



Minutes

Lakewood City Council

Regular Meeting held
September 10, 2002

MEETING WAS CALLED TO ORDER at 7:31 p.m. by Mayor Van Nostran in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Council Member Wayne Piercy

PLEDGE OF ALLEGIANCE was led by Council Member Wayne Piercy

ROLL CALL: PRESENT: Mayor Larry Van Nostran
Vice Mayor Joseph Esquivel
Council Member Wayne Piercy
Council Member Todd Rogers
Council Member Robert Wagner

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Van Nostran encouraged all residents to attend the Patriot Day Concert on Wednesday, September 11, at Del Valle Park, beginning at 5:30 p.m.

ROUTINE ITEMS:

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 8.

- RI-1 Approval of Minutes of the Meeting held August 27, 2002
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands dated August 22 and August 29, 2002
- RI-4 Approval of Permit for Mayfair High School Homecoming Parade
- RI-5 Approval of Revisions to Conflict of Interest Code for City Officers and Employees
- RI-6 Approval of Extension of Agreement with City of Downey for Reimbursement of Lakewood's Share of Stormwater Grant Consulting Services
- RI-7 Acceptance of Notice of Completion for Public Works Project No. 02-02, Residential Street Rehab, All American Asphalt

ROUTINE ITEMS: Continued

RI-8 RESOLUTION NO. 2002-71; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE CITY OF LAKEWOOD TO APPLY FOR FUNDING FROM THE CALIFORNIA ENERGY COMMISSION FOR BATTERY BACKUP SYSTEMS OPERATING WITH LIGHT EMITTING DIODE TRAFFIC SIGNALS

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Esquivel, Piercy, Wagner and Van Nostran

NAYS: COUNCIL MEMBERS: None

1.1 • AMENDMENT TO THE GENERAL PLAN PERTAINING TO THE HOUSING ELEMENT AND RELATED NEGATIVE DECLARATION

The Director of Community Development, Chuck Ebner, gave a brief oral presentation based on the memorandum in the agenda and stated the Housing Element of the General Plan had been updated to bring it into conformity with current State law. Upon review by the State Department of Housing and Community Development (HCD), several revisions had been suggested. He covered the three new areas of the plan: 1) a new State law that required cities to analyze potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities; 2) a density bonus program to provide an incentive for the development of affordable housing; and 3) a program that makes a commitment to amending the zoning code to allow an emergency/homeless shelter in a particular zone or zones. He cited a letter received from HCD which stated that if the three recommendations were incorporated into the Housing Element, it would receive State certification. He noted the importance of State certification in determining the legal adequacy of the City's General Plan. He concluded by stating that it was the recommendation of the Planning and Environment Commission that the City Council adopt the revised Housing Element of the General Plan, dated August 22, 2002, and the related Negative Declaration.

RESOLUTION NO. 2002-72; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE GENERAL PLAN BY ADOPTING THE CITY OF LAKEWOOD HOUSING ELEMENT UPDATE, AUGUST 22, 2002

Mayor Van Nostran opened the public hearing at 7:39 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT RESOLUTION NO. 2002-72.

1.1 • AMENDMENT TO THE GENERAL PLAN PERTAINING TO THE HOUSING ELEMENT AND RELATED NEGATIVE DECLARATION - Continued

Council Member Wagner stated that he had a problem with the HCD requirement for emergency shelter for the homeless, as it had yet to be shown that Lakewood had ever experienced any problem in that area. He expressed concern that providing zoned areas where emergency shelters could be located might invite in someone wishing to establish such a shelter for homeless individuals from outlying areas. He stated that such a requirement was not found in State law and that by demanding the City amend its Housing Element to include such a provision, the HCD was overstepping their bounds and he could not support that amendment to the Housing Element.

COUNCIL MEMBER WAGNER MOVED THAT THE HOUSING ELEMENT LANGUAGE CONCERNING EMERGENCY SHELTERS BE MODIFIED.

COUNCIL MEMBER ROGERS SECONDED THE MOTION FOR PURPOSES OF DISCUSSION.

Council Member Wagner submitted alternate language which indicated that the City would annually re-evaluate the need for emergency shelter and adopt zoning changes if a need was demonstrated.

Council Member Piercy inquired if the alternate language had been reviewed by either staff or the Planning and Environment Commission. Council Member Wagner responded that it had not. Council Member Piercy stated that while he agreed with Council Member Wagner's intent, since no problem had been shown to exist, he felt it was important to bring the Housing Element into compliance and he could not support the amendment.

Council Member Rogers determined from the Community Development Director that similar language had been submitted to HCD but had been found unacceptable. Mr. Ebner related that staff had made every effort to demonstrate to HCD that there was no emergency shelter need in the City of Lakewood. Mr. Ebner noted that the amendment favored by HCD committed the City to reviewing, within the next two years, the issue of zone regulations to find an appropriate zone for emergency shelters.

Council Member Wagner suggested that with help from the City's State legislators, the Housing Element could be certified with the alternate language.

City Attorney John S. Todd stated that the City would only be committed to studying the issue; and that any future change in zoning requirements would have to go through the normal hearing process.

Mr. Ebner noted that the Housing Element was a policy document and that the emergency shelter provision was a goal, rather than a requirement.

1.1 • AMENDMENT TO THE GENERAL PLAN PERTAINING TO THE HOUSING ELEMENT AND RELATED NEGATIVE DECLARATION - Continued

Council Member Rogers stated that although he also agreed with Council Member Wagner that the emergency shelter provision was unnecessary at this time, he had been convinced of the need for an HCD-certified Housing Element as part of a State-approved General Plan. He noted that a number of the cities surrounding Lakewood had been required to adopt similar language without having the effect of inviting in the homeless from other areas. He stated that he would support efforts to change the requirements being imposed by HCD and noted that the City had a two-year window in which to seek legislative relief.

VICE MAYOR ESQUIVEL CALLED FOR THE QUESTION ON THE SUB-MOTION TO AMEND. UPON ROLL CALL VOTE, THE MOTION FAILED:

AYES: COUNCIL MEMBERS: Wagner

NAYS: COUNCIL MEMBERS: Rogers, Esquivel, Piercy and Van Nostran

Council Member Wagner stated that since two of the three were needed, he would vote a reluctant aye on the main motion.

UPON ROLL CALL VOTE, THE ORIGINAL MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Esquivel, Piercy, Wagner and Van Nostran

NAYS: COUNCIL MEMBERS: None

1.2 • CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT

The Community Development Director gave a brief oral presentation based on the memorandum in the agenda and reported that the Community Development Block Grant required the submission of an annual performance report. The Consolidated Annual Performance and Evaluation Report (CAPER) summarized accomplishments during the previous program year. It was the recommendation of staff that the City Council hold a public hearing to receive input from citizens on the CAPER and to direct staff to consider and submit to the local Office of Housing and Urban Development (HUD) any comments received throughout the comment period.

Mayor Van Nostran opened the public hearing at 8:01 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER PIERCY MOVED AND VICE MAYOR ESQUIVEL SECONDED TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Esquivel, Piercy, Wagner and Van Nostran

NAYS: COUNCIL MEMBERS: None

3.1 • CONSULTING AGREEMENT WITH WILLDAN FOR ENGINEERING SUPPORT SERVICES

The Director of Public Works, Lisa Rapp, gave a brief oral presentation based on the memorandum in the agenda and reported that the Public Works Department staff had been faced with significantly increased workloads due to Capital Improvement Projects, public service requests, and new State and Federal regulations. She stated that in a time when future revenues were uncertain due to the status of the State budget, staff was recommending that needed services be provided on a contract basis. The engineering firm of Willdan would provide general office engineering tasks and traffic engineering assistance. She noted that since Willdan provided services to a number of contract cities in the area and was well acquainted with the Los Angeles County Department of Public Works, the process should be a smooth one. She concluded by stating that funds had been budgeted for the services. It was the recommendation of staff that the City Council approve a consulting agreement with Willdan for engineering support services.

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

AYES: COUNCIL MEMBERS: Rogers, Esquivel, Piercy, Wagner and Van Nostran

NAYS: COUNCIL MEMBERS: None

At 8:03 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:04 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Shanty Day and Susan Sany, Long Beach, addressed the City Council regarding local tobacco retailer ordinances.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Van Nostran adjourned the meeting at 8:17 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk