



Minutes

Lakewood City Council

Regular Meeting held
August 9, 2011

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

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

PLEDGE OF ALLEGIANCE was led by Council Member Todd Rogers

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Van Nostran announced that the meeting would be adjourned in memory of United States Navy Seal Lieutenant Commander Jonas Kelsall who lost his life in the line of duty during a mission in Afghanistan. Lt. Cmdr. Kelsall was the son of John Kelsall, President and CEO of the Greater Lakewood Chamber of Commerce, an active and valued member of the Lakewood community. The Mayor extended deepest condolences, on behalf of the City Council, to the Kelsall family.

Council Members Rogers, Wood, Croft and Vice Mayor DuBois expressed their sympathy for the family and their appreciation for Lt. Cmdr. Kelsall's courageous service to the nation.

Mayor Van Nostran requested the audience stand and observe a moment of silence in memory of Lieutenant Commander Jonas Kelsall.

ROUTINE ITEMS:

VICE MAYOR DUBOIS MOVED AND COUNCIL MEMBER CROFT SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 7.

RI-1 Approval of Minutes of the Meeting held July 26, 2011

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands

RI-4 Acceptance of Notice of Completion for Public Works Project No. 09-04, Centralia Pavement Rehab, R.J. Noble Company

ROUTINE ITEMS: Continued

RI-5 RESOLUTION NO. 2011-41; 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. 2011-42; 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. 2011-43; 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. 2011-44; 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. 2011-45; 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 THREE YEARS OLD

RESOLUTION NO. 2011-46; 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. 2011-47; 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

RESOLUTION NO. 2011-48; 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. 2011-49; 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-6 RESOLUTION NO. 2011-50; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING DISABLED PERSON DESIGNATED PARKING ON THE WEST SIDE OF LEVELSIDE AVENUE WITHIN THE CITY OF LAKEWOOD

ROUTINE ITEMS: Continued

RI-7 Acceptance of Notice of Completion for Public Works Project No. 11-02, Residential Street Rehab, Silvia Construction, Inc.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 CONGESTION MANAGEMENT PROGRAM CONFORMANCE SELF-CERTIFICATION PROCESS

Community Development Director Sonia Southwell presented a report based on the memo in the agenda and stated the City had been required to complete an annual conformance self-certification process for the Los Angeles County Congestion Management Program. She noted that although the credits and debits for development activity remained frozen pending completion of a nexus study on congestion mitigation fees by the Los Angeles County Metropolitan Transportation Authority, the City's reporting obligation stilled remained. It was the recommendation of staff that the City Council hold a public hearing and adopt the proposed resolution to find the City to be in conformance with the Congestion Management Program and adopt the CMP Local Development Report.

RESOLUTION NO. 2011-51; A RESOLUTION OF THE CITY OF LAKEWOOD, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

Responding to a question from Council Member Rogers, Ms. Southwell stated that a pilot study regarding the imposition of congestion mitigation fees was in progress in the San Fernando Valley, although the building industry was opposed to such a fee.

Vice Mayor DuBois noted that with State and Federal funding unavailable, this fee was viewed as a mechanism to pass the cost of funding transit programs on to cities.

Mayor Van Nostran opened the public hearing at 7:48 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 DUBOIS SECONDED TO ADOPT RESOLUTION NO. 2011-51. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.2 • ORDINANCE TO COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM

Administrative Services Director Diane Perkin gave a presentation based on the report in the agenda, stating that as part of the State budget bill, the California Legislature had enacted bills which would require the Lakewood Redevelopment Agency to dissolve unless the City of Lakewood committed to making certain payments to the State. She advised that the first payment would be \$2,309,859 and that the City and the Redevelopment Agency had been required to make similar payment to the State totaling more than \$32 million, 60 percent of which had gone directly to the State to help with their fiscal crisis. She stated that the proposed ordinance would comply with the provisions of AB 1X 27.

City Attorney Steve Skolnik stated that cities across the State were acting on similar ordinances to comply, under protest, with AB 1X 26 and 27 because the alternative was worse. He advised that if not adopted by October 1st, the City's Redevelopment Agency would go out of business. He noted that litigation had been filed with the California Supreme Court regarding the constitutionality of the bills and that a companion item would also be presented to the Redevelopment Agency Board. It was the recommendation of staff that the City Council introduce Ordinance No. 2011-8 and authorize the City Manager to take actions and execute documents necessary to implement the proposed ordinance.

ORDINANCE NO. 2011-8; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE LAKEWOOD REDEVELOPMENT AGENCY was read by title by Mayor Van Nostran.

The City Attorney confirmed for Vice Mayor DuBois that the required payment was being commonly referenced as a "ransom" payment.

Mayor Van Nostran determined from the City Attorney that the payment was not due until January 2012 and that a decision from the State Supreme Court was likely by then.

Council Member Rogers stated that it was important to note that the only choices were to either make the payment or cease to exist. He noted that although State legislative representatives claimed to be friends of local government, they would not even respond to calls on this issue. He also noted that at the State level, redevelopment continued to be erroneously identified as taking tax funds away from schools.

Mayor Van Nostran opened the public hearing at 7:58 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

VICE MAYOR DUBOIS MOVED AND COUNCIL MEMBER WOOD SECONDED TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2011-8. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.1 • LAKEWOOD CENTER PERIMETER SIGN PROGRAM SPECIFIC PLAN

Mayor Van Nostran advised that the proposed ordinance to establish a specific plan for the Lakewood Center Perimeter Sign Program, which had been introduced and read by title at the City Council's last meeting, was presented for adoption at this time.

ORDINANCE NO. 2011-7; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING THE LAKEWOOD CENTER PERIMETER SIGN PROGRAM SPECIFIC PLAN.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER CROFT SECONDED TO ADOPT ORDINANCE NO. 2011-7. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.1 • SOLAR GENERATION PROJECT AT ARBOR MAINTENANCE YARD

Public Works Director Lisa Rapp displayed slides and gave a presentation based on the memo in the agenda. She stated that after monitoring the success of the installation of a photovoltaic system to generate energy at Water Plant #4, staff had identified an additional site which, with modest structural reinforcement, would be appropriate for such a system. The proposed solar project would be installed on the south facing roof of the water warehouse at the Arbor Yard and would provide enough energy for the daytime operations of the administrative and operations facilities at that location. The construction and maintenance of the system would be provided under contract with City Light and Power. It was the recommendation of staff that the City Council amend the agreement with City Light and Power, Inc. for an amount not to exceed \$677,400; allocate \$57,400 from the Water Fund for removal of lead paint on the building eaves and installation of the service replacement required by Southern California Edison; and allocate \$2,000 from the Water Fund for the annual maintenance fee.

Bill Simmons, City Light and Power, thanked the City Council for the opportunity to partner with the City on a project like the Plant #4 project which was reducing greenhouse gases by generating clean, solar power.

Council Member Croft noted that through a link on the City's website, you could see how much energy was actually being generated at Plant #4 and that output was higher than projected.

Vice Mayor DuBois complimented the Public Works Department staff for being ready to take advantage of new technology to the benefit of the City. She inquired if the solar panels would protect or extend the life of the roof. Ms. Rapp responded by stating that the roof was warranted for 25 years and staff would be monitoring to see if the solar panels kept it in good condition longer.

3.1 • SOLAR GENERATION PROJECT AT ARBOR MAINTENANCE YARD – Cont.

Water Resources Director Jim Glancy stated that the above-projected performance of the solar panels at Plant #4 could be attributed to the level of maintenance provided by City Light and Power. He noted that they had done a fine job and were very responsive.

