

**MINUTES OF THE  
LOMITA CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 2, 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, May 2, 2023, in the Council Chambers at Lomita City Hall, 24300 Narbonne Avenue, Lomita, California.

b. Flag Salute

Council Member Segawa 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, Administrative Services Director Kamada, Public Works Director Dillon, Community and Economic Development Director Rindge, Senior Management Analyst Hernandez, Administrative Analyst Ibarra, and City Clerk Gregory

e. Closed Session Report

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

**CONFERENCE WITH LEGAL COUNCIL- ANTICIPATED LITIGATION**

Initiation of Litigation Pursuant to Government Code Section 54956.9(D)(4); one matter

All members of the City Council were present. Direction was given by the Council to initiate a lawsuit. That action, the defendants, and the other particulars, shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

## 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: Gazeley, Segawa, Waronek, Mayor Pro Tem Uphoff, and Mayor Waite  
NOES: None  
ABSENT: None

## 3. PRESENTATIONS

None scheduled.

## 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 uprooted trees on sidewalks caused by excessive rain. He suggested that City staff resume periodic walks of the sidewalks to review the conditions. He also commended the City for patronizing Lomita businesses.

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:

- April 20 – Career Day at President Avenue
- April 21 – Meeting with Harbor City-Lomita Community of Schools
- April 22 – The Golden Triangle Grand Opening
- April 25 – City Hall Tour for St. Margaret Mary School Second Graders
- April 27 – Arbor Day Tree Planting
- April 30 – Annual Tea with Friends at the Railroad Museum

Council Member Gazeley reported on the following:

- Recent Vector Control Correspondence
- April 19 – No Quorum at the County Sanitation District No. 5 Meeting

Council Member Waronek reported on the following:

- April 27 – Arbor Day Tree Planting
- April 27 – Lomita Chamber of Commerce Membership Drive
- April 28 – California Contract Cities Association (CCCA) Past Presidents Luncheon
- April 28 – Meeting with Janice Hahn's Office
- Announced 18<sup>th</sup> Annual Golden Apple Awards to take place this Friday, May 5

Mayor Pro Tem Uphoff reported on the following:

- April 19 – CCCA Board of Directors Meeting
- April 25 – Cal Cities Speaker Series
- April 26 – CCCA Legislative Committee
- April 30 – Annual Tea with Friends at the Railroad Museum

Mayor Waite reported on the following:

- April 29 – South Bay Cities Council of Governments Meeting
- April 30 – Annual Tea with Friends at the Railroad Museum

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

City Manager Smoot announced that the L.A. County Board of Supervisors were to vote this morning to authorize the institution of a Project Homekey site in Lomita, which was unbeknownst to City staff until just a few days ago. He stated that the City will be sending a letter to the Board to express its disappointment, as this authorization usurps the City's authority with regard to its zoning regulations, which were recently amended. The City is open to a Project Homekey site but expressed that there may be alternative sites that are more appropriate.

City Attorney Rusin stated that such authorizations are normally made in partnership with cities wishing to participate, so it is strange that the City was not included in the discussion.

## 7. CONSENT AGENDA

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

Mayor Pro Tem Uphoff requested to pull item 7c. Council Member Segawa made a motion, seconded by Council Member Waronek to approve Consent Agenda items 7a-b and 7d-j.

**MOTION CARRIED** by the following vote:

AYES: Council Members: Gazeley, Segawa, Waronek, 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. Warrants/Payroll Register

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

- d. Second Reading and Adoption of Ordinance No. 848 Adding Section 2-1.29.1 to Chapter 1 of Title 2 of the Lomita Municipal Code Establishing By-District Elections, Defining District Boundaries, and Scheduling Elections within the Districts

**RECOMMENDED ACTION:** Adopt Ordinance.

**ORDINANCE NO. 848 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, ADDING SECTION 2-1.29.1 TO CHAPTER 1 OF TITLE 2 OF THE LOMITA MUNICIPAL CODE ESTABLISHING BY-DISTRICT ELECTIONS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- e. Second Reading and Adoption of Ordinance No. 849 Amending Title 2, Chapter 4, Section 2-4.01 of the Lomita Municipal Code Pertaining to Council Member Compensation

**RECOMMENDED ACTION:** Adopt Ordinance.

**ORDINANCE NO. 849 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, AMENDING TITLE 2, CHAPTER 4, SECTION 2-4.01 OF THE LOMITA MUNICIPAL CODE PERTAINING TO COUNCIL MEMBER COMPENSATION AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- f. Second Reading and Adoption of Ordinance No. 850 Amending Lomita Municipal Code Title VI (Businesses, Professions and Trades), Chapter 8 (Massage Businesses and Practitioners) to Clarify Language and Specify Regulations

**RECOMMENDED ACTION:** Adopt Ordinance.

**ORDINANCE NO. 850 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING AN AMENDMENT TO AN ORDINANCE TO AMEND LOMITA MUNICIPAL CODE TITLE VI (BUSINESSES, PROFESSIONS AND TRADES), CHAPTER 8 (MASSAGE BUSINESSES AND PRACTITIONERS) TO CLARIFY LANGUAGE AND SPECIFY REGULATIONS, AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- g. Third Amendment to the Agreement with Willdan Financial Services for Parks & Recreation and Sewer Impact Fee Studies

**RECOMMENDED ACTION:** Approve the Amendment and authorize the City Manager and City Clerk to execute the agreement.

- h. Professional Services Agreement with Kimley-Horn and Associates, Inc. for Traffic Calming Toolkit

**RECOMMENDED ACTION:** Approve a Professional Services Agreement with Kimley-Horn and Associates, Inc. for Traffic Calming Toolkit in the amount of \$77,040.00 plus a 10% contingency amount of \$7,704.00; and authorize the City Manager and City Clerk to execute the Agreement.

- i. Resolutions Amending Compensation Plan for Full-Time Non-Represented Employees for the period of July 1, 2022 – June 30, 2024, and Amending the List of Positions for FY 22-24

**RECOMMENDED ACTION:** Adopt resolutions amending the Compensation Plan for Full-Time Non-Represented Employees for the period of July 1, 2022 – June 30, 2024; amending the List of Positions for Fiscal Year 22-24 adding the position of Accountant; and adopting the Accountant Job Classification.

**RESOLUTION NO. 2023-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING A COMPENSATION PLAN FOR NON-REPRESENTED EMPLOYEES FOR FISCAL YEARS 2022-23 THROUGH 2024-25 AND RESCINDING RESOLUTION NO. 2022-33**

**RESOLUTION NO. 2023-09 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, AMENDING RESOLUTION NO. 2022-31, AND ESTABLISHING A COMPENSATION PLAN FOR EMPLOYEES FOR THE FISCAL YEAR COMMENCING JULY 1, 2022, AND ENDING JUNE 30, 2024**

- j. 2023 Helen Putnam Award for Excellence Application

**RECOMMENDED ACTION:** Receive and file the 2023 Helen Putnam Award for Excellence application.

#### **PULLED FOR SEPARATE CONSIDERATION**

- c. Approve the Replacement of the ALPR Camera System on the City's Parking Enforcement vehicle with two Automated License Plate Reader (ALPR) Camera Systems on Sheriff's Department Vehicles

**RECOMMENDED ACTION:** Authorize removal of the outdated ALPR Camera System from the City's parking enforcement vehicle; approve the purchase of two ALPR Camera Systems through the Sheriff's Department for installation on Los Angeles County Sheriff's Department Vehicles; and authorize the City Manager to execute the necessary documents as part of the annual contract authorization.

Senior Management Analyst Hernandez gave a brief update on the item.

Lomita Sheriff's Station's Lt. White spoke in favor of the recommendation for this item. Such cameras are often used to find stolen cars and to locate people with outstanding warrants. He added that sheriff's deputies are on duty 24/7 unlike City parking enforcement officers so having the cameras in deputies' cars is more beneficial.

Council Member Segawa made a motion, seconded by Mayor Pro Tem Uphoff to approve Consent Agenda Item 7c.

**MOTION CARRIED** by the following vote:

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

## 8. SCHEDULED ITEMS

### a. DISCUSSION AND CONSIDERATION OF THE NOMINATION OF KEN BLACKWOOD FOR THE LOMITA CIRCLE OF HONOR AWARD

**RECOMMENDED ACTION:** That the City Council provide staff direction regarding the nomination.

Senior Management Analyst Hernandez gave a brief presentation per the agenda material.

Margaret Estrada, who nominated Mr. Blackwood, thanked the Council for their consideration.

Council Members shared memories of Mr. Blackwood, a former Lomita Council Member and Mayor.

A brief discussion was held relative to consideration of other locales in the City for the memorial, as the abundance of plaques in the current location resembles a de facto cemetery. Additional discussion was held relative to the problems associated with recognizing some people and not others, looking into other ways to honor residents, and one person nominating several people who are now in the Circle of Honor.

Mayor Waite invited public comment.

George Kivett, Lomita resident, spoke in support of the nomination, and suggested a memorial wall instead.

As there were no further requests to speak on this item, Mayor Waite brought the item back to the Council for further discussion or a motion.

Council Member Segawa made a motion, seconded by Mayor Pro Tem Uphoff to approve the nomination of Ken Blackwood for the Circle of Honor Award.

**MOTION CARRIED** by the following vote:

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

NOES: None

ABSENT: None

It was Council Consensus to direct staff to bring back an item to discuss and consider the location of the memorial with options for relocation.

### b. DISCUSSION AND CONSIDERATION OF A RESOLUTION OF INTENT TO LEVY ANNUAL ASSESSMENTS FOR LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2023-2024

**RECOMMENDED ACTION:** Adopt Resolution and set the public hearing date for June 6, 2023.

Director Dillon presented the staff report per the agenda material. The purpose of this item is to approve the engineering report, and set the public hearing for June 6, 2023, to levy the assessment. Estimated expense for FY23-24 is approximately \$28,500, and maintaining the existing \$55.63 per parcel is recommended.

As there was no Council discussion and no questions for staff, Mayor Waite brought the item back to the Council for a motion.

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

**Adopted the following titled resolution:**

**RESOLUTION NO. 2023-10 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING THE ENGINEER'S REPORT FOR THE CITY OF LOMITA'S LANDSCAPE MAINTENANCE DISTRICT NO. 1 CHARGES FOR FISCAL YEAR 2023-24 AND DECLARING THE INTENT OF THE CITY COUNCIL TO LEVY AND COLLECT ASSESSMENTS WITHIN THE LOMITA LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR THE FISCAL YEAR COMMENCING JULY 1, 2023, AND ENDING JUNE 30, 2024, AND SETTING A PUBLIC HEARING DATE OF JUNE 6, 2023**

**c. DISCUSSION AND CONSIDERATION OF A PROFESSIONAL SERVICES AGREEMENT WITH DE NOVO PLANNING GROUP FOR GENERAL PLAN & ZONING ORDINANCE UPDATE**

**RECOMMENDED ACTION:** Approve a Professional Services Agreement with De Novo Planning Group for the General Plan and Comprehensive Zoning Code Update and all California Environmental Quality Act work in the amount of \$1,324,482 plus a 10% contingency amount of \$132,448 through fiscal year 2024-2025; and authorize the City Manager and City Clerk to execute the Agreement.

Director Rindge introduced the item. Three RFPs were received and all bidders were interviewed. De Novo Planning Group presented the least expensive proposal and has performed consultant work for the City before.

Perry Banner, Principal Planner of De Novo Planning Group, spoke briefly on the scope of the project and upcoming events planned for the kickoff of the project.

Director Rindge stated that De Novo Planning Group requests some edits to the City's standard Professional Service Agreement relative to indemnification.

Council Member Gazeley left the dais at 6:50 p.m. and returned at 6:51 p.m.

George Kivett, Lomita resident, supported the recommendation, and stated his intention to submit an application for the General Plan Advisory Committee (GPAC).

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

Council Member Gazeley made a motion, seconded by Mayor Pro Tem Uphoff to approve the recommended action, and to authorize the City Manager to adjust the indemnification language in the agreement in a form approved by the City Attorney.

**MOTION CARRIED** by the following vote:

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

## 9. PUBLIC HEARINGS

### a. **DISCUSSION AND CONSIDERATION OF A ZONE TEXT AMENDMENT UPDATING REGULATIONS REGARDING THE KEEPING OF HEN CHICKENS WITHIN THE A-1 (AGRICULTURE, NONCOMMERCIAL) AND R-1 (SINGLE-FAMILY RESIDENTIAL) ZONES**

**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 30 (Residential Zones) to Update Regulations Regarding the Keeping of Hen Chickens Within The A-1 (Agriculture, Noncommercial) and R-1 (Single-Family Residential) Zones; 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.

Director Rindge presented the staff report per the agenda material. Roosters will not be allowed, and coops will have height limits and location requirements. Coops also must be of a similar design to the single-family home on whose property they are located.

After brief discussion, it was Council consensus to decrease the fifteen-foot setback to a five-foot setback.

Mayor Waite opened the public hearing at 6:57 p.m.

Nancy Sanchez, Lomita resident, supported the amendment, with a five-foot setback requirement.

George Kivett, Lomita resident, spoke in opposition to the amendment, as chicken coops attract rats. He stated that chickens should only be allowed in the A-1 (Agriculture/Non-Commercial) Zone, but not throughout the City.

Director Rindge clarified that a maximum of five hens may be permitted on one lot.

As there were no further requests from the public to speak on this item, Mayor Waite closed the public hearing at 7:03 p.m. and brought the item back to the Council for further discussion or a motion.

Director Rindge clarified that chicken coops would now be required per the amendment.

As there was no further discussion, Mayor Waite asked for a motion.

Council Member Gazeley made a motion, seconded by Council Member Segawa to approve the recommended action with a decrease to a five-foot setback from the property line, to be amended in the ordinance, Section 4, C, (C), (2), (e).

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

**MOTION CARRIED** by the following vote:

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

NOES: None

ABSENT: None

**Introduced the following titled ordinance:**

**ORDINANCE NO. 851 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING ZONING TEXT AMENDMENT 2023-04 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), ARTICLE 30 (RESIDENTIAL ZONES) TO UPDATE REGULATIONS REGARDING THE KEEPING OF HEN CHICKENS WITHIN THE A-1 (AGRICULTURE, NONCOMMERCIAL) AND R-1 (SINGLE-FAMILY RESIDENTIAL) ZONES AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**b. DISCUSSION AND CONSIDERATION OF A ZONE TEXT AMENDMENT REGULATING PLANNED RESIDENTIAL DEVELOPMENTS**

**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 Title XI (Planning and Zoning) to specify regulations in compatibility with adopted Ordinance No. 839 regulating planned residential developments; 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.

Director Rindge presented the staff report per the agenda material. This is merely a "cleanup" ordinance with no substantive changes to the original; it is necessary for Code consistency.

As there were no questions from the Council, Mayor Waite opened the public hearing at 7:07 p.m. As no members of the public wished to speak about this item, he closed the hearing at 7:07 p.m. and brought the item back to the Council for further discussion or a motion.

Council Member Waronek made a motion, seconded by Council Member Segawa 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: Gazeley, Segawa, Waronek, Mayor Pro Tem Uphoff, and Mayor Waite  
NOES: None  
ABSENT: None

**Introduced the following titled ordinance:**

**ORDINANCE NO. 852 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING ZONING TEXT AMENDMENT 2023-05 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 2 (DIVISION OF LAND), ARTICLE 4 (DESIGN), SECTION 11-2.171 (LOT DESIGN), AND CHAPTER 1 (ZONING), ARTICLE 15 (DEFINITIONS), TO SPECIFY REGULATIONS IN COMPATIBILITY WITH ADOPTED ORDINANCE NO. 839 REGULATING PLANNED RESIDENTIAL DEVELOPMENTS AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**c. DISCUSSION AND CONSIDERATION OF A ZONE TEXT AMENDMENT UPDATING OUTDOOR DINING REGULATIONS**

**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 Section 11-1.68.06 (Outdoor Dining) to update outdoor dining 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.

Director Rindge presented the staff report per the agenda material. This amendment would update the existing ordinance to allow more permanent outdoor dining. The allowance would require a CUP amendment, and a permit would be required for encroachment into the public right-of-way. Such restaurants must have full kitchens and the design of the outdoor area should match the adjacent building. The outdoor area would also be subject to the City's existing noise and smoking ordinances.

Mayor Waite opened the public hearing at 7:13 p.m.

George Kivett, Lomita resident, spoke in favor of allowing outdoor dining, especially if it does not impede access to the right-of-way. He suggested adding a condition that if alcohol is served it should be in a separate, fenced-in area.

As there were no further requests from the public to speak on this item, Mayor Waite closed the public hearing at 7:15 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: Gazeley, Segawa, Waronek, Mayor Pro Tem Uphoff, and Mayor Waite  
NOES: None  
ABSENT: None

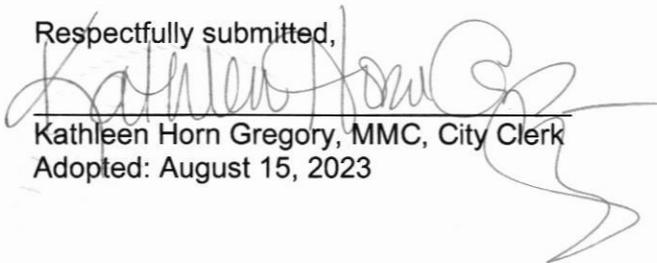
**Introduced the following titled ordinance:**

**ORDINANCE NO. 853 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING ZONING TEXT AMENDMENT 2023-03 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), ARTICLE 68 (SPECIAL DEVELOPMENT STANDARDS), SECTION 11-1.68.06 (OUTDOOR DINING) TO UPDATE OUTDOOR DINING REGULATIONS AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

#### 10. ADJOURNMENT

There being no further business to discuss, Mayor Waite adjourned the meeting at 7:16 p.m.

Respectfully submitted,



Kathleen Horn Gregory, MMC, City Clerk  
Adopted: August 15, 2023