



Minutes

Lakewood City Council

Regular Meeting held
May 8, 2018

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

INVOCATION was offered by Bishop David Montgomery, Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE was led by Boy Scout Troop 134

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Croft announced that the meeting would be adjourned in memory of Dr. Paul Helzer, a board member of the Bellflower Unified School District for sixteen years; Lakewood resident Andrea Gates, a longtime parishioner and part-time staff member of St. Pancratius Church, and a social worker for Los Angeles County; and Lucille Knabe, the mother of former Los Angeles County Supervisor Don Knabe.

He also announced that the Pan Am Fiesta would be held from May 10th through May 13th and encouraged everyone to attend.

Mayor Croft stated that a mall partnership meeting, involving staff from the City, the Sheriff's Department and Lakewood Center's owners, the Macerich Company, would be held regularly. The Mayor also announced that a Boston Pizza restaurant, one of Canada's leading casual dining chains, would be located at the former site of East Side Mario's on Candlewood Street. He further announced that the Macerich Company would be investing over \$1.3 million in new paving and concrete work around Lakewood Center and in new roofing for a large area of the mall. He added that Macerich had informed the City of their efforts to find a new tenant for the Nordstrom Rack space and had successfully found a tenant, a Burlington store, for the vacant Sports Authority building, which was undergoing an \$800,000 renovation and would open in the Fall. Mayor Croft also announced that Lakewood Center planned to organize another Summer Fest event at the mall on Saturday, August 18.

Council Member Wood noted the passing of former Governor George Deukmejian.

ROUTINE ITEMS:

COUNCIL MEMBER PIAZZA MOVED AND COUNCIL MEMBER WOOD SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 5.

RI-1 Approval of Minutes of the Meetings held April 24, 2018

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

RI-4 Report of City Council Committees' Activities

RI-5 RESOLUTION NO. 2018-16; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION IN THE MATTER OF THE ABATEMENT FOR 11426 EAST 212TH STREET

Sonia Southwell, Director of Community Development, displayed slides and gave a presentation based on the memo in the agenda. She provided a brief history of building permits and code enforcement for 11426 East 212th Street. She stated that an appeal of the decision by the Planning and Environment Commission, sitting as the Building Rehabilitation Board, who had conducted a public hearing regarding various land use violations at the single-family residence, had been timely filed by William and Sharon Pierce, the property owners. The property currently violated sections of the County of Los Angeles Building Code, Electrical Code, and Plumbing Code, as well as the Lakewood Municipal Code regarding expired permits and construction work that had been left uncompleted and in an unsafe manner for a long period of time. The remodeling project dated back to 2003 and the code enforcement case began on April 19, 2012. Testimony had been heard from the Community Development Department staff and the property owner. Following the public hearing, the Board adopted Resolution 5-2018, which declared the property to be a public nuisance and required the property owner to obtain permits and to bring the property into compliance within sixty days. Ms. Southwell explained that the appellants were seeking to reverse the adoption of the Commission/Board Resolution 5-2018. She summarized the appellants' assertions pertaining to the dismissal of a court case, the validity of the notice to abate nuisance, and expired permits.

1.1 • APPEAL OF THE DECISION OF THE PEC IN THE MATTER OF THE ABATEMENT FOR 11426 EAST 212TH STREET - Continued

Adrienne Mendoza, Deputy City Prosecutor, reported on the series of events related to the code enforcement process including the various attempts by staff and the City prosecutors to communicate with the property owner to resolve the issues of the expired permits, the code enforcement violations, bringing the property into compliance and potential legal remedies the City might take. She explained that the decision had been made by the code enforcement team to file a criminal complaint but that due to scheduling issues, the unavailability of witnesses and the inability to review the documentation submitted by Mr. Pierce at trial, she was forced to dismiss the case. She pointed out that criminal prosecution was not the exclusive remedy available to the City and that other civil actions, such as public nuisance abatement, receivership action or administrative citations, could be pursued.

Responding to comments from Vice Mayor Rogers regarding formalized procedures on making corrections to City documents, Ms. Southwell stated that staff had been instructed on the proper methods of crossing out and initialing changes made on permits.

William Pierce, provided testimony on the incidents leading up to the filing of the appeal including the notices of violations, expired permits and the unfinished work on his property.

Council Member Piazza and Vice Mayor Rogers questioned Mr. Pierce on the expected outcome from the appeal proceedings and the amount of time he would require to complete construction on his property. Mr. Pierce cited that delays to the work on his house had been due to family illnesses and code enforcement and legal actions of the City. He added that because he did not agree that the permits had expired, he would not pay for new permits. He stated that the sixty days as specified by Planning Commission Resolution 5-2018 was not sufficient to complete the projects to his home.

Jim Shih, Los Angeles County Building Official, concurred with Mr. Pierce's citation of the Municipal Code with reference to the term of 180 days being relative to continuous work on a project, but noted that an inspection would have to be arranged to demonstrate progress on the construction.

In response to Council Member Piazza's questions on the possibility of reaching a compromise, Mr. Pierce stated that financial issues were not a consideration but that he would be filing a civil lawsuit to recoup some of his losses.

Mayor Croft stated that the City Council had received and read the materials he had submitted pertaining to his appeal and requested from Mr. Pierce whether there was additional evidence to be presented.

Mr. Pierce reiterated that his intent was to recover his losses, obtain his permits and be left to continue the work on his house without interference or oversight from the City.

At 8:55 p.m., Mayor Croft called for a recess. At 9:05 p.m. the meeting was reconvened.

1.1 • APPEAL OF THE DECISION OF THE PEC IN THE MATTER OF THE ABATEMENT FOR 11426 EAST 212TH STREET - Continued

Jamaar Boyd-Weatherby, Deputy City Prosecutor, stated that there had been no “stop work” order issued and that if Mr. Pierce were to obtain the permits, he could continue to do the necessary work.

Council Member Piazza stated his hope that a reasonable compromise could be reached and inquired whether the project could be finished within six months if a permit were issued thereby enabling him to proceed.

Mr. Pierce noted the amount of work to be completed by one person and could not commit to a completion timeframe. He expressed disappointment that staff’s recommendation had been to deny the appeal and uphold the adoption of the Planning and Environment Commission resolution.

Mayor Croft opened the public hearing at 9:23 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

Mr. Boyd-Weatherby stated that if the City Council were to consider allowing Mr. Pierce additional time and waiving the fees associated with the permits, it would only be to the electrical permit and not to the building, plumbing or other permits.

Ms. Southwell stated that the objective had been to have the construction completed and that in order to do that, Mr. Pierce would need to obtain new building, plumbing, and electrical permits.

At 9:27 p.m., Mayor Croft noted for the record that the appellant had vacated the Council Chambers.

Mayor Croft expressed concern that by granting additional time for completion of the project or waiving any fees for permits, it would only prolong what the neighbors had already been having to experience with the construction and disrepair.

Council Member Piazza suggested the City Council action could be to waive the fees for the electrical permit and allow 180 days to complete the project.

Council Member DuBois expressed regret that Mr. Pierce did not seem to be willing to compromise.

Vice Mayor Rogers acknowledged the challenges faced by staff in their attempts to get the property brought up to acceptable standards and to not be a blight on the rest of the neighborhood. He expressed sympathy for the Pierces’ recent medical issues. He offered that in addition to Council Member Piazza’s suggestions, that there be a rolling extension, in that if a good faith effort and substantial progress had been made by the property owners to bring it up to code, staff would be able to allow extended time and flexibility on permitting up to a maximum of 180 days.

1.1 • APPEAL OF THE DECISION OF THE PEC IN THE MATTER OF THE ABATEMENT FOR 11426 EAST 212TH STREET - Continued

Steve Skolnik, Office of the City Attorney, inquired whether by pulling new permits that such action would supersede the time limit that was placed on him in the abatement proceeding.

Ms. Southwell responded by stating that building permits could be issued for lesser timeframes when related to code enforcement cases.

Mr. Boyd-Weatherby added that permits could be denied if there were health and safety concerns that would make it impractical or unsafe to issue the permit in the first place.

Ms. Southwell confirmed for Mr. Skolnik that the Community Development Director, in coordination with the Public Works Director, had the authority to extend the time if there had been substantial compliance along the way. She further explained that permits issued to abate violations in conjunction with code enforcement action would expire and become null and void at the date determined by the building official.

Council Member DuBois, Council Member Wood and Vice Mayor Rogers restated the necessity to see progress on the work and to have acceptance by Mr. Pierce and that legal remedies could be pursued if no substantial improvements were made.

Responding to Council Member Wood's inquiry regarding the permits required, Ms. Southwell stated that expiration of the permits would depend on when the inspections were conducted.

Mr. Skolnik confirmed for Council Member DuBois that with the exception of the electrical permit fee, Mr. Pierce would have to pull the other permits and pay for those costs.

In response to Vice Mayor Rogers' request for clarification, Mr. Skolnik stated that any extension to the 180 days would have to come back for City Council consideration.

Mr. Boyd-Weatherby responded to Council Member Wood's questions regarding potential actions to be taken by stating that after sixty days, consideration would have to be made to determine the most effective means to achieve compliance with regards to filing another criminal action, a receivership or administrative citations. He confirmed for Council Member Wood that they would ensure that scheduling conflicts and witness availability issues would be considered at the time of any court filing.

RESOLUTION NO. 2018-17; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF RESOLUTION 5-2018 AND UPHOLDING THE PLANNING AND ENVIRONMENT COMMISSION SITTING AS THE BUILDING REHABILITATION BOARD DECISION FINDING THE PROPERTY LOCATED AT 11426 EAST 212TH STREET, LAKEWOOD, CALIFORNIA TO BE A PUBLIC NUISANCE

1.1 • APPEAL OF THE DECISION OF THE PEC IN THE MATTER OF THE ABATEMENT FOR 11426 EAST 212TH STREET - Continued

MAYOR CROFT MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO UPHOLD THE PLANNING AND ENVIRONMENT COMMISSION SITTING AS THE BUILDING REHABILITATION BOARD DECISION AND ADOPT RESOLUTION 2018-17, AS AMENDED, TO INCLUDE LANGUAGE WAIVING THE ELECTRICAL PERMIT FEE PROVIDED THE OTHER PERMITS WERE PULLED AT THE SAME TIME AND TO ALLOW UP TO 180 DAY DAYS TO COMPLETE THE PROJECT

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

NAYS: COUNCIL MEMBERS: None

3.1 • RYNERSON PARK SEWER IMPROVEMENT AND RESTROOM PURCHASE

Lisa Rapp, Director of Public Works, gave a presentation based on the memo in the agenda and stated that Rynerson Park had been budgeted for improvements to the park restroom buildings, including installation of a new sewer line to replace the existing septic systems. The improvement program would include the purchase and installation of two prefabricated restroom buildings to replace the three old rustic restroom buildings, as well as replacement of two of the three picnic shelters, related site improvements, demolition, and improvements to one of the four pedestrian bridges. On April 2nd, the City Clerk had received nine bids, ranging from \$345,095 to \$757,350, for the Sanitary Sewer Lateral at Rynerson Park. The lowest bidder, Prlich & Sons, Inc., had requested that they be allowed to withdraw their bid because they had made a clerical error. The contractors bidding the project had been contacted to investigate the reasons for the seemingly excessive cost. Some of the factors cited were concerns about unknowns, uncertainty about the shoring requirements and soil conditions, rising labor and material costs, coordination with the Sanitation Districts, and prevailing wage rates, which caused them to bid with a higher contingency/safety factor. She noted that in the next few weeks, staff had planned to schedule a meeting of the new City Council CIP Committee to review the scope of the project and the preliminary estimates and budget, as well as the Facilities Condition Assessment which was now underway. Ms. Rapp concluded by stating that staff recommended that the City Council reject all bids received for the Sanitary Sewer Lateral at Rynerson Park, Public Works Contract, and direct staff to modify the plans and specifications and rebid the project; authorize the City's participation in the BuyBoard National Purchasing Cooperative, and authorize the Purchasing Officer to execute the Participation Agreement, which had been reviewed by the City Attorney; and authorize the purchase of one restroom building as described from Public Restroom Company of Minden, Nevada, under the BuyBoard Purchasing Cooperative in the total amount of \$219,685.

COUNCIL MEMBER WOOD MOVED AND VICE MAYOR ROGERS SECONDED TO APPROVE STAFF'S RECOMMENDATIONS.

3.1 • RYNERSON PARK SEWER IMPROVEMENT AND RESTROOM PURCHASE

- Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

SUCCESSOR AGENCY ACTIONS

1. Approval of Register of Demands

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE THE REGISTER OF DEMANDS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

SUCCESSOR HOUSING ACTIONS

1. Approval of Register of Demands

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER PIAZZA SECONDED TO APPROVE THE REGISTER OF DEMANDS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ORAL COMMUNICATIONS:

City Manager Thaddeus McCormack stated that Lionel Jimenez, Lakewood, had already left but had signed up to address the City Council regarding parking issues on Seeley Place.

A moment of silence was observed in memory of Paul Helzer, Andrea Gates and Lucille Knabe.

CLOSED SESSION

At 10:03 p.m., Mayor Croft announced that the City Council would recess to a closed session.

CONFERENCE WITH LABOR NEGOTIATORS – Pursuant to Government Code §54957.6
Designated Representative: City Manager, City Attorney, Director of Administrative Services, Assistant to the City Manager, Human Resources Manager
Employee Organization: Lakewood City Employees' Association

At 10:38 p.m., the City Council reconvened with all members present. No action was taken.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Croft adjourned the meeting at 10:38 p.m. to Tuesday, May 22, 2018, at 6:00 p.m. in the Executive Board Room.

Respectfully submitted,

Jo Mayberry, CMC
City Clerk