



# Minutes

## Lakewood City Council

Regular Meeting held  
December 10, 2002

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**MEETING WAS CALLED TO ORDER** at 7:52 p.m. by Mayor Van Nostran 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 Council Member Wayne E. 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 announced that at a reception held prior to the meeting, Dave Rodda, Director of Recreation and Community Services, had been honored for his 45 years of service to the community. The Mayor wished him well in his retirement and stated that Dave had enriched many lives and was leaving a legacy that would impact Lakewood for decades to come.

Dave Rodda expressed his appreciation to the City Council, stating that without the support of the Council and staff, his achievement would not have been possible.

Mayor Van Nostran announced that the meeting would be adjourned in memory of Robert Krueger and Deputy David Powell.

Mayor Van Nostran announced that there were two items of business which had arisen subsequent to the posting of the agenda which required the immediate attention of the City Council. There was an issue pertaining to an anonymous flyer that had been distributed in the *Press Telegram* newspaper and an authorization was requested pertaining to the administration of the low and moderate income housing funds.

**MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO ADD THE ITEMS TO THE CITY COUNCIL AGENDA.**

Council Member Wagner requested that the two issues be addressed separately.

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Council Member Piercy stated that he was opposed to adding discussion of the anonymous flyer to the City Council agenda since the flyer was critical of the City Council's handling of the school district formation issue. He stated that one of the major reasons for retaining the services of a consultant was to de-politicize the school issue and to address the issue at this time from the dais would be working against that goal.

Council Member Wagner stated he also was opposed to adding the item to the Council agenda for the reason that the flyer had first been distributed some time ago and that he felt the item could wait to be addressed on a future agenda. He stated that by addressing the item at this time, others wishing to express an opinion on the matter would be precluded from being heard.

MAYOR VAN NOSTRAN STATED HE WOULD WITHDRAW THE MOTION WITH THE CONCURRENCE OF THE SECOND. COUNCIL MEMBER ROGERS CONCURRED.

MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADD THE HOUSING ITEM TO THE CITY COUNCIL AGENDA. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**ROUTINE ITEMS:**

Council Member Wagner requested that consideration of the Minutes of the Meeting held November 12, 2002, be continued to the next regular meeting in January.

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 11.

RI-1 Approval of Minutes of the Meeting of November 26, 2002

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated November 7, November 14, November 21, and November 27, 2002

RI-4 RESOLUTION NO. 2002-95; 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 209TH STREET BETWEEN ELAINE AVENUE AND HORST AVENUE

**ROUTINE ITEMS:** Continued

RESOLUTION NO. 2002-96; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD PROHIBITING THE PARKING OR STANDING OF VEHICLES BETWEEN 7 A.M. AND 12 P.M. ON THURSDAY OF EACH WEEK FOR STREET SWEEPING PURPOSES ON BOTH SIDES OF SOUTH STREET SOUTH SERVICE ROAD BETWEEN COKE AVENUE AND HAYTER AVENUE

RESOLUTION NO. 2002-97; 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 WEDNESDAY OF EACH WEEK FOR STREET SWEEPING PURPOSES ON BOTH SIDES OF WOODRUFF AVENUE EAST SERVICE ROAD BETWEEN HARDWICK STREET AND ALLEY NORTH OF DEL AMO BOULEVARD

RI-5 Approval of Acquisition of Water Rights from Golden West Refining Company

RI-6 RESOLUTION NO. 2002-98; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DECLARING SURPLUS CITY-OWNED PROPERTY ADJACENT TO 6701 DENMEAD, LAKEWOOD, CALIFORNIA AND AUTHORIZING TRANSFER OF SAID PROPERTY TO THE OWNER OF THE REAL PROPERTY AT 6701 DENMEAD, LAKEWOOD, CALIFORNIA

RI-7 RESOLUTION NO. 2002-99; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE SOUTH SIDE OF 208TH STREET WITHIN THE CITY OF LAKEWOOD

RESOLUTION NO. 2002-100; 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-8 RESOLUTION NO. 2002-101; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING THE 2003 EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

RI-9 Approval of Additional Work for Public Works Project No. 02-6; ADA Curb Ramps

RI-10 Approval of Monthly Report of Investment Transactions

RI-11 Approval of Encroachment Permit for Pioneer Boulevard

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.1 • AMENDING THE LAKEWOOD MUNICIPAL CODE AND ZONING ORDINANCE RELATING TO HEIGHT OF FENCES ABUTTING THE WEST SAN GABRIEL RIVER OPEN SPACE AREA**

The Director of Community Development, Chuck Ebner, gave a brief oral presentation based on the memorandum contained in the agenda and stated that in conjunction with improvements occurring at the West San Gabriel River Open Space Area, the residents with property bordering the west side of the project had expressed the desire to construct new, higher fencing along their rear property line to improve security. Currently, the Lakewood Municipal Code requires a conditional use permit for fencing in excess of six feet in height. The Planning and Environment Commission had reviewed the matter and, having determined that such would not create a negative impact on surrounding properties, was recommending the City Council introduce the proposed ordinance to allow fencing up to eight feet in height without a conditional use permit for properties abutting the West San Gabriel River Open Space Area.

ORDINANCE NO. 2002-10; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD ZONING ORDINANCE AND THE MUNICIPAL CODE PERTAINING TO GENERAL PROVISIONS RELATING TO HEIGHT OF FENCES ABUTTING THE WEST SAN GABRIEL RIVER OPEN SPACE AREA

Mayor Van Nostran opened the public hearing at 8:09 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO INTRODUCE ORDINANCE NO. 2002-10. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.2 • THE REGULATION OF INDOOR SWAP MEETS**

The Director of Community Development, Chuck Ebner, gave a brief oral presentation based on the memorandum contained in the agenda and stated the Planning and Environment Commission had completed its study on swap meet uses and concluded that regulations were necessary to prevent such uses from being a detriment to the community. The proposed ordinance would establish an appropriate zone, minimum floor area, minimum parking, hours of operation, security and a number of health-related regulations. It was the recommendation of the Planning and Environment Commission that the City Council hold a public hearing, introduce the ordinance and approve the related Negative Declaration.

**1.2 • THE REGULATION OF INDOOR SWAP MEETS - Continued**

ORDINANCE NO. 2002-11; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD ZONING ORDINANCE BY REPEALING ORDINANCE NO. 2002-3 PROHIBITING THE ESTABLISHMENT OF SWAP MEETS AND AMENDING THE LAKEWOOD MUNICIPAL CODE TO AUTHORIZE SWAP MEETS BY CONDITIONAL USE PERMIT

Responding to a question from Council Member Rogers, Mr. Ebner stated that while the City could not deny any particular use based on problems previously experienced with that type of use, the City did have the authority to establish conditions to regulate a certain type of use that would mitigate negative impacts.

Mayor Van Nostran opened the public hearing at 8:15 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Jerry Cleveland noting neighborhood concern regarding such a use at a vacant market site, expressed support for the ordinance. He also noted that vehicles were being parked for sale in the parking lot of the vacant market site.

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR ESQUIVEL SECONDED TO CLOSE THE PUBLIC HEARING AND INTRODUCE ORDINANCE NO. 2002-11. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.3 • EXTENSION OF INTERIM URGENCY ZONING ORDINANCE NO. 2002-9; PROHIBITING THE ESTABLISHMENT OF ANY MOTEL OR HOTEL WITHIN THE CITY OF LAKEWOOD PENDING COMPLETION OF A STUDY AND REPORT BY THE PLANNING AND ENVIRONMENT COMMISSION**

The Community Development Director gave a brief oral presentation based on the memorandum contained in the agenda and reported the City Council had previously approved a moratorium on the development of hotels and motels, pending a study by the Planning and Environment Commission as to the appropriate conditions for such a use. The preliminary study had indicated areas of concern and changes in hospitality industry standards that needed to be addressed. Due to the complexity of the issue, the Planning and Environment Commission had been unable to complete the study and had requested that the City Council extend the moratorium for an additional period as permitted by the Government Code.

Mayor Van Nostran opened the public hearing at 8:19 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

**1.3 • EXTENSION OF INTERIM URGENCY ZONING ORD. NO. 2002-9 – Cont.**

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER ROGERS SECONDED TO CLOSE THE PUBLIC HEARING AND INTRODUCE ORDINANCE NO. 2002-12. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ORDINANCE NO. 2002-12; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD EXTENDING THE TERMS AND PROVISIONS OF ORDINANCE NO. 2002-9 PROHIBITING THE ESTABLISHMENT OF ANY MOTEL OR HOTEL WITHIN THE CITY PENDING COMPLETION OF A STUDY AND REPORT BY THE PLANNING AND ENVIRONMENT COMMISSION PERTAINING TO THE PROPER ZONE CLASSIFICATION AND CONDITIONS OF USE FOR MOTELS OR HOTELS WITHIN THE CITY, AS AN INTERIM ZONING ORDINANCE AND SETTING FORTH FACTS CONSTITUTING THE SAME AS AN URGENCY ORDINANCE was read by title by Mayor Van Nostran.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER WAGNER SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2002-12. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT ORDINANCE NO. 2002-12. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**3.1 • 2001-2002 GENERAL PLAN ANNUAL REPORT**

