



Minutes

Lakewood City Council

Regular Meeting held
February 24, 2004

MEETING WAS CALLED TO ORDER at 7:30 p.m. by Mayor Esquivel in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Pastor Rick Phelps, Calvary Chapel Lakewood

PLEDGE OF ALLEGIANCE was led by Council Member Larry Van Nostran

ROLL CALL: PRESENT: Mayor Joseph Esquivel
Vice Mayor Todd Rogers
Council Member Wayne Piercy
Council Member Larry Van Nostran
Council Member Robert Wagner

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Esquivel recognized PFC Edward James Ramirez, a Lakewood resident and graduate of Mayfair High School, for his distinguished service to his country during his recent tour of duty in Iraq.

ROUTINE ITEMS:

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 7.

- RI-1 Approval of Minutes of the Meetings held February 10, 2004
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands dated February 5, and February 12, 2004
- RI-4 Approval of Encroachment Permit for Street Lighting, Candlewood Street
- RI-5 RESOLUTION NO. 2004-6; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING SUBMITTAL OF AN APPLICATION TO CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR GRANT FUNDS FOR USE OF RUBBERIZED ASPHALT CONCRETE
- RI-6 Approval of Amendment of Agreement with Sonitrol of Long Beach for Fire and Security Alarm Services
- RI-7 Approval of Request for Parade Permit for Immokalee Workers March on March 3, 2004

ROUTINE ITEMS: Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Piercy, Rogers, Van Nostran, Wagner and Esquivel

NAYS: COUNCIL MEMBERS: None

**1.1 • APPEAL OF PLANNING AND ENVIRONMENT COMMISSION DECISION ON
CONDITIONAL USE PERMIT NO. 743, 5517 DEL AMO BOULEVARD**

Director of Community Development, Chuck Ebner, presented an oral report based on the memorandum in the agenda packet and reported that on January 8, 2004, the Planning and Environment Commission had held a hearing on an application for a Conditional Use Permit for the sale of alcoholic beverages for off-site consumption at 5517 Del Amo Boulevard. He displayed slides showing the applicant's location and the locations of adjacent businesses with alcoholic beverage licenses. He also briefly reviewed the license application review process used by the California Department of Alcoholic Beverage Control to determine undue concentration of uses within a census tract. He concluded by stating that the Planning and Environment Commission had determined that the proposed use would further proliferate existing conditions of undue concentration of licenses to sell alcoholic beverages and had denied the application for Conditional Use Permit.

Responding to a question from Council Member Van Nostran, Mr. Ebner stated that the Commission had considered the uses on the other three sides of the intersection, even though they were in different census tracts and had found that there were seven other licenses to sell alcoholic beverages in very close proximity.

Council Member Wagner observed that basing data on the layout of the census tracts did not appear very fair or logical when viewing the overall area. Mr. Ebner responded by stating that although use of the census tract data did appear ineffective in some cases, it was used as a uniform formula to justify a determination of undue concentration.

Further responding to a question from Council Member Wagner, Mr. Ebner stated that the operation proposed for the subject location was a mini-market with a full range of alcoholic beverages.

Council Member Piercy confirmed for Council Member Wagner that in his observation, the adjacent karate school was patronized heavily by school-age children accompanied by their parents.

Peter Long, representing the appellant, stated that the proposed operation was a family-run business and would be a convenience store which would sell groceries, flowers and gifts, and beer and wine. He stated that based on his experience, they would have a very difficult time competing if they did not offer alcoholic beverages. He advised that the business hours would be from 8 a.m. to 10 p.m. and noted that the Sheriff's Department had found no problems with the location.

1.1 • APPEAL OF PLANNING AND ENVIRONMENT COMMISSION DECISION ON CONDITIONAL USE PERMIT NO. 743, 5517 DEL AMO BOULEVARD - Continued

In response to a question from Council Member Piercy, Mr. Long stated that the groceries offered would be mostly canned or dry foods.

Vice Mayor Rogers referenced a diagram of the layout of the proposed business showing an area for distilled spirits, not just beer and wine. Mr. Long responded by stating that they wished only to sell beer and wine, not any hard liquor. Mr. Ebner noted that the original application to ABC was for a full license, including liquor, and that in his letter of appeal, the appellant listed “distilled spirits” among the items they wished to offer for sale.

Mayor Esquivel opened the public hearing at 8:02 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER PIERCY SECONDED TO CLOSE THE PUBLIC HEARING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Piercy, Rogers, Van Nostran, Wagner and Esquivel

NAYS: COUNCIL MEMBERS: None

RESOLUTION NO. 2004-7; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF CONDITIONAL USE PERMIT NO. 743 AND DENYING A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION AT 5517 DEL AMO BOULEVARD, LAKEWOOD, CALIFORNIA

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT RESOLUTION NO. 2004-7 DENYING THE APPEAL OF CONDITIONAL USE PERMIT NO. 743. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Piercy, Rogers, Van Nostran, Wagner and Esquivel

NAYS: COUNCIL MEMBERS: None

2.1 • ADMINISTRATIVE CITATION ORDINANCE FOR NEIGHBORHOOD PRESERVATION PROGRAM

The Director of Community Development displayed slides and presented an oral report based on the memorandum in the agenda packet. He stated that the proposed ordinance was a recommended program resulting from the approval of the Lakewood Housing Strategy. He reported that an Administrative Citation program would provide the ability to cite chronic violators of code sections relating to unsightly property, inoperative vehicles, overgrown vegetation and other neighborhood nuisances as an alternative to lengthy criminal prosecution or the substandard property hearing process. He stated that the fines would be proposed and adopted under a separate resolution, with a different fine schedule for building

2.1 • ADMINISTRATIVE CITATION ORDINANCE FOR NEIGHBORHOOD PRESERVATION PROGRAM - Continued

code violations. He concluded with the recommendation that the City Council introduce Ordinance No. 2004-3 to add another tool to help in the fight for neighborhood preservation.

ORDINANCE NO. 2004-3; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADDING CHAPTER 9 TO ARTICLE IV OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO ADMINISTRATIVE FINES

Council Member Van Nostran expressed concern that the level of the fines might not be enough to deter some repeat violators. City Prosecutor Bill Holt responded by stating that although the fine structure was the maximum allowed under current State law, the Administrative Citation was just one of the options that was available to bring violators into compliance.

Vice Mayor Rogers determined from Mr. Holt that certain code violations could still be prosecuted as misdemeanors.

Council Member Wagner confirmed with Mr. Holt that a single residence could have a number of separate violations, resulting in a much higher fine.

Responding to a question from Council Member Wagner about the 21-day minimum for correcting violations, City Attorney John S. Todd advised that in accordance with State law, the City's ordinance must specifically identify what a "reasonable time" was and that complex cases would not be handled at a staff level, but would be referred to the Planning and Environment Commission who would have the discretion to grant the appropriate amount of time.

The City Prosecutor advised that a resident in violation could be given a longer period of time to correct the problem and that payment of the fine within the prescribed time would be required and could be refunded if the correction were completed before the extended period expired.

Responding to questions from Council Member Wagner about the notification of violations, Mr. Holt stated that as reported by Mr. Ebner, the issuance of a citation would not be accomplished on a first contact with the violator, but rather would be after prior contacts between the resident/owner and the code enforcement staff.

Council Member Wagner stated that while he supported the concept of the Administrative Citation program, he had reservations about giving the staff too much discretionary power. He expressed the desire to see well defined guidelines for the program.

Mr. Holt advised that the City Council could consider establishing the Administrative Procedures for the program by Council approval as an additional level of control.

2.1 • ADMINISTRATIVE CITATION ORDINANCE FOR NEIGHBORHOOD PRESERVATION PROGRAM - Continued

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER PIERCY SECONDED TO INTRODUCE ORDINANCE NO. 2004-3. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Piercy, Rogers, Van Nostran, Wagner and Esquivel

NAYS: COUNCIL MEMBERS: None

3.1 • REQUEST FOR VACATION OF PARKVIEW AND MANOR DRIVES

Public Works Director Lisa Rapp presented an oral report based on the memorandum in the agenda packet and reported property owners on Parkview and Manor Drives, informally known as “the island” had inquired about placing a gate to limit public access to their neighborhood. At their meeting held October 28, 2003, the City Council had directed staff to prepare a preliminary estimate of the cost to conduct the street vacation process. She presented an itemization of the costs that the City could incur in processing the request and advised that an easement would be required for water service to the area. She briefly reviewed the value of the public improvements that the City would be vacating, noting that the City Attorney had determined that such a vacation would not be a gift of public funds. She noted that in conducting an informal survey of other cities, none had required reimbursement for public improvement in such as case. She stated that the next step would be to advise the property owners that they would need to form a homeowner’s association, if they wish to proceed with the process. Once an association had been formed, the matter would go before the Planning and Environment Commission. She concluded by stating staff was seeking further direction from the City Council.

Council Member Wagner stated that since all of the existing improvements, except street lighting, had been put in place during development, the property owners had paid for them when the houses were purchased.

Ronald Piazza, Art Howard and Hal Reed were present representing the property owners.

Mr. Piazza stated they had met with the staff to identify the costs related to the street vacation and that he felt the residents were ready to move forward.

Responding to questions from Council Member Van Nostran, Mr. Piazza stated that there was a lot of excess traffic on their streets from drivers not realizing that there were no through streets. He also reported that they had experienced a problem with people going through their trash on pick-up day.

In response to a question from Council Member Piercy, Mr. Piazza stated that they were aware of the potential costs and were willing to build a reserve fund for future maintenance needs.

3.1 • REQUEST FOR VACATION OF PARKVIEW AND MANOR DRIVES-Continued
Council Member Wagner questioned whether the homeowner's association should be required to reimburse the costs the City incurred when the street was resurfaced in the year 2000. Mr. Piazza responded by stating that they believed that those costs would be offset by the City not having to provide any further maintenance for the area.

COUNCIL MEMBER VAN NOSTRAN MOVED TO DIRECT STAFF TO PROCEED WITH FURTHER PROCESSING AND ESTABLISHING THE COSTS TO VACATE THE PUBLIC RIGHT-OF-WAY.

Vice Mayor Rogers inquired if staff needed to be provided with specific direction regarding the costs to be passed on to the homeowners association. Ms. Rapp responded in the affirmative.

Council Member Van Nostran stated he felt the homeowner's association should only be responsible for reimbursing the actual costs of the vacation and so amended the motion.

VICE MAYOR ROGERS SECONDED THE MOTION TO PROCEED WITH FURTHER PROCESSING AND ESTABLISHING THE ACTUAL COSTS TO VACATE THE PUBLIC RIGHT-OF-WAY.

Council Member Wagner called for a division of the question into two separate votes, with consideration first of the costs to be passed on to the homeowner's association.

Council Member Van Nostran stated that he was not concerned about the cost of the repaving work since he felt each of those property owners had contributed their fair share through their tax dollars toward the funding that had been accumulating over the years to pay for the repaving project. He noted that those types of projects were not funded based on future revenues, but were only acted upon when sufficient funds had been saved and were available.

UPON ROLL CALL VOTE, THE MOTION TO PASS ON ONLY THE ACTUAL COSTS WAS APPROVED:

AYES: COUNCIL MEMBERS: Piercy, Rogers, Van Nostran and Esquivel

NAYS: COUNCIL MEMBERS: Wagner

UPON ROLL CALL VOTE, THE MOTION TO PROCEED WITH THE VACATION WAS APPROVED:

AYES: COUNCIL MEMBERS: Piercy, Rogers, Van Nostran, Wagner and Esquivel

NAYS: COUNCIL MEMBERS: None

3.2 • AUTHORIZATION TO PURCHASE SOLE SOURCE PICNIC SHELTER SHADE STRUCTURES FOR MAE BOYAR PARK

The Director Public Works displayed slides and presented an oral report based on the memorandum in the agenda packet. She stated the existing wooden "A" frame shade structures at Boyar Park had reached the point where it was not financially or mechanically feasible to repair and would require replacement. The proposed replacement structures for the picnic and Tot Lot areas would be similar in style to the one installed at the Del Valle Park Tot Lot and were only available from a single vendor. She advised that since the fabrication of the proposed shade structures would require a 12-week lead-time, and staff was targeting completion of the installation before the busy summer season, it was recommended