



Minutes

Lakewood City Council

Regular Meeting held
December 13, 2005

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

INVOCATION was offered by Dr. John Bonner, Chaplain Emeritus to the City Council

PLEDGE OF ALLEGIANCE was led by Vice Mayor Larry Van Nostran

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Esquivel announced that the meeting would be adjourned in memory of Jean Van Nostran, wife of Vice Mayor Larry Van Nostran.

Mayor Esquivel noted that a reception had been held prior to the meeting recognizing the young winners of the library bookmark contest and acknowledging awards won by Lakewood's CityTV production team.

ROUTINE ITEMS:

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 10.

RI-1 Approval of Personnel Transactions

RI-2 Approval of Registers of Demands dated November 23, December 1, and December 8, 2005

RI-3 Approval of SCE Easements for Rynerson Park and Lakewood Equestrian Center

RI-4 RESOLUTION NO. 2005-73; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD PROHIBITING THE PARKING OR STANDING OF VEHICLES BETWEEN 10 A.M. AND 3 P.M. ON TUESDAY OF EACH WEEK FOR STREET SWEEPING PURPOSES ON BOTH SIDES OF NORWALK BOULEVARD EAST SERVICE ROAD BETWEEN 207TH STREET AND 209TH STREET

ROUTINE ITEMS: Continued

RI-5 RESOLUTION NO. 2005-74; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE NORTH SIDE OF CANDLEWOOD STREET WITHIN THE CITY OF LAKEWOOD

RESOLUTION NO. 2005-75; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE SOUTH SIDE OF 209TH STREET WITHIN THE CITY OF LAKEWOOD

RI-6 Approval of Appropriation for Equipment Replacement Fund

RI-7 Approval of Monthly Reports of Investment Transactions

RI-8 Approval of Request of Time Extension - Vacation of the Alley West of Hayter Avenue Between Del Amo Boulevard and Hardwick Street

RI-9 Approval of Sale of Supplemental Water to Golden State Water Company

RI-10 RESOLUTION NO. 2005-76; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING THE 2006 EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

Mayor Esquivel stated that since there were a number of people in the audience interested in this particular issue, he would move consideration to the front of the agenda.

3.1 • DISCUSSION OF RECONSIDERATION OF PARKVIEW DRIVE AND MANOR DRIVE STREET VACATION

City Attorney Steve Skolnik briefly reviewed the history surrounding the request for street vacation and prior actions by the City Council. He noted that although the street vacation had been approved in October, the documents had not been finalized pending the resolution of a title issue. He stated that the item had been placed on the agenda at the request of City Council Members and reviewed the options for action on this item. He advised that letters, emails and petitions had been received concerning this issue and that all of them had been copied to each of the City Council Members so they would have full benefit of all comments submitted. He also noted that notice of the consideration of this item had been mailed to each of the property owners in the area where the street was to be vacated.

3.1 • DISCUSSION OF RECONSIDERATION OF PARKVIEW DRIVE AND MANOR DRIVE STREET VACATION - Continued

Mayor Esquivel reviewed the rules for proceeding with this matter and the order in which the speakers would be heard.

Michael Grant of Best Best & Krieger, LLP, stated he was the attorney retained to represent the homeowners' association formed by the "island" property owners. He stated that some of the concerns expressed by opponents were misunderstandings which could be easily resolved, such as emergency access, decrease in property values and a perception of elitism. He noted that the area was not a thoroughfare and stated that the main issue was increased security, not isolation from the rest of the Country Club area. He suggested representatives from both sides of the issue meet and attempt to find an acceptable compromise.

Stan Levin stated a petition had been circulated protesting the street vacation and over 400 signatures had been collected. He further stated that it was his belief that the City Council's previous decision to grant the vacation had been made based upon misleading and inadequate information presented by the homeowners' association and that accurate crime statistics were needed. He also noted that the previous city attorney had written an opinion indicating that participation of all the "island" property owners would be needed and that not all had been in favor of the gate.

Dr. Ronald Hartman; Sylvia Hartman, Crystal Breedlove, Chuck Lyons, James Breedlove, Donald Carlos, Charlie and Chuck Lyons, Susan Torgersen, Elaine Warren, and Al Taylor spoke in favor of the street vacation and gate citing improved public safety as their primary motivation and noting past incidents such as loitering, vandalism and street racing. Remarks were offered about possible misunderstandings regarding negative impacts of the gate asserting that it would not prevent pedestrian access, delay emergency vehicle access, or damage outlying property values.

Responding to questions from Council Member Croft, Mrs. Sylvia Hartman stated she was an officer for the Island Homeowners' Association and that the association board had indicated that they would support pedestrian access for anyone willing to provide the association with contact information.

Gary Larsen, Dr. Lance Sieger, John Buksa, Humberto Ravelo, Richard Dearth, Jessie Butler, Dennis Sanchez, Ken Pallas, Thomas Hart, Bill Hall, Skip Gill, Joe Rubech, Javier Muñoz, Debora Parker, Monica Fuentes, and Carol Eggers spoke in opposition to the street vacation and gate. Reasons cited for opposition included lack of pedestrian access; setting a negative precedent; concern about property values; damage to community unity; and that other, less divisive, solutions were available to resolve the public safety issues.

Noting that his address was some distance from the area of the proposed gate, Council Member DuBois asked Mr. Buksa why he was concerned. He responded by stating that dividing off a portion of the City could lead to other isolated areas, such as cul-de-sacs, requesting the same thing.

3.1 • DISCUSSION OF RECONSIDERATION OF PARKVIEW DRIVE AND MANOR DRIVE STREET VACATION - Continued

Responding to questions from Council Member Rogers, Mr. Javier Muñoz stated a university professor and a real estate attorney had both indicated that 100 percent participation was required to form a homeowners' association.

In response to a question from Council Member Croft, Mr. Stan Levin stated that the opponents to the street vacation would be willing to meet with the homeowners' association and discuss alternatives regarding pedestrian access.

The City Attorney advised that there were three options available to the City Council; 1) take no further action, which would allow the resolution passed in October to remain in effect and the street vacation to proceed once the title issue was resolved; 2) adopt a new resolution, which would rescind the resolution passed in October and stay the street vacation; or 3) take action to freeze proceeding on the October resolution to allow the residents representing both sides of this issue to meet and confer and possibly bring back an agreed upon solution.

Council Member Rogers stated he was deeply troubled by the things that had happened during public debate on this issue, including hate mail and threatening telephone calls. He reported receiving a threat of a smear campaign and recall petition based upon his vote on this matter. He stated that such politics had no place in the Lakewood community and that he would not allow such tactics to influence his decision. He noted that his preference would be to stay the street vacation resolution pending a compromise or community solution that could be reached by the residents on both sides of this issue. He proposed involving a City staff member as an impartial observer, with the issue to return to the City Council should the discussions become deadlocked.

Council Member DuBois expressed her surprise with the comments she had received on this issue, including through an anonymous letter, and stated that her intent was to make the best decision for the community and she would not be blackmailed. She also stated that she had found the conduct of some of those present and their failure to respect the opinions of others insulting during the discussion of such a serious issue as neighborhood safety. She noted that there was some dispute about the crime statistics for the area and that although the Sheriff's Department was doing an excellent job, they could not be effective in solving neighborhood issues unless residents were vigilant about reporting incidents.

Vice Mayor Van Nostran stated that this issue had turned into one of the most divisive matters ever to come before the City Council in all his years of service. He noted that the October decision had been based on the configuration of the area and increasing safety. He noted the Westgate development, which had been developed as a gated community and did not seem to negatively impact other residents. He encouraged residents on both sides of the issue to embrace Council Member Rogers' plan and get together to find an acceptable solution, noting that it was the goal of the City Council to resolve this matter fairly.

3.1 • DISCUSSION OF RECONSIDERATION OF PARKVIEW DRIVE AND MANOR DRIVE STREET VACATION - Continued

Council Member Croft stated that he also felt that compromise was the best solution. He noted that he would like to hear from the Sheriff Station Commander about crime statistics for the area. He echoed Council Member DuBois' concerns regarding the behavior of the audience and stated that Lakewood was a great community and working together a compromise should be possible. He expressed concern about the gate providing any actual improvement to security and that some similar law enforcement problems were being experienced in other parts of the Country Club area. He concluded by stating he would also support a stay of the street vacation resolution to provide an opportunity to discover an agreeable solution.

Mayor Esquivel stated every attempt had been made to provide an opportunity for each concerned party to have a fair chance to be heard, although he was disturbed by the disrespect shown to some of the speakers and the threats made to Council Member Rogers. He further stated that it was the intent of the City Council to make the best decision possible for all residents and that the goal was to make the City as safe as possible for everyone. He concluded by stating he also would favor residents meeting to work toward a compromise.

The City Attorney determined from Attorney Grant that the Homeowners' Association, representing the real parties in interest, would agree with the stay of the resolution.

Council Member Rogers stated that with the holiday season, a 30-day stay would not be long enough, however he felt 90-days would stretch out the process too long. He also noted that the City Manager would need the authority to appoint a staff member to provide an impartial report back to the City Council.

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR VAN NOSTRAN SECONDED TO STAY THE EFFECT OF RESOLUTION NO. 67 UNTIL THE SECOND REGULAR CITY COUNCIL MEETING IN FEBRUARY, 2006, TOLL THE APPLICABLE STATUTE, AND DIRECT THE CITY MANAGER TO APPOINT A STAFF MEMBER TO PROVIDE AN IMPARTIAL REPORT ON THE DISCUSSIONS.

The City Attorney confirmed for Council Member Croft that whether the talks resulted in a compromise or an impasse, the matter would be on the Council's agenda at the end of February.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

. . .

At 9:30 p.m., Mayor Esquivel called for a recess. At 9:40 p.m., the meeting was reconvened with all Council Members present.

. . .

1.1 • URBAN WATER MANAGEMENT PLAN UPDATE 2005

Water Resources Director Jim Glancy gave a brief presentation based on the report contained in the agenda and stated that in accordance with State law, an Urban Water Management Plan was developed and adopted every five years. He advised that elements of the report included projected changes in population and land use impacting water demand and projected supply and demand for the next 25 years. He concluded by stating that the draft Plan had been available for public review for the past 30 days and that following a public hearing, it would be forwarded to the State Department of Water Resources. It was the recommendation of the Water Resources Committee that the City Council hold a public hearing, adopt the proposed resolution approving the Urban Water Management Plan Update 2005, and direct staff to forward the completed document to the California Department of Water Resources.

RESOLUTION NO. 2005-77; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING THE CITY OF LAKEWOOD URBAN WATER MANAGEMENT PLAN UPDATE DESCRIBING THE CITY'S WATER SUPPLY PLAN FOR THE NEXT TWENTY-FIVE YEARS

Mayor Esquivel opened the public hearing at 9:44 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 ROGERS SECONDED TO ADOPT RESOLUTION NO. 2005-77 AND DIRECT STAFF TO FORWARD THE DOCUMENT TO THE STATE. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.2 • ORDINANCE NO. 2005-14; AMENDING THE MUNICIPAL CODE PERTAINING TO PETROLEUM STORAGE AND PUMPING FACILITIES IN THE M-1 ZONE [Continued from November 30, 2005]

The City Attorney advised that there had been a long standing issue between the City and Paramount Petroleum which had been the subject of a previous closed session and that the proposed ordinance carried out the instructions given to counsel at that time. He noted that an agreement with Paramount Petroleum was pending and would be presented to the City Council early next year.

ORDINANCE NO. 2005-14; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE TO EXTEND THE DEADLINE FOR MAINTAINING AND OPERATING A TANK FARM IN THE M-1 ZONE

Mayor Esquivel opened the public hearing at 9:47 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

1.2 • PETROLEUM STORAGE AND PUMPING FACILITIES IN THE M-1 ZONE

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO INTRODUCE ORDINANCE NO. 2005-14. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.3 • LAKEWOOD SHERIFF STATION EXPANSION PROJECT

Public Works Director Lisa Rapp reported that staff had been working closely with representatives from the County of Los Angeles and Los Angeles County Sheriff's Department on the Sheriff Station Expansion Project. She advised that the County Board of Supervisors was scheduled to meet on this issue on December 20, 2005, and that their action would determine the best course for the City's action. She concluded by recommending the City Council continue this item until December 20, 2005.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO CONTINUE THIS ITEM, INCLUDING THE PUBLIC HEARING PORTION, TO DECEMBER 20, 2005. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.4 • REJECTION OF BID FOR PUBLIC WORKS PROJECT NO. 06-1, DRILLING ASR WELL 27

The Director of Public Works gave a brief presentation based on the report in the agenda and stated that one bid had been received for the drilling of an aquifer storage and recovery well to be located at the Arbor Water Yard. She reported that the bid received was nearly 30 percent higher than the engineer's estimate for the project and that staff review had determined that re-bidding the project had the potential for cost savings. It was the recommendation of staff that the City Council reject the bid for Public Works Project 06-01 and authorize staff to re-advertise for bids on the project.

Mayor Esquivel opened the public hearing at 9:50 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

2.1 • ORDINANCE NO. 2005-15; AMENDING THE MUNICIPAL CODE PERTAINING TO REFUSE SERVICE AND WATER RATES

Mayor Esquivel advised that an ordinance and a resolution were presented for second reading and adoption.

ORDINANCE NO. 2005-15; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE REGARDING WATER FEES AND REFUSE COLLECTION FEES was read by title by the City Clerk.

RESOLUTION NO. 2005-72; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING RESOLUTION NO. 3150, AS AMENDED PERTAINING TO WATER RATES AND CHARGES

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2005-15 AND ADOPT ORDINANCE NO. 2005-15 AND RESOLUTION NO. 2005-72. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

At 9:52 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 9:53 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Fred Baisley addressed the City Council regarding holiday decorations.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 9:58 p.m. to Thursday, December 20, 2005, at 4:00 p.m. in the Executive Board Room. A moment of silence was observed in memory of Jean Van Nostran.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk