



Minutes

Lakewood City Council

Regular Meeting held
May 24, 2005

MEETING WAS CALLED TO ORDER at 7:38 p.m. by Mayor Esquivel in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Jason Hagensick, Weingart-Lakewood Family YMCA

PLEDGE OF ALLEGIANCE was led by Council Member Todd Rogers

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Esquivel announced that a reception has been held prior to the meeting to honor the winners of the Water Awareness Month poster contest and to introduce the City's new commissioners.

ROUTINE ITEMS:

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 6.

- RI-1 Approval of Minutes of the Meeting held May 10, 2005
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands dated May 5, and May 12, 2005
- RI-4 Approval of Monthly Report of Investment Transactions
- RI-5 Approval of Agreement with Bio Clean Environmental Services, Inc. for Environmental Engineering and Storm Water Compliance Services
- RI-6 Approval of Fireworks Display for Lakewood Mall on July 2, 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 • PERMIT APPLICATIONS FOR SALE OF FIREWORKS

Finance Director Larry Schroeder gave an oral presentation based on the memo in the agenda and stated 29 organizations had complied with all the necessary requirements for filing an application for a permit to sell fireworks. He noted that to be eligible for such a permit, an organization must have been found to be responsible, organized and existing as a nonprofit organization recognized by the State of California or the Internal Revenue Code, and must have been primarily formed for patriotic, veteran, civic betterment, religious, welfare, youth or charitable purposes. He advised that all permit applications had been reviewed by the Public Safety Committee. It was the recommendation of the Public Safety Committee that the City Council approve the issuance of permits for temporary fireworks stands to the 29 organizations listed in staff's report.

Mayor Esquivel opened the public hearing at 7:45 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE THE COMMITTEE'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 • AMENDING THE LAKEWOOD MUNICIPAL CODE REGARDING DRINKING IN PUBLIC PLACES AND OPEN CONTAINERS

City Attorney Steve Skolnik advised that the proposed ordinance, which would amend the City's municipal code, had been introduced at the previous meeting. He stated that the ordinance had been prepared at the request of the Sheriff's Department to assist them during the busy July 4th holiday period. He noted that although the ordinance would be in effect year-round, after substantial discussion at the last meeting, the City Council had been assured that the Sheriff's Department would carry out enforcement in accordance with the City Council's intent.

Mayor Esquivel opened the public hearing at 7:47 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Lydia Oliva stated she intended to host a July 4th party and inquired how the ordinance might impact her guests.

The City Attorney responded by stating that the ordinance could present a problem for anyone who had a party that got out of control.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO CLOSE THE PUBLIC HEARING.

1.2 • AMENDING THE LAKEWOOD MUNICIPAL CODE REGARDING DRINKING IN PUBLIC PLACES AND OPEN CONTAINERS – Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

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 was read by title by the City Clerk.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2005-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

Council Member Rogers stated that the ordinance had been discussed extensively at the previous meeting. He noted that although by letter of the law, the ordinance would make any consumption of alcoholic beverage in the front yard a technical violation, the intent was not to target the average Lakewood homeowner peaceably in his own front yard. He stated that the ordinance would be enforced according to the spirit of the law, which was to provide a tool for the Sheriff's Department to deal with the types of parties that cause damage to and are chronic law enforcement problems in neighborhoods.

1.3 • AMENDING THE LAKEWOOD MUNICIPAL CODE REGARDING THE MAXIMUM FINES FOR MISDEMEANORS AND INFRACTIONS

The City Attorney advised that the proposed ordinance, which had been discussed at its introduction at the Council's previous meeting, would bring the Lakewood Municipal Code into compliance with State law regarding maximum fines. He noted that the new code sections would be flexible to incorporate changes in State laws pertaining to fines.

Mayor Esquivel opened the public hearing at 7:53 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 ROGERS SECONDED TO CLOSE THE PUBLIC HEARING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.3 • AMENDING THE LAKEWOOD MUNICIPAL CODE REGARDING THE MAXIMUM FINES FOR MISDEMEANORS AND INFRACTIONS - Continued

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 was read by title by the City Clerk.

COUNCIL MEMBER DUBOIS MOVED AND COUNCIL MEMBER CROFT SECONDED TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO 2005-3. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.4 • AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO SPEED LIMITS ON HAWAIIAN AVENUE AND ON 36TH STREET

Mayor Esquivel announced a public hearing would be held on the proposed ordinance to change the speed limits on Hawaiian Avenue and on 36th Street. He opened the public hearing at 7:55 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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 was read by title by the City Clerk.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2005-4. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.1 • COLLECTION OF NUISANCE ABATEMENT COSTS AGAINST FAUST AVENUE

Community Development Director Chuck Ebner presented slides and gave a brief presentation based on the memo contained in the agenda. He stated that following a complaint-generated, code enforcement inspection in August, 2003, the property located at

2.1 • COLLECTION OF NUISANCE ABATEMENT COSTS AGAINST FAUST AVENUE- Continued

Faust Avenue had been found to be in a substandard condition, with deteriorated paint and overgrown vegetation and trash in the yard areas. Despite multiple notifications to the property; a Minute Finding and Order by the Building Rehabilitation Board; and intervention by the City Prosecutor attempting to gain compliance, the substandard conditions remained. On April 12, 2005, a Nuisance Abatement Inspection Warrant was issued, and on April 19, 2005, the warrant was served to enable the City to abate the overgrown vegetation, vegetative debris, junk and trash in the rear and side yards of the property. The abatement was completed on April 20, 2005. It was the recommendation of staff that the City Council adopt the proposed resolution ordering the costs of abatement to be assessed against Faust Avenue as a lien in the amount of \$9,779.68.

RESOLUTION NO. 2005-12; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ORDERING THE COSTS OF ABATEMENT TO BE A SPECIALLY ASSESSED LIEN AGAINST THE PARCEL OF LAND COMMONLY KNOWN AS FAUST AVENUE, LAKEWOOD, CALIFORNIA

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO ADOPT RESOLUTION NO. 2005-12. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.1 • STATE HOMELAND SECURITY GRANT PROGRAM 2004

The Assistant Director of Recreation and Community Services, Al Williams, gave an oral presentation based on the memo contained in the agenda and reported that Federal funding had been appropriated through the Department of Homeland Security (DHS) to assist State and local governments with preparedness and “first responder” capabilities. He stated that through the DHS Office for Domestic Preparedness, the City of Lakewood had been granted \$56,666 in funding to purchase security fencing and additional equipment to upgrade the City’s communication capabilities, thereby increasing information gathering capabilities and securing locations of vulnerability to terrorist threat. He concluded by stating that the City must appropriate monies from the General Fund for the proposed activities and would then be reimbursed by DHS within sixty days of the purchase. It was the recommendation of staff that the City Council approve the appropriation of \$56,666 from the General Fund; authorize the purchase of security fencing from Omega II Fence, a sole source manufacturer; and authorize purchase of additional equipment to upgrade the City’s interoperable communication links.

Responding to a question from Council Member DuBois, Mr. Williams stated that the upgrade of interoperable communications would provide for the establishment of a radio base station on the east side of the City, allowing improved base-to-base and vehicle-to-base communications for citywide coverage.

3.1 • STATE HOMELAND SECURITY GRANT PROGRAM 2004 - Continued

COUNCIL MEMBER DUBOIS 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

3.2 • AGREEMENT FOR JOINT AQUIFER STORAGE AND RECOVERY WELL PROJECT WITH CITY OF LONG BEACH AND NEGATIVE DECLARATION

Water Resources Director Jim Glancy displayed slides and gave an oral presentation based on the memo contained in the agenda. He stated staff had been working with the City of Long Beach to obtain funding for the construction of an Aquifer Storage and Recovery (ASR) Well, which would allow the injection of imported water supplies and later recovery of stored water. The well would be located at the Arbor Maintenance Yard and connected to the Long Beach system at Woodruff Avenue and Carson Street. The \$3.1 million project would be funded entirely with a grant from the Metropolitan Water District (MWD). The system would allow Long Beach to store up to 3,600 acre feet of excess water when MWD supplies were plentiful and later extract the stored water in times of need, with Long Beach covering the replenishment assessment. He noted that the water storage project would only require use of the well for about 30 percent of any given year, allowing Lakewood to use the facility to meet normal water demand the remainder of the time. He noted that an Initial Study, pursuant to the California Environmental Quality Act, had been prepared for the project and it had been determined that there would be no significant effect on the environment. It was the recommendation of the Water Resources Committee that the City Council approve an agreement with the City of Long Beach for the Joint Aquifer Storage and Recovery Well Project, authorize execution of said agreement and approve a Negative Declaration for the project.

The City Attorney advised that there had been a change in the recommendation since the publication of the agenda. He stated that since the City's agreement with Long Beach was tied to two Long Beach agreements with MWD and the Water Replenishment District, and one of those agreements had not yet been available for review, that the City Council should make approval of the Lakewood-Long Beach agreement subject to the City Attorney's review and approval as to form.

Responding to a question from Council Member Rogers, Mr. Glancy stated that the water Lakewood would be receiving from Long Beach would be coming from groundwater pumped through the Heartwell Park wells and that there would be no noticeable difference in quality and taste for Lakewood residents. Council Member Rogers also questioned whether any legal challenge could be expected regarding the storage and extraction process. Mr. Glancy responded by stating that the project was established in such a manner that Lakewood would not be in violation of the existing judgment governing water extraction.

3.2 • JOINT AQUIFER STORAGE AND RECOVERY WELL PROJECT WITH CITY OF LONG BEACH AND NEGATIVE DECLARATION - Continued

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE STAFF'S RECOMMENDATIONS AS AMENDED. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

At 8:14 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:18 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Craig Chambers addressed the City Council regarding the undergrounding of utility lines along Paramount Boulevard, overnight parking in the WalMart parking lot, and shade for bleachers at McCormick Pool.

Regina Coburn spoke regarding a raised sidewalk in front of her home.

James Babor stated that although he had arrived late, he wished to be heard on item 2.1, Collection of Nuisance Abatement Costs.

The City Attorney advised that although it was appropriate procedurally to hear Mr. Babor's comments, consideration of the item would not be re-opened unless so directed by the City Council.

Mr. Babor stated that he had intended to clean up his property, but felt he had not been provided enough time.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 8:32 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk