

**MINUTES OF THE
LOMITA CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 4, 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, April 4, 2023, in the Council Chambers at Lomita City Hall, 24300 Narbonne Avenue, Lomita, California.

b. Flag Salute

Mayor Waite led the salute to the flag.

c. Invocation

Mayor Waite gave the invocation.

d. Roll Call

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

ABSENT: Council Member Gazeley

STAFF PRESENT: City Manager Smoot, City Attorney Rusin, Community and Economic Development Director Rindge, Associate Planner MacMorran, and City Clerk Gregory

e. Closed Session Report

City Attorney Rusin gave the closed session report for the special meeting held on March 21, 2023, at 5:15 p.m. He stated that he believes that a report was given, but it was not found on the video recording, so in an abundance of caution he decided to report out this evening. All members of the Council were present to discuss the item on the posted agenda and there was no reportable action taken.

2. APPROVAL OF AGENDA

Council Member Segawa made a motion, seconded by Council Member Waronek to approve the agenda.

MOTION CARRIED by the following vote:

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

ABSENT: Council Member Gazeley

3. PRESENTATIONS

Mayor Waite presented certificates of recognition to Lomita Station's Deputy John Hong and Sergeant David Duarte, who completed the February 26 Osaka Marathon on behalf of the Lomita Sister City Association. Lomita's sister city, Takaishi, is in Osaka Prefecture.

Mayor Waite presented John Whalen, on behalf of OneLegacy Foundation, a Proclamation Declaring April DMV Donate Life Month. Mr. Whalen stated that his life was saved in 2013 because of a liver transplant. He stressed the importance of organ donation and urged others to sign up as donors at the DMV or at www.donatelife.org.

4. ORAL COMMUNICATIONS

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

Winona Phillabaum, Lomita Community Library Manager, announced upcoming events and programs.

There being no other 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:

- March 23 – South Bay Cities Council of Governments (SBCCOG) General Assembly Meeting
- Recent Water Subcommittee Meeting
- March 29 – California Contract Cities Association (CCCA)/Association for Los Angeles Deputy Sheriffs (ALADS) Dinner with Sheriff Robert Luna
- Recent Founders Day Subcommittee Meeting

Mayor Pro Tem Uphoff reported on the following:

- March 22 – CCCA Legislative Assembly
- March 23 – SBCCOG General Assembly Meeting
- March 28 – SBCCOG Senior Services Working Group
- Recent Water Subcommittee Meeting
- March 29 – California Contract Cities Association (CCCA)/Association for Los Angeles Deputy Sheriffs (ALADS) Dinner with Sheriff Robert Luna
- March 30 – CCCA Public Safety Committee Meeting

Council Member Waronek reported on the following:

- Recent Founders Day Committee Meeting; he announced that this year's Founders Day Celebration will take place on June 24 and June 25
- Recent Lomita-Harbor City Kiwanis Club Meeting

- March 29 – California Contract Cities Association (CCCA)/Association for Los Angeles Deputy Sheriffs (ALADS) Dinner with Sheriff Robert Luna
- Announced the Golden Apple Awards will take place May 5
- Announced April 6 as CCCA Los Angeles County Local Advocacy Day

Mayor Waite reported on the following:

- March 28 – Filipino American Creative Group Meeting
- Announced Annual Easter Egg Hunt at Lomita Park will take place April 8

6. CITY MANAGER'S REPORT (information only)

City Manager Smoot announced that the annual Lomita Railroad Museum Tea will take place on April 30, 2023.

7. CONSENT AGENDA

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

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

MOTION CARRIED by the following vote:

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

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 Meetings of March 7, 2023, and March 21, 2023

RECOMMENDED ACTION: Approve minutes.

- c. Warrants/Payroll Register

RECOMMENDED ACTION: Approve and file Warrants/Payroll Register.

- d. Proclamation Recognizing April 28, 2023, as Arbor Day

RECOMMENDED ACTION: Adopt proclamation.

- e. First Amendment to Agreement with AKM for Construction Management Services related to the Cypress Facility Upgrades

RECOMMENDED ACTION: Approve the First Amendment to Agreement 2020-22 with AKM Consulting Engineers for construction management services related to Cypress Facility upgrades for a total not to exceed \$513,826 inclusive of previously approved funding; and authorize the City Manager and City Clerk to execute the Amendment.

- f. Accept Work and File Notice of Completion for the Street Reconstruction Project Zones C & F

RECOMMENDED ACTION: Accept the work performed by Sequel Contractors, Inc. for the construction of Street Reconstruction Project Zones C & F; authorize the Public Works Director to sign the Notice of Completion (NOC) and release the 5% retention payment in the amount of \$104,910.14. to Sequel Contractors, Inc. 35 calendar days after recordation of the NOC by the County Recorder's Office contingent upon no claims being filed on the project; and authorize the City Clerk to file the NOC with the County Recorder's Office.

- g. Agreement with Calgon Carbon Corporation for the Cypress Water Production Facility

RECOMMENDED ACTION: Authorize the City Manager and City Clerk to execute an agreement with Calgon Carbon Corporation for granular activated carbon, in a form approved by the City Attorney, for an amount up to \$520,000.

- h. Consideration of Settlement Agreements with Defendants Teva, Allergan, Walmart, Walgreens, and CVS who have Entered into the 2022 National Opioid Settlement Agreements

RECOMMENDED ACTION: Opt into settlement agreements with three pharmacy chains—CVS, Walgreens, and Walmart and direct the City Manager to execute any documents necessary to implement the action and, when possible, allocate the City's designated share of settlement funds to the County of Los Angeles; and Opt into settlement agreements with two opioid manufacturers—Allergan and Teva and direct the City Manager to execute any documents necessary to implement the action and, when possible, allocate the City's designated share of settlement funds to the County of Los Angeles.

- i. 2022 Annual Progress Report for the General Plan

RECOMMENDED ACTION: Receive and file the City's 2022 Annual Progress Report on the General Plan. Review and submittal of the report is not a project requiring review under the California Environmental Quality Act (CEQA).

- j. Resolution of Public Convenience and Necessity Relative to Conditional Use Permit No. 307, for the Sale of Beer, Wine, and Distilled Spirits for Target Located at 2130 Pacific Coast Highway in the C-R (Commercial Retail) Zone

RECOMMENDED ACTION: Adopt resolution.

2023-06 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, RESOLVING THE PUBLIC CONVENIENCE AND NECESSITY OF AN ABC LICENSE FOR THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR OFF-SITE CONSUMPTION AT 2130 PACIFIC COAST HIGHWAY

8. SCHEDULED ITEMS

a. DISCUSSION REGARDING SAFE AND SANE FIREWORKS

RECOMMENDED ACTION: Receive the information presented, discuss, and if desired, provide further direction.

City Manager Smoot presented the staff report per the agenda material. He outlined past efforts by the City relative to allowing fireworks, including two advisory measures. The City Council took action to rescind those measures later, and some minor amendments have been made to City policy in recent history, mostly relative to fines. He outlined enforcement efforts and related costs to the City, and discussed how some L.A. County cities allow sales of "safe and sane" fireworks while prohibiting the use of unapproved fireworks. In such cases, a limited number of permits for stands are issued by such cities, generally to community groups and non-profits serving the community directly, and sales are often a major fundraising source for these groups. However, cities surveyed note continued challenges and significant costs with enforcement, as well as continued or increased use of illegal fireworks.

There was brief Council discussion relative to a possible surcharge on sales of fireworks (if "safe and sane" ones are made legal again in the future) in the City to go toward enforcement efforts, just how safe the "safe and sane" fireworks actually are, and the hazards of regular fireworks causing brushfires. Consideration was given to gathering opinions on the matter from residents via a community survey later this year.

John Kelly, Vice President of TNT Fireworks, was invited to speak. He stated that 35 cities put this issue to ballot and the voters of each decided to allow the "safe and sane" fireworks. TNT Fireworks offers the free Nail 'em app, which allows for anonymous reporting of illegal fireworks activity to local public safety agencies. He added that some cities have surcharges on the sales of fireworks, and that he would research how that works.

City Manager Smoot mentioned that Lomita residents can email the City's Code Enforcement anonymously to report illegal fireworks.

Mayor Waite opened the public hearing at 6:55 p.m.

Henry Sanchez, Lomita resident, stated that he was disappointed when Lomita no longer allowed "safe and sane" fireworks, but even if they were allowed, people would still use illegal fireworks as well. He added that adjacent jurisdictions must be considered, especially up on the hill, as there have been brushfires due to fireworks, and that use of illegal fireworks often results in injuries.

As there were no further requests from the public to speak on this item, Mayor Waite closed the public hearing at 6:57 p.m. and brought the item back to the Council.

It was the consensus of the Council to direct staff to include in the next community survey questions on whether to allow "safe and sane" fireworks in Lomita, to consider a pilot test of the Nail 'em app, and to research the feasibility of a "safe and sane" fireworks sales surcharge to aid the City in enforcement of illegal fireworks should the "safe and sane" variety be made legal in Lomita.

9. PUBLIC HEARINGS

- a. **DISCUSSION AND CONSIDERATION OF AN ORDINANCE AMENDING LOMITA MUNICIPAL CODE TITLE VI (BUSINESSES, PROFESSIONS AND TRADES), CHAPTER 8 (MESSAGE BUSINESSES AND PRACTITIONERS) TO CLARIFY LANGUAGE AND SPECIFY REGULATIONS** (No staff report)

RECOMMENDED ACTION: Continue the item to the April 18, 2023, City Council meeting.

Director Rindge requested continuation of this item to the April 18, 2023, City Council meeting.

Mayor Waite opened the public hearing at 7:00 p.m. As no members of the public requested to speak on this item, he asked for a motion from the Council to continue the public hearing.

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

MOTION CARRIED by the following vote:

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

NOES: None

ABSENT: Council Member Gazeley

- b. **DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-02, AN ORDINANCE AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO MODIFY OFF-STREET PARKING RESTRICTIONS AND PERMIT ADDITIONAL TYPES OF PARKING LOT SIGNS, TO ADD DEFINITIONS**

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 Sections 11-1.15(D) and 11-1.15(S) (Definitions), Section 11-1.66.05 to modify off-street parking regulations and Article 67 to modify sign regulations, 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 MacMorran presented the staff report per the agenda material. The City's Code is out of step with the parking needs of contemporary retail stores. Inclusion of designated (as for customer pickup of online orders) and short-term (as for Uber Eats and the like) parking spaces is now the norm.

There was brief Council discussion relative to enforcement responsibility of parking time limits, designated parking for a single tenant, and short-term parking shared by all tenants of a shopping center.

Director Rindge stated that the Lomita Chamber of Commerce supports the ordinance.

Mayor Waite opened the public hearing at 7:15 p.m.

Megan Smith, Vice-President of Balboa Retail Partners, was available to answer any questions from the Council. She stated that designated stalls are critical today as Target's online orders for customer pickup now comprise 10% of all sales.

As there were no further requests from the public to speak on this item, Mayor Waite closed the public hearing at 7:18 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.

City Attorney Rusin read the title of the ordinance to be introduced.

MOTION CARRIED by the following vote:

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

NOES: None

ABSENT: Council Member Gazeley

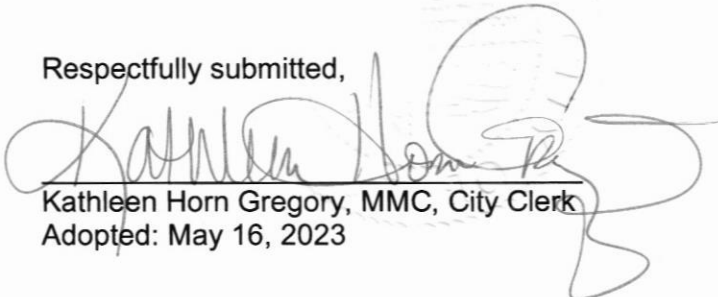
Introduced the following titled ordinance:

ORDINANCE NO. 847 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT No. 2023-02 AND AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) ARTICLE 15 (DEFINITIONS), ARTICLE 66 (OFF-STREET PARKING, STORAGE AND LOADING), AND ARTICLE 67 (SIGNS) AND FINDING THE ACTION TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. INITIATED BY BRFI LOMITA II, LLC, 11611 SAN VINCENTE BOULEVARD, SUITE 900, LOS ANGELES, CA 90049 (APPLICANT)

10. ADJOURNMENT

There being no further business to discuss, Mayor Waite adjourned the meeting, in memory of former Lomita Commissioner Richard Colbary and Wayne Spencer, longtime Chair of the South Bay Workforce Investment Board, at 7:22 p.m.

Respectfully submitted,



Kathleen Horn Gregory, MMC, City Clerk
Adopted: May 16, 2023