

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF DOWNEY
FEBRUARY 26, 2002**

TABLE OF MINUTE ACTIONS

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| The Mayor's Soaring Eagle Award for education was presented to Lee Cole of the Police Dept., January's recipient, and to Lorry Morris of the Finance Dept., February's recipient | | 1 |
| Certificate of Appreciation to the Downey Razorbacks Youth Football PeeWee Team in recognition of their accomplishment in winning the 2001 National Youth Football Championship in Las Vegas, Nevada | | 2 |
| Presentation by East Middle School students, Danielle Horseman and Lauren Davis regarding East's Career Day Event 4/17/02 | | 2 |
| Speakers regarding the recent Police involved shooting of Gonzalo Martinez | | 2 |
| Mayor Perkins recognized 4th & 5th Grade students from Rio Hondo Elementary School Student Council, with advisor Mrs. Miller | | 2 |
| Application of Global Paratransit, Inc., D.B.A. Yellow Top Taxi, for a permit to conduct taxicab service in the City of Downey | Approved | 4 |
| Ord. re Zone Change No. 01-106 for a portion of the property at 8400-8432 Firestone Blvd. | Introduced | 5 |
| Ord. re Zone Change No. 01-107 for a portion of the property at 8400-8432 Firestone Bl., 8450 Firestone Bl. & 11221 Brookshire Ave. | Introduced | 5 |
| Ord. re Zone Change No. 01-108 for property at 12531 Paramount Bl. | Introduced | 6 |
| Removal of Items from Consent Calendar | | 6 |
| Council Minutes: Adj. & Reg. Mtgs. 2/12/02 | Approved | 7 |
| Warrants Issued: 173684-174094; Wire Nos. 30000281-288; \$2,973,610.08 | Approved | 7 |

COUNCIL MINUTES, FEBRUARY 26, 2002
TABLE OF MINUTE ACTIONS (CONTINUED)

| <u>SUBJECT</u> | <u>ACTION</u> | <u>PAGE NO.</u> |
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| Appeal Hearing – denial of massage permit: Refer appeal of Ms. Mi-Suk Chong to a hearing officer in accordance with Downey Municipal Code Sect. 6404 | Approved | 7 |
| Downey Landing Specific Plan (No. 01-01)/Environmental Impact Report for property at 12214 Lakewood Bl. to guide development of the 160-acre former NASA industrial site | Set hrg. 7:30 p.m. 3/12/02 | 7 |
| Ord. amending Section 3186 of the Downey Municipal Code relating to speed limits for Third St. | Introduced | 7 |
| Ord. amending Sections 2751 thru 2676 & adding Section 2768 to the Downey Municipal Code | Introduced | 8 |
| Approval of Purchase and Sale Agreement w/Kaiser Permanente for the development of a new Kaiser medical center on 30-acres of the former NASA industrial site | Approved | 9 |
| Request for Code Amendment Initiation to permit entertainment-type uses (Live DJ, Karaoke, Mariachi, dancing, & similar activities) in the C-P (Professional Office) zone | Denied | 10 |
| Administrative Appeal of General Plan Amendment Initiation to reclassify the land use designation from “General Commercial” to “Commercial Manufacturing” for property located at 11221 Paramount Bl. | Denied | 11 |
| Cn. Trejo thanked everyone for the opportunity to attend the Independent Cities Conference in Santa Barbara last weekend | | 12 |
| Cn. Cartozian advised he will visit his former elementary school Gallatin, for a read-in program & his former middle school, East, for their Career Day event | | 12 |
| Cn. McCarthy noted the final run of the Downey Civic Opera play, “Brigadoon,” this weekend at the Downey Civic Theatre & urged everyone to attend | | 12 |
| Cn. Winningham mentioned having the privilege of representing the City as a Vice-President Board Member for the Independent Cities Assoc., where a presentation on anti-terrorism was held | | 12 |

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| Cn. Winningham announced Saturday is the opening day ceremony for North West Downey Little League & encouraged everyone to participate | | 12 |
| Mayor Perkins re his trip to Santa Barbara to the Independent Cities Conference | | 12 |
| Mayor Perkins noted he was glad to see students from the City's elementary schools attending Council Meetings for a better understanding of how government works | | 12 |
| Mayor Perkins re patriotic program at Williams Elementary School | | 12 |
| Mayor Perkins requested a status report on the improvements scheduled for Independence Park, including the skate park project | | 12 |
| Mr. Caton noted the remaining Closed Session Items will be continued to the next Council Meeting | | 12 |
| Ms. Midstokke announced next Tuesday is the Statewide Primary and Special Election for the City's Fireworks Measure and encouraged everyone to exercise their right to vote | | 13 |
| Meeting adjourned to 6:30 p.m., March 12, 2002 | | 13 |

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**MINUTES OF THE CITY COUNCIL
OF THE CITY OF DOWNEY**

FEBRUARY 26, 2002

The City Council of the City of Downey held a regular meeting at 7:38 p.m., February 26, 2002, in the Council Chamber of the Downey City Hall, Mayor Meredith H. Perkins presiding.

PRESENT: Council Members:

| | |
|----------------------|---------------|
| Meredith H. Perkins | Mayor |
| Rick Trejo | Mayor Pro Tem |
| Kirk O. Cartozian | |
| Keith McCarthy | |
| Robert C. Winningham | |

ALSO PRESENT: Gerald M. Caton, City Manager
Charles Vose, City Attorney
Kathleen Midstokke, City Clerk
Lee Powell, Assistant City Manager
Desi Alvarez, Director of Public Works
John Finch, Police Chief
Darrell George, Director of Community/Economic Development
James Jarrett, Director of Community Services
John Michicoff, Director of Finance
Mark Sauter, Fire Chief
Ron Yoshiki, Asst. Director of Community Dev./City Planner
Christina Vogel, Assistant to the City Manager
Shirley Conte, Executive Secretary

PRESENTATIONS

Mayor Perkins pointed out he wanted to emphasize three points during his term as Mayor, one of which was education, and advised that tonight he will honor the first two recipients of “the Mayor’s Soaring Eagle Award.”

Mayor Perkins presented **the Mayor’s Soaring Eagle Awards to Lee Cole, Police Assistant, Property – I.D. Bureau, Police Department, for the month of January, and to Lorry Morris, Junior Accountant, Finance Department, for the month of February.** He advised Ms. Cole is a full-time employee of the Police Department and is currently a Junior at Cal State University, Dominguez Hills, majoring in Criminal Justice and Ms. Morris has been employed by the City since 1987 in the Finance Department and received her Associate of Arts Degree, with an emphasis in Accounting, in May 2001 from Cerritos Community College, where she graduated with honors.

Ms. Morris thanked the City for acknowledging her accomplishment and thanked her family and friends for their support through her educational journey.

Mayor Perkins noted he will present “the Mayor’s Soaring Eagle Awards” for the next 10 months to honor employees who have done an outstanding job in the community through education.

Mayor Perkins presented to Coach **Joseph Tilifet (? sp.) of the Downey Razorbacks Youth Football PeeWee Team and to his team, a Certificate of Appreciation in recognition of their accomplishment in winning the 2001 National Youth Football Championship in Las Vegas, Nevada.** He noted the team also won a League Championship, a Conference Championship and two National Tournament Championships.

Coach Tilifet (? sp.) introduced Coaches Chris Schaeffer and Kelly McGinty, Athletic Director Chris Gill, and Team Mom Cindy Marshall. The players then introduced themselves and the position played.

Mayor Perkins introduced Lorry Tille of East Middle School.

Ms. Tille introduced students Danielle Horseman and Lauren Davis, who gave a brief presentation regarding **East Middle School’s Career Day event** to be held Wednesday, April 17, 2002, the purpose of which is to allow middle school students the opportunity to receive a glimpse of various careers that may interest them. The Council and community were invited to participate and a flier was presented listing phone and Internet contacts for the event. It was noted Council Members Cartozian and Winningham will represent the Council at the event.

ORAL COMMUNICATIONS

Mayor Perkins brought Oral Communications, which is normally held at 8:30 p.m., forward to 7:55 p.m., noting it was his understanding a group of people were in attendance to speak to a particular item.

The following people spoke regarding a recent **Downey Police Department vehicle pursuit** involving Gonzalo Fabian Martinez, which resulted in the death of Mr. Martinez:

Augustin Cevada, resident of Aztlan
Cheno Romero, 6669 Loveland, Bell Gardens
Maria Larkin, 10603 Chaney Avenue, Downey
Raul Lopez, 10328 Gaybrook, Downey
Ed Rives
Richard Engles, 9518 Muller, Downey
Amanda Garcia
Joanna Quinteros, 11644 Brookshire Avenue, Downey
Susan Quinteros, 11644 Brookshire Avenue, Downey
Willie Gutierrez, Downey Unified School District Board Member
Lennie Whittington, 8542 Manatee Street, Downey
Connie Martinez-Sziebl, District Director for Congressman Steven Horn, 4010 Watson Plaza Drive, Lakewood, CA,
Abel Tanez (? sp.), Pastor of the New Living Way Church, 8036 Telegraph Road, Downey

Mayor Perkins recognized **4th and 5th grade students from Rio Hondo Elementary School Student Council**, with advisor Mrs. Miller. He also thanked the parents in attendance.

ORAL COMMUNICATIONS (Cont.)

Mayor Perkins asked the City Manager, Police Chief and City Attorney to conduct a complete **investigation of the Police pursuit incident** and report back to the City Council.

Mr. Caton advised there are currently **three investigations underway regarding the recent Police pursuit incident**: The District Attorney is conducting an investigation on the Police Officers; a Coroner's investigation is underway; and the Police Department also has investigations underway. He noted information will be brought back to the Council.

Mayor Perkins extended the Council's condolences to the family of Mr. Martinez and noted his appreciation of those who spoke tonight regarding the incident.

The meeting **recessed** at 8:30 p.m. and **reconvened** at 8:37 p.m. with all Council Members present.

Mayor Perkins asked if anyone else present wished to speak to an item not on the Agenda, under Oral Communications, and there were no additional speakers present.

HEARINGS

Mayor Perkins opened the public hearing to **CONSIDER THE APPLICATION OF GLOBAL PARATRANSIT, INC., D.B.A.: YELLOW TOP TAXI, FOR A PERMIT TO CONDUCT TAXICAB SERVICE IN THE CITY OF DOWNEY.**

Ms. Midstokke affirmed receipt of the Proof of Publication. It was moved by Council Member Winningham, seconded by Council Member McCarthy, and so ordered to **receive and file**.

There was no correspondence received regarding this matter.

Ms. Vogel explained the process outlined in the Downey Municipal Code for a taxicab company to follow when seeking a taxi permit and the process the City follows when considering a taxi application. She noted the owner of Global Paratransit, Incorporated, Reza Nasrollahy, submitted all required documents, which the Police Department reviewed to their satisfaction. She advised this business has over 30 years of experience providing taxicab service, has a very strong maintenance program, and should provide a very valuable service to the citizens of Downey. She responded to comments from the Council.

Mayor Perkins asked if the representative of Global Paratransit, Incorporated, wished to address the Council.

Jonathan Christman, Project Manager for Global Paratransit, Incorporated, 14550 South Main Street, Gardena, advised their application for a permit was initiated in August of 2001. He reviewed

the history of the company, noting they are currently the Access Services Transportation Program (public transportation system mandated by the ADA (Americans with Disabilities Act) in 1991 to provide public transportation for the disabled) provider for Downey and for 50 other cities in Los Angeles County. He noted they use taxicabs as an adjunct to handle the Access Services Program. He pointed out Global Paratransit's taxicabs are designed to take ambulatory disabled and their minivans transport people in wheelchairs. He advised they applied in Downey to assure they would have vehicles available to provide this service and noted they offer extensive training to their drivers to qualify them under FTA (Federal Transportation Authority) regulations and under United States Department of Transportation regulations.

Council Member Cartozian inquired how Global Paratransit has operated Access Services in Downey without a permit and was informed Access Services is a non-profit organization operating under Federal jurisdiction, superceding local jurisdictions, under the ADA mandate.

Mayor Perkins asked if anyone wished to speak in favor of or in opposition to the proposed taxicab application.

There being no one to speak, it was moved by Council Member Winningham, seconded by Council Member McCarthy, and so ordered to **close the public hearing**.

It was moved by Council Member Cartozian, seconded by Council Member Trejo, and unanimously carried to **approve the application for permit by Global Paratransit Incorporated, DBA: Yellow Top Taxi to conduct taxicab service in the City of Downey**.

Mayor Perkins opened the public hearing on **ZONE CHANGE NOS. 01-106 AND 01/107, FOR PROPERTIES LOCATED AT 8400-8432 FIRESTONE BOULEVARD, 8450 FIRESTONE BOULEVARD AND 11221 BROOKSHIRE AVENUE**.

Ms. Midstokke affirmed receipt of the Proof of Publication. It was moved by Council Member Winningham, seconded by Council Member Cartozian, and so ordered to **receive and file**.

Ms. Midstokke advised correspondence was received today from Michael Heslov of Soborov Partners and was distributed to the Council. It was moved by Council Member McCarthy, seconded by Council Member Winningham, and so ordered to **receive and file**.

Mr. Yoshiki explained this matter involves two zone change requests for the same area due to different property owners. He narrated a visual program depicting the properties located on the southeast corner of Dolan Avenue and Firestone Boulevard and easterly to Brookshire Avenue. He explained the request is a cleanup matter, noting these properties reflect the dual zoning pattern, a carryover from the past, where the rear portion of the properties reflects the industrial classification, which was for the purpose of the railroad that previously brought raw goods to the area. Since this delivery system is no longer needed, the area is now part of the downtown overlay zone recently put in place, and the former industrial classification is being rezoned to reflect the commercial classification. He pointed out the correspondence from Mr. Heslov stated he was not able to attend but is in favor of staff's recommendation.

Mayor Perkins asked if anyone wished to speak in favor of the proposed zone changes.

Richard Salyer, 9027 (C) Florence Avenue, Downey, representing Georgia Benadom, one of

the property owners, stated they are in support of the zone change.

Mayor Perkins asked if anyone wished to speak in opposition to the proposed zone changes and there were none.

There being no one else to speak, it was moved by Council Member Winningham, seconded by Council Member Cartozian, and so ordered to **close the public hearing**.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY APPROVING AN AMENDMENT TO THE CITY'S COMPREHENSIVE ZONING MAP CHANGING THE ZONING FOR A PORTION OF PROPERTY AT 8400-8432 FIRESTONE BOULEVARD FROM M1—DP (LIGHT MANUFACTURING—DOWNTOWN PLAN) TO C3—DP (CENTRAL BUSINESS DISTRICT—DOWNTOWN PLAN) (ZONE CHANGE NO. 01-106)

The Ordinance was read by title only. It was moved by Council Member Winningham, seconded by Council Member Cartozian, and unanimously carried to **waive further reading and introduce**.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL APPROVING AN AMENDMENT TO THE CITY'S COMPREHENSIVE ZONING MAP CHANGING THE ZONING FOR A PORTION OF PROPERTY AT 8400-8432 FIRESTONE BOULEVARD, 8450 FIRESTONE BOULEVARD AND 11221 BROOKSHIRE AVENUE FROM M1—DP (LIGHT MANUFACTURING—DOWNTOWN PLAN) TO C3—DP (CENTRAL BUSINESS DISTRICT—DOWNTOWN PLAN) (ZONE CHANGE NO. 01-107)

The Ordinance was read by title only. It was moved by Council Member Winningham, seconded by Council Member McCarthy, and unanimously carried to **waive further reading and introduce**.

Mayor Perkins opened the public hearing on **ZONE CHANGE NO. 01-108, FOR PROPERTY LOCATED AT 12531 PARAMOUNT BOULEVARD**.

Ms. Midstokke affirmed receipt of the Proof of Publication. It was moved by Council Member Winningham, seconded by Council Member McCarthy, and so ordered to **receive and file**.

There was no correspondence regarding this matter.

Mr. Yoshiki advised this zone change is also a cleanup matter, narrating a visual program of the location on the West Side of Paramount Boulevard, one block north of Imperial Highway. He noted the property consists of 100 feet of frontage and 300 feet of depth and is currently

zoned C-2 (General Commercial). The applicant has requested the R-3-0 classification, which allows a multiple family residential ownership-type development, such as condominiums. He pointed out the properties to the immediate north are multiple family apartments and those to the south are commercial developments. He responded to comments from the Council.

Mayor Perkins asked if anyone present, including the applicant, wished to speak in favor of or in opposition to the zone change.

There being no one to speak, it was moved by Council Member Cartozian, seconded by Council Member McCarthy, and so ordered to **close the public hearing**.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY AMENDING THE CITY'S COMPREHENSIVE ZONING MAP AND CHANGING THE ZONE FOR PROPERTY AT 12531 PARAMOUNT BOULEVARD FROM C2 (GENERAL COMMERCIAL) TO R30 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL OWNERSHIP) AND ADOPT A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT (ASSESSOR PARCEL NUMBER 6245-019-004) (ZONE CHANGE NO. 01-108)

The Ordinance was read by title only. It was moved by Council Member McCarthy, seconded by Council Member Winningham, and unanimously carried to **waive further reading and introduce**.

Mayor Perkins noted this property is on Paramount Boulevard, which is a busy street, and suggested staff pay close attention to insuring the driveway is wide enough to entertain vehicles coming in and out with good visibility.

CONSENT CALENDAR - ITEMS FOR REMOVAL

Agenda Item VI-E-4, **ADMINISTRATIVE APPEAL OF GENERAL PLAN AMENDMENT INITIATION NO. 01-109**, was removed at the request of Council Member Winningham.

Agenda Item VI-E-3, **CODE AMENDMENT INITIATION NO. 02-01**, was removed at the request of Council Member Cartozian.

CONSENT CALENDAR

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

COUNCIL MINUTES: ADJOURNED AND REGULAR MEETINGS, FEBRUARY 12, 2002: Approve.

WARRANTS ISSUED: NO. 173684 – 174094; WIRE NUMBERS 30000281-288; \$2,973,610.08: Approve.

APPEAL HEARING – DENIAL OF MASSAGE PERMIT: Refer the appeal of Ms. Mi Suk Chong to a hearing officer in accordance with Downey Municipal Code Section 6404: Approve.

DOWNEY LANDING SPECIFIC PLAN (SPECIFIC PLAN NO. 01-01)/- ENVIRONMENTAL IMPACT REPORT FOR PROPERTY LOCATED AT 12214 LAKEWOOD BOULEVARD, A SPECIFIC PLAN TO GUIDE DEVELOPMENT OF THE 160-ACRE FORMER NASA INDUSTRIAL SITE (OWNER/APPLICANT: DOWNEY LANDING, LLC/KAISER PERMANENTE): Set the public hearing for 7:30 p.m., March 12, 2002, in the Council Chamber of Downey City Hall: Approve.

ORDINANCES

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY AMENDING SECTION 3186 OF THE DOWNEY MUNICIPAL CODE RELATING TO SPEED LIMITS FOR THIRD STREET

Mr. Alvarez noted this matter involves the enforcement of speed limits for Third Street. The proposal is to establish the speed limit of 25 miles per hour between Old River School Road and Civic Center Drive.

Council Member McCarthy stated, due to the fact that there is no change from the present speed limit, this item is not controversial.

Council Member Winningham referred to the Engineering/Traffic Surveys and safety history, stating he expected that more collisions would have been listed for this street.

The Ordinance was read by title only. It was moved by Council Member Winningham, seconded by Council Member McCarthy, and unanimously carried to **waiver further reading and introduce.**

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY AMENDING SECTIONS 2751 THRU 2767 AND ADDING SECTION 2768 TO THE DOWNEY MUNICIPAL CODE

Mr. Powell explained this is a staff proposal to revise the City's Employee Relations Ordinance and related Personnel Rules and Regulations due to various changes in State Laws. He advised staff reviewed the Ordinance, Rules and Regulations, which have not been changed since 1971, and requested the City's labor attorney also review the revisions. Several modifications were recommended and a new Ordinance and Rules and Regulations were drafted. The revised documents were shared with the Employees Associations and additional

modifications were made.

Council Member McCarthy inquired about the level of response from the Employees Associations and was informed staff met with the Miscellaneous Employees unit three times to review changes and additional adjustments were made in response to their concerns.

The Ordinance was read by title only. It was moved by Council Member McCarthy, seconded by Council Member Winningham, and unanimously carried to **waive further reading and introduce.**

RESOLUTIONS: None

ADMINISTRATIVE REPORTS

APPROVAL OF PURCHASE AND SALE AGREEMENT WITH KAISER PERMANENTE

Mr. George noted this item represents a yearlong complex negotiation between City Staff and Kaiser Permanente, with the Purchase and Sale Agreement representing a major milestone in these negotiations to bring a new medical/hospital complex to the former NASA/Boeing site. He narrated a visual program of the 30-acre parcel that will be utilized for this project, noting it is next to the current Kaiser Permanente office complex along Imperial Highway. The purchase price is approximately \$13 million and the development represents approximately 1,000,000 square feet of medical center uses, at an investment of approximately \$300 million. He advised the transaction also represents a potential financial contribution to the learning center project, which will come back to the Council at a later date. He noted the deal represents the major construction of roads and infrastructure improvements associated with the hospital and medical office buildings. He stated the key to the development is that it will bring a number of highly skilled jobs back to the former NASA/Boeing site. He reviewed the makeup of the project, projected completion dates of the various buildings and renderings of the complex. He mentioned project contingencies, such as the acquisition of the NASA site, approval of entitlements, the Environmental Impact Report and Specific Plan, approval of the environmental conditions by Kaiser, and approval of the hospital use by the Regional Water Board. He introduced Kaiser Senior Vice President for the Tri Central Service area, Greg Adams.

Mr. Adams advised he represents the area from the San Gabriel Valley to Long Beach, which is comprised of 700,000 Kaiser members, including 280,000 members located in the surrounding areas of Downey and Bellflower. He explained the reason for relocating the Bellflower Medical Center from the City of Bellflower to Downey is due to the need to bring the Bellflower facility up to State seismic requirements. He commended Mr. Caton and Mr. George for their assistance in the negotiations and looked forward to a long and beneficial relationship. He responded to comments from the Council.

Council Member Trejo pointed out that non-Kaiser members can also utilize the Kaiser emergency department.

Mr. Adams responded that four percent of Kaiser's daily patient load is made up of non-Kaiser members.

Council Member McCarthy inquired about where the emergency department is located.

Jim Harrington, Architect, noted a new road is proposed to give direct access to the emergency department, which will be at the north end of the site and will also allow for ambulance access off Bellflower Boulevard down the new road and into the emergency department.

Council Member Winningham noted he is one of the 280,000 local Kaiser members and inquired if it would be a conflict of interest for him to vote on this matter and the response from the City Attorney was no.

Mayor Perkins mentioned this project will probably be the biggest development ever to take place in the City and noted Kaiser sponsored a recent Downey Dolphin swim meet, stating his appreciation that Kaiser is playing an important role in the community.

Council Member McCarthy stated Kaiser is a quality operation and will bring in 2,000 jobs, which is in line with the City's goal for the former Boeing property.

It was moved by Council Member Winningham, seconded by Council Member McCarthy, and unanimously carried to **approve the Purchase and Sale Agreement between the City and Kaiser, for the development of a new Kaiser medical center on 30-acres of the former NASA Industrial Plant.**

OTHER BUSINESS - Consent Calendar - Items removed by Council Approval

CODE AMENDMENT INITIATION NO. 02-01 – A REQUEST FOR CITY INITIATION OF AMENDMENT TO THE DOWNEY MUNICIPAL CODE, C-P (PROFESSIONAL OFFICE) ZONE, TO PERMIT ENTERTAINMENT-TYPE USES (LIVE DJ, KARAOKE, MARIACHI, DANCING, AND SIMILAR ACTIVITIES) (OWNER: THE PEREZ IRREVOCABLE TRUST)

Richer Laporte, Concept One Company, 8201 Fourth Street, Suite A, Downey, introduced owner/applicants Miguel Montelongo and Manuel Bettencourt, noting they are before the Council to request the initiation of a Code Amendment to allow live entertainment in the C-P (Professional Office) zone specifically for their business at 8060 East Florence Avenue. He requested the Council's review of this request and suggested allowing this use through a conditional use permit. He reviewed the history of the property, built in the mid-60's, noting it has been a restaurant and always had a bar. The applicant's obtained the business in March of 2001 and were denied a live entertainment permit, as it is not allowed in the C-P zone. He pointed out his investigation shows live entertainment permits were previously issued for this property through December of 1994 but none have been issued since then.

Council Member Cartozian stated a code amendment is difficult due to the restaurant's proximity to residential properties and would open any such property to this permit. He inquired how it was felt this was the best avenue to utilize in pursuing this request.

Mr. Laporte advised his clients bought the business with written proof that a Police permit had been issued through 1994. He stated he researched the Downey Municipal Code, found the Zoning Ordinance was revised in January 1978, but did not find anything in the Code that changed from 1978 to 1994 that would prohibit live entertainment. He questioned why entertainment permits

were issued through 1994 and then were not issued anymore. He advised the previous permit was issued under Ordinance 168, Section 6505, of the Downey Municipal Code. He noted this is a zoning matter and the previous permits were issued during a time when the existing zoning was in place and the new owners bought the business thinking this would not be a problem.

Council Member Cartozian asked staff to advise if other avenues are available for the applicants to pursue.

Mr. Yoshiki stated the Zoning Ordinance is pretty clear. He mentioned staff is about to conduct a review of the General Plan, which is the City's land use policy, and noted there may be consideration of having this property reflect a different land use classification other than professional office zone, which results in this limitation.

Mr. Caton noted staff does not feel this is a use that should be in the professional office zone and pointed out there are plenty of other areas in the City zoned for this use.

Council Member Cartozian pointed out there have been problems at similar sites in the City.

Mr. Laporte inquired if it would be possible to obtain a light-entertainment permit through a conditional use permit and condition it that the Police Department has the option to review the permit every year or every six months and have the final say so, which would make the applicants more responsible for activities at the site.

Mr. Vose pointed out this is a procedural issue on whether or not the Council desires to initiate a Code Amendment and discussion should be confined to this issue.

It was moved by Council Member Cartozian, seconded by Council Member Winningham, and unanimously carried to **deny the request to initiate a code amendment to the CP (Professional Office) zone, to permit entertainment-type uses (Live DJ, Karaoke, Mariachi, Dancing, and similar activities).**

Council Member McCarthy advised he met with the owner and applicant several months ago and wished them the best success in their business. He noted he will support staff's recommendation due to current zoning and surrounding uses.

ADMINISTRATIVE APPEAL OF GENERAL PLAN AMENDMENT INITIATION NO. 01-109

Mr. Yoshiki explained this administrative appeal involves a request to initiate a General Plan Amendment. He noted the General Plan is the City's land use policy document, which guides the City in terms of land uses now and in the future. He advised the owner/appellant, Mr. Ferber, and

applicant, Jeff Weber, have made this request before and have taken it before the Planning Commission for consideration. They are requesting the commercial manufacturing designation, which would allow the applicant to proceed with a self-storage facility on this site located at 11221 Paramount Boulevard. The applicant was informed, since the City is currently in this process of reviewing the General Plan, the request will be received and filed and will be considered during the General Plan review process, but both the owner and applicant have requested this consideration be taken sooner. He noted staff does not want to consider a single parcel, as it may work to the disadvantage of the entire area, and advised Staff feel the request is premature and recommends denial.

Mr. Vose advised that discussion is limited to the issue of whether or not to initiate this process and not to determine whether a particular proposal for this property is valid or not.

Mr. Weber, 901 Dove Street, Suite 270, Newport Beach, CA, 92660, gave a brief historical summary of the proposed project. He felt the conflict between proliferation and spot zoning was the biggest issue. He mentioned his presentation to the Planning Commission on February 6th, which resulted in a "receive and file" action, and requested the Council's review as to whether this property should have a General Plan amendment sought. He noted he hoped to bring the General Plan into conformance with the underlying zoning, which would allow his project to proceed. He advised self-storage is commonly found in commercial and CM zones, is compatible with this particular site, would replace current blight at the site, would generate between \$35,000-\$40,000 a year in property tax, and is a unique opportunity, since there are not many people in line to develop this property. He reviewed the difficulties encountered by other interested buyers of this property during the past 11 years and urged the Council to initiate a General Plan Amendment.

It was moved by Council Member McCarthy, seconded by Council Member Trejo, and unanimously carried to **deny the appeal and adopt a minute action to deny the request since the City is already in the process of reviewing the land use designations of the adopted general plan (Vision 2010).**

Council Member McCarthy stated he felt it was owed to the community to engage this location as part of the General Plan process.

Council Member Cartozian mentioned he has met with Mr. Weber and enjoyed his conversations and presentations. He stated he cannot vote to take the requested action without a conclusive idea of where the City is going with respect to the General Plan.

Council Member Trejo felt there could be a better use for this site and supported denial of the request.

Mayor Perkins applauded Mr. Weber for his effort but noted his initial vote on this matter was to deny the request and his opinion has not changed.

OTHER BUSINESS - Council Members

Council Member Trejo thanked everyone for the opportunity to attend **the Independent Cities Conference in Santa Barbara** last weekend, which was very beneficial and his wife also enjoyed this time.

Council Member Cartozian advised he will be visiting his former elementary school, **Gallatin Elementary School**, for a read-in program this Friday and will also be visiting his former middle school, **East Middle School**, for their Career Day event.

Council Member McCarthy noted the **final run of the play “Brigadoon,”** conducted by the Downey Civic Opera, is playing at the Downey Civic Theatre this weekend and urged everyone to join him there.

Council Member Winningham mentioned having the **privilege of representing the City as a Vice-President Board Member for the Independent Cities Association**, which represents 52 cities in the Southland. He noted the presentation was on anti-terrorism, which had an interesting prospective. He advised one speaker was a Chief from a borough in New York City, who was one of the first respondents to the tragedy at the World Trade Center. He thanked the City for allowing him to participate.

Council Member Winningham announced Saturday is the **opening day ceremony for North West Downey Little League** and encouraged everyone to participate in the pancake breakfast and other activities planned.

Mayor Perkins noted he enjoyed **the trip to Santa Barbara to the Independent Cities Conference**, which he felt was educational for the Council. He noted Council Member Winningham is a Third Vice-President for that group and looked forward to him being the First President some day.

Mayor Perkins said he is glad to see **students from the City’s various elementary schools attending Council Meetings** to attain a better understanding of how government works. He noted they are the City’s future voters.

Mayor Perkins noted he attended a **patriotic program at Williams Elementary School** where Los Angeles County Supervisor Don Knabe was present.

Mayor Perkins requested the City Manager provide a status report on the **improvements scheduled at Independence Park, which includes the new skate park facility**, as to why they will not be completed by the Summer.

Mr. Caton responded the Council will receive a report.

OTHER BUSINESS - Staff Members

Mr. Caton noted the **remaining Closed Session Items** can be continued to the next Council Meeting.

Ms. Midstokke announced that next Tuesday is the **Statewide Primary and Special Election for the City’s Fireworks Measure**. She encouraged everyone to exercise their right to vote and pointed out the City Clerk’s office will be taking calls after hours to assist voters in locating their polling places.

ADJOURNMENT: 10:25 p.m.

The meeting was **adjourned** to 6:30 p.m., March 12, 2002, in the Council Chamber of Downey City Hall.

Kathleen L. Midstokke, City Clerk

Meredith H. Perkins, Mayor

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