

**MINUTES OF THE
LAWDALE CITY COUNCIL REGULAR MEETING
APRIL 17, 2017**

- A. CALL TO ORDER AND ROLL CALL** – Mayor Pullen-Miles called the meeting to order at 6:32 p.m. in the City Hall council chamber, 14717 Burin Avenue, Lawndale, California.

Councilmembers Present: Mayor Robert Pullen-Miles, Mayor Pro Tem Pat Kearney, Councilmember James H. Osborne, Councilmember Daniel Reid, Councilmember Bernadette Suarez

Other Participants: City Clerk Rhonda Hofmann Gorman, City Manager Stephen N. Mandoki, City Attorney Tiffany J. Israel, Los Angeles County Sheriff's Department Captain April Tardy, Assistant City Clerk Pamela Giamario, Municipal Services Director Deborah Holland, Community Development Director Sean Moore, Public Works Director/City Engineer Frank Senteno, Associate Planner Christopher Wilson and approximately 40 audience members

- B. CEREMONIALS** – Councilmember Osborne led the flag salute and Reverend Tom Murray provided the inspiration.

C. PRESENTATIONS

April 2017 – DMV Donate Life California Month. The City Council presented the proclamation to Jim and Carrie Holland who promoted sign-ups with the Donate Life California Registry through driver's licensing.

D. CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation - The City Council conducted a closed session, pursuant to Government Code sections 54956.9(d)(2) and (d)(3), because there was a significant exposure to litigation in one case. City Attorney Israel reported that council took no reportable action.

Conference with Legal Counsel – Existing Litigation - The City Council conducted a closed session, pursuant to Government Code section 54956.9(d)(1), to confer with legal counsel regarding litigation to which the City was a party. The title of such litigation was as follows: City of Lawndale vs. Mione Joy Smith; Case Number 6TR06515; Los Angeles County Superior Court. The city attorney reported that council voted unanimously to initiate a receivership.

- E. PUBLIC SAFETY REPORT** – Captain Tardy summarized recent law enforcement activities.

F. ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA

- Lyda Truick – upcoming library events, introduction of new Lawndale Library Manager Jose Parra
- Jose Parra – library programming
- Robert Lang – citations for missing license plate and parking in a red zone
- Randall Abram – council inaction on fireworks regulations, disenfranchisement of voters, district voting
- Pam London – parking in front yard setbacks, rental property inspection program

- Steve Koonz – large trash dumping at Kingsdale and Rosecrans Avenues, traffic violations
- Jimmy Estrada – non-smoking apartments
- Marge Heinemann – unwanted phone calls, scams
- Gary Adams – seal coating of new pavement

G. COMMENTS FROM COUNCIL – The City Council responded generally to the comments, but did not request placement of any issues on a future meeting agenda. Councilmember Suarez requested more information about Mr. Lang's citations. Councilmember Osborne received information about slurry sealing streets. Councilmember Reid encouraged Mr. Koonz to pass on any information he may have about violators. Councilmember Kearney suggested that residents concerned about fireworks might consider launching an initiative.

H. CONSENT CALENDAR

Motion to read by title only and waive further reading of all ordinances listed on the agenda. (Recommendation: that council approves.)

Outdoor Storage of Merchandise and Materials in Commercial Zoning Districts.

(Recommendation: that the City Council adopt Ordinance No. 1136-17 amending the zoning code of the City of Lawndale regarding outdoor storage regulations.)

Changing the Date of City Elections and Approving a One-Time Extension of the Terms of City Elected Officials.

(Recommendation: that the City Council change the date of the city's general elections from April to November of even-numbered years beginning in 2018 by adopting Ordinance No. 1135-17.)

Lawndale Sheriff's Department Service Center – Storm Damage Repairs.

(Recommendation: As it is uncertain whether more emergency work is needed, staff recommends that the City Council approve Resolution No. CC-1704-018, declaring an emergency condition and approving the work necessary to make repairs to the Lawndale Sheriff's Department Service Center without notice for bids pursuant to California Public Contract Code sections 1102, 20168 and 22050).

Storm Drain Project – 169th and 170th Streets. (Recommendation: that the City Council award a construction contract in the amount of \$48,225 to E&E Engineering, Inc. for the storm drain replacement project on 169th Street and 170th Street, and approve a project contingency of \$7,233.75 to avoid project delays and facilitate timely project completion.)

Funding for Transportation-Related Capital Improvements. (Recommendation: that the City Council approve and execute the "Exchange Agreement and Assignment of Federal Surface Transportation Program – Local Funds" to transfer the city's STP-L funds for LA County Metropolitan Transportation Authority funds.)

Revision of Employee Wage/Salary Schedules. (Recommendation: that the City Council approve Resolution No. CC-1704-015 adopting the fourth amendment to the American Federation of State, County and Municipal Employees memorandum of understanding salary schedule for part-time hourly employees and to add the part-time transit operator position.)

Information and Technology Services. (Recommendation: that the City Council approve the second amendment to the Bericom contract services agreement for information management services.)

Claims Against the City. (Recommendation: that the City Council reject the claims filed by Lena Manouel, Gagik Karapetian, Matthew Baran and Nancy Sanchez, and instruct staff to process the appropriate correspondence to the claimants.)

Status of City Investments. (Recommendation: that the City Council receive and file the quarterly investment report for the quarter ended May 31, 2017.)

Accounts Payable Register. (Recommendation: that the City Council adopts Resolution No. CC-1704-014, authorizing the payment of certain claims and demands in the amount of \$831,238.30.)

Minutes of the Lawndale City Council Meetings – March 20 and April 6, 2017.

(Recommendation: that council approves.)

A motion by Councilmember Reid to approve the consent calendar was seconded by Councilmember Suarez and carried by a vote of 5-0 following City Attorney Israel's reading of the titles of Ordinance Nos. 1136-17 and 1135-17.

I. PUBLIC HEARINGS

Regulating New Medical and Dental Offices. Community Development Director Moore presented the ordinance and summarized the greater restrictions of new medical/dental offices.

Councilmember Osborne asked whether the city might address the proliferation of medical and dental uses by limiting the number of establishments allowed. Director Moore expressed the desire to have the planning commission protect the retail corridor by reviewing applications on a case-by-case basis. In reference to a state law that required cities to consult with native tribes before adopting a general or specific plan amendment, Councilmember Osborne inquired which tribes were notified, particularly mentioning the Mission San Gabriel and Tongva tribes. Director Moore reported that all tribes listed by the Native American Heritage Commission were notified and none submitted comments.

The public hearing was opened and closed immediately, there being no one wishing to testify.

Councilmember Osborne suggested that the new regulations might be a move in the right direction, given the lack of tax revenue generated by service businesses for the city. Mayor Pullen-Miles agreed with the importance of preserving retail space.

Councilmember Osborne moved to (a) determine that Ordinance No. 1137-17 is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines; and (b) introduce the first reading of Ordinance No. 1137-17 amending the Hawthorne Boulevard Specific Plan and the Lawndale Municipal Code to limit new medical and dental establishments to second or higher floors in the general commercial and neighborhood commercial zones of the city, requiring a special use permit and changing parking requirements. Mayor Pro Tem Kearney seconded the motion which carried by a vote of 5-0 following the city attorney's reading of the ordinance title.

Regulations to Address Proposition 64, Adult Use of Marijuana Act. The community development director reported that the ordinance would prohibit marijuana dispensaries, cultivation, manufacturing and testing facilities, distribution of marijuana and outdoor personal cultivation. The ordinance was the same as that already adopted as an urgency ordinance, minus the provisions that the City Council previously directed to be excluded. The planning commission had concerns about the ordinance and recommended that council not adopt it.

Councilmember Osborne received confirmation that regulations for indoor personal cultivation such use of electricity and lighting were included due to public safety concerns.

The public hearing was opened and closed immediately, there being no one wishing to testify.

Mayor Pro Tem Kearney moved to (a) determine that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines; and (b) introduce the first reading of Ordinance No. 1138-17, prohibiting (i) all commercial marijuana uses licensed under the Adult Use of Marijuana Act, (ii) the outdoor personal cultivation of marijuana, and (iii) the smoking of marijuana in and around public parks and city-owned buildings and enacting reasonable regulations for the indoor personal cultivation of marijuana. Councilmember Reid seconded the motion which carried by a vote of 5-0 following the city attorney's reading of the ordinance title.

Councilmember Reid reported that prospective growers had contacted him.

Appeal of Planning Commission Decision re the Lawndale Legacy/Grevillea Gardens Mixed-Use Project at 4430-4440 West 153rd Street. (Recommendation: that the City Council conduct a public hearing and EITHER:

(a) adopt the findings of fact and determinations relative to the submitted application, and adopt Resolution No. CC-1704-017 approving the mitigated negative declaration and the mitigation monitoring and reporting program for the project pursuant to the California Environmental Quality Act and the local environmental guidelines, and approving special use permit, design review, tentative tract map number 73502, and density bonus for the project subject to compliance with the conditions of approval, OR

(b) approve the project with modified and/or additional conditions of approval or tentatively deny the project and continue the item to a date certain to allow staff to prepare a resolution in accordance with the findings of fact made by the City Council to support its decision.)

Associate Planner Wilson described the project that was approved by the Planning Commission, now on appeal to council. The appellant's grounds for appeal were that the project was incompatible with the existing residential neighborhood. In the de novo hearing, council should review the project and decide on it as if no commission decision had been made. After review, the council might affirm, reverse, or modify the commission's decision. The associate planner then described the project which consisted of a mixed use development with 41 residential condominium units and 2,800 square feet of retail/commercial space in a three-story structure on a 1.2 acre site with tuck-under parking. He also reported on the following: a) the project's compliance with requirements in the city's General Plan, Hawthorne Boulevard Specific Plan and zoning code, b) existing conditions on the project site and 153rd Street, and surrounding uses, c) elevations, architectural features and aerial views of the development, d) floor plans of the structure and parking areas, e) the landscaping plan, f) density bonus law, g) results of traffic analyses, h) California Environmental Quality Act considerations, and j) staff's recommended options for council action.

The City Council received additional information regarding a) identification of the site in the General Plan Housing Element as a prime location for affordable housing and consequences of denial of such a project; b) requirements for private versus common open space; and c) undergrounding of utilities.

Mayor Pullen-Miles opened the public hearing, announcing that the developer would speak first, then the appellant and, finally, the public.

- Ikechukwu "Ike" Mbelu, architect representing applicant Ali Awad, contended that during the three year long application process, the developers took great care in designing the proposed project, and ensured that it would meet or exceed all development requirements. He described various aspects of the project including the commercial space, tuck-under parking, size of the development and individual units, and open space. He discussed their goal to invest in the community and attract buyers with incomes that would enable them to patronize local businesses, which would in turn benefit the city.
- Appellant Gary Adams asserted that the project was not compatible with the architecture and roof design of surrounding residential buildings, not compatible with neighborhood density, and not compatible with existing infrastructure. He was concerned that there would be increased pedestrian and vehicular traffic, an exacerbation of street parking problems, and that there was inadequate storage for the units. Having summarized his objections, he then read a letter aloud that he had submitted for the record. He elaborated on infrastructure concerns by discussing sewer and water services, discussed traffic concerns and suggested mitigation measures, suggested that units should be deed restricted to require owner occupancy, and promoted subterranean to eliminate tandem parking.
- Janice Givens opposed the development on the grounds that a condominium project previously built next to her home led to a serious lack of available street parking.
- Doris Hofmann opposed the project, expressing concerns about increased traffic, insufficient onsite parking and tandem parking, and overcrowding in the units.
- Steve Koonz suggested that residents of condominiums with adequate parking still park their vehicles on the street, and suggested that the development should include places for children to play and storage in the parking area.
- Jerry Finley favored safe play places for children, opposed the development's size, the tandem parking provisions, designation of a fire exit as open space, and lack of storage, questioned the traffic studies, and claimed that a commissioner violated the Brown Act.
- John Armstrong suggested that residents in the area were not adequately notified about hearings pertaining to the development, discussed traffic, street drainage and parking problems in the area, and expressed child safety concerns.
- Mariah and Brendan described themselves as employees of a large corporation in Hawthorne who wished to end their long commutes from the valley and find a nice, affordable place to live locally.
- Joseph Murrin, Grevillea Avenue property owner, expressed concern that the development would devalue nearby properties and would negatively impact existing traffic congestion and parking problems.
- Pam London noted that the project met the requirements in the Hawthorne Boulevard Specific Plan, the General Plan Housing Element, and state plan for high density housing, and qualified as exempt from California Environmental Quality Act requirements. She discussed the history of the Planning Commission's review of the proposed development including traffic studies and community outreach, and refuted concerns about parking, design compatibility, the size of the development, and crime.
- Randall Abram expressed concern that denying the project would put city in jeopardy of litigation since all established criteria and standards were met. He had followed the project's course since October 2015 because it would increase homeownership in Lawndale. As a former commission chair, he refuted comments about the commission, asserting that it had worked diligently to assure equitable resolution for the city and the developer and that the project was vetted more than any other project he had seen, including providing more parking than required. Mr. Abram also noted that there were in the city at least five other

condominium projects with 99 or more units. He asserted that any new construction would be an improvement in a blighted area and it would replace empty parking lots with much needed and affordable housing for new home owners, bring jobs during construction and increase property tax and sales tax revenue city.

- Wilma Jean Walker expressed concern about pedestrian safety, particularly children walking to school.
- Sarah Anderson, a Hawthorne Boulevard business owner, suggested that she would not consider living in Lawndale because of the lack of trendy buildings and mixed use developments. She supported the project, calling it a beautiful building that would create more money for the city and advance the city so people can work and live in Lawndale.
- Dan Hartwell, business owner across the street, supported the project, saying it would benefit everybody, as well as the economic value of nearby properties, and eliminate nighttime drug use in the currently empty lot.
- Betty Wright, neighboring property owner, opposed the project, saying it was too large and expressed a preference for slower growth.
- Angelina Gomes Moller suggested that there might be problems if there was oil underground; expressed concern about street parking, traffic safety, aging water and sewer lines, the lack of a play area for children and storage in the parking area; and suggested that the school superintendents should be involved.

Mayor Pullen-Miles invited Community Development Director Moore to respond to the issues raised. Director Moore reported that a) the roof had been redesigned to address previous concerns, b) open space requirements were met, though there was no play equipment in the plans, c) the water company and sanitation district had submitted comments and the developer must meet their requirements during plan check, d) traffic studies showed no significant impacts that must be mitigated beyond what was provided for in the special use permit, e) council approved development fees will be paid to offset the cost to the city, f) parking and storage requirements were met, g) the project was consistent with both the general and specific plans, h) the state encourages projects near mass transit and this site would be consistent with that, having been designated for high density in the General Plan Housing Element.

Mayor Pullen-Miles invited appellant Gary Adams' comments. Mr. Adams stated that ignoring existing problems which would be aggravated by the project was not acceptable, saying that the city has the ability to stop the project. He challenged the city attorney to look at the law as it can be properly interpreted in the favor of a majority of citizens that will be adversely affected.

The public hearing was closed.

The City Council discussed and received additional information regarding: a) the project's compliance with current regulations, b) payment of development impact and administrative fees, c) school district review, d) what the development would look like without tandem parking, e) the condition in the special use permit to convert eastbound 153rd Street to right turn only at Hawthorne Boulevard, f) the use of the same consultant for the two traffic studies, and g) the number of people in support of or opposed to the project during the public hearing.

Councilmember Osborne wanted to hear from Mr. Adams whether he could contemplate a compromise and, thus, the public hearing was re-opened. Mr. Adams suggested that he would reconsider if the structure was redesigned to add subterranean parking and eliminate tandem parking. In response to Councilmember Osborne's question about the size of the project, he stated that he was not opposed to 41 units.

Given the opportunity to respond, Mr. Mbelu stated that subterranean parking would not be feasible on a 1.2 acre parcel because of the expense of engineering underground structures and the cost would be significantly more than the \$1 million estimate that Mr. Adams suggested. On being questioned by Councilmember Osborne about the point of undergrounding Mr. Adams responded that it would address the tandem parking which he believed would exacerbate the existing street parking problems. Councilmember Osborne received his confirmation that the building height was not an issue. Mr. Adams, Mayor Pullen-Miles and Councilmember Osborne discussed various issues related to tandem parking. Director Moore reiterated that the project exceeded parking requirements and that residents in other high density areas in the city do use tandem parking. In response to a comment during the public hearing, City Attorney Israel pointed out that since the parking would be assigned by unit, the residents would not likely have disputes over cars being blocked when parked in tandem.

The public hearing was closed.

Mayor Pro Tem Kearney expressed concern that there were no play areas for children and supported Mr. Adams' suggestion that entry into the development be restricted to Grevillea Avenue with exit only on 153rd Street. Director Moore responded that there is no requirement for special amenities like playgrounds and deferred the question of ingress and egress to the developer. Therefore, the public hearing was re-opened.

Before responding, Mr. Mbelu sought an opinion from Joanne Itagaki from Willdan Engineering, the firm that performed the traffic studies. Ms. Itagaki stated that the firm did not specifically look at movements in and out of the driveways. In response to the mayor's question, Mr. Mbelu said that he would be open to changing the on-site traffic flow. He also recalled that Mr. Adams had suggested creating one-way streets and stated that he would work with such changes. In response to the mayor's question, Director Moore noted that analysis of traffic flow in the traffic studies was restricted to streets, not inside of the development, but that one-way flow inside of the development could be added as a condition in the special use permit. Public Works Director Senteno suggested that such a condition might warrant studying traffic flow around the entire block. Director Moore then suggested that new information might result in the requirement for new California Environmental Quality Act findings on the project.

In response to Councilmember Suarez's question whether the special use permit might include a restriction on the number of rental units, City Attorney Israel replied that the city could not require such, and the density bonus units would be restricted affordable units and would be owner occupied. The developer, however, could place a restriction in the CC&Rs (covenants, conditions and restrictions).

The public hearing was closed.

Councilmember Osborne suggested that council decide whether to pursue requiring the developer to restrict entry to Grevillea Avenue and exit from 153rd Street. Since that would require an additional traffic study, the matter should be continued to another meeting. The city attorney advised that, as an alternative, the special use permit could be revised by adding a condition to require the ingress/egress restriction if shown to be feasible in the traffic analysis. If not feasible, the condition would not apply. This would enable council to make a final decision now rather than continue the item.

The City Council continued its discussion about one-way traffic inside of the development and in the surrounding neighborhood and steps that would have to be taken given the new information that would become available from the traffic analysis. Staff advised that it could not immediately

determine how much time would be necessary to do the work, making it difficult to continue the matter to a date certain.

Mayor Pro Tem Kearney moved to continue the matter and direct staff to determine, via a traffic study, whether restricting vehicular entry onto the development to Grevillea Avenue and restrict vehicular exit from the development to 153rd Street and report the result to council.

In response to Councilmember Osborne's question, Director Moore and City Attorney Israel explained what steps might be necessary to accomplish the directive. Council and staff also discussed performing a larger traffic study to look at creating one-way streets in the vicinity.

Councilmember Reid seconded the motion which carried unanimously.

The City Council had a brief recess.

J. ADMINISTRATION

Larch Avenue, 147th Street to Marine Avenue, Resurfacing Project. Public Works Director Senteno summarized the staff recommendation, noting that the project underwent an increase in expense because of extra work performed at staff's direction.

Councilmember Reid moved to (a) accept the Larch Avenue Street Improvement Project done by Copp Contracting, Inc. as complete and authorize the public works director to file the notice of completion with the Los Angeles County recorder's office, (b) approve the first amendment to the agreement with Copp Contracting, Inc. to increase the maximum contract sum by the amount of \$4,844.40 to a total contract amount of \$294,770.72 in order to authorize payment of said additional amount of \$4,844.40 , and (c) approve an additional appropriation of \$4,844 (rounded to nearest dollar from \$4,844.40) from Measure R funds. Councilmember Osborne seconded the motion which carried by a vote of 5-0.

Southern California Association of Governments Annual Conference and General Assembly. Assistant City Clerk Giamario introduced the item, noting that full information was in the staff report. Councilmember Osborne was already scheduled to attend as a committee member. The assistant city clerk suggested that the other councilmembers indicate their interest in attending the conference, select a voting delegate, and possibly an alternate, to the SCAG general assembly, and to appropriate the funds necessary to cover expenses.

Mayor Pullen-Miles stated that he might attend the conference and volunteered to be designated as the alternate delegate. The assistant city clerk clarified that the association would pay for Councilmember Osborne's hotel stay and only one night for any other councilmembers, and provided a cost estimate.

Mayor Pullen-Miles' motion to appoint Councilmember Osborne as the city's delegate to the SCAG general assembly, to appoint Mayor Pullen-Miles as the alternate, and to appropriate \$1,000 from general fund reserves to pay for travel expenses was seconded by Councilmember Suarez and carried by a vote of 5-0.

Annual Reorganization of the City Council.

Mayor Pro Tem Kearney moved to appoint Councilmember Reid to serve as mayor pro tem for a term beginning on May 1, 2017 and expiring at the beginning of the May 7, 2018

council meeting. The motion was seconded by Mayor Pullen-Miles and carried unanimously.

K. ITEMS FROM COUNCILMEMBERS

22. Councilmember Report of Attendance at Meetings and/or Events – see below

Councilmember Suarez attended an event at an Oxnard strawberry farm where she learned how a worker shortage and the drought are resulting in reevaluation of the role of the workers.

Councilmember Osborne visited Castaic and Pyramid Lakes where the water was at maximum levels. He attended Hawthorne's state of the city event, the swearing in of councilmembers in Manhattan Beach and Palos Verdes Estates, and the Inglewood Jazz Festival. With Mayor Pullen-Miles and Mayor Pro Tem Kearney, he attended a Metropolitan Transportation Authority meeting, receiving important news about the proposed Green Line. He encouraged the public to provide input on the line to Metro and, particularly, to request that the rail be undergrounded. He reminded the community about the upcoming Youth Day Parade. He requested that council adjourn in memory of Mrs. Fuentes, a longtime resident.

Mayor Pro Tem Kearney attended the Little League opening day, as did Councilmember Reid and Mayor Pullen-Miles. He attended a PTA awards dinner with Councilmembers Suarez and Reid and Ken Hatcher's funeral services with the city manager.

Mayor Pullen-Miles attended a mayor's round table where he engaged in discussions about the Green Line, and went to the grand opening of a dental office.

The councilmembers attended the city's Easter Egg Hunt event.

L. ADJOURNMENT – There being no further business to conduct, the mayor adjourned the meeting at 10:33 p.m. in memory of longtime Lawndale resident Angela Fuentes and longtime resident, avid Cub Scout and Boy Scout volunteer, Senior Travel Club founder and the 1999 Lawndale Outstanding Older American Kenneth Burr Hatcher.

Robert Pullen-Miles, Mayor

ATTEST:

Rhonda Hofmann Gorman, City Clerk

/plg.

Approved: 5/15/17