

**MINUTES OF THE
CITY COUNCIL OF THE CITY OF DOWNEY
REGULAR MEETING
MARCH 23, 2004**

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COUNCIL MINUTES, MARCH 23, 2004
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**MINUTES OF THE
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REGULAR MEETING
MARCH 23, 2004**

The City Council of the City of Downey held a Regular Meeting at 7:39 p.m., March 23, 2004, in the Council Chamber of the Downey City Hall, Mayor Kirk Cartozian presiding.

PRESENT: Council Members:

Kirk O. Cartozian	Mayor
Keith McCarthy	Mayor Pro Tempore
Anne M. Bayer	
Meredith H. Perkins	
Rick Trejo	

ALSO PRESENT: Gerald M. Caton, City Manager
Charles S. Vose, City Attorney
Kathleen L. Midstokke, City Clerk
Lee Powell, Assistant City Manager
James Makshanoff, Assistant to the City Manager
Desi Alvarez, Director of Public Works
John Finch, Chief of Police
Darrell George, Director of Community & Economic Development
Bonnie Kehoe, Director of Community Services
John Michicoff, Director of Finance
Mark Sauter, Fire Chief
Ron Yoshiki, Asst. Director of Community Dev./City Planner
Susan Domen, Executive Secretary

COUNCIL MEMBER ANNOUNCEMENTS

Council Member Perkins wished City Manager Caton a Happy Birthday; and congratulated the Fire Department for receiving an infant at a Fire Station under the County Safe Havens Program.

Council Member Trejo thanked the Fire Department for their response to a trip and fall incident near his pharmacy.

Council Member Bayer recognized her appointee to the Emergency Preparedness Committee, Lee Ann Sears and also her mother, who were in attendance tonight.

Mayor Pro Tempore McCarthy announced that last Thursday he attended the Soroptimist annual Women of Distinction awards in Downey; has received inquiries regarding the new housing development at the former NASA site and assured people that it is part of a movie set; last week along with Council Member Bayer and Community Services Director Kehoe, attended an awards ceremony where the City of Downey received a state-wide award for work of the Community

Services Department in partnership with the Public Works Department; commended the Police Chief and patrol officers for catching two young men while they were placing graffiti in the City; and announced a performance of the Irish Rovers at the Downey Theater on Thursday.

Mayor Cartozian wished Downey Patriot Editor John Adams a Happy Birthday; recognized in the audience Daryl Hofmeyer, a Council Member from the City of Paramount; announced that the Downey Symphonic Society will be performing at the Downey Theater this Saturday; received a letter from Robert Jagielski, Asst. Principal at Downey High School which commends Downey Police Department, specifically officers Tony Bauer and Michael Pope and their continued support of the site administrators; announced he has met with Friends of Johnie's Broiler and the Los Angeles Conservancy; thanked Assistant Community and Economic Development Director/ City Planner Yoshiki for his continued service and recent meetings on numerous issues; attended the Inter Faith Song Fest at the Church of Latter Day Saints; and will be travelling to Downey's Sister City Ensenada this Friday for a hosted event.

PRESENTATIONS

Mayor Cartozian introduced and presented City pins to Miss Downey, Brittnay Fitzgerald, Princess Kenia Andrade, Princess Griselda Marquez, Princess Setareh Panbehchi, Princess Kim Scott and Miss Teen Downey Brianna Arceo, Princess Jennifer Andrade, Princess Whitney Rysavy, and Princess Nicole Hale.

Mayor Cartozian presented a City tile plaque to **Calvary Chapel Girls Varsity Basketball Team** and coaches for an outstanding 2003-2004 season, having made it to the CIF championship finals.

Mayor Cartozian presented a City tile plaque to **Downey High School Boys Varsity Wrestling Team** and coaches for an outstanding 2003-2004 season and CIF championship.

Mayor Cartozian presented to **Sarah Cha**, Senior at Warren High School, the Mayor's Academic Excellence Award.

Mayor Cartozian presented a certificate to **Fire Chief Mark Sauter** for completing the National Fire Academy's four-year Executive Fire Officer Program.

At this time, Mayor Cartozian announced that he had traveled to Washington, D.C. with Assistant to the City Manager James Makshanoff last week for three days and met with Congresswoman Lucille Roybal-Allard and staff members to both Senators Boxer and Feinstein regarding an extension on the \$4 Million Federal Grant for the Columbia Space Museum and Learning Center.

ORAL COMMUNICATIONS

Rosamond Dick, resident of Downey, complemented the City for their excellent Dial-A-Ride program for seniors.

Mayan Spaccarelli, John Teal and Mike Hammer spoke regarding Looney Bins, a trash hauler that has been working on the former NASA site in regards to movie productions and removal of construction materials for recycling and requested that they be allowed to continue.

Dorothy Pemberton, resident of Downey, and board member of Downey Ponytail League, presented a plaque to the City in appreciation of completion of the new snack stand.

Fred James, resident of Downey, Vice-President of Downey Senior Citizens recreational club who is celebrating their 48th anniversary on April 26th, invited the Council to attend.

The following people spoke regarding an incident on March 6 at Independence Park involving Mario Rivas Jr. and the Downey Police Department:

Dianna Johnston, resident of Downey
Nicole Gutierrez, resident of Downey
Carlos Morales, resident of Norwalk
Alda Albina, resident of Downey
Carlos R. Morales, Jr., resident of Norwalk

Frank Campos, resident of Downey, thanked the City Council for their support of the community project "Unity in the Community" taking place in the Treasure Island area of Downey.

Lucy Rivero, resident of Downey, distributed a flyer for Unity in the Community regarding the next meeting on April 6, and expressed concern that there are only 3 lights in the park.

CONSENT CALENDAR – ITEMS FOR REMOVAL

3. **CASH CONTRACT # S.S. 523 – FIRESTONE BOULEVARD TRAFFIC SIGNAL COMMUNICATION PROJECT: ACCEPT THE IMPROVEMENTS; AUTHORIZE THE FINAL CONSTRUCTION COST OF \$956,347.97; AND ACCEPT THE MAINTENANCE RESPONSIBILITY**, was removed at the request of Council Member Perkins and is listed under Other Business below.

11. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY AUTHORIZING THE DESTRUCTION OF CERTAIN OBSOLETE POLICE DEPARTMENT RECORDS**, was pulled at the request of Mayor Pro Tempore McCarthy and is listed under Other Business below.

CONSENT CALENDAR

It was moved by Council Member Trejo, seconded by Council Member Perkins and unanimously carried to **waive further reading of the Resolutions and approve the remainder of the Consent Calendar** items as recommended:

1. **COUNCIL MINUTES: ADJOURNED REGULAR MEETING, MARCH 9, 2004:**
Approve.
2. **COUNCIL MINUTES: REGULAR MEETING, MARCH 9, 2004:** Approve.
4. **CASH CONTRACT # S.S. 565 – RESIDENTIAL STREET RESURFACING: AWARD CONTRACT IN THE AMOUNT OF \$278,425 TO RUIZ ENGINEERING; AND APPROPRIATE \$300,000 IN AB 2928 FUNDS AND \$40,000 IN GAS TAX FUNDS:**
Approve.
5. **WARRANTS ISSUED: 193376 – 193775; WIRE NUMBERS 30000767-774; \$2,270,659.52:** Approve.
6. **SET PUBLIC HEARING FOR APRIL 13, 2004 FOR APPEAL OF ZONE VARIANCE # 03-112 FOR REDUCED REAR YARD SETBACKS ON PROPERTY AT 10921 HALCOURT DRIVE (OWNERS: ANTHONY & SILVIA MAGDALENO; APPELLANT: IRMA MARQUEZ-CASTILLO:** Approve.
7. **AGREEMENT WITH KABBARA ENGINEERING FOR PREPARATION OF PLANS, SPECIFICATIONS AND ENGINEER’S ESTIMATE FOR DOWNEY AVENUE SIDEWALK SYSTEM IN THE AMOUNT OF \$35,880:** Approve.
8. **I-105 BENEFICIAL REUSE OF GROUNDWATER PROJECT: AGREEMENT WITH BLACK & VEATCH FOR CONSULTING SERVICES AND APPROPRIATE FUNDS FROM THE WATER FUND IN THE AMOUNT OF \$37,485:** Approve.
9. **REFER APPEAL OF DENIAL OF POLICE PERMIT APPLICATION FOR MASSAGE TECHNICIAN FOR KYONG CHA HU TO A HEARING OFFICER IN ACCORDANCE WITH DOWNEY MUNICIPAL CODE SECTION 6404:** Approve.

10. **RESOLUTION NO. 6743 (ADOPT)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY MODIFYING EMPLOYEE SICK LEAVE PAY-OFF AT RETIREMENT PROGRAM IN THE MEMORANDUM OF UNDERSTANDING OF THE DOWNEY PUBLIC SAFETY AUXILLARY ASSOCIATION.

12. **RESOLUTION NO. 6745 (ADOPT)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY APPROVING THE SUMMARY VACATION OF SURPLUS RIGHT-OF-WAY ON THE WEST SIDE OF LAKEWOOD BOULEVARD ADJOINING 8767 FIRESTONE BOULEVARD, and:

AUTHORIZE THE MAYOR TO EXECUTE AGREEMENTS WITH: STEVEN S. CRUISE, TRUSTEE, TO ACQUIRE PROPERTY AT THE SOUTHWEST CORNER OF LAKEWOOD BOULEVARD AND IMPERIAL HIGHWAY (8850 IMPERIAL HIGHWAY) FOR \$495,000; AND MOSES LERNER FOR A PERMANENT ROADWAY EASEMENT AT THE NORTHWEST CORNER OF LAKEWOOD BOULEVARD AND FIRESTONE BOULEVARD (8767 FIRESTONE BOULEVARD) FOR \$31,500: Approve.

13. ORDINANCE NO. 1160 (ADOPT)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY AMENDING SECTION 3186 OF THE DOWNEY MUNICIPAL CODE RELATING TO SPEED LIMITS FOR IMPERIAL HIGHWAY.

OTHER BUSINESS

14. MAYOR PRO TEMPORE MC CARTHY – CONSIDERATION OF NAMING A LOCATION IN THE CIVIC CENTER AFTER FORMER COUNCIL MEMBER KENNETH MILLER.

Mayor Pro Tempore McCarthy stated that he has been approached by people in the community and he supports their interest in naming a location in the City in honor of former Council Member/Mayor Kenneth Miller. Mr. Miller worked with Assembly Member Bruce Young to sponsor Assembly Bill No. 8 which benefited the City of Downey so that the taxes we are receiving are about 55% more than we would have received without the Bill. This amount is now over \$42 Million.

A couple of sites are proposed for this which include the plaza at the main entrance to City Hall, which Mayor Pro Tempore McCarthy supports as the best choice. The others include the flagpole plaza outside the Downey Theater and the memorial arch site on Civic Center Drive.

The following people spoke in favor this item:

Maria Larkin, resident of Downey and President of the Chamber of Commerce,
Guy Sterner, resident of Downey.
Ken Miller, grandson of Kenneth Miller, spoke on behalf of the Miller family.

It was moved by Mayor Pro Tempore Cartozian and seconded by Council Member Perkins, to recommend that the City Council approve the naming of the plaza at the main entrance to City Hall after former Mayor Ken Miller. This motion was later withdrawn by the maker.

Council Member Bayer expressed that although she supports recognizing any City official and thinks it is a good idea, that there should be some order to the appointments that are made. There are eight two-term former Mayors that have nothing named after them or any plaques and there need to be a criteria developed.

Council Member Perkins indicated that he does support the recognition and suggested the location be somewhere at the new NASA development site.

It was moved by Council Member Perkins and seconded by Council Member Trejo, to amend the motion for the location to be the former NASA site. This motion was not voted upon and the final action is listed below.

Council Member Trejo indicated that Mr. Miller does need to be honored, and that maybe the NASA project location is appropriate.

Mayor Cartozian stated that he echoes the sentiments already shared. He referenced that the plaza outside the Downey Theater has a Veteran's Memorial and plaque and maybe that would be appropriated due to Mr. Miller's service in World War II.

It was moved by Mayor Pro Tempore McCarthy, seconded by Mayor Cartozian and unanimously carried to **approve the naming of a location within the City after former Mayor Ken Miller, with staff to report back by the 2nd meeting in April with recommendations on various sites.**

Council Member Perkins stated that Council Member Bayer does have a strong point that at some time in the future it should be determined how things are named after former Council Members.

Mayor Cartozian indicated that it would be proper to have staff study this as a follow-up.

OTHER BUSINESS – Consent Calendar – Items removed by Council Approval:

- 3. CASH CONTRACT # S.S. 523 – FIRESTONE BOULEVARD TRAFFIC SIGNAL COMMUNICATION PROJECT: ACCEPT THE IMPROVEMENTS; AUTHORIZE THE FINAL CONSTRUCTION COST OF \$956,347.97; AND ACCEPT THE MAINTENANCE RESPONSIBILITY.**

Council Member Perkins expressed that the City continues to spend money on Firestone Boulevard to improve the traffic flow and is approving almost \$1 Million tonight, while there are pockets along Firestone Boulevard that still have parking. He requested staff to review the area east of the Ralph's Shopping Center all the way up to Lakewood Boulevard on the south side of the street for consideration of no parking, due to both safety and traffic flow.

It was moved by Council Member Perkins, seconded by Mayor Cartozian and unanimously carried to **approve staff recommendation.**

11. RESOLUTION NO. 6744

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY
AUTHORIZING THE DESTRUCTION OF CERTAIN OBSOLETE POLICE
DEPARTMENT RECORDS.**

Mayor Pro Tempore McCarthy asked how it was determined which records are kept and which are destroyed. City Attorney Vose responded that it is done pursuant to both State law and the adopted Record Retention Schedules. Mayor Pro Tempore McCarthy requested a copy.

The title of the Resolution was read by City Clerk Midstokke. It was moved by Mayor Pro Tempore McCarthy, seconded by Council Member Perkins and unanimously carried to **waive further reading and adopt.**

OTHER BUSINESS – Council Member Requests for Future Agenda Items

Mayor Cartozian requested that the sound system be adjusted again.

Council Member Bayer expressed concern regarding the “mansionization” of homes in Downey and requested that the issue be studied.

Mayor Pro Tempore McCarthy announced a fundraiser for the American Cancer Society on Saturday, April 3 at Del Rio Lanes.

Council Member Perkins expressed his pleasure in the selection of Sarah Cha, Warren High Senior, to receive the Mayor’s Academic Achievement Award tonight; and announced the Arc Walk for Independence on Saturday, March 27.

Council Member Trejo announced his participation this upcoming weekend in the Southern California Municipal Athletic Federation (SCMAF) basketball tournament which the City is hosting; and requested that the Police Department look into a solution for the loitering occurring at the Krikorian Theaters on Fridays and Saturdays and associated graffiti.

Mayor Cartozian requested an update on the status of the permit process revamping.

OTHER BUSINESS – Staff Comments

City Manager Caton noted that escrow closed last week with Downey Studios on the second property purchase at the former NASA site, noting that this property will now be in the hands of a private entity, creating employment opportunities and tax revenues.

ADJOURNMENT: 9:50 p.m.

The meeting adjourned **in memory of James Behr, father of City employee Loren Behr, Executive Director, Columbia Memorial Space Science Learning Center**, to 6:30 p.m., April 13, 2004, in the Council Chamber of Downey City Hall.

KATHLEEN L. MIDSTOKKE, City Clerk

KIRK O. CARTOZIAN, Mayor