The Community Development Director gave a brief oral presentation based on the memorandum contained in the agenda and stated the California Government Code required each local planning agency to provide an annual report to its legislative body on the status of the General Plan and progress in its implementation. The report summarized key trends, projects and activities and compared them to the goals, policies and implementation programs outlined in the General Plan. It was the recommendation of the Planning and Environment Commission that the City Council receive and file the 2001-2002 General Plan Annual Report.

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE THE COMMISSION'S RECOMMENDATION.

**3.1 • 2001-2002 GENERAL PLAN ANNUAL REPORT - Continued**

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**3.2 • REQUEST FOR CABLECASTING TIME FOR BELLFLOWER UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION MEETINGS**

Assistant City Manager Michael Stover gave a brief oral presentation based on the memorandum contained in the agenda and stated correspondence had been received from Jamie McCord requesting that residents be allowed to submit videotapes of the Bellflower Unified School District Board of Education meetings for broadcast on the Lakewood municipal access channel. The videotapes would be made by volunteers as a pilot program. He advised that a previous request from a citizens' group seeking to broadcast Long Beach Unified School District Board of Education meetings had been granted by the City Council. He noted that staff had just been contacted by telephone by the ABC Unified School District regarding the process for them to submit videotapes of their Board of Education meetings and their formal request would be before the City Council very soon.

Council Member Piercy inquired about the length of the pilot program and whether there was adequate time available in the programming schedule to accommodate all the districts. Mr. Stover responded by stating that three months seemed to be an adequate time for the conduct of the pilot program, as problems must be addressed quickly, and that the Long Beach Pilot program had been going well, so far. Mr. Stover also advised that since Lakewood's public access channel provided 24-hour scheduling, there was sufficient time available to accommodate each district.

**COUNCIL MEMBER WAGNER MOVED AND VICE MAYOR ESQUIVEL SECONDED TO DIRECT STAFF TO PROCEED WITH THE DEVELOPMENT OF A PILOT PROGRAM FOR THE BELLFLOWER DISTRICT MEETINGS.**

Council Member Rogers congratulated those involved in the videotaping and especially ABC Unified for stepping forward voluntarily to provide the public with access to these meetings. He cited the benefit to the community to have this information made available to any interested residents.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

### **3.3 • LOW AND MODERATE INCOME HOUSING FUND ADMINISTRATION**

*[Added to the by unanimous vote of the City Council]*

The Community Development Director gave a brief oral presentation based on his memorandum and stated staff was recommending the City Council authorize the Mayor to enter into an agreement with the Lakewood Redevelopment Agency for the implementation of the low and moderate income fund programs using City staff and City disbursement of such funds. He advised that this was primarily an accounting change that would provide the City and Agency with better accountability.

COUNCIL MEMBER WAGNER 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 8:30 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:37 p.m., the City Council Meeting was reconvened.

#### **ORAL COMMUNICATIONS:**

Hugh Hallenberg, Bellflower, addressed the City Council regarding the City's support of the amicus brief filed on behalf of the City of Sacramento in an Americans with Disabilities Act related litigation case.

The City Attorney advised that the City Council had previously granted authority to the City Attorney to add the City of Lakewood to such briefs in appropriate cases. He advised that due to Brown Act restrictions, the City Council could not discuss the matter at this time, but he would provide background material to the Council regarding the circumstances of the case in the event they wished to consider the matter at a future meeting.

Tom Bowler reported a rodent infestation within the Southern California Edison right-of-way near his property.

Keith and Joan Black addressed the City Council regarding the "Segway" device, an electric personal assistive mobility device, which the California Council of the Blind was seeking to have banned from public sidewalks, since the device made no noise which would warn pedestrians for its approach.

Responding to questions from Council Member Wagner, Mr. Stover stated that staff would work with the City Attorney to determine if such a ban was feasible for Lakewood.

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**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Van Nostran adjourned the meeting at 8:58 p.m. in memory of Robert Krueger and Deputy David Powell.

Respectfully submitted,

Denise R. Hayward

City Clerk