

**MINUTES
OF THE
REGULAR MEETING OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
JANUARY 20, 2009
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:42 PM by President Dever.

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Present: Councilmembers Nickie J. Antonio, Kevin Butler, Michael W. Dever, Mary Louise Madigan, Brian Powers, Michael P. Summers.

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Also Present: Mayor FitzGerald, Finance Director Pae, Police Chief Malley, Fire Representative Hageman, Human Services Director Buckon, Law Director Hurley, Public Works Director Beno, Planning & Development Director Kelly, Human Resources Director Yousefi.

Motion by Mr. Dever, seconded by Mr. Butler, to excuse the absence of Mr. Bullock. Motion adopted. All members present voting yea.

Motion by Mr. Dever, seconded by Ms. Madigan, to approve the Minutes of the Regular Meeting of Council held December 22, 2008 and January 5, 2009. Motion adopted. All members voting yea.

*****OLD BUSINESS*****

1. Committee of the Whole Report regarding Council Appointments to Hospital Board. (To Be Provided)

Mr. Dever submitted the following report:

The Council met this evening to discuss the appointments to the Lakewood Hospital Board of Trustees. We've had five people who have expressed interest serving on that Board. Council felt that it's a very important position here in the City, that we'd like to actually go through an interview process for the selection of our recommendation to serve on that Hospital Board of Trustees. We will be scheduling interviews with the potential candidates just before our next General City Council Meeting. We'll get notice out to them and then also if there are any other people that have expressed interest to serve on that Board, feel free to contact the Council Clerk. As for a time frame for contacting her, I would suggest by no later than next Friday so that we have that information in hand, we'd appreciate it. By that next meeting then we hope to make a recommendation to the Lakewood Hospital Board for appointment.

Motion by Mr. Dever, seconded by Ms. Madigan, to receive and file the report.
Motion adopted. All members voting yea.

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2. **RESOLUTION NO. 8320-09** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ as a Community Trustee of the Lakewood Hospital Association Board for an unexpired five-year term, ending December 31, 2013. (Deferred 1/5/09)(Pg.9)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this item.
Motion adopted. All members voting yea.

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3. **RESOLUTION NO. 8321-09** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law to appoint _____ as a Special Trustee of the Lakewood Hospital Association Board for the full five-year term, ending December 31, 2013. (DEFERRED 1/5/09)(Pg. 10)

Motion by Mr. Dever, seconded by Ms. Madigan, to defer action on this item.
Motion adopted. All members voting yea.

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4. Finance Committee Report regarding 2009 Capital Contracting Ordinances, Consent Agenda, Required Review of Living Wage Ordinance. (Pg.11)

Motion by Mr. Dever, seconded by Mr. Butler, to receive and file the report.
Motion adopted. All members voting yea.

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5. *{Note Ordinances Nos. 1-09 through 17-09 were placed on 1st Reading and Referred to the Finance Committee 1/5/09}*

[Blanket Motions are made after Item 22 (Ordinance 17-09). Motion by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring Ordinances Nos. 1-09 through and including Ordinance No(s). 17-09 to be read on three separate days and placing them on final reading. (Yeas: Antonio, Butler, Dever, Madigan, Powers, Summers). Motion adopted. Rules Suspended. Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinances No. 1-09 through and including Ordinance 17-09. Yeas: Antonio, Butler, Dever, Madigan, Powers, Summers). Motion adopted. Ordinances Nos. 1-09 through and including 17-09 are adopted]

6. **ORDINANCE NO. 1-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Wastewater Treatment Plant Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 12)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

7. **ORDINANCE NO. 2-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Buildings & Facilities Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 14)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

8. **ORDINANCE NO. 3-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Buildings & Facilities Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 16)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

9. **ORDINANCE NO. 4-09** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise. It shall take effect and be in force after the earliest period allowed by law for the purpose of authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or

engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **C.D.B.G. Fund Infrastructure Improvements** in accordance with the administrative code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 18)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

10. **ORDINANCE 5-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Computers & Systems**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 20)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

11. **ORDINANCE NO. 6-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bids and enter into contracts with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Operating Equipment**, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 22)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

12. **ORDINANCE NO. 7-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Parking Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 24)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

13. **ORDINANCE NO. 8-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to

Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Parks & Pools Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 26)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

14. **ORDINANCE NO. 9-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Parks & Pools Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 28)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

15. **ORDINANCE NO. 10-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Reforestation**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 30)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

16. **ORDINANCE NO. 11-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Sidewalk Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg 32)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

17. **ORDINANCE 12-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for the purchase of **Street Signs and Traffic Signals**, with contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 34)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

18. **ORDINANCE NO. 13-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Street Infrastructure Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 36)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

19. **ORDINANCE NO. 14-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Water System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 38)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

20. **ORDINANCE NO. 15-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and

contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Wastewater System Replacement Program** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 40)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

21. **ORDINANCE NO. 16-09** -AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to advertise for bid and enter into a contract with the lowest and best bidder in accordance with the Administrative Code of the City of Lakewood for **Wastewater Treatment Plant Improvements** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 42)

*See Blanket Motion after item 22 (Ordinance No. 17-09)

22. **ORDINANCE NO. 17-09** - AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law authorizing and directing the Mayor (Director of Public Safety), the Director of Public Works, the Director of Law, the Director of Finance, and/or the Purchasing Manager to engage architectural and/or engineering firms to provide professional services in the design and preparation of specifications and contract administration and to advertise for bids and enter into a contract with the lowest and best bidder for **Signs & Traffic Signals** in accordance with the Administrative Code of the City of Lakewood, contracts not to exceed the specified amounts shown without separate resolution of Council. (Pg. 44)

***Blanket Motion** by Mr. Dever, seconded by Ms. Madigan, to suspend the rules requiring Ordinances Nos. 1-09 through and including Ordinance No(s). 17-09 to be read on three separate days and placing them on final reading. (Yeas: Antonio, Butler, Dever, Madigan, Powers, Summers). Motion adopted. Rules Suspended. Motion by Mr. Dever, seconded by Ms. Antonio, to adopt Ordinances No. 1-09 through and including Ordinance 17-09. Yeas: Antonio, Butler, Dever, Madigan, Powers, Summers). Motion adopted. Ordinances Nos. 1-09 through and including 17-09 are adopted]

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23. Housing Committee Report regarding Regulating Use of Window Coverings Visible from Public Right of Way. (Pg. 46)

Motion by Ms. Madigan, seconded by Ms. Antonio, to receive and file the report.
Motion adopted. All members voting yea.

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24. **ORDINANCE NO. 63-07** – AN ORDINANCE to create a new Section within Chapter 1306, Property Maintenance and Safety Code, titled Maintenance of Interior Structure, of the Codified Ordinances of the City of Lakewood to prohibit the use of sheets, plywood, blankets, newspapers, dark plastics, cardboard to other materials not intended or designed as window treatments/coverings to be hung in windows. (**PLEASE SUBSTITUTE** for Ordinance No. **63-07** PLACED ON 1ST READING & REFERRED TO THE HOUSING COMMITTEE 7/16/07, 2nd READING 9/4/07)(Pg. 47)

Motion by Ms. Madigan, seconded by Mr. Dever, to substitute Ordinance No. 63-07.
Yeas: Antonio, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance No. 63-07 substituted.

Motion by Ms. Madigan, seconded by Mr. Butler, to amend Ordinance No. 63-07, under Whereas communities and secondly to insert the word, “materials” in the second paragraph of section 1.

Mr. Butler, “every community’s housing stock” – community with an apostrophe “s”. In the second sentence of the second full paragraph of section 1 it should read, “no person shall utilize materials (comma) including but not limited to....

“I believe the the amendment would insert the word “materials” between utilize and the comma and in that instance I would certainly support it...

Yeas: Antonio, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Substitute Ordinance No. 63-07 amended.

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Ordinance No. 63-07 as substituted and amended.
Yeas: Antonio, Butler, Dever, Madigan, Powers, Summers
Nays: None
Motion adopted. Ordinance No. 63-07 adopted as substituted and amended.

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25. **ORDINANCE NO. 70-07** – AN ORDINANCE to amend the Zoning Code of the City of Lakewood to incorporate sidewalk dining into the current provisions for Outdoor/Seasonal Dining. (PLEASE SUBSTITUTE FOR ORDINANCE NO. 70-07 PLACED ON 1ST READING AND REFERRED TO THE HOUSING COMMITTEE 9/4/07). (Pg. 48)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 70-07 on 2nd Reading.

Motion adopted. All members voting yea.

******NEW BUSINESS******

26. Communication from Council President Dever regarding Comprehensive Green Refuse Initiative. (Pg.63)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the communication to the Public Works Committee.

Motion adopted. All members voting yea.

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27. **RESOLUTION NO. 8324-09** -. A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, to appoint Ray Cushing as a member of the City of Lakewood Audit Committee for a two-year term, ending December 31, 2010. (Pg. 65)

Motion by Mr. Dever, seconded by Ms. Madigan, to adopt Resolution No. 8324-09.

Motion adopted. All members voting yea.

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28. **RESOLUTION NO. 8325-09** - A RESOLUTION to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law, to appoint Ken Haber as a member of the City of Lakewood Audit Committee for a two-year term, ending December 31, 2010. (Pg.66)

Motion by Mr. Dever, seconded by ms. Madigan, to adopt Resolution No. 8325-09.

Motion adopted. All members voting yea.

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29. Communication from Mayor FitzGerald regarding Appointment to the Architectural Board of Review. (Pg.67)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive and file the communication.

Motion adopted. All members voting yea.

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30. Communication from Mayor FitzGerald regarding Appointment to the Board of Zoning Appeals. (Pg.68)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive and file the communication.

Motion adopted. All members voting yea.

31. Communication from Human Resources Director Yousefi regarding Salary Ordinance Revisions. (Pg.69)

Motion by Mr. Dever, seconded by Ms. Madigan, to receive, file and refer the communication to the Finance Committee.

Motion adopted. All members voting yea.

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32. **ORDINANCE NO. 18-09** - AN ORDINANCE to take effect immediately provided it received the affirmative vote of at least five (5) members elected to Council otherwise, it shall take effect and be in force after the earliest period allowed by law provide for creating positions and rates of pay for full-time and certain part-time annual salaried employees and hourly rate employees not covered by a collective bargaining agreement in the several departments, divisions and offices of the City of Lakewood, including the Chief of Fire, Chief of Police and Civil Service Commissioners effective January 1, 2009. (Pg.70)

Motion by Mr. Dever, seconded by Ms. Antonio, to place Ordinance No. 1809 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

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Motion by Mr. Dever, seconded by Ms. Antonio, to adjourn.

Motion adopted. All members voting yea.

Meeting adjourned 8:17 PM.

Approved: _____

CLERK

PRESIDENT