearance of elitism.

Responding to a question from Council Member Rogers, Mr. Sieger stated that he was expressing his own opinions and that his parents might have other concerns.

Hal Reed stated that gate access was set up so that emergency response units such as sheriff and fire departments would have their own access code, as would routine service providers such as meter readers, refuse disposal company and gardening services. He further stated that every home owner in the affected area was in favor of the gate except for one and that the single opponent had refused to communicate with the new homeowners association about measures to mitigate their concerns. He requested that the process be permitted to move forward, as every delay was increasing the cost to construct the gate. He noted that the Association's attorney would work with the City Attorney to quickly resolve the title issue.

**1.1 • STREET VACATION FOR PARKVIEW DRIVE & MANOR DRIVE - Continued**

The City Attorney noted that if the City Council should choose to proceed now, such action would require a provision that the vacation would not become effective until the title issue was resolved.

Council Member Croft inquired about the primary reason for the gate. Mr. Reed responded by stating that their main motivation was safety and he detailed some of the vandalism problems experienced in the neighborhood.

Responding to a question from Mayor Esquivel, Mr. Reed stated that the location selected for the gate was just inside where the golf course tunnel crosses under the street. Mayor Esquivel noted that the location was along the stretch of street where the title was still in question.

In response to a question from Council Member Rogers, Mr. Reed stated that he was confident that the Association's attorney and the City Attorney would be able to resolve the title issue within the next 30 days.

Sylvia Hartman stated that the Covenants, Conditions and Restrictions adopted by the Homeowner's Association had been purposely drafted in a non-restrictive manner. She also expressed concern about crime in the neighborhood.

Javier Munoz stated he was outside the area to be gated and that he was not in favor of the street vacation as it might increase noise and traffic congestion on the other side of the gate.

Elfried Somberg stated she was an avid walker and inquired about pedestrian access.

The Director of Public Works stated that pedestrian access would also be restricted by the gate. Mr. Reed added that the Association may be willing to grant some pedestrian access on a limited basis.

Skip Gill stated that he also liked walking in the area and felt closing it off with a gate would be detrimental to the rest of Lakewood.

Elaine Warren related problems with joy-riders racing through the neighborhood.

Joel Kizner stated he was in support of the gate and noted that the residents initial understanding was that 100 percent participation was required to proceed.

Robert Pinder stated the Association attorney had advised that there was no specific provision in State law which would require 100 percent participation.

**1.1 • STREET VACATION FOR PARKVIEW DRIVE & MANOR DRIVE - Continued**

Mr. Reed stated that the concept was based on the process for new developments which required 100 percent participation to fund their construction and that since this was an existing development, that provision would not apply.

The City Attorney stated that the City Council could make the findings required by law to vacate the streets and if the affected residents were not in complete agreement, there were legal remedies. He also noted that certain residents had provided indemnification agreements as part of the transaction.

Council Member Croft determined from Mr. Reed that the neighbors had sought other remedies to improve safety, such as neighborhood watch.

VICE MAYOR VAN NOSTRAN MOVED TO DENY THE REQUEST TO CONTINUE THE PUBLIC HEARING; APPROVE THE INDEMNIFICATION AGREEMENTS; APPROVE THE DECLARATIONS REGARDING STREET VACATION AND MAINTENANCE; ADOPT RESOLUTION NO. 2005-67; AND AUTHORIZE THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS.

The City Attorney advised that the motion should contain a provision that the action would not be effective until the title of the portion of Parkview Drive is resolved to the satisfaction of the Director of Public Works and the City Attorney.

The motion dies for lack of a second.

Council Member Rogers inquired if there was any part of the process that could proceed while waiting for the title issue to be resolved. The Public Works Director responded that the first step would be approval by the Development Review Board.

Community Development Director Chuck Ebner stated there was no fee connected with DRB review, but that fees would be charged at the time permits were taken out for the project.

Council Member Rogers determined from the City Attorney that action could be taken to allow the Association to proceed with the application process.

Council Member DuBois expressed concern that the residents had worked hard to meet every requirement presented to them, but were delayed because the hearing date was not good for one party.

Council Member Croft explored whether the hearing could be continued, but the Association be allowed to move forward while the title issue was being resolved.

Council Member Rogers stated that he understood the issues and the wishes of the homeowners and would like them to be able to move forward on those steps that would not have related costs. He further stated that although he did not want to delay the process unnecessarily, he also did not want to deny the opposing homeowner a chance to be heard.

**1.1 • STREET VACATION FOR PARKVIEW DRIVE & MANOR DRIVE** - Continued  
COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER CROFT  
SECONDED TO CONTINUE THE HEARING TO NOVEMBER 8, 2005, AND TO  
ALLOW THE HOMEOWNERS ASSOCIATION TO PURSUE THE DEVELOPMENT  
REVIEW BOARD PROCESS WITH STAFF, WITH NO FEE EXPOSURE

The City Attorney confirmed for Council Member Rogers that there would be no extraordinary impediments to the process, once the vacation was approved.

Vice Mayor Van Nostran, noting the process had begun two years ago, questioned the value of authorizing them to proceed, but only a little bit. He also noted that preparation of the plans and drawings for the gate structure would require a financial outlay by the Association.

Council Member Croft stated that by allowing the Association to complete the DRB process, the hearing could be continued without constructively delaying the remainder of the process.

UPON ROLL CALL VOTE, THE MOTION FAILED:

AYES: COUNCIL MEMBERS: Croft and Rogers

NAYS: COUNCIL MEMBERS: Van Nostran, DuBois and Esquivel

Council Member DuBois stated that she had heard about some of the problems in this neighborhood before and that the residents should be allowed to move forward with the project.

COUNCIL MEMBER DUBOIS MOVED AND VICE MAYOR VAN NOSTRAN  
SECONDED TO DENY THE REQUEST TO CONTINUE THE PUBLIC HEARING;  
APPROVE THE INDEMNIFICATION AGREEMENTS; APPROVE THE  
DECLARATIONS REGARDING STREET VACATION AND MAINTENANCE; ADOPT  
RESOLUTION NO. 2005-67; AND AUTHORIZE THE MAYOR TO EXECUTE ALL  
NECESSARY DOCUMENTS, CONTINGENT UPON THE RESOLUTION OF THE  
PARKVIEW DRIVE TITLE ISSUE TO THE SATISFACTION OF THE DIRECTOR OF  
PUBLIC WORKS AND THE CITY ATTORNEY.

RESOLUTION NO. 2005-67; A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LAKEWOOD VACATING PARKVIEW DRIVE AND MANOR DRIVE,  
COMMONLY KNOWN AS "THE ISLAND," WITHIN THE CITY OF LAKEWOOD,  
CALIFORNIA, AND AS MORE PARTICULARLY DESCRIBED IN SAID  
RESOLUTION, AND SHOWN ON MAP ATTACHED HERETO

Council Member Croft noted that even though the process had been going on for two years, there were still issues to be resolved.

Council Member Rogers stated that he would not go on record as voting against the Homeowners Association.

**1.1 • STREET VACATION FOR PARKVIEW DRIVE & MANOR DRIVE - Continued**  
UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, DuBois and Esquivel

NAYS: COUNCIL MEMBERS: Croft

ABSTAIN: COUNCIL MEMBERS: Rogers

**1.2 • SPECIFIC PLAN FOR 11714 WALCROFT STREET**

The Director of Community Development displayed slides and gave an oral presentation based on the report in the agenda. He stated that the proposed ordinance adopting the specific plan for 11714 Walcroft Street had been introduced at the last City Council meeting. The Plan called for Paramount Investors Group, LLC, to construct two dwelling units on the site, one of which would be offered as affordable housing. He concluded by stating that it was the recommendation of the Planning and Environment Commission that the City Council hold a public hearing on the Walcroft Street Specific Plan and adopt Ordinance No. 2005-11.

Mayor Esquivel opened the public hearing at 9:16 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

ORDINANCE NO. 2005-11; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING THE WALCROFT STREET SPECIFIC PLAN was read by title by the City Clerk.

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO CLOSE THE PUBLIC HEARING, WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2005-11. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**3.1 • URBAN WATER MANAGEMENT PLAN 2005 UPDATE**

Water Resources Director Jim Glancy displayed slides and gave an oral presentation based on the report in the agenda. He reported that the Water Resources Department was required by statute to develop an Urban Water Management Plan, which must be updated every five years. He briefly reviewed the required contents of the plan, historical and projected water use, demand management practices and Lakewood's water supply outlook. It was the recommendation of the Water Resources Committee that the City Council open the public comment period for the Urban Water Management Plan and set a public hearing for December 13, 2005.

**3.1 • URBAN WATER MANAGEMENT PLAN 2005 UPDATE - Continued**

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

**3.2 • PURCHASE OF REPLACEMENT VEHICLES**

Finance Director Larry Schroeder gave a brief oral presentation based on his report in the agenda and stated that during this budget year, four vehicles had been identified for replacement based on their age, wear and maintenance costs. Following development of specification for each vehicle, the Purchasing Officer had received pricing information based on the California Multiple Award Schedules (CMAS). It was the recommendation of staff that the City Council authorize the purchase of four vehicles for a total purchase price of \$190,842.07.

Vice Mayor Van Nostran stated that after looking at the list of vehicles to be replaced he wanted to commend the City's maintenance division for having been able to keep those vehicles in service for so many years.

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, Croft, DuBois, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

At 9:26 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 9:28 p.m., the City Council Meeting was reconvened.

**2.1 • AMENDMENT NO. 18 TO THE REDEVELOPMENT PLAN FOR LAKEWOOD TOWN CENTER REDEVELOPMENT PROJECT AREA NO. 1 AND AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR PROJECT AREA NO. 3**

The Director of Finance gave a brief oral presentation based on the report in the agenda and reported that changes in legislation allowed a Redevelopment Agency to extend the time limit for receipt of tax increment for repayment of debt by one year and to extend by one year, the time limit on the effectiveness of the Redevelopment Plan. He noted that due to existing agreements, Project Area No. 2 could not be changed at this time. It was the recommendation of staff that the City Council introduce Ordinance No. 2005-12, amending Lakewood Town Center Redevelopment Project Area No. 1 and introduce Ordinance No. 2005-13, amending Redevelopment Project Area No. 3.



**2.1 • AMENDMENT NO. 18 TO THE REDEVELOPMENT PLAN FOR LAKEWOOD TOWN CENTER REDEVELOPMENT PROJECT AREA NO. 1 AND AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR PROJECT AREA NO. 3** - Continued ORDINANCE NO. 2005-12; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING AND ADOPTING AMENDMENT NO. 18 TO THE REDEVELOPMENT PLAN FOR THE LAKEWOOD TOWN CENTER REDEVELOPMENT PROJECT AREA NO. 1

ORDINANCE NO. 2005-13; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING AND ADOPTING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR THE LAKEWOOD REDEVELOPMENT PROJECT AREA NO. 3

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO INTRODUCE ORDINANCES NO. 2005-12 AND NO. 2005-13. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

. . .

**ORAL COMMUNICATIONS:** None

. . .

**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 9:30 p.m. to Tuesday, October 25, 2005, at 5:30 p.m. in the Executive Board Room.

Respectfully submitted,

Denise R. Hayward, CMC  
City Clerk