



Minutes

Lakewood City Council

Regular Meeting held
May 10, 2005

MEETING WAS CALLED TO ORDER at 7:32 p.m. by Mayor Esquivel in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Dr. John Bonner, Chaplain Emeritus to the City Council

PLEDGE OF ALLEGIANCE was led by Mayor Joseph Esquivel

ROLL CALL: PRESENT: Mayor Joseph Esquivel
Vice Mayor Larry Van Nostran
Council Member Steve Croft
Council Member Diane DuBois
Council Member Todd Rogers

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ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Esquivel extended congratulations, on behalf of the City Council, to Community Development Director Charles K. Ebner who had been promoted to the rank of Brigadier General in the U.S. Army Reserve.

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ROUTINE ITEMS:

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 4.

RI-1 Approval of Minutes of the Meeting held April 26, 2005

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated April 21, and April 28, 2005

RI-4 RESOLUTION NO. 2005-11; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DIRECTING THE PREPARATION OF A REPORT OF DELINQUENT FEES FOR GARBAGE, WASTE AND REFUSE COLLECTION AND DISPOSAL WITHIN THE CITY OF LAKEWOOD AND SETTING A PUBLIC HEARING THEREON FOR JULY 26, 2005

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, Croft, DuBois, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

1.1 • VACATION OF THE ALLEY WEST OF BLOOMFIELD AVENUE AND THE ALLEY NORTH OF CENTRALIA STREET (NORTHWEST CORNER OF BLOOMFIELD AVENUE AND CENTRALIA STREET) [Continued from December 14, 2004]

Public Works Director Lisa Rapp gave an oral presentation based on the memo in the agenda and stated a request had been received from the owner of the Casa Madrid Apartments, located at Bloomfield Avenue and Centralia Street, to vacate the adjacent alleys as public roadways. She advised that although the public hearing had previously been continued to grant additional time to coordinate with adjacent residents and acquire quitclaims for fee title to the alley to be incorporated into the Casa Madrid property, the necessary documentation had not been obtained. It was the recommendation of staff that the City Council deny the request for vacation of the alleys, allowing the Casa Madrid owners to submit a new request should they obtain the necessary documents.

Responding to a question from Council Member Croft, Ms. Rapp stated that there was an existing gate across the alley that had been put into place by Casa Madrid, but there was not a problem as it provided protection from vandalism not only to the apartments, but also to the bordering properties.

Mayor Esquivel opened the public hearing at 7:38 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, Croft, DuBois, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

1.2 • APPLICATION SUBMITTAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FISCAL YEAR 2005-06, FIVE-YEAR CONSOLIDATED PLAN AND UPDATE OF THE ANALYSIS OF IMPEDIMENTS

The Community Development Director gave an oral presentation based on the memo in the agenda and reported that in order to receive Federal funds under the Community Development Block Grant (CDBG) programs, the City was required to prepare and submit a Consolidated Plan, a five-year assessment of housing and community development needs, and a one-year action plan to address the utilization of Federal, State and local resources. He reviewed the main components of the Consolidated Plan, as well as the City's short-term goals and proposed activities to meet the goals. He advised that it was also necessary to update the City's Analysis of Impediments to Fair Housing Choice, a comprehensive review of fair housing choice within the community and an assessment of conditions affecting fair housing choice. It was the recommendation of staff that the City Council hold a public hearing for citizen comment on the Consolidated Plan and Action Plan; certify the Analysis

1.2 • APPLICATION SUBMITTAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FISCAL YEAR 2005-06, FIVE-YEAR CONSOLIDATED PLAN AND UPDATE OF THE ANALYSIS OF IMPEDIMENTS - Continued

of Impediment update; direct staff to include any comments received in the plan; and authorize the City Manager to submit the five-year plan and the funding application with the required CDBG certification to the Department of Housing and Urban Development no later than May 16, 2005.

Responding to a question from Council Member DuBois, Mr. Ebner stated that even though funding continued to decrease for these programs, the City's long-term plans were not dependent on the current level of funding to keep the programs operating.

Mayor Esquivel opened the public hearing at 7:46 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER CROFT SECONDED TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, Croft, DuBois, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

2.1 • INTRODUCTION OF ORDINANCES AMENDING THE LAKEWOOD MUNICIPAL CODE

a • ORDINANCE NO. 2005-2; REGARDING DRINKING IN PUBLIC PLACES AND OPEN CONTAINERS

b • ORDINANCE NO. 2005-3; REGARDING FINES FOR MISDEMEANORS AND INFRACTIONS

City Attorney Steve Skolnik gave a brief presentation based on the memo contained in the agenda by stating that two new ordinances, which would amend the City's municipal code, had been prepared as a result of the Sheriff's Department staff calling attention to certain areas of the code. One ordinance would change the provisions of the code which pertained to fines for code violations and align the fine structure with fines established by State law. He noted that fines could not be set higher than those established by State law.

Responding to a question from Vice Mayor Van Nostran, Mr. Skolnik stated that while an infraction was like a citation, a misdemeanor required action by the courts. He advised that if a code violation, such as a fireworks violation, were to be prosecuted as a misdemeanor, this change would provide a judge with more authority to assess a higher fine than that currently allowed by the City's code. The Vice Mayor expressed the desire to see higher fines assessed against those bringing illegal fireworks into the City.

