

**MINUTES
OF THE
REGULAR MEETING
OF
LAKEWOOD CITY COUNCIL
HELD IN COUNCIL CHAMBERS
12650 DETROIT AVENUE
NOVEMBER 4, 2013
7:30 P.M.**

Regular Meeting of the Lakewood City Council called to order at 7:35 PM by President Powers.

Present: Councilmembers David Anderson, Thomas R. Bullock III, Shawn Juris, Mary Louise Madigan, Ryan Nowlin, Brian E. Powers, Monique Smith.

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Also Present: Mayor Summers, Law Director Butler, Finance Director Pae, Police Chief Malley, Fire Chief Gilman, Public Works Director Beno, Planning & Development Director Siley, Human Services Director Gelsomino, Human Resources Director Yousefi.

Reading and Disposal of the minutes of the Regular Meeting of Council held October 21, 2013.

Motion by Mr. Powers, seconded by Ms. Madigan to approve the minutes without the necessity of a reading.

Motion adopted. All members voting yea.

Reports, legislation and communications from Members of Council, the Mayor and other City Officials.

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

1. Committee of the Whole Report regarding Resolution No. 8680-13. (To Be Provided)

Dear members of Council, the Committee of the Whole met immediately before this meeting to discuss Resolution 8680-13, which ratifies the recommendations of the Citizens Advisory Committee, which addresses us each year regarding the City's allocation of CDBG, ESG, and HOME investment funds. We would like to thank Greg Mahoney who is here this evening as Vice Chair, standing in for Jennifer Overstreet, the Chair of the Committee. Thank you for all of your hard work and putting in the hours necessary to get us to the point of this Resolution. After many good questions and a couple weeks to review the resolution, the Committee made a unanimous recommendation to the full Council that we adopt the Resolution in its current form.

Motion by Mr. Powers, seconded by Ms. Madigan, to receive and file the oral report.

Motion adopted. All members voting yea.

2. **RESOLUTION NO. 8680-13** - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Mayor to submit the Fiscal Year (FY) 2014 One-Year Action Plan of the Consolidated Plan, which includes dollar allocations and activities for federal Community Development Block Grant (CDBG) funds and Emergency Solutions Grant (ESG) funds, and incorporates the City's application for CDBG funds, ESG funds, HOME investment partnership funds, and all amendments thereto and all understandings and assurances contained therein, to the U.S. Department of Housing and Urban Development (HUD). (REFERRED TO THE COMMITTEE OF THE WHOLE 10-7-13) (Pg.5)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8680-13.
Motion adopted. All members voting yea.

3. Ad-Hoc Committee on Boards & Commissions Report. (Pg. 8)

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

4. **ORDINANCE NO. 64-12** – AN ORDINANCE repealing Section 135.12, SAVE Rewards Program, Section 137.16, Emergency Medical Services Commission, Chapter 141, Boxing and wrestling Commission, Section 149.20, Incentive Awards, Chapter 151, Sundry Claims, Chapter 158, Child Care Services Advisory Board, and Chapter 159, Lakewood Youth Commission, and amending Section 109.01, Open Meetings, and Section 127.02, Settlement Authorization, of the Lakewood Codified Ordinances, to eliminate instances of outmoded or unused committees, commissions or boards from the Code. (**PLEASE SUBSTITUTE** FOR ORDINANCE NO. 64-12 PLACED ON 1ST READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 11/19/12, 2ND READING 12/3/12, DEFERRED 4/15/13, SUBSTITUTE PUBLISHED ON AGENDA & REFERRED BACK TO COMMITTEE 7/1/13 (Pg. 10)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 64-12.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays; None

Motion adopted. Ordinance No. 64-12 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 64-12 as substituted.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Ordinance No. 64-12 adopted as substituted.

5. **ORDINANCE NO. 19-13** – AN ORDINANCE amending Section 146.04, Advisory, of the Codified Ordinances of the City of Lakewood to further clarify the role and duties of the Lakewood Animal Safety and Welfare Advisory Board. (PLACED ON 1ST

READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 7/1/13, 2nd 7/15/13) (Pg. 19)

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

6. **ORDINANCE NO. 20-13** – AN ORDINANCE amending Section 142.05, Advisory, and Section 142.09, Public Records; Reporting Duties, of the Codified Ordinances of the City of Lakewood to further clarify the role and duties of the Community Relations Advisory Commission. (PLACED ON 1ST READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 7/1/13, 2nd 7/15/13) (Pg. 21)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 20-13.
Motion adopted. All members voting yea.

7. **ORDINANCE NO. 21-13** – AN ORDINANCE amending Section 145.02, Duties of the Codified Ordinances of the City of Lakewood to clarify the reporting duties of the Keep Lakewood Beautiful Board. (PLACED ON 1ST READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 7/1/13, 2ND 7/15/13) (Pg. 23)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 21-13.
Motion adopted. All members voting yea.

8. **ORDINANCE NO. 22-13** – AN ORDINANCE amending Section 113.04, Fair Employment Wage Board, of the Codified Ordinances of the City of Lakewood to disband the Board and assign the duties of the Board to the Civil Service Commission. (PLACED ON 1ST READING & REFERRED TO THE AD HOC COMMITTEE ON BOARDS AND COMMISSIONS 7/1/13, 2ND 7/15/13) (Pg. 25)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 22-13.
Motion adopted. All members voting yea.

9. Finance Committee Report regarding Ordinance substitution request for Ordinance 69-12B and Resolution 8681-13. (TO BE PROVIDED)

The Finance Committee; Councilman Nowlin, Councilman Juris and myself met earlier this evening along with Councilman Anderson as well as Director Pae, and Fire Chief Gilman to discuss a substitute for 69-12B. This is to add an additional \$25,000 to the communication services for contracting authority to pay for infrastructure upgrades for Lakewood Police Department in-car video systems. The Committee voted unanimously to recommend approval of the substitute.

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

10. **ORDINANCE NO. 69-12B** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Ordinance 69-12A, adopted May 20, 2013, authorizing 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 enter into contracts for professional services, and to advertise for bids and enter into contracts for the purchase of repair maintenance and operating supplies, services and equipment as authorized by the 2013 Appropriation Ordinance and the Administrative Code of the City of Lakewood with the lowest and best bidder or bidders or as otherwise provided by law. (PLACED ON 1ST READING & REFERRED TO THE FINANCE COMMITTEE 10/7/13, 2ND READING & RECOMMENDED FOR ADOPTION 10/21/13) (Pg. 31)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 69-12B.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays; None

Motion adopted. Ordinance No. 69-12B substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 69-12B as substituted.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Ordinance No. 69-12B adopted as substituted.

11. **ORDINANCE NO. 30-13** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing and directing the Director of Planning and Development to convey by deed certain parcels of property that are no longer necessary for any public interest and the sale of which will further the public interest of the City of Lakewood. (PLACED ON 1ST READING & REFERED TO THE HOUSING COMMITTEE 10/7/13, 2ND READING & RECOMMENDED FOR ADOPTION 10/21/13) (Pg. 34)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 30-13.

Motion adopted. All members voting yea.

12. Public Safety Committee Report regarding Ordinance No. 29-13 & Resolution No. 8679-13.(TO BE PROVIDED)

The Public Safety Committee met on October 21st. All members were present as well as Mayor Summers, Captain Hassing from the Police Department, Fire Chief Gilman, and Law Director Butler. We first reviewed proposed ordinance 29-13. This ordinance was proposed in part to address issues regarding “event fatigue” the City is experiencing as a result of approximately 28 special events that need to be staffed by the Police Department and the Auxiliary Police Department. The proposed ordinance would allow the Public Safety Director, the Mayor, to set the deadline by which application must be made to hold the special events. At that meeting the Committee asked for modifications to the proposed ordinance to allow for there to be a posting of a definitive date so that event organizers have something to point to, to know what the deadline would be. There was also a request to direct the event organizers to have the responsibility of putting out a communication plan to let any effected residents know about upcoming events and to be able to prepare accordingly. The Committee asked for the original version of the ordinance to be revised at that time. The Committee also reviewed proposed resolution 8679-13. The Fire Department uses disposable supplies with EMS such as IVs and bandages. Those were provided by Fairview Hospital. The City auditors flagged this practice as potentially problematic and as a result, this restocking agreement with the Clinic was proposed. At that time, the Committee recommended passage of the resolution at the November 4th Council meeting.

The Public Safety Committee also met tonight. All members were present as well as Mayor Summers, Chief Gilman and Law Director Butler. We reviewed the substitute version of 8679-13 which addressed the fact that the agreement be with Cleveland Clinic and not just Fairview Hospital. It also addressed the fact that EMS takes patients to hospitals other than Fairview. The Committee recommended passage of the substitute version by the full Council tonight. Finally, we reviewed a substitute version of 29-13 which added the language requiring that the deadline be posted on the City’s website for the special event applications. It also requires the event organizers to provide a communication plan to the effected parties as requested. The Committee unanimously recommended adoption of the substitute versions by full Council.

Motion by Mr. Nowlin, seconded by Mr. Powers, to receive and file the oral report.
Motion adopted. All members voting yea.

13. **ORDINANCE NO. 29-13** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, amending Section 557.04, Permit and Application, of the Codified Ordinances of the City of Lakewood to allow the Director of Public Safety to set the deadline for special event permit application. (PLACED ON 1ST READING & REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/7/13, 2ND READING 10/21/13). (Pg. 36)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Ordinance No. 29-13.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays; None
Motion adopted. Ordinance No. 29-13 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Ordinance No. 29-13 as substituted.
Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith
Nays: None

Motion adopted. Ordinance No. 29-13 adopted as substituted.

14. **RESOLUTION NO. 8679-13** – A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor as Director of Public Safety to enter into an agreement with Fairview Hospital related to the Division of Fire’s emergency medical service units to participate in an exchange of controlled substances and supplies for patient care. (REFERRED TO THE PUBLIC SAFETY COMMITTEE 10/7/13, DEFERRED 10/21/13) (Pg. 39)

Motion by Mr. Powers, seconded by Ms. Madigan, to substitute Resolution No. 8679-13.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays; None

Motion adopted. Resolution No. 8679-13 substituted.

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8679-13 as substituted.

Yeas: Anderson, Bullock, Juris, Madigan, Nowlin, Powers, Smith

Nays: None

Motion adopted. Resolution No. 8679-13 adopted as substituted.

15. **ORDINANCE NO. 31-13**- AN ORDINANCE to amend Section 1105.02 of the Zoning Code of the Codified Ordinances of the City of Lakewood by changing and revising the Zoning Map of the City with respect to certain property as set forth and described as a 10-foot-by-106 foot portion of the parcel located at 12903 Madison Avenue (PPN 315-23-020) from C2 (Commercial Retail) to R2 (Single and Two-family). (PLACED ON 1ST READING & REFERRED TO THE PLANNING COMMISSION 10/21/13) (Pg. 41)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 31-13 on 2nd Reading.

Motion adopted. All members voting yea.

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

16. Communication from Council President Powers regarding Lakewood Tree Task Force Extension. (Pg.42)

David Sangree – 1052 Maple Cliff

Mr. Sangree spoke on behalf of the Tree Task Force of which he serves as Chair. The Task Force had its first meeting in March and consists of 5 citizens 2 staff. Mr. Sangree shared highlights from the Task Force. He shared the Task Force’s mission and goals with Council. He provided

facts and figures on trees in Lakewood. He noted that 17.5% of City tree lawns do not have a tree. He stated that 30% of the City has a tree canopy and that we should strive for 50%. Mr. Sangree advocated for the Tree Task Force to continue in a permanent nature. He discussed the actions and accomplishments of the Task Force during its time in session. He spoke about initiatives the Commission hopes to achieve before expiration.

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

17. **RESOLUTION NO. 8686-13** – A RESOLUTION extending the reporting deadline and expiration date governing the Lakewood Tree Task Force. (Pg. 43)

Motion by Mr. Powers, seconded by Ms. Madigan, to adopt Resolution No. 8686-13.
Motion adopted. All members voting yea.

18. Communication from Mayor Summers regarding appointment to Lakewood Community Relations Advisory Commission. (Pg.44)

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

19. Communication from Human Resources Director Yousefi– Creating Information Systems Project Manager Position. (Pg.45)

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

20. **ORDINANCE NO. 32-13** – AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least five members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, to 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. (Pg. 49)

Motion by Mr. Powers, seconded by Ms. Madigan, to place Ordinance No. 32-13 on 1st Reading and refer it to the Finance Committee.

Motion adopted. All members voting yea.

21. Communication from Human Services Director Gelsomino regarding Support of H20 (Help to Others Program). (Pg. 55)

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

Motion adopted. All members voting yea.

22. Liquor Permit Notice to Legislative Authority regarding New D1, D3, D3A class types to Mober Group LLC, 1572 W. 117th Street. (Pg.56)

Motion by Mr. Nowlin, seconded by Mr. Powers, to file no objection to this liquor permit application.

Motion adopted. All members voting yea.

Announcements

Council President Powers reminded everyone of Election Day and encouraged voting.

Mayor Summers provided an update on House Bill 5 regarding municipal income tax uniformity. He expressed concern about the potential financial impact on Lakewood.

Mayor Summers announced that on 10/31 the City finalized its purchase of McKinley School from the City School District. He invited Councilmembers to tour the facility.

Mayor Summers announced that water meter letters will be sent to 170,000 homes starting on the east side of town. Old meters will be replaced with wireless versions. The water Department will establish weekend and evening hours to accommodate residents during the transition.

Mayor Summers noted two resignations on the Audit Committee and one vacancy on the Civil Service Commission. He asked Council to submit recommendations.

Motion by Mr. Powers, seconded by Ms. Madigan, to adjourn.

Motion adopted. All members voting yea.

Meeting adjourned at 9:23 PM.

Approved: _____

CLERK

PRESIDENT