



# Minutes

## Lakewood City Council

Regular Meeting held  
February 23, 2010

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

INVOCATION was offered by Dr. Bill Cox, Emmanuel Church of Lakewood

PLEDGE OF ALLEGIANCE was led by Camp Fire USA, Kicuwa Kata

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

### ANNOUNCEMENTS AND PRESENTATIONS:

Kristine Guerrero, representing the League of California Cities, made a presentation on a League-sponsored ballot initiative for the November state-wide election which would protect local revenues from State take-aways. Responding to questions from the City Council Members, Ms. Guerrero stated that although the voters had approved Proposition 1A in 2004 to protect local revenues, the State legislature was attempting to grab different revenues such as gas tax and transit funds used for public transportation and street maintenance, and also redevelopment funds. She further stated that although there was another proposed initiative being circulated, it had not been drafted by local agencies and did not address the protection of all of the necessary funding types. She advised that petitions were being circulated to collect signatures to qualify the initiative for the ballot, which were needed by the first week of April, and that anyone wanting additional information could check out the website at: [www.savelocalservices.com](http://www.savelocalservices.com).

Council Member Croft stated that he had recently taken part in a meeting in Sacramento and had been disheartened to see how desperately the Legislature was looking for loopholes to transfer funds away from local agencies to close their own budget gap. He noted that action was needed to protect funding for vital local services.

Mayor Rogers stated that there were three elected officials that represented Lakewood in Sacramento and had a good relationship with the City in the past. However, he stated that the Legislature, as a body, could not be trusted, especially with regard to local funds, and that he would urge residents to support the initiative by signing a petition.

**ANNOUNCEMENTS AND PRESENTATIONS: Continued**

Mayor Rogers announced that the meeting would be adjourned in memory of Jeff Haygood, a longtime, local businessman and former President of the Greater Lakewood Chamber of Commerce; and also in memory of Dr. Michael Musicant, father of Lakewood's Community Relations Manager, Sheryl Musicant Stewart.

**ROUTINE ITEMS:**

**COUNCIL MEMBER VAN NOSTRAN MOVED AND VICE MAYOR ESQUIVEL SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 9.**

- RI-1 Approval of Minutes of the Meeting held February 9, 2010
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands
- RI-4 Approval of Meeting Reports and Authorizations Pursuant to AB1234
- RI-5 RESOLUTION NO. 2010-5; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING MODIFICATIONS TO THE PREVIOUSLY ADOPTED 2008-2014 HOUSING ELEMENT
- RI-6 Approval of Monthly Report of Investment Transactions
- RI-7 Approval of Agreement for Preparation of Five-Year Consolidated Plan
- RI-8 Authorization for Reduction of Retention for Public Works Project 08-5, Well 27 Treatment Plant
- RI-9 RESOLUTION NO. 2010-6; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE WEST SIDE OF BELLFLOWER BOULEVARD WEST SERVICE ROAD WITHIN THE CITY OF LAKEWOOD

**UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:**

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

**NAYS: COUNCIL MEMBERS: None**

### 1.1 • 2009 GENERAL PLAN ANNUAL PROGRESS REPORT

Acting Director of Community Development Sonia Southwell made a presentation based on the memo in the agenda and stated that State law mandated that the City have a General Plan to provide a framework for development and that said Plan was subject to an annual progress report. She reported that the Planning and Environment Commission had reviewed the annual progress report and had found that the Lakewood General Plan was serving as an appropriate guide for development within the City. It was the recommendation of the Commission that the City Council receive and file the 2009 General Plan Annual Progress Report and direct staff to submit it to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

Mayor Rogers opened the public hearing at 7:51 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO APPROVE THE COMMISSION'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

### 1.2 • ORDINANCE NO. 2010-1; REQUIRING PAYMENT OF TAXES, FEES, FINES AND OTHER PAYMENTS TO BE MADE PRIOR TO COMMENCING ANY LEGAL ACTION TO RECOVER SUCH PAYMENTS

Administrative Services Director Diane Perkin gave a report based on the memo in the agenda and stated recent case law had not upheld a long-standing practice, based on the California Constitution, whereby in a legal challenge over taxes or fees, the challenger was required to first pay the tax or fee prior to a court challenge and decision. She noted that the purpose of the practice was to ensure that agencies could predict their revenues and avoid unexpected interference with their ability to fund vital services. In light of the recent court decision, it was necessary for local agencies to have their own local rule in place to prevent having to sue to collect the taxes and fees necessary to fund vital services. It was the recommendation of staff that the City Council introduce the proposed ordinance.

ORDINANCE NO. 2010-1; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD TO REQUIRE PERSON CHALLENGING THE PAYMENT OF TAXES, FEES, FINES AND OTHER PAYMENTS TO THE CITY TO MAKE SUCH PAYMENTS PRIOR TO COMMENCING ANY ACTIONS TO RECOVER SUCH PAYMENTS

Mayor Rogers opened the public hearing at 7:56 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

**1.2 • ORDINANCE NO. 2010-1; REQUIRING PAYMENT OF TAXES, FEES, FINES AND OTHER PAYMENTS TO BE MADE PRIOR TO COMMENCING ANY LEGAL ACTION TO RECOVER SUCH PAYMENTS - Continued**

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER CROFT SECONDED TO INTRODUCE ORDINANCE NO. 2010-1. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**3.1 • AUTOMATED RECYCLING AND TRASH COLLECTION UPDATE**

Public Works Director Lisa Rapp displayed slides and reviewed the process of changing trash collection from a manual to automated collection system. She stated that the blue recycling carts had been distributed in October, 2009, and that the distribution of the grey refuse carts was set to begin the first week of March and would be completed over a three-week period. She noted that any resident requiring an extra refuse cart could receive one for an additional \$3.50 per month, but she urged residents to try out one new 95-gallon cart first, as with separating recyclables, it was usually adequate for even a large household. She stated that the recycling carts were experiencing a 65 percent set-out rate, which was good for the initial phase of the program. She noted that reported incidents of scavenging were down after 70 citations had been issued. She concluded her report by stating that residents should use their existing refuse cans for their greenwaste materials and that plastic bags could not be used due to the potential for load contamination.

Responding to a question from Vice Mayor Esquivel, Ms. Rapp stated that although plastic bags were unacceptable for greenwaste, they could still be used for regular garbage and that greenwaste bundles would still be accepted. She noted that any greenwaste set out in a plastic bag could not be recycled and would be combined with regular garbage.

Council Member Van Nostran inquired about excess old cans that were not needed for greenwaste. Marty Simonoff, representing EDCO Disposal, stated that they would pick up the extra cans and hold them for distribution to residents needing extra greenwaste cans. He also clarified that if a resident requested an extra refuse cart and later found it to be unnecessary, EDCO would pick it up and remove it from their billing. He also noted that EDCO had purchased nine new, alternate-fuel trucks for the automated collection program and that the existing trucks would be retrofitted for greenwaste collection.

Mayor Rogers inquired about the 65 percent set-out rate for recyclables. Ms. Rapp stated that learning recycling separation may encourage some residents to return their own recyclables for cash and that others would not have enough recyclables to warrant setting out the cart every week. Mr. Simonoff also noted that the participation would increase as residents became more comfortable with the recycling process.

**3.1 • AUTOMATED RECYCLING AND TRASH COLLECTION UPDATE - Continued**

In response to a question from Council Member DuBois, Ms. Rapp stated that the 95-gallon cart should still be put out every week, even if the cart was not filled to capacity.

Ms. Rapp reported that even with the new, automated collection programs, there would be no requested increase in trash collection rates for the coming year. She noted that was in part due to EDCO agreeing to waive the cost-of-living clause in their contract.

Council Member Croft observed that a lot had been done to educate the public about the new procedures and inquired about lawn service providers who still bagged lawn clippings. Ms. Rapp stated during the implementation phase EDCO would have a supervisor following the trucks and available to answer residents' questions and that improperly bagged greenwaste would be tagged.

Mayor Rogers inquired about changed collection days. Ms. Rapp stated that the original collection routes had not been balanced, with one extra-long and one extra-short. The changes were designed to ensure collection in a reasonable time period and to impact as few residents as possible.

**3.2 • RATIFICATION OF GATEWAY CITIES COG SUSTAINABLE COMMUNITIES STRATEGY**

Assistant City Manager Lisa Novotny made a presentation based on the memo in the agenda and stated the Gateway Cities Council of Governments (COG) had retained a consultant to prepare a policy report to assist the COG and its member cities in making a determination of whether it would be beneficial to the agencies to produce sustainable communities strategies, in compliance with SB 375, or to remain part of the agencies represented by the Southern California Association of Governments. Upon review by the Gateway Cities Board of the report and recommendations of a City Manager's Steering Committee, the Board felt the preparation of its own sustainable communities strategy would be beneficial to the participating agencies. It was the recommendation of staff that the City Council ratify the decision of the Board of Directors of the Gateway Cities Council of Governments to accept delegation under SB 375 for the preparation of a subregional Sustainable Communities Strategy.

**COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO RATIFY THE DECISION OF THE GATEWAY CITIES COG BOARD. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:**

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

**NAYS: COUNCIL MEMBERS: None**

At 8:33 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:34 p.m., the City Council Meeting was reconvened.

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**ORAL COMMUNICATIONS:**

Marie O'Donnell addressed the City Council regarding the Candlewood Park Apartments.

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**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Rogers adjourned the meeting at 8:42 p.m. to Tuesday, March 9, 2010 at 6:00 p.m. in the Executive Board Room. A moment of silence was observed in memory of Jeff Haygood and Dr. Michael Musicant.

Respectfully submitted,

Denise R. Hayward, CMC  
City Clerk