VICE MAYOR DUBOIS MOVED AND COUNCIL MEMBER WOOD SECONDED TO AMEND THE AGREEMENT WITH CITY LIGHT AND POWER IN AN AMOUNT NOT TO EXCEED \$677,400; ALLOCATE \$57,400 FROM THE WATER FUND FOR LEAD REMOVAL AND INSTALLATION OF ELECTRICAL SERVICE REPLACEMENT; AND ALLOCATE \$2,000 FROM THE WATER FUND TO AN ANNUAL MAINTENANCE FEE ACCOUNT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.2 • SUSTAINABLE COMMUNITIES STRATEGY

The Director of Community Development presented a report based on the memo in the agenda and stated that in accordance with State law, Regional Transportation Plans were required to include a Sustainable Communities Strategy to reduce greenhouse gas emissions. She reported that the City, as a member of the Gateway Cities Council of Governments, had elected to participate in the preparation of a region-specific Strategy.

Nancy Pfeffer, Regional Planning Director for the Gateway Cities COG, presented slides with an overview of the elements contained in the Sustainable Communities Strategy prepared for the Gateway Cities region. She reported that the completed document showed reduction levels lower than the required targets for the years 2020 and 2035. She thanked Lakewood for taking a very active role within the COG's Policy Development Committee for the Strategy.

Vice Mayor DuBois inquired if any problems were anticipated in receiving approval of the plan by the Southern California Association of Governments (SCAG). Ms. Pfeffer stated that Gateway Cities COG staff was fairly confident of approval as the Strategy achieved the target numbers.

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER CROFT SECONDED TO RECEIVE & FILE THE REPORT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.3 • HAZARD MITIGATION PLAN

The Director of Community Development made a presentation based on the memo in the agenda and stated that the City Council had approved a Hazard Mitigation Plan in December of 2009, which was then submitted to FEMA (Federal Emergency Management Agency) for review. FEMA had returned the document with comments and corrections, which had been incorporated into this final document. She noted that an approved Hazard Mitigation Plan was a requirement to be eligible for Federal assistance in the event of a natural disaster and must be updated every five years. It was the recommendation of staff that the City Council adopt the proposed resolution to approve the Hazard Mitigation Plan.

Council Member Rogers remarked that the Plan document had presented interesting analysis of the natural disasters and hazards that might impact Lakewood and had shown that the City was fairly well situated when it came to preparation of the City's staff and residents.

Council Member Wood stated that having worked in the field of emergency management, he would stress the importance of education and training in order to prepare our residents and minimize the losses from hazards.

RESOLUTION NO. 2011-52; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING THE CITY OF LAKEWOOD HAZARD MITIGATION PLAN AND DIRECTING THE SAME TO BE SUBMITTED TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR REVIEW AND APPROVAL

COUNCIL MEMBER WOOD MOVED AND COUNCIL MEMBER ROGERS SECONDED TO ADOPT RESOLUTION NO. 2011-52. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

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3.4 • 2011 PATRIOT DAY CONCERT

Assistant Director of Recreation and Community Services Tom Lederer displayed slides and made a presentation based on the memo in the agenda. He outlined the schedule of events for the annual Patriot Day Concert commemorating the 10th anniversary of the September 11, 2001 attacks and remembering those who lost their lives as well as the work of public safety officers.

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

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At 8:47 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:53 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Sally Mason Brayton thanked the City Council for the use of Del Valle Park facilities for the Lakewood High School reunion.

Yvette Shahinian, representing Congresswoman Linda Sanchez, invited Lakewood residents to attend the Congresswoman's 9th Annual Senior Fair on August 31, 2011.

Alan Gafford addressed the City Council regarding the destruction of City records.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - LITIGATION

Mayor Van Nostran announced that the City Council would recess to a closed session pursuant to Government Code §54956.9 to consider the initiation of litigation in one case.

At 9:19 p.m., the City Council reconvened and the City Attorney announced that in the closed session:

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR DUBOIS SECONDED TO AUTHORIZE THE CITY'S PARTICIPATION IN THE CERRITOS LITIGATION PERTAINING TO REDEVELOPMENT WITH A \$20,000 MAXIMUM FEE, AND AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE THE APPROPRIATE AGREEMENTS. THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Van Nostran adjourned the meeting at 9:21 p.m. in memory of Lieutenant Commander Jonas Kelsall.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk