



Minutes

Lakewood City Council

Regular Meeting held
August 28, 2012

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 Vice Mayor Steve Croft

PLEDGE OF ALLEGIANCE was led by Girl Scout Troops #993 and #1743

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:

Council Member Rogers, noting that inserts had been mailed out to the community seeking support for the Lakewood Education Foundation, which supports Lakewood students through grants to teachers in Lakewood schools, expressed his thanks for the generosity of the Lakewood community.

Mayor DuBois remarked on the importance of the work being done by LEF and how grateful the teachers were for the support.

ROUTINE ITEMS:

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER WOOD SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 10.

RI-1 Approval of Minutes of the Meetings held July 24, and August 14, 2012

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

RI-4 Approval of Sewer Easement Vacations for Lakewood Center Mall Costco, RESOLUTION NO. 2012-58; RESOLUTION OF SUMMARY VACATION, TO VACATE SANITARY SEWER EASEMENT

RESOLUTION NO. 2012-59; RESOLUTION OF SUMMARY VACATION, TO VACATE SANITARY SEWER EASEMENT

ROUTINE ITEMS: Continued

RI-5 RESOLUTION NO. 2012-46; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING DISABLED PERSON DESIGNATED PARKING ON THE SOUTH SIDE OF CENTRALIA STREET WITHIN THE CITY OF LAKEWOOD

RI-6 Approval of Report of Monthly Investment Transactions

RI-7 Acceptance of Notice of Completion for Public Works Project No. 10-2, Seven Street Segments Pavement Rehab, All American Asphalt

RI-8 RESOLUTION NO. 2012-47; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF ADMINISTRATION MORE THAN TWO YEARS OLD

RESOLUTION NO. 2012-48; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF ADMINISTRATION MORE THAN TWO YEARS OLD

RESOLUTION NO. 2012-49; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES MORE THAN TWO YEARS OLD

RESOLUTION NO. 2012-50; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF CITY CLERK MORE THAN TWO YEARS OLD

RESOLUTION NO. 2012-51; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT MORE THAN TWO YEARS OLD

RESOLUTION NO. 2012-52; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF PERSONNEL MORE THAN TWO YEARS OLD

RESOLUTION NO. 2012-53; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF PUBLIC WORKS MORE THAN TWO YEARS OLD

ROUTINE ITEMS: Continued

RI-8 RESOLUTION NO. 2012-54; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF RECREATION AND COMMUNITY SERVICES MORE THAN TWO YEARS OLD

RESOLUTION NO. 2012-55; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE DEPARTMENT OF WATER RESOURCES MORE THAN TWO YEARS OLD

RI-9 Approval of Appointments to Lakewood Project Shepherd Board

RI-10 Report on Palms Park Emergency Electrical Repairs

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

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

City Attorney Steve Skolnik advised that the process for an appeal of a decision of the Planning and Environment Commission was governed by Lakewood Municipal Code §9407.4, which made it clear that the appeal determination was to be based on the record of the PEC hearing. He stated that the options before the City Council were to proceed with a hearing based on the PEC record, or to set a new hearing de novo in order to consider any new or additional material. He noted that the appellant had submitted new material as part of the appeal.

Council Member Rogers stated that although he felt the Planning and Environment Commission had done a great job, he would like to have the opportunity to weigh in on this matter and to take additional comments from the public. He stated he would support a new hearing.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO CONTINUE THIS MATTER AND SET A NEW HEARING DE NOVO FOR FULL RECONSIDERATION OF THE MATTER ON SEPTEMBER 25, 2012.

Emeil Kamel stated that the City Council could ignore his new evidence and make a decision at this time.

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

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.2 • CDBG PROGRAM CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

Community Development Director Sonia Southwell gave a report based on the memo in the agenda and stated that Community Development Block Grant (CDBG) regulations required the City to prepare an annual performance report called the Consolidated Annual Performance and Evaluation Report (CAPER) to summarize the City's accomplishment during the program year. She noted that a public hearing was required to receive any citizen comments on the report. It was the recommendation of staff that the City Council hold a public hearing and then direct staff to submit the Consolidated Annual Performance and Evaluation Report, along with any comments received, to the local office of the Housing and Urban Development (HUD) Department.

Vice Mayor Croft stated he was glad to see the addition of the fix up/paint up program and the Home Improvement Loan program which had been previously funded through Redevelopment Agency housing funds and were lost when the State killed redevelopment.

Mayor DuBois opened the public hearing at 7:43 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 WOOD SECONDED TO DIRECT STAFF TO SUBMIT THE CAPER, WITH ANY COMMENTS, TO THE LOCAL HUD OFFICE. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.3 • VACATION OF ALLEY LOCATED WEST OF BLOOMFIELD AVENUE AND NORTH OF CENTRALIA STREET

Public Works Assistant Director Max Withrow presented a report based on the memo in the agenda and stated a request had been received from the Casa Madrid Apartments for the vacation of the alley north of Centralia Street and west of Bloomfield Avenue. He reported that the alley would become private should the City Council find that it was no longer needed for general public travel, for the City to operate and maintain it, or for utilities to place their facilities within it. It was the recommendation of staff that the City Council conduct a public hearing, adopt the proposed resolution ordering the alley vacation, and direct the City Clerk to provide a certified copy of the resolution to the L.A. County Registrar-Recorder for recordation and a copy of the resolution to the L.A. County Assessor.

1.3 • VACATION OF ALLEY LOCATED WEST OF BLOOMFIELD AVENUE AND NORTH OF CENTRALIA STREET - Continued

Mayor DuBois confirmed from Mr. Withrow that the subject alley had not been in use for many years.

RESOLUTION NO. 2012-56; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD VACATING THE NORTH-SOUTH ALLEY ON THE WEST SIDE OF THE CASA MADRID PROPERTY AND THE WESTERLY 183 FEET OF THE EAST-WEST ALLEY ON THE NORTH SIDE OF THE PROPERTY, WEST OF BLOOMFIELD AVENUE AND NORTH OF CENTRALIA ROAD WITHIN THE CITY OF LAKEWOOD, CALIFORNIA, AND AS MORE PARTICULARLY DESCRIBED IN SAID RESOLUTION, AND SHOWN ON MAP ATTACHED HERETO

Mayor DuBois opened the public hearing at 7:47 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER VAN NOSTRAN MOVED AND VICE MAYOR CROFT 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

1.4 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 12-2; WATERMAIN REPLACEMENT

The Assistant Director of Public Works made a presentation based on the memo in the agenda and stated twelve bids had been received for the City's annual watermain replacement project, which would replace approximately two miles of water mains in the residential streets of Lorelei and Hersholt Avenues between Del Amo Boulevard and South Street, and on Hardwick and Michelson Streets between Pearce and Autry Avenues. He noted that the project work was scheduled to commence in October and be completed next February. It was the recommendation of staff that the City Council adopt the plans, specifications and working details for Public Works Project No. 12-02, Watermain Replacement 2012; award a contract to T.A. Rivard, Inc. in the amount of \$1,071,700; and authorize staff to approve a cumulative total of change orders, as needed, not to exceed \$125,000.

Mayor DuBois opened the public hearing at 7:50 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR CROFT 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

1.5 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 2012-3; THE CENTRE SKYLIGHT REPLACEMENT PROJECT

The Assistant Director of Public Works made a presentation based on the memo in the agenda and reported that although only one bid had been received for The Centre Skylight Replacement project, the bidder was a factory-authorized installer for the specified product and the bid submitted was in the same amount as the engineer's estimate for the project. The project consisted of replacement of the 28-year old translucent skylight panel system which formed the roof over The Centre lobby. It was the recommendation of staff that the City Council adopt the plans, specifications, addendum and working details for Public Works Project No. 2012-3; award a contract to Harwood Construction, Inc. in the amount of \$37,000; and authorize staff to approve a cumulative total of change orders as necessary to the subject project scope of work not to exceed \$3,000.

Responding to a question from Council Member Van Nostran, Mr. Withrow stated that following a professional evaluation, the existing skylight had been determined to be in a deteriorated condition which necessitated replacement with a comparable unit that would be close in appearance and meet all current building codes and energy requirements.

Mayor DuBois opened the public hearing at 7:54 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO CLOSE THE PUBLIC HEARING AND 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

3.1 • REPORT ON PATRIOT DAY CONCERT

Recreation and Community Services Director Lisa Litzinger displayed slides and made a presentation based on the memo in the agenda. She reported that on Tuesday, September 11th, the City would be presenting the annual Patriot Day Concert at Del Valle Park. The keynote speaker would be Lieutenant Colonel John T. Giese, Jr. of the U.S. Marine Corps, who would be followed by the 60-piece Huntington Beach Concert Band featuring a program of patriotic music. She advised that there would be food available and displays by the Fire Department, Boy and Girl Scouts, Disabled American Veterans and Daughters of the American Revolution. She concluded by stating that this concert event, held every year since the tragic events in 2001, was anticipated to have an attendance of about 3,000.

Mayor DuBois noted that the event was always a truly moving evening and that it was a tribute to the Lakewood community that so many would continue to come out to remember the victims and heroes of September 11, 2001.

SUCCESSOR AGENCY ACTIONS

1. Approval of Registers of Demands

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER VAN NOSTRAN 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. Adoption of Conflict of Interest Codes

The City Attorney advised that with the clarification by AB 1484, the Successor Agency and Housing Successor Agency were to be considered legally distinct entities, each required its own conflict of interest code. He stated that the proposed code was based upon the model code in State law and recommended the Agency adopt the resolution, with attachments, as its conflict of interest code.

RESOLUTION NO. LSA 2012-1; A RESOLUTION OF THE SUCCESSOR TO THE LAKEWOOD REDEVELOPMENT AGENCY ADOPTING A CONFLICT OF INTEREST CODE

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER ROGERS SECONDED TO ADOPT RESOLUTION NO. LSA 2012-1. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3. Recognized Obligations Payment Schedule (ROPS)

Administrative Services Director Diane Perkin gave a report based on the memo in the agenda and stated the recent passage of AB 1484 made changes to the way the Recognized Obligation Payment Schedule (ROPS) was to be submitted. She briefly reviewed the new format, noting that although previously disallowed, the loans from the City to the Redevelopment Agency would be resubmitted as calculated using the LAIF rate, although said loans would be among the last items to be paid and would be divided between the City and the Housing Successor Agency. She noted that the Oversight Board had reviewed and approved the January-June ROPS at its August 23, 2012 meeting. It was the recommendation of staff that the Agency approve the proposed Recognized Obligations Payment Schedule for January 1 through June 30, 2013.

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

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

NAYS: COUNCIL MEMBERS: None

4. Update on Oversight Board Actions

The Director of Administrative Services provided a brief summary, based on the memo in the agenda, of the actions taken by the Oversight Board at its August 23, 2012 meeting.

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER ROGERS SECONDED TO RECEIVE AND FILE THE REPORT. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

5. Los Angeles County Agreed Upon Procedures Review Packet

The Director of Administrative Services made a presentation based on the memo in the agenda and stated that the original legislation dissolving redevelopment agencies also required county auditor controllers to conduct an Agreed Upon Procedures (AUP) review of the dissolution process. She noted that unlike an audit where samplings were done, an AUP review required a complete review. She stated that the report began with the first Enforceable Obligation Payment Schedule and draft Recognized Obligation Payment Schedule (ROPS) and included comments on corrections made as the Agency learned what was and was not going to be allowable. She stated that the review did show that all funds were properly transferred and ROPS I and II were approved by the State Department of Finance. It was the recommendation of staff that the Agency receive and file the report.

COUNCIL MEMBER VAN NOSTRAN MOVED AND VICE MAYOR CROFT SECONDED TO RECEIVE AND FILE THE REPORT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

6. Due Diligence Review Agreement with Simpson & Simpson, CPA

The Director of Administrative Services gave a report based on the memo in the agenda and stated that one component of AB 1484 required each successor agency to contract with a licensed accountant approved by the County auditor-controller to perform a Due Diligence Review (DDR) of the unobligated balances available for transfer to other taxing entities. The County had approved a request that Simpson & Simpson, CPA, the same firm that performed the Agreed Upon Procedures review, be retained for the DDR. She advised that half of the funding for the contract of \$18,000 would be provided from the Housing Successor Agency's funds and half from the Oversight Board's ROPS. It was the recommendation of staff that the Agency approve an "Engagement Letter" agreement with Simpson & Simpson, CPA.

Council Member Rogers confirmed with Ms. Perkin that changes in the instructions from the Department of Finance received yesterday would not substantially change the scope of work for the contract and that the contract amount would remain the same.

Vice Mayor Croft questioned legislation that would require the California Department of Finance to conduct an audit, and then have the County conduct another audit, and require yet another audit to ensure that the first two audits were done correctly.

6. Due Diligence Review Agreement with Simpson & Simpson, CPA - Continued
COUNCIL MEMBER WOOD MOVED AND VICE MAYOR CROFT SECONDED TO APPROVE AN AGREEMENT WITH SIMPSON & SIMPSON, CPA. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

7. Petition for Writ of Mandate Filed by Long Beach Unified School District
The City Attorney advised that the Successor Agency had recently been served with court documents regarding a lawsuit filed by the Long Beach Unified School District. He stated that the lawsuit was based upon a previous court decision in favor of the Los Angeles Unified School District which concluded that the County of Los Angeles did not calculate correctly the amount of redevelopment funds that were due and owing to the school districts, a calculation used by every redevelopment agency in the County. He noted that with the dissolution of redevelopment agencies, there were no funds available to pay the District's claim other than funds through future ROPS, however, the City's General Fund was in no danger from this lawsuit. He concluded by stating that the District was waiting to proceed until all affected parties could meet and negotiate.

COUNCIL MEMBER VAN NOSTRAN MOVED AND VICE MAYOR CROFT SECONDED TO RECEIVE AND FILE THE REPORT. 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. Register of Demands

VICE MAYOR CROFT MOVED AND COUNCIL MEMBER VAN NOSTRAN 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. Adoption of Conflict of Interest Code

The City Attorney advised that this item was identical in form to the item that was presented to the Successor Agency.

RESOLUTION NO. LHSA 2012-2; A RESOLUTION OF THE HOUSING SUCCESSOR TO THE LAKEWOOD REDEVELOPMENT AGENCY ADOPTING A CONFLICT OF INTEREST CODE

2. Adoption of Conflict of Interest Code - Continued

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO ADOPT RESOLUTION NO. 2012-2, APPROVING THE CONFLICT OF INTEREST CODE. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

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3. Due Diligence Review Agreement with Simpson & Simpson, CPA

The Director of Administrative Services noted that this was the companion item to the report submitted to the Successor Agency.

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR CROFT SECONDED TO APPROVE AN AGREEMENT WITH SIMPSON & SIMPSON, CPA. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

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ORAL COMMUNICATIONS:

Sara Comfort, of the Iacoboni Library, and Carol Burke, of the Nye Library, addressed the City Council regarding the local celebrations to recognize the 100th anniversary of Los Angeles County Libraries.

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor DuBois adjourned the meeting at 8:22 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk