

**MINUTES OF THE  
LOMITA CITY COUNCIL  
REGULAR MEETING  
TUESDAY, SEPTEMBER 5, 2023**

**1. OPENING CEREMONIES**

a. Call Meeting to Order

The regular meeting of the Lomita City Council was called to order by Mayor Waite at 6:01 p.m. on Tuesday, September 5, 2023, in the Council Chambers at Lomita City Hall, 24300 Narbonne Avenue, Lomita, California.

b. Flag Salute

Council Member Gazeley led the salute to the flag.

c. Invocation

Council Member Segawa gave the invocation.

d. Roll Call

**PRESENT:** Council Members: Gazeley, Segawa, Waronek, Mayor Pro Tem Uphoff, and Mayor Waite

**ABSENT:** None

**STAFF PRESENT:** City Manager Smoot, City Attorney Rusin, Assistant City Manager Sugano, Public Works Director Dillon, Community and Economic Development Director Rindge, Administrative Services Director Kamada, Senior Management Analyst Hernandez, Administrative Analyst Ibarra, and City Clerk Gregory

e. Closed Session Report

City Attorney Rusin stated that the Council met in open session at 5:15 p.m. and recessed to closed session to discuss the following item:

**CONFERENCE WITH LEGAL COUNCIL - EXISTING LITIGATION  
GOVERNMENT CODE SECTION 54956.9(D)(1)**

Name of Case: Original Thai Massage. v. The City of Lomita *et al.* United States District Court, Case Number: 2:23-cv-06884-DMG-AS

All Council Members were present and there was no reportable action taken.

## 2. APPROVAL OF AGENDA

Council Member Segawa made a motion, seconded by Mayor Pro Tem Uphoff to approve the agenda.

**MOTION CARRIED** by the following vote:

AYES: Council Members: Gazeley, Segawa, Waronek, Mayor Pro Tem Uphoff, and Mayor Waite  
NOES: None  
ABSENT: None

## 3. PRESENTATIONS

None.

## 4. ORAL COMMUNICATIONS

Mayor Waite announced the time for public comments on consent agenda items or subjects other than those scheduled.

George Kivett, Lomita resident, commented on the many Lomitians who volunteer for various boards and commissions. He reminded residents to "never forget" 9/11 and to continue to commemorate the anniversary. He commended Cream Pan for attracting customers to Lomita from surrounding cities.

There being no further requests to speak, Mayor Waite closed oral communications.

## 5. ORAL COMMUNICATIONS AND MEETING ATTENDANCE REPORTS FROM THE CITY COUNCIL

Council Member Segawa reported on the following:

- August 17 – Lemonade Day Meeting
- August 19 – Lomita Sheriff's Station BBQ Fundraiser
- August 25 – 9th Annual Lomita-Harbor City Kiwanis Club Fire and Sheriff's Departments Spaghetti Dinner
- August 26 – Lemmy Awards
- August 30 – Lomita Chamber of Commerce Mixer at Community's Child

Mayor Pro Tem Uphoff reported on the following:

- August 16 – California Contract Cities Association (CCCA) Board Meeting
- August 19 – Lomita Sheriff's Station BBQ Fundraiser

Council Member Waronek reported on the following:

- Recent meeting with Harbor Church leaders, who would like to partner with the City at its Annual Tree Lighting Ceremony
- August 16 – CCCA Board Meeting

- August 19 – CCCA Water Education for Latino Leaders (WELL) Meeting
- August 25 – 9th Annual Lomita-Harbor City Kiwanis Club Fire and Sheriff's Departments Spaghetti Dinner
- August 26 – Lemmy Awards
- August 30-September 1 – Joint Powers Insurance Authority Risk Management Conference
- Announced free concerts at St. Margaret Mary Catholic Church September 22-23

Council Member Gazeley reported on the following:

- Acknowledged Council Member Waronek for organizing the Annual Lomita-Harbor City Kiwanis Club Fire & Sheriff's Departments Spaghetti Dinner

Mayor Waite reported on the following:

- August 23 – Meeting with Red Cross
- August 24 – South Bay Cities Council of Governments Meeting
- August 26 – Lemmy Awards
- August 29 – Visited Eshelman Avenue Elementary School with City Staff to discuss a sinkhole onsite
- August 30 – Lomita Chamber of Commerce Mixer at Community's Child
- September 2 – Visited Bixby Marsh, Part of the Sanitation District Facility
- September 5 – Local Governmental Services Commission Meeting
- Announced September 23 Community's Child Annual Fundraiser
- Announced September 23 Family Fun Day at the Lomita Railroad Museum

## 6. CITY MANAGER'S REPORT (information only)

City Manager Smoot reported that there are no resolutions to review for this year's League of California Cities Conference, but the presence of a voting member is still requested in the event any resolutions should come up.

## 7. CONSENT AGENDA

**RECOMMENDED ACTION:** That Consent Agenda Items 7a-i be approved.

Council Member Segawa made a motion, seconded by Council Member Waronek to approve the recommended action. Council Member Gazeley abstained from voting on Item 7b.

**MOTION CARRIED** by the following vote:

AYES: Council Members: Gazeley, Waronek, Segawa, Mayor Pro Tem Uphoff, and Mayor Waite  
NOES: None  
ABSENT: None

**Approved the following Consent Agenda items:**

- a. Motion to Waive Full Reading of Ordinances and that They be Read in Title Only

**RECOMMENDED ACTION:** Approve motion.

- b. Minutes of the Regular City Council Meeting of August 15, 2023

**RECOMMENDED ACTION:** Approve minutes.

Council Member Gazeley abstained from voting on this item.

- c. Warrants/Payroll Register

**RECOMMENDED ACTION:** Approve and file Warrants/Payroll Register.

- d. As-Needed Construction Management, Construction Inspection, Construction Administration, and Material Testing Services

**RECOMMENDED ACTION:** Receive and file the list of best qualified firms to provide construction management, construction inspection, construction administration and material testing services for City construction projects.

- e. Second Reading and Adoption of Ordinance No. 855 Approving Zoning Text Amendment No. 2023-08, an Ordinance of the City Council Approving Zoning Text Amendment 2023-08 Amending Various Sections of Lomita Municipal Code Title XI (Planning and Zoning) to Regulate Murals City-wide

**RECOMMENDED ACTION:** Adopt the ordinance and find the action to be exempt from the California Environmental Quality Act (CEQA).

**ORDINANCE NO. 855 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT 2023-08 AMENDING VARIOUS SECTIONS OF LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO REGULATE MURALS CITYWIDE AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

- f. Disposal of Surplus Equipment

**RECOMMENDED ACTION:** Authorize the Administrative Services Director to exercise the sale of, or otherwise dispose of, surplus City property.

- g. Public Works Agreement with Blue Ridge Mechanical Inc., for the Standby Power Generator at Appian Way

**RECOMMENDED ACTION:** Award a Public Works Agreement to Blue Ridge Mechanical Inc. in the amount of \$50,728 for the standby power generator at Appian Way; approve a contingency of \$7,609.00 (15%); and authorize the City Manager to execute the agreement.

- h. Purchase of CASE Construction Tractor Loader Backhoes for Public Works Department

**RECOMMENDED ACTION:** Authorize the City Manager to purchase two CASE construction tractor loader backhoes (Model # 580SV) for approximately \$264,952.24.

- i. Reclassification of Senior Civil Engineer position to Principal Engineer

**RECOMMENDED ACTION:** 1) Amend the FY23-24 Authorized Full-Time Positions to add the Principal Engineer and set the salary schedule at 61 and make the necessary budget adjustments; 2) Amend the Memorandum of Understanding – LCEA Admin Unit to add the Principal Engineer – Capital Projects and Parking Enforcement Supervisor to the list of positions; and 3) Approve the Principal Engineer job classification.

## 8. SCHEDULED ITEMS

### a. DISCUSSION AND CONSIDERATION OF PLANNING COMMISSIONER ROBERT STEINBACH'S CURRENT APPOINTMENT

**RECOMMENDED ACTION:** Determine Planning Commissioner Robert Steinbach's seat to remain as appointed.

Community and Economic Director Rindge presented the staff report per the agenda material.

Commissioner Steinbach stated his desire to continue to serve on the Commission despite unavoidable circumstances which led to his absences.

Mayor Waite requested that the Council look into the City's Code relative to commissioner absences. City Manager Smoot stated that commission by-laws on the whole will soon be discussed by the Planning Commission.

As there were no questions from the Council, Mayor Waite invited public comment.

Brenda Stephens, Planning Commissioner, stated that Mr. Steinbach is a great asset to the Commission, and she supported his continued appointment.

George Kivett spoke in favor of Mr. Steinbach keeping his seat, calling him both gracious and knowledgeable.

As there were no further requests from the public to speak on this item, Mayor Waite invited a motion.

Council Member Gazeley made a motion, seconded by Council Member Waronek to approve the recommended action.

**MOTION CARRIED** by the following vote:

AYES: Council Members: Gazeley, Waronek, Segawa, Mayor Pro Tem Uphoff, and Mayor Waite

NOES: None

ABSENT: None

**b. DISCUSSION AND CONSIDERATION OF AMENDMENT NO. 1 TO A SOLID WASTE AGREEMENT WITH ARAKELIAN ENTERPRISES, INC. (DBA ATHENS SERVICES), SETTING A PROP 218 RATE ADJUSTMENT HEARING FOR NOVEMBER 7, 2023, AND RESCINDING AGREEMENT NO. 2023-06**

**RECOMMENDED ACTION:** 1) Approve Amendment No. 1 to a solid waste agreement with Arakelian Enterprises, Inc. (DBA Athens Services); 2) Direct staff to take the necessary steps to set a Prop 218 Rate Adjustment Hearing for November 7, 2023; 3) Approve the attached public notice for distribution; and 4) Rescind Agreement No. 2023-06 (street sweeping agreement) with Athens Services approved on February 21, 2023.

Assistant City Manager Sugano presented the staff report per the agenda material. He gave the background on the current agreement, including its transfer from CalMet to Athens Services. The purpose of this amendment is to roll out SB 1383, which requires California cities to implement organics recycling services. The current agreement runs through June 2027; the amendment would extend the agreement through June 2038. Street sweeping services are now under a separate agreement but will be folded into this new agreement. He outlined proposed rate increases and the change to three separate waste containers, as well as where Lomita stands in terms of pricing compared to other cities.

Brief Council discussion took place relative to price comparisons with other cities and the factors that determine those differences.

Gary Clifford, Executive Vice President of Athens Services, gave some reasons for the price differences between cities, including more commercial customers to serve in larger cities.

Council Member Gazeley thanked City Manager Smoot and Assistant City Manager Sugano for the work that they put into negotiating the contract.

The Council thanked Athens Services for providing great service to Lomita residents.

As there was no further discussion from Council, Mayor Waite invited public comment.

George Kivett supported the amendment to the agreement, noting Athens Services' community involvement. He added that residents and businesses will take some time to adjust to the changes.

As there were no further requests from the public to speak on this item, Mayor Waite invited a motion.

Council Member Gazeley made a motion, seconded by Council Member Waronek to approve the recommended action.

**MOTION CARRIED** by the following vote:

- AYES: Council Members: Gazeley, Waronek, Segawa, Mayor Pro Tem Uphoff, and Mayor Waite
- NOES: None
- ABSENT: None

**Adopted the following titled resolution:**

**RESOLUTION NO. 2023-18 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING AMENDMENT. NO. 1 TO A SOLID WASTE COLLECTION SERVICES FRANCHISE AGREEMENT BETWEEN THE CITY OF LOMITA AND ARAKELIAN ENTERPRISES INC. (DBA ATHENS SERVICES) AND RESCINDING AGREEMENT NO. 2023-06 FOR STREETSWEEPING SERVICES**

**9. PUBLIC HEARINGS**

- a. **DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-07 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO CREATE MIXED-USE OVERLAY DISTRICT REGULATIONS FOR FOUR OR FEWER RESIDENTIAL UNIT DEVELOPMENTS WITHIN THE DOWNTOWN, COMMERCIAL (D-C) ZONE WITHIN THE MIXED-USE OVERLAY DISTRICT**

**RECOMMENDED ACTION:** After the City Attorney reads the title of the ordinance, accept the recommendation of the Planning Commission and introduce on first reading an ordinance amending Lomita’s Municipal Code Article 58 (Mixed Use Overlay District) to update regulations, remove the minimum lot size requirement for four-or-fewer-residential-unit developments within the D-C (Downtown, Commercial) Zone within the Mixed-Use Overlay District, and Article 15 (Definitions); find the project is categorically exempt from the California Environmental Quality Act; and direct staff to schedule the second reading and adoption of the ordinance.

Associate Planner MacMorrان presented the staff report per the agenda material. She gave the background of the proposed zone text amendment, which would pertain to 47 properties. The amendment is consistent with both the General Plan and the City’s Housing Element, and it would allow the City to incentivize affordable housing in the mixed-use overlay district.

As there were no questions from the Council, Mayor Waite opened the public hearing at 7:19 p.m.

George Kivett spoke in support of the zone text amendment.

As there were no further requests from the public to speak on this item, Mayor Waite closed the public hearing at 7:22 p.m. and invited further discussion or a motion.

Mayor Pro Tem Uphoff made a motion, seconded by Council Member Segawa to approve the recommended action.

Council Member Waronek recused himself from voting on this item due to the proximity of the mixed-use overlay district from his home.

**MOTION CARRIED** by the following vote:

AYES: Council Members: Gazeley, Segawa, Mayor Pro Tem Uphoff, and Mayor Waite

NOES: None

ABSENT: None

RECUSED: Council Member Waronek

**Introduced the following titled ordinance:**

**ORDINANCE NO. 856 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING ZONING TEXT AMENDMENT 2023-07 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), REVISING THE CITY'S REGULATIONS FOR MIXED-USE OVERLAY DISTRICT TO UPDATE STANDARDS; TO ALLOW MIXED-USE DEVELOPMENTS CONTAINING FOUR OR FEWER UNITS WITHIN THE DOWNTOWN COMMERCIAL (D-C) ZONE; TO DEFINE A TERM AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

- b. **DISCUSSION AND CONSIDERATION OF AN ORDINANCE AMENDING LOMITA MUNICIPAL CODE TITLE V (SANITATION AND HEALTH), CHAPTER 3 (INTEGRATED WASTE MANAGEMENT), SECTION 5-3.20(E), PERMITTING THE COLLECTION OF DELINQUENT SOLID WASTE RATES ON THE PROPERTY TAX ROLLS**

**RECOMMENDED ACTION:** After conducting a public hearing, and after the City Attorney reads the title, that the City Council introduces on first reading an ordinance amending Title V (Sanitation and Health), Chapter 3 (Integrated Waste Management), Section 5-3.20(e) of the Lomita Municipal Code, permitting the collection of delinquent solid waste rates on the property tax rolls, and a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Senior Management Analyst Hernandez presented the staff report per the agenda material.

As there were no questions from the Council, Mayor Waite opened the public hearing at 7:25 p.m. As there were no requests from the public to speak on this item, Mayor Waite closed the public hearing at 7:25 p.m. and brought the item back to the Council for further discussion or a motion.

Mayor Pro Tem Uphoff made a motion, seconded by Council Member Waronek to approve the recommended action.



**MOTION CARRIED** by the following vote:

AYES: Council Members: Gazeley, Waronek, Segawa, Mayor Pro Tem Uphoff, and  
Mayor Waite

NOES: None

ABSENT: None

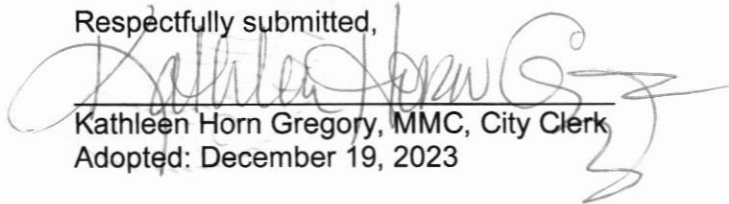
**Introduced the following titled ordinance:**

**ORDINANCE NO 857 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, AMENDING LOMITA MUNICIPAL CODE TITLE V (SANITATION AND HEALTH), CHAPTER 3 (INTEGRATED WASTE MANAGEMENT), SECTION 5-3.20(e), PERMITTING THE COLLECTION OF DELINQUENT SOLID WASTE RATES ON THE PROPERTY TAX ROLLS, AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

## 10. ADJOURNMENT

There being no further business to discuss, Mayor Waite adjourned the meeting at 7:26 p.m.

Respectfully submitted,



Kathleen Horn Gregory, MMC, City Clerk  
Adopted: December 19, 2023