Lieutenant Mark Weldon, L.A. County Sheriff's Department, stated that a charge of infraction, misdemeanor or felony was determined by the type and seriousness of the crime and was usually set by the prosecutor.

2.1 • INTRODUCTION OF ORDINANCES AMENDING THE LAKEWOOD MUNICIPAL CODE - Continued

a • ORDINANCE NO. 2005-2; REGARDING DRINKING IN PUBLIC PLACES AND OPEN CONTAINERS

b • ORDINANCE NO. 2005-3; REGARDING FINES FOR MISDEMEANORS AND INFRACTIONS

The City Attorney also advised that an ordinance that would regulate drinking in public places was proposed. He noted that although the ordinance was not tailored specifically to address problems on the July 4th holiday, activities occurring on that day brought forth the need for the amendments. He stated that the proposed ordinance would add to the code, provisions pertaining to open containers of alcoholic beverages in public places. He noted that State law provided the City with a greater ability to regulate consumption of alcoholic beverages than simply their possession.

Lieutenant Weldon stated that with a tool to use to address a crowd standing around drinking in the front yard of a residential neighborhood, problems could be resolved before more serious ones developed.

Council Member DuBois expressed concern with the proposed ordinance, stating that a careful balance must be maintained between public safety and individual rights.

Responding to a question from Vice Mayor Van Nostran, Lieutenant Weldon stated that none of the others cities served by the Lakewood station were currently using a similar ordinance.

Jim Warrick, 4903 Deeboyar Avenue, stated that it was important to control drinking in public, but a resident should be able to have a drink in his own front yard.

Mayor Esquivel stated that it was not the intent of the City Council to go after any individual, but rather to provide the Sheriff's Department with a tool designed to manage large parties in residential neighborhoods before they could get out-of-control.

Council Member Rogers advised that the City of Carson had a similar ordinance and noted that it had been a very useful tool for law enforcement to use in the control of the types of problem locations that would lead to neighborhood deterioration. He noted that although the issue of personal rights was a difficult one, the Carson ordinance had not been used for the abuse of any individual's rights.

Council Member Croft expressed similar concerns about personal rights issues, but also recognized the need to deal with developing problems before they could escalate.

Vice Mayor Van Nostran emphatically stated that if the ordinance were ever found to be abused to the detriment of peaceful individuals in their own yards, the City Council would take immediate steps to repeal the ordinance.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO INTRODUCE ORDINANCES NO. 2005-2 AND NO. 2005-3.

2.1 • INTRODUCTION OF ORDINANCES AMENDING THE LAKEWOOD MUNICIPAL CODE - Continued

a • ORDINANCE NO. 2005-2; REGARDING DRINKING IN PUBLIC PLACES AND OPEN CONTAINERS

b • ORDINANCE NO. 2005-3; REGARDING FINES FOR MISDEMEANORS AND INFRACTIONS

ORDINANCE NO. 2005-2; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE REGARDING DRINKING IN PUBLIC PLACES AND OPEN CONTAINERS

ORDINANCE NO. 2005-3; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE REGARDING THE MAXIMUM FINES FOR MISDEMEANORS AND INFRACTIONS

Council Member DuBois stated that while she fully supported the Sheriff's Department and their ability to enforce this law appropriately, she felt that having a significant dialog on these ordinances was an important step in a process.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, Croft, DuBois, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

2.2 • INTRODUCTION OF ORDINANCE NO. 2005-4; AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO SPEED LIMITS ON HAWAIIAN AVENUE AND ON 36TH STREET

The Director of Public Works gave an oral presentation based on the memo contained in the agenda and reported an engineering and traffic survey had been completed which would enable the continued enforcement of speed limits by use of radar. Also, as a result of the survey, it had been determined that two street segments were in need of a change to the existing speed limit. On 36th Street between Cherry and Industry Avenues, it was recommended that the speed limit be reduced from 35 to 30 miles per hour; and on Hawaiian Avenue between Del Amo Boulevard and 207th Street, it be reduced from 30 to 25 miles per hour. It was the recommendation of the Community Safety Commission that the City Council introduce the attached ordinance to reduce speed limits on 36th Street and Hawaiian Avenue.

ORDINANCE NO. 2005-4; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO THE PRIMA FACIE SPEED LIMIT ON HAWAIIAN AVENUE BETWEEN ITS INTERSECTION WITH 207TH STREET AND DEL AMO BOULEVARD AND ON 36TH STREET BETWEEN ITS INTERSECTION WITH CHERRY AVENUE AND INDUSTRY AVENUE

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO INTRODUCE ORDINANCE NO. 2005-4.

2.2 • INTRODUCTION OF ORDINANCE NO. 2005-4; AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO SPEED LIMITS ON HAWAIIAN AVENUE AND ON 36TH STREET - Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, Croft, DuBois, Rogers and Esquivel

NAYS: COUNCIL MEMBERS: None

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At 8:22 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:23 p.m., the City Council Meeting was reconvened.

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ORAL COMMUNICATIONS: None

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CLOSED SESSION:

CONFERENCE WITH LABOR NEGOTIATORS - Pursuant to Government Code Section 54957.6

Designated Representative: City Manager Howard Chambers

Employee Organization: Lakewood City Employees Association

At 9:04, the City Council reconvened. Mayor Esquivel announced that instruction had been given to the City's negotiator.

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 9:06 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk