



Minutes

Lakewood City Council

Regular Meeting held
October 10, 2017

MEETING WAS CALLED TO ORDER at 7:30 p.m. by Mayor DuBois in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Dr. Fardad Mogharabi, The Bahá'í Faith Community

PLEDGE OF ALLEGIANCE was led by Boy Scout Troop 65

ROLL CALL: PRESENT: Mayor Diane DuBois
Vice Mayor Steve Croft
Council Member Ron Piazza
Council Member Todd Rogers
Council Member Jeff Wood

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor DuBois announced that the meeting would be adjourned in memory of the victims of the shooting in Las Vegas. She noted that over fifty people were killed, hundreds wounded and many were from Southern California.

The Mayor stated that the 65th Anniversary celebration for the Macy's building at Lakewood Center would be held on October 21st. She noted that there would be historic photos on display, cake and giveaway items as well as a raffle drawing.

Mayor DuBois introduced Karen Harmon, the committee chairperson for Project Shepherd from the Rotary Club of Lakewood. Ms. Harmon made a presentation regarding the annual Project Shepherd program. She stated that the program was in its 45th year of providing assistance to Lakewood families in need over the holiday season. She extended an invitation to Mayor DuBois to serve as honorary chairman, who stated that she would be honored to serve.

Council Member Rogers expressed gratitude to the community, partners and sponsors of the annual Lakewood Education Foundation golf tournament noting that the funds raised would provide grants to teachers in Lakewood schools.

Vice Mayor Croft acknowledged the recent celebration of the 80th anniversary of Boy Scout Troop 65. Council Member Wood introduced Scoutmaster Tom Soto, who stated that the number of years being celebrated represented many hours of service from the scouts in the troop. He distributed commemorative wooden nickels as a token of appreciation to the City Council.

ROUTINE ITEMS:

COUNCIL MEMBER PIAZZA MOVED AND COUNCIL MEMBER WOOD SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 6.

- RI-1 Approval of Minutes of the Meetings held September 12, and September 26, 2017
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands
- RI-4 RESOLUTION NO. 2017-53; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING FEES FOR THE RECOVERY OF OVERHEAD COSTS ASSOCIATED WITH THE PROCESSING OF WIRELESS TELECOMMUNICATIONS RELATED PERMITS
- RI-5 Approval of Agreement with Tyler Technologies Inc. "MUNIS" for Accounting Software Licenses and Support
- RI-6 RESOLUTION NO. 2017-54; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD RESCINDING RESOLUTION NO. 2017-45 WHICH AFFIRMED THE FISCAL YEAR 2017-2018 BUDGET FOR THE USE OF FUNDS PROVIDED BY THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

RESOLUTION NO. 2017-55; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AFFIRMING THE FISCAL YEAR 2017-2018 BUDGET FOR THE USE OF FUNDS PROVIDED BY THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Wood, Piazza, Croft, Rogers and DuBois

NAYS: COUNCIL MEMBERS: None

1.1 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CONDITIONAL USE PERMIT NO. 948, 6741 CARSON STREET

Sonia Southwell, Director of Community Development, displayed slides and gave a presentation based on the report in the agenda. She provided a brief history by explaining that the applicant had submitted an application for Conditional Use Permit No. 948, for the establishment of a carwash facility with covered outdoor vacuum stations and a car service building located at 6741 Carson Street. The Planning and Environment Commission (PEC) approved the CUP at its meeting held in July and, subsequently, an appeal had been timely filed requesting that the decision of the Planning Commission be overturned. At its September 12th meeting, the City Council considered the appeal and set a date to hold a hearing de novo on October 10, 2017, to consider new and/or additional evidence.

1.1 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CUP NO. 948, 6741 CARSON STREET - Continued

The project proponent later submitted a letter stating that he would be out of state and unable to attend the hearing de novo and requesting that it be postponed and rescheduled to November. Ms. Southwell concluded by stating that the City Council had the following four possible action options regarding the Planning and Environment Commission decision to approve Conditional Use Permit No. 948 and the appeal thereof: to adopt a resolution to uphold the PEC decision to grant CUP No. 948 and deny the appeal, including findings to justify the actions; to adopt a resolution to uphold the PEC decision to grant CUP No. 948 and deny the appeal, but modify the conditions of approval for CUP No. 948, as discussed in the hearing, including findings to justify the actions; adopt a resolution to uphold the appeal and deny CUP No. 948, including findings to justify the actions; or continue the public hearing as requested by the applicant.

Responding to Council Member Rogers' questions, Steve Skolnik, for the City Attorney, provided a brief explanation of the process and stated that the City Council could still hear from those in attendance and then continue the hearing to receive testimony from the applicant.

Ms. Southwell responded to Council Member Wood's inquiry by stating that neither the applicant nor his attorney were present but that their representative was in the audience to hear comments from those in attendance.

In response to concerns raised by Council Member Piazza and Council Member Wood regarding the availability of parking, Ms. Southwell stated that there was an adjacent commercial center that could not accommodate the parking currently required by the Code since it had been built prior to that requirement but that there had been a joint use parking agreement that allowed some of those businesses to park in the rear of the previous development. She added that there was an easement for ingress and egress at the center enabling driving through and parking on the property but that no additional parking would be provided at the proposed development.

Ms. Southwell replied to questions from Council Member Rogers by explaining that there would be staff and attendants present on site to provide assistance with the automated pay machine, the car wash tunnel, the vacuums and other services.

In response to questions from Council Member Rogers, Mr. Skolnik stated that the resulting Council action whether tonight or at a continuation of the hearing, would be the final step in the administrative process. He continued by explaining that if the City Council were to uphold the decision of the Planning Commission, the car wash could move forward. If the Council were to grant the appeal and deny the CUP application, then the owner or applicant would have to submit another proposal or consider a different use for the property. In this zone, as within any zone in the City, there were a list of uses that were permitted as a matter of right that did not require any discretionary approval by the Planning Commission or the City Council and only required development approval.

1.1 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CUP NO. 948, 6741 CARSON STREET - Continued

They still had to comply with zoning regulations, setback regulations, parking regulations, and such, but there was a more limited ability to influence those developments. There were other uses, like this, which were conditionally permitted that would go before the Planning Commission and then potentially to the City Council. So the applicant could, for example, submit an application for a use where there would be no discretionary ability to deny the project. He further explained that if the Council granted the appeal, the car wash element would be eliminated but the auto repair element could remain because the auto repair use was a permitted use in the zone, not a conditionally permitted use and allowed as matter of right with only the various City rules and regulations in place along with the development review process.

Ms. Southwell added that there were restrictions, such as no food uses, on the site that were imposed by the owner and not by the City.

Responding to concerns from Vice Mayor Croft and Council Member Wood, Ms. Southwell noted that additional noise mitigations could be incorporated and that the relocation of trees would be reviewed by the City's arborist and landscape architect.

Ms. Southwell confirmed for Mayor DuBois that there was another car wash located at the gas station on the corner of Carson Street and Los Coyotes Diagonal.

Mayor DuBois opened the public hearing at 8:14 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

David Haynes, Lakewood, stated that because of the proposed development's proximity to his residence, he was concerned about the odors and the noise.

Jerry Rothery, Lakewood, stated that as an audio professional, he was concerned about the impacts of noise and submitted a paper copy of a slide presentation regarding A weighted measurements of sound.

Mr. Skolnik responded to questions from Doug Larson, Lakewood, by explaining the conditional use permit process.

Lori Quiett, Lakewood, expressed concerns regarding the potential for excessive noise and traffic from the proposed development as well as its impact on property values.

Arthur Pinette, Lakewood, submitted additional written testimony and additional petition signatures. He expressed concerns related to the proposed business locating near residences and the noise from the business.

1.1 • REVIEW OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CUP NO. 948, 6741 CARSON STREET - Continued

Brian Kite, 2254 S. Figueroa Street, Los Angeles, managing principal of SRK Architects, stated that as the architect on the proposed project, he was aware of the issues raised by the residents and expressed his willingness to modify the design to add noise absorption features. He noted that the applicant was an owner/operator of three other car wash businesses and that the proposed facility would incorporate some of the best equipment.

Alan Paulson, owner of the Regal Inn, 6763 E. Carson Street, Lakewood, stated his concerns with the proposed development noting its impacts to the neighboring businesses with respect to parking and access.

Meredith Elguira, Lakewood, expressed concerns with the review of the proposed project, the location of equipment, and the conduct of the noise study.

Allison Van Wig, Lakewood, stated her concerns regarding parking at the Regal Inn, the impacts to the nearby car wash business and the potential for the necessity to provide geological or other disclosure reports to prospective homebuyers in the area.

Carmeliene Pingtella, Lakewood, noted her concerns for traffic safety with the layout of the proposed development.

Alan Gafford, Lakewood, questioned the inclusion of the proposed car wash as part of Long Beach airport influence area. He expressed concerns related to noise and stated that residences should have been shown in the exhibits.

Responding to inquiries from Council Member Rogers and Vice Mayor Croft, Ms. Southwell stated that she would examine the details of the parking easement agreement.

Ms. Southwell responded to Council Member Wood's question by stating that she had visited other car wash locations but not the ones owned and operated by the applicant.

Mr. Skolnik confirmed for Council Member Wood that it would not be necessary for people to provide the same testimony since it had become part of the record but that they would be provided the opportunity to speak at the hearing continuation.

MAYOR DUBOIS, DETERMINING THAT THERE WAS NO OBJECTION, ORDERED THE PUBLIC HEARING CONTINUED UNTIL NOVEMBER 14, 2017, TO RECEIVE MORE INFORMATION FROM STAFF, TAKE TESTIMONY FROM THE APPLICANT AND CONSIDER THE ADDITIONAL MATERIALS SUBMITTED TODAY.

1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 2017-6; ENTRY GATE IMPROVEMENTS TO THE EXISTING EQUESTRIAN CENTER, 11369 EAST CARSON STREET

Lisa Rapp, Director of Public Works, made a presentation based on the report in the agenda and reported that three bids had been received for the installation of entry gate improvements at the existing Equestrian Center, which were all substantially higher than staff expectations. She stated that staff recommended that the City Council reject all bids received for Public Works Contract 2017-6 and authorize staff to revise and rebid the project.

Responding to questions from Council Member Wood regarding the gate, Ms. Rapp stated that the boarders would have access to the facility but that the gates would remain closed in the evening. She added that in rebidding the project, a lighter weight chain link fence would be specified and that some features would be eliminated to obtain more favorable bids.

Mayor DuBois opened the public hearing at 9:02 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO REJECT ALL BIDS RECEIVED AND AUTHORIZE STAFF TO REVISE AND REBID THE PROJECT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Wood, Piazza, Croft, Rogers and DuBois

NAYS: COUNCIL MEMBERS: None

1.3 • INTRODUCTION OF ORDINANCE NO. 2017-8; PERTAINING TO THE DATE OF THE GENERAL MUNICIPAL ELECTION

Steve Skolnik, for the City Attorney, stated that at a previous City Council study session, he had reported on a State measure which required municipal elections to be consolidated with statewide elections. He stated that a recent piece of legislation, which shifted primary elections from June to March, had provided another available option beginning with the 2020 election thereby allowing moving the date of the City's general municipal election to the first Tuesday after the first Monday in March of even-numbered years, to coincide with statewide general elections. He added that City Council action was required by the end of the year and the election date change would be operative when approved by the County Board of Supervisors and would then require the mailing of notices informing all registered voters of the change in election dates and that, as a result of such change, the terms of office of City officeholders would be extended by not more than twelve months. Mr. Skolnik explained that the proposed ordinance had been prepared based on the direction provided at the study session and recommended that the City Council hold a public hearing and introduce Ordinance No. 2017-8, moving the general municipal elections to the first Tuesday after the first Monday in March of each even-numbered year beginning in March of 2021.

1.3 • INTRODUCTION OF ORDINANCE NO. 2017-8; PERTAINING TO THE DATE OF THE GENERAL MUNICIPAL ELECTION - Continued

Vice Mayor Croft, noting that with the passage of the recent legislation providing the ability to move the elections from March of odd numbered years to the even numbered years, expressed support for moving the 2019 election to 2020. He stated that the costs for standalone elections and County consolidations were comparable and added that the County should be able to accommodate additional consolidations with the implementation of the new voting system.

Council Member Wood stated his preference to retain the date of the March 2019 election.

Mr. Skolnik confirmed that each Council Member term would be increased by one year.

Mayor DuBois opened the public hearing at 9:08 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

ORDINANCE NO. 2017-8; AN ORDINANCE OF THE CITY OF LAKEWOOD MOVING THE CITY'S GENERAL MUNICIPAL ELECTIONS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EACH EVEN-NUMBERED YEAR BEGINNING IN MARCH OF 2019 was read by title by the City Clerk.

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER ROGERS SECONDED TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2017-8, AS AMENDED.

Council Member Piazza stated his support of keeping the March 2019 election date.

COUNCIL MEMBER WOOD CALLED FOR THE QUESTION. UPON ROLL CALL VOTE, THE MOTION FAILED:

AYES: COUNCIL MEMBERS: Croft and DuBois

NAYS: COUNCIL MEMBERS: Wood, Piazza and Rogers

ORDINANCE NO. 2017-8; AN ORDINANCE OF THE CITY OF LAKEWOOD MOVING THE CITY'S GENERAL MUNICIPAL ELECTIONS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EACH EVEN-NUMBERED YEAR BEGINNING IN MARCH OF 2021

COUNCIL MEMBER PIAZZA MOVED AND COUNCIL MEMBER WOOD SECONDED TO INTRODUCE ORDINANCE NO. 2017-8, AS ORIGINALLY PRESENTED. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Wood, Piazza, Croft, Rogers and DuBois

NAYS: COUNCIL MEMBERS: None

3.1 • MASTER LICENSE AGREEMENT FOR TELECOMMUNICATIONS WIRELESS FACILITIES ON PUBLIC RIGHTS-OF-WAY

Paolo Beltran, Assistant to the City Manager, made a presentation based on the report in the agenda and reported that with the anticipated increase in receiving applications for small cell wireless sites on the public rights-of-way, it was important to minimize regulatory proceedings while protecting and preserving City interests, including public safety, municipal operations, aesthetics and revenue enhancement. He stated that a Master License Agreement would serve these objectives and create an expedited process for locating small cells, and would not require a wireless provider to process a special permit for each proposed small cell or proposed group of small cells. The Master License Agreement preparation payment would be established with each wireless provider in order to reimburse the City for the staff time associated with execution of the Agreement. Once an Agreement was obtained, the provider would be eligible to request placement of a small cell on City-owned poles proposed by the carrier from time to time. These requests would be processed on a pole-by-pole basis under a pole license. The City could reject a request for any legitimate reason, including potential interference with City functions, safety concerns, aesthetic concerns or other reasons. If approved, the small cell would be designed and operated to satisfy a broad group of standard rules in the agreement. During the term of the agreement, the wireless provider would make payments to reimburse the City for staff time and would pay annual license fees for the use of each pole. Master License Agreements would include administrative fees to recoup City costs as indicated in Resolution No. 2017-53. It was recommended that the City Council approve the proposed Master License for Wireless Facilities on City Poles in the Right of Way (Master License Agreement) and authorize the City Manager to execute Master License Agreements in a form approved by the City Attorney.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO APPROVE THE PROPOSED MASTER LICENSE AGREEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE MASTER LICENSE AGREEMENTS IN A FORM APPROVED BY THE CITY ATTORNEY. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Wood, Piazza, Croft, Rogers and DuBois

NAYS: COUNCIL MEMBERS: None

3.2 • SUPPORT OF TAKING BACK OUR COMMUNITY COALITION

Assistant City Manager Carol Flynn Jacoby, made a presentation based on the report in the agenda and stated that the city manager had been approached by the City of Monrovia regarding the Taking Back Our Community Coalition, a new coalition of California cities and agencies advocating for the State to engage in further discussions to identify solutions for addressing the unintended consequences of changes made to California's criminal justice system through the enactment of Assembly Bill 109, Proposition 47, and Proposition 57. The Coalition was led by the Cities of Arcadia, Glendora, and Monrovia, with Monrovia acting as the lead administrative agency.

3.2 • SUPPORT OF TAKING BACK OUR COMMUNITY COALITION - Continued

The formation of the Taking Back Our Community Coalition represented positive steps to mitigate the emerging public safety issues related to changes to California's overall criminal justice system. The Coalition was quickly growing to include many cities in the region looking to be part of a positive solution. All members of the Coalition would pay a fee of \$1,500 per year and funds were available in this year's budget. The funds raised would be used to coordinate the development of an overall public education and outreach campaign. Lead Coalition members were still determining the appropriate structure on how to effectively coordinate with other Coalition members and in managing the budget. If approved, the City Council Public Safety Committee would be involved in the process by reviewing the issues and solutions that emerge from this Coalition, specifically how it applies to public safety in Lakewood. She concluded by stating that it was recommended that the City Council approve the agreement with the City of Monrovia and adopt the resolution to join the Taking Back Our Community Coalition.

Council Member Piazza expressed support for the coalition and inquired whether neighboring cities and associated agencies were involved. Mr. McCormack stated that there were efforts underway to reach out to Gateway cities and noted that the Sheriff's Department had been an integral partner in the coalition's efforts.

RESOLUTION NO. 2017-56; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD TO JOIN THE TAKING BACK OUR COMMUNITY COALITION FOR THE PURPOSE OF ESTABLISHING A UNIFIED MESSAGE TO ADVOCATE FOR COMMON SENSE CHANGES TO CALIFORNIA'S CRIMINAL JUSTICE SYSTEM THAT ADDRESS THE PUBLIC SAFETY IMPACTS RESULTING FROM ASSEMBLY BILL 109, PROPOSITION 47, AND PROPOSITION 57

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE THE AGREEMENT WITH THE CITY OF MONROVIA AND ADOPT RESOLUTION NO. 2017-56. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Wood, Piazza, Croft, Rogers and DuBois

NAYS: COUNCIL MEMBERS: None

SUCCESSOR HOUSING ACTIONS

1. Approval of Registers of Demands

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

AYES: COUNCIL MEMBERS: Wood, Piazza, Croft, Rogers and DuBois

NAYS: COUNCIL MEMBERS: None

ORAL COMMUNICATIONS: None

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor DuBois adjourned the meeting at 9:28 p.m. A moment of silence was observed in memory of the victims of the shooting in Las Vegas.

Respectfully submitted,

Jo Mayberry, CMC
City Clerk