



# Minutes

## Lakewood City Council

Regular Meeting held  
March 13, 2018

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**MEETING WAS CALLED TO ORDER** at 7:33 p.m. by Mayor DuBois in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

**INVOCATION** was offered by Dr. Bill Cox, Victory Through Jesus Church

**PLEDGE OF ALLEGIANCE** was led by Boy Scout Troop 134

**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 expressed gratitude to staff and the community groups who coordinated the Community Run on March 3rd. She also commended staff on the success of the Earth Day event this past Saturday, March 10th. The Mayor noted that for both events, participants had adjusted to the rainy weather.

Mayor DuBois introduced Cindy Conboy, Event Lead, American Cancer Society, who encouraged participation and support of the Relay for Life 24-hour event to be held on June 9th, at a neighboring Long Beach Unified School District high school.

### **ROUTINE ITEMS:**

Mayor DuBois stated that Routine Item 1 would be considered separately.

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO APPROVE ROUTINE ITEMS 2 THROUGH 8.

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

RI-4 Approval of Monthly Report of Investment Transactions - January 2018

RI-5 Approval of Proposition A Transit Fund Exchange and Assignment Agreement

**ROUTINE ITEMS:** - Continued

RI-6 Approval of Permit for Street Closure for March 24th Block Party

RI-7 RESOLUTION NO. 2018-3; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD RESCINDING RESOLUTIONS ESTABLISHING PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACES WITHIN THE CITY OF LAKEWOOD

RI-8 Acceptance of Notice of Completion for Public Works Project No. 2017-8, Improvements to the Existing Monte Verde Park Lodge, Corral Construction and Development

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

RI-1 Approval of Minutes of the Meeting held February 27, 2018

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER WOOD SECONDED TO APPROVE ROUTINE ITEM 1. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: Croft

**1.1 • APPEAL OF DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CONDITIONAL USE PERMIT NO. 948, 6741 CARSON STREET**

Mayor DuBois declared the public hearing on the item open at 7:45 p.m.

Sonia Southwell, Director of Community Development, displayed slides and made a presentation based on the report in the agenda. She reported that the appeal of Conditional Use Permit (CUP) No. 948 had been re-submitted since the application on a new project had been considered at the Planning and Environment Commission (PEC). The revised project called for conversion of the existing drive-thru restaurant building into a self-service style of carwash and for the construction of a new car service building. A major portion of the former drive-thru restaurant and the existing trash enclosure would be demolished, but the west wall of the former restaurant building would be incorporated into the new carwash building. The applicant submitted revised plans to address issues raised at the previous City Council meetings. The primary changes included two new ten-foot tall masonry wing walls to be constructed to extend the carwash tunnel in order to provide additional screening and noise attenuation for the nearby residential properties and a new ten-foot tall masonry wall to be constructed to connect the carwash building and the car service building.

**1.1 • APPEAL OF DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CUP NO. 948, 6741 CARSON STREET - Continued**

The wall would help provide additional visual screening and tunnel noise attenuation for the nearby residential properties and will prevent vehicular access from the site to the westerly alley. The proposed auto service building would be reduced from 3,900 square feet to 2,740 square feet and the trash enclosure would be located at the rear of the car service building to provide improved accessibility for trash service vehicles. There would be a total of 23 parking spaces provided. The PEC added a condition prohibiting the display of temporary signage. She concluded by stating it was staff's recommendation that the City Council hold a public hearing and adopt a resolution upholding the Planning and Environment Commission's decision to grant Conditional Use Permit No. 948 and approve the Mitigated Negative Declaration and deny the appeal including findings to justify the actions.

Ms. Southwell responded to Vice Mayor Croft's question by explaining that there was a provision of the municipal code that allowed banners for thirty days but that no temporary signs would be allowed at this facility.

Council Member Rogers inquired about the terms of the site with respect to the size of the site, and its current zoning and requested some examples of businesses that would be zoned by right for a parcel of this size, which might be considered if this project did not move forward. Ms. Southwell enumerated potential businesses including retail establishments, such as clothing stores, dry cleaners, or grocery stores, and service facilities such as an auto repair facility. She added that no drive thru restaurants would be allowed because such a use would require a CUP.

In response to Council Member Wood's query pertaining to any changes in the hours of operation, Ms. Southwell stated that the proposed hours of operation were Monday-Saturday, 7:30 a.m. to 8:00 p.m., or thirty minutes after dusk, and Sunday, 8:00 a.m. to 8:00 p.m., or thirty minutes after dusk for the car wash; and Monday-Saturday, 7:30 a.m. to 7:00 p.m., and Sunday, 9:00 a.m. to 7:00 p.m., for the car service building.

Ms. Southwell confirmed for Vice Mayor Croft that the equipment to be used would be the high-efficiency and low noise blowers and dryers.

Steve Skolnik, Office of the City Attorney, clarifying for those who signed up to address the City Council, explained that under the Lakewood Municipal Code, the City Council would make its decision based on the record from the Planning and Environment Commission's meeting on February 1, 2018, and any new matter or evidence that had not been raised at the time of the PEC's decision would not be considered.

Arthur Pinette, Lakewood, stated that he and some of the adjacent neighbors of the proposed car wash and auto service facility had submitted an appeal of the Commission's decision based on noise, aesthetics and traffic concerns. He requested mitigation measures such as ten-foot walls connecting the car wash and auto service structures to serve as sound barriers and suggested modifications to the alley and easement accesses. He stated that if these conditions were met, the appeal would cease but noted that noise levels would be monitored post construction and would continue until the noise levels were considered to be acceptable by the neighboring residents. He further suggested that fisheye mirrors and signage should be utilized for safety.

**1.1 • APPEAL OF DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CUP NO. 948, 6741 CARSON STREET - Continued**

Andy Sehremelis, Parkcrest Development, Seal Beach, explained that the architect and sound consulting team had worked with the Development Review Board and staff to come up with a design that would fit well on the site and complied with the requirements with respect to the architectural design, traffic flows, sound and landscaping issues, and lighting concerns to provide a project that would enhance the location, be well maintained and functional. He expressed concerns with the use of temporary signs and the change in the height of the walls.

Roma Stromberg, Kunzman Associates, Temecula, clarified that the acoustical analysis had been conducted with noise modeling and three-dimensional software which had taken into account noise attenuation to provide the ideal height of the walls in order to meet the City standards.

Carmeliene Pingtella, Lakewood, addressed the City Council regarding the applicant's other car wash businesses, the homes directly adjacent to the location and students from the neighboring high school being impacted by the car wash and auto service noise issues.

Jerry Rothery, Lakewood, provided a copy of correspondence dated March 13, 2018, to be entered into the record and discussed the applications of A-weighted sound levels. He added that while the building had been vacant, some dumping had occurred at the site.

Mark Sauvao and Catherine Sauvao, Lakewood, spoke in favor of the car wash business citing that the property had been vacant for too long and felt that the location needed to be revitalized. They stated that the proposed development would provide economic stimulus to the community and encouraged support of Lakewood businesses rather than patronizing such a car wash facility in a neighboring city.

Joseph Cardella, Laguna Niguel, legal counsel for the developer, commented on the applicant's efforts to identify and mitigate the impacts of the project. He indicated that an auto repair facility could potentially be located at the site if additional requirements were imposed. He stated that at the Planning Commission meeting, an increase in the height of the wall from eight to ten feet had been approved. He requested reconsideration of the wall height back to the original eight feet.

Ms. Southwell confirmed for Mr. Skolnik that discussion of the height of the walls had been included in the Commission proceedings and therefore could be considered by the City Council at this time.

Ms. Stromberg stated that it was important to note that with regards to noise attenuation, the location, height and material of the wall had been determined by the studies she had conducted with specific analysis to achieve the City's established noise standard. She explained that with an eight-foot wall, the sounds were measured at a decibel and a half lower than the standard and that the 65 LEQ was not expected to be exceeded as the project had been designed.

**1.1 • APPEAL OF DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CUP NO. 948, 6741 CARSON STREET - Continued**

Ms. Stromberg clarified for Mayor DuBois and Council Member Rogers that LEQ could best be described as the average sound level over the period of the measurement.

In response to Council Member Wood's inquiry, Ms. Stromberg confirmed that the LEQ was a form of time weighted average and stated that the sound frequency associated with the car wash would be audible but that based on the modeling, it would not exceed the standard and added that the eight-foot wall would be sufficient to mitigate the noise.

Ms. Stromberg responded to questions from Vice Mayor Croft and Council Member Rogers by stating that in conducting the study, if another foot of wall did not result in at least a one decibel reduction in sound, it did not make sense aesthetically as the additional foot would create more of a closed in appearance.

Responding to the issue of the request for a reduction to the wall height, Mr. Skolnik replied that the applicant's dissatisfaction with the ten-foot requirement had not been conveyed during the Commission hearing and that no appeal had been filed by the applicant.

Ms. Southwell explained that while the studies concluded that the eight-foot wall was sufficient for noise attenuation, the conditional use permit process allowed the Planning Commission to impose additional conditions at their discretion and one of the Commissioners suggested the additional two feet to the wall by a motion, which was approved upon the vote.

Alan Gafford, Lakewood, addressed the City Council regarding the proposed project's access to and from the alley and the number of car wash businesses in the City.

Meredith Elguira, Lakewood, indicated that in attending the Development Review Board meeting on the proposed project, she had made recommendations to the design. She suggested that efforts be made to maintain the character of the residential neighborhood and expressed concerns regarding the development's impact to property values as well as the residents having to monitor the noise and traffic resulting from the anticipated business.

Mayor DuBois declared the public hearing closed at 8:48 p.m.

Ms. Southwell confirmed for Council Member Rogers that there were no provisions in the Code that regulated the hours of operation on an auto repair facility, however, such a business would have to comply with noise restrictions.

In response to Council Member Piazza's inquiry regarding the recommendations made at the Development Review Board meeting on the proposed project, Ms. Southwell stated that it was her understanding that the Board recommendations had been incorporated into the project and that the Board architect believed the sloped roof, which had been suggested, would not be the type of architecture to be used.

**1.1 • APPEAL OF DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CUP NO. 948, 6741 CARSON STREET - Continued**

Council Member Wood inquired about options for policing such a business for violations and other issues. Mr. McCormack stated that it would be treated as any other business by utilizing code enforcement staff and, if the issues continued, would progress through the nuisance abatement process.

Ms. Southwell added that with conditional use permits, if a business became a nuisance, a strict enforcement process would be followed, and the CUP could be revoked.

Council Member Piazza acknowledged the neglected conditions currently at the site and expressed appreciation of the developer's attempts to mitigate some of the neighbors' concerns. He noted that it was a difficult situation and expressed understanding of the area residents' apprehensions about the proposed project but stated he would vote to deny the appeal.

Vice Mayor Croft concurred that while empathizing with the neighbors, he recognized the efforts made by the developer to respond to concerns exceeding the current code provisions. He also conceded to relying on the expert testimony that was given by the trained professionals on the proper measurements and would also be in favor of denying the appeal and affirming the Planning and Environment Commission's decision.

Council Member Rogers agreed that the property was a blight and that the City Council could not pick and choose the developments for such properties. He also shared his belief that in looking at the City as a whole, the constituents who were most impacted should be represented and expressed hope in reaching some consensus if possible.

Responding to questions from Mayor DuBois, Council Member Rogers and Council Member Piazza pertaining to a de novo hearing, Mr. Skolnik stated that any modifications to what had been considered at the Planning Commission hearing would be outside the scope of the evidence which had already been provided and would require a decision for a hearing to consider new testimony in the hope that a mutually acceptable deal could be achieved. He further explained that a new hearing date would require public notice and would allow for additional materials to supplement the records already provided. Mr. Skolnik confirmed for Council Member Rogers that there were no provisions to refer the item back to the Planning Commission.

Mr. McCormack noted that some of the new suggestions would probably require further study and additional time to conduct the requisite analysis.

**VICE MAYOR CROFT MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO RE-OPEN THE PUBLIC HEARING TO DETERMINE FROM THE APPELLANT AND THE APPLICANT/DEVELOPER WHETHER A COMPROMISE COULD BE REACHED. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:**

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

**NAYS: COUNCIL MEMBERS: None**

**1.1 • APPEAL OF DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION REGARDING CUP NO. 948, 6741 CARSON STREET - Continued**

Mayor DuBois inquired of Mr. Pinette about the terms under which he would withdraw the appeal. Mr. Pinette replied that the terms would include a ten-foot wall to protect the three adjacent homes from the noise of the car wash tunnel; a ten- or twelve-foot wall in addition to the wall connecting the car wash to the northeast corner location; a return to the first light standard; and using the easement currently on the property for access.

Mr. Sehremelis stated that meetings had been held on the site allowing area residents to discuss the matter and that there were people in attendance who supported the project. He concluded by stating that no changes would be made to the plans and recommended that the City Council should make their decision at this time.

RESOLUTION NO. 2018-6; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF CONDITIONAL USE PERMIT NO. 948 AND UPHOLDING THE PLANNING AND ENVIRONMENT COMMISSION'S APPROVAL OF A CARWASH FACILITY WITH COVERED OUTDOOR VACUUM STATIONS AND A CAR SERVICE BUILDING ON A PROPERTY LOCATED AT 6741 CARSON STREET, LAKEWOOD, CALIFORNIA.

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO ADOPT RESOLUTION NO. 2018-6.

Council Member Piazza expressed disappointment at some of the testimony received despite efforts to achieve a mutually acceptable solution. He stated that the City Council was governed by established rules and regulations that would allow the project to proceed.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Piazza, Croft and DuBois

NAYS: COUNCIL MEMBERS: Wood and Rogers

**1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 2018-1, LAKEWOOD CITY HALL BOILER REPLACEMENT [Continued from February 27, 2018]**

Lisa Rapp, Director of Public Works, made a presentation based on the report in the agenda and stated that three bids had been received for the replacement of the hot water boiler at City Hall. The work consisted of replacing the hot water boiler and related items as required by the contract documents. Staff requested a continuance of the award of bid at the last meeting, as more time was needed for bid review. During the review process, staff found issues in the lowest bid and determined that the issues were serious enough to recommend rejection.

**1.2 • AWARD OF BID FOR PW PROJECT NO. 2018-1, LAKEWOOD CITY HALL BOILER REPLACEMENT** [*Continued from February 27, 2018*] - Continued

She concluded by stating that it was recommended that the City Council reject the bid proposal from RKDM Enviro-Energy Service, Inc.; adopt the plans, specifications, addenda and working details for the project; award a contract for the Public Works Contract 2018-1, in the amount of \$61,499 to the second low bidder Allison Mechanical, and authorize the Mayor to sign the contract in a form approved by the City Attorney; authorize the Director of Public Works to approve a cumulative total of change orders, as necessary, not to exceed \$7,401; and appropriate \$89,900 from the general fund reserve for capital improvements.

Responding to an inquiry from Vice Mayor Croft regarding the timeline and whether the boiler would be replaced while the weather was still cold, Ms. Rapp stated that it would take some additional time for the contractor to make their submittals, issue a purchase order and allow for delivery.

Mayor DuBois opened the public hearing at 9:26 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

**1.3 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 2018-2, MAYFAIR AND MCCORMICK POOL EQUIPMENT REPLACEMENT**

The Public Works Director made a presentation based on the report in the agenda and reported that one bid had been received for the replacement of portions of swimming pool equipment at McCormick Pool and Mayfair Pool. At McCormick Pool, the work consisted of removal and replacement of the existing swimming pool filters, the addition of a variable speed drive, and all related components. At Mayfair Pool, the work consisted of removal and replacement of the existing swimming pool strainer and pump, the addition of two new variable speed drives with two new dual redundant pumps, strainers, and all related components. She stated it was staff's recommendation that the City Council adopt the plans, specifications, addenda and working details for the project; award a contract for the Public Works Contract 2018-2, in the amount of \$247,000 to California Commercial Pools and authorize the Mayor to sign the contract in a form approved by the City Attorney; authorize the Director of Public Works to approve a cumulative total of change orders (contingency), as necessary not to exceed \$37,000; and appropriate \$294,000 from the general fund reserve for capital improvements.



**1.3 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 2018-2, MAYFAIR AND MCCORMICK POOL EQUIPMENT REPLACEMENT - Continued**

Responding to Council Member Wood's concerns pertaining to the lifespan of the existing equipment and whether they would last through the summer, Ms. Rapp explained that at McCormick pool, the filter vessels would be replaced in addition to putting a variable speed motor on the pump. She reported that recently one of the filter vessels had broken open and was no longer operable.

Ms. Rapp stated that the Mayfair pool had recently had some work done, which included the replacement of the fiberglass liner and deck and having the lights changed to LED lights, and, therefore, despite its age, had its life extended by the prior improvements. At McCormick pool, a complete evaluation of the pool to assess all of its needs and to determine any further problems would be provided by the consultant.

In response to Vice Mayor Croft's inquiry regarding the dual pumps, Ms. Rapp stated that it had been anticipated that both pumps would be used alternately in order to maximize the City's investment and possibly extend the life of the equipment. Ms. Rapp also noted the importance of maintaining records regarding the usage of the pumps.

Ms. Rapp responded to Council Member Piazza's question by stating that while only one bid had been received, California Commercial Pools was a reputable contractor and that their bid aligned with some of the quotations received on the various portions of the project.

Mayor DuBois opened the public hearing at 9:25 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Tom Northam, Lakewood, expressed concerns regarding the bidding process.

Mr. Skolnik explained that State law required the City follow a competitive bidding process, which is what had been done but that only one bid had been received on the project.

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER WOOD SECONDED TO APPROVE STAFF'S RECOMMENDATIONS. 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 REGISTER 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:**

Tom Northam, Lakewood, addressed the City Council regarding municipal code requirements for exterior wiring for cable companies; the City's annual water quality report; refuse service charges; and traffic issues on Palo Verde Avenue.

Mitchell Ramirez, Lakewood, addressed the City Council regarding code enforcements issues at the shopping center on Paramount Boulevard and Carson Street.

**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor DuBois adjourned the meeting at 9:46 p.m.

Respectfully submitted,

Jo Mayberry, CMC  
City Clerk