



Minutes

Lakewood City Council

Regular Meeting held
September 25, 2012

MEETING WAS CALLED TO ORDER at 7:31 p.m. by Mayor DuBois in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Reverend Sam Wilder, West Lakewood Baptist Church

PLEDGE OF ALLEGIANCE was led by Boy Scout Troop #134

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor DuBois announced that the meeting would be adjourned in memory of Debra Humphrey, a 17-year employee of the City who had responsibility for coordinating the DASH transportation program.

Glen Patrick, President, Lakewood Rotary Club, made a presentation on Project Shepherd, now in its 40th year of providing assistance to needy Lakewood families. He stated that the drive for food and toys would begin on November 5th and distribution on December 20th. He encouraged participation in the Kris Kringle Golf Tournament, which was a fundraiser for Project Shepherd. He concluded by requesting the Mayor consider serving as an honorary chairperson for the event.

Mayor DuBois stated that she would be honored to accept the role of honorary chair and she encouraged all Lakewood residents to support Project Shepherd, with their funds or with volunteer time. She noted that Project Shepherd was not just a holiday program now, but operated a year-round pantry.

ROUTINE ITEMS:

COUNCIL MEMBER VAN NOSTRAN MOVED AND VICE MAYOR CROFT SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 11.

RI-1 Approval of Minutes of the Meeting held August 28, 2012

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

ROUTINE ITEMS: Continued

RI-4 Approval of Revisions to Conflict of Interest Code for City Officers and Employees

RI-5 Approval of Permit for Mayfair High School Homecoming Parade

RI-6 Approval of Report of Monthly Investment Transactions

RI-7 RESOLUTION NO. 2012-60; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADDING A JOB CLASSIFICATION TO ATTACHMENT B OF RESOLUTION NO. 2012-29 PERTAINING TO EMPLOYEE BENEFITS, AND THE CLASSIFICATION AND COMPENSATION OF CITY OFFICERS AND EMPLOYEES, AND ESTABLISHING EMPLOYEE BENEFITS, DEFINING THE CONDITIONS AND HOURS OF EMPLOYMENT, AND ADOPTING A CLASSIFICATION AND COMPENSATION PLAN FOR CITY OFFICERS AND EMPLOYEES

RI-8 RESOLUTION NO. 2012-61; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A DISABLED PERSONS DESIGNATED PARKING SPACE ON THE WEST SIDE OF DEVLIN AVENUE WITHIN THE CITY OF LAKEWOOD

RESOLUTION NO. 2012-62; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A DISABLED PERSONS DESIGNATED PARKING SPACE ON THE SOUTH SIDE OF 214TH STREET WITHIN THE CITY OF LAKEWOOD

RI-9 RESOLUTION NO. 2012-63; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DECLARING NATIONAL VOTER REGISTRATION DAY IN THE CITY OF LAKEWOOD, CALIFORNIA

RI-10 Status Report on Completion of Emergency Electrical Repairs for Palms Park

RI-11 Amendment to Fair Political Practices Commission Form 806

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 874, 4905 BELLFLOWER BOULEVARD

City Attorney Steve Skolnik provided a brief explanation of the process and sequence of events for the hearing, noting that as a hearing de novo, new evidence and/or testimony could be added to the existing record.

1.1 • REVIEW OF THE DECISION OF THE PEC REGARDING CONDITIONAL USE PERMIT NO. 874, 4905 BELLFLOWER BOULEVARD – Continued

Assistant Director of Community Development Patrick McGuckian displayed slides and gave a presentation based on the memo contained in the agenda. He stated the applicants had proposed to demolish the existing structure at 4905 Bellflower Boulevard and construct a new multi-tenant commercial building, anchored by a convenience store. The applicants had applied for a full liquor license, for which a Conditional Use Permit (CUP) was required. At a public hearing in May, the Planning and Environment Commission (PEC) denied the CUP. The applicants then filed an appeal of the PEC decision, but decided to forego the appeal in lieu of going back to the PEC with a request for beer and wine sales only. In July, the Commission approved that request with certain conditions. The applicants renewed their request for an appeal hearing, expressing dissatisfaction with the required conditions. It was noted that several of the conditions imposed were because of the undue concentration of alcoholic beverage licenses in the immediate area of the proposed project. He briefly reviewed each of the conditions of approval of the CUP. He concluded by stating that the alternatives were to approve the CUP and uphold the appeal by modifying the conditions, either as requested by the applicants, or as deemed appropriate by the City Council; to approve the CUP and deny the appeal, allowing the conditions imposed by the PEC to stand; or to deny the CUP and the appeal.

Mayor DuBois opened the public hearing at 7:55 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Mr. Emeil Kamel, 4905 Bellflower Boulevard, stated that he had been the property owner since 1984, when the site was a Shell gas station. He reported that concern for contamination of the ground water from old fuel storage tanks prevented a re-use of the site as a gasoline station. He further stated that although there was an option to lease the building as a garage or vehicle repair station, he felt the proposed project would be a much better use of the site. He indicated that he felt he had not been treated fairly as the conditions imposed by the Planning and Environment Commission were different from other 7-Eleven stores in the City and different from the 76 gas station convenience store on the other side of the same intersection. He also noted that a number of the liquor licenses at this intersection were in the City of Long Beach. He stated that there was no evidence that the security guard and security cameras were necessary, and that the loitering cited by the Commission was on the Taco Bell site directly to the west and not on his property. He also stated that the conditions limiting the size and sale of single beer or malt beverages would ruin his business by limiting his ability to make a profit.

Karen Toussant, David Shenk and Joe Arambel spoke in opposition to the project, stating that there were already too many liquor licenses in the immediate area.

Jesse Orsky spoke in favor of the project and of supporting business owners willing to invest in property improvements.

1.1 • REVIEW OF THE DECISION OF THE PEC REGARDING CONDITIONAL USE PERMIT NO. 874, 4905 BELLFLOWER BOULEVARD – Continued

The City Attorney advised that the applicant had made a brief reference to a telephone conversation they had earlier in the day. Mr. Skolnik pointed out that although Mr. Kamel had made reference to a letter he had submitted on Monday, September 24th as a records request, the document was, in fact, in the form of an argument to rebut the facts contained in the staff agenda report, or challenge what he felt was insufficient evidence, not a request for identifiable documents.

The Assistant Director of Community Development stated that the condition for a security guard was based not on the present use of the property, rather reasonably anticipated that the future use could lead to a migration of the loitering problems already experienced in the area, but contained a 90-day review period where, subject to the discretion of the Sheriff's Department, the condition could be modified or removed. He noted that the number of security cameras required was taken directly from 7-Eleven material submitted by the applicants. He stated that the size of single beer or malt beverage containers for single sales was based upon a requirement in the Lakewood Municipal Code for gas station convenience stores, which the Commission felt reasonable in this case. He further stated that the determination of undue concentration of alcoholic beverage licenses was based on information for the census tract for the property. He noted that included in this census tract was the area for the Lakewood Center Mall and Restaurant Row, causing the initial numbers to be somewhat skewed, so that during the analysis by staff consideration of the actual location and its surrounding businesses was weighted more heavily.

The City Attorney advised that in the matter of making recommendations for the security measures, staff deferred to the professional expertise of the Sheriff's Department, but included flexibility in case it was determined that the conditions were not needed, and that the conditions pertaining to the size of beverages was open to modification.

Mr. Kamel stated that he had submitted a petition signed by a number of his customers who were in favor of the project. He also stated that a standard installation included a fewer number of cameras than specified in the CUP conditions and that he disagreed with the landscaping requirements.

Mayor DuBois closed the public hearing at 9:10 p.m.

Vice Mayor Croft stated that it was important to look at the entire, existing area and not just a single property or location and to make a judgment based on the big picture.

Council Member Rogers stated that while he respected the rights of a property owner to run a business and that he would love to see this property be improved, he was not sure that yet another 7-Eleven convenience store was needed in Lakewood. He continued by stating that although each location was to be judged on its own merits and not compared to other locations, the saturation of alcoholic beverage licenses in the area of this project was troubling. He concluded by stating that there was no point in denying the appeal and leaving the CUP intact as it was approved by the Planning and Environment Commission because the applicant had categorically expressed a lack of interest in or willingness to operate pursuant to the CUP as conditioned.

1.1 • REVIEW OF THE DECISION OF THE PEC REGARDING CONDITIONAL USE PERMIT NO. 874, 4905 BELLFLOWER BOULEVARD – Continued

Council Member Wood stated that he had received input from a number of Lakewood residents on the project and that he felt it was important to balance the growth of business with the needs of the community.

Council Member Van Nostran stated that he would also like to see the property developed, but had concerns regarding the undue concentration of liquor licenses in the area and that in the best interests of the community, the appeal should be denied.

The City Attorney advised that a resolution had been prepared that would both deny the appeal and deny the Conditional Use Permit. He suggested that the resolution be modified by the addition of a section “H” to read: “There is no point in denying the appeal and leaving the Conditional Use Permit intact as approved by the Planning and Environment Commission because the applicant has categorically expressed a lack of interest in operating or willingness to operate pursuant to the Conditional Use Permit as conditioned.”

Mayor DuBois noted that the City Council was often tasked with making difficult decisions in order to do what was best for the community.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER WOOD SECONDED TO ADOPT RESOLUTION NO. 2012-64, TO DENY THE APPEAL AND DENY THE CONDITIONAL USE PERMIT.

RESOLUTION NO. 2012-64; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING AN APPLICATION FOR CONDITIONAL USE PERMIT NO. 874 AND DENYING THE RELATED APPEAL, AT 4905 BELLFLOWER BOULEVARD, LAKEWOOD, CALIFORNIA, FOR THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

Mayor DuBois requested staff to report on a possible moratorium on convenience stores with the sale of beer and wine.

3.1 • WATER SALE AGREEMENT WITH LONG BEACH WATER DEPARTMENT

Water Resources Director Jim Glancy presented a report based on the memo in the agenda and stated the City owned water extraction rights in the Central Groundwater Basin which allowed the pumping of ground water on an annual basis. He reported that since the annual allotment was on a ‘use-it or lose-it’ basis, an agreement had been negotiated with the City of Long Beach Water Department to lease the excess supply, a win-win for both agencies. It was the recommendation of the Water Resources Committee that the City Council approve the water purchase agreement with the City of Long Beach Water Department.

3.1 • WATER SALE AGREEMENT WITH LB WATER DEPARTMENT - Continued

Vice Mayor Croft stated that the agreement contained a short-term clause which Lakewood could exercise if conditions were to change. He noted that this was an excellent deal that would help to keep rates lower for both agencies.

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO AUTHORIZE A WATER PURCHASE AGREEMENT WITH THE CITY OF LONG BEACH WATER DEPARTMENT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.2 • PURCHASE OF PICNIC SHELTER AND SITE FURNISHINGS; AND CHANGE ORDER FOR THE BLOOMFIELD PARK CDBG RENOVATION PROJECT

Public Works Director Lisa Rapp gave a report based on the memo in the agenda and stated Public Works Project No. 2011-05 for improvements at Bloomfield Park had been awarded with deductive alternatives in place to keep the project within budget. Due to a long lead time on materials ordering, staff was able to work with the specified shelter manufacturer and contractor to identify a lower priced alternative shelter and ways to reduce installation costs which would result in nearly \$50,000 in cost savings. It was the recommendation of staff that the City Council authorize staff to issue a purchase order for one ICON Shelter Systems, Inc. picnic shelter in the not-to-exceed amount of \$28,350 through the HGACBuy Purchasing Contract No. PR11-10; authorize staff to negotiate a change order to Public Works Project No. 2011-05, in an amount not to exceed \$113,113, for the installation of the group picnic shelter; approve the purchase of site furnishings (picnic tables, prep table, barbecues, trash receptacles, benches, and bike racks) in an amount not to exceed \$13,500; approve an amendment to the agreement with Meyer & Associates in the amount of \$1,000 for picnic shelter design review; and appropriate \$156,000 from the General Fund to the project account.

Vice Mayor Croft stated that he appreciated having a staff that would continue to work on finding enough cost savings to be able to have the desired improvements.

Council Member Wood stated that this was a good example of staff being mindful of budget restraints and yet finding the cost savings to get the project done.

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

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

NAYS: COUNCIL MEMBERS: None

3.3 • 2012 FALL RECREATION PROGRAMS

Park Superintendent Philip Lopez made a presentation based on the memo in the agenda and stated the Fall/Winter Recreation Catalog had been sent out to Lakewood residents and offered a wide variety of classes (over 500) from October through January. He highlighted some of the most popular offerings such as Family Camp; After School Activity Zone; Teen Resource Center; Annual College Fair; FUN-tastic Family Nights; Lollipop Lane Holiday Boutique; and Halloween carnivals at each park. He concluded by encouraging residents to check out the RCS Fall/Winter Catalog that included something for everyone to enjoy.

SUCCESSOR AGENCY ACTIONS

1. Registers of Demands

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

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

NAYS: COUNCIL MEMBERS: None

SUCCESSOR HOUSING ACTIONS

1. Registers of Demands

COUNCIL MEMBER VAN NOSTRAN MOVED AND VICE MAYOR CROFT SECONDED TO APPROVE THE REGISTER OF DEMANDS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2. Low-Moderate Income Housing Fund Due Diligence Review

Administrative Services Director Diane Perkin made a presentation based on the memo in the agenda and stated that recent State legislation required each successor housing agency to hire a county auditor-controller approved, licensed accountant, with experience in local governmental accounting, to perform a Due Diligence Review (DDR) of the unobligated balances available for transfer to other taxing agencies. She stated that the firm retained to perform the audit, Simpson & Simpson CPA, had completed the audit in a timely manner, despite many changes to the processes by the State Department of Finance, and had found everything to be in good order and to have been properly done. She noted that Simpson & Simpson had identified some additional items that needed to be added to the Recognized Obligation Payment Schedule (ROPS III), which, along with the DDR, would be presented to the Oversight Board.

SUCCESSOR HOUSING ACTIONS

2. Low-Moderate Income Housing Fund Due Diligence Review - Continued
COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR CROFT SECONDED TO
APPROVE THE DUE DILIGENCE REVIEW FOR OVERSIGHT BOARD
CONSIDERATION. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

ORAL COMMUNICATIONS: None

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor DuBois adjourned the meeting at 9:45 p.m. A moment of silence was observed in memory of Debra Humphrey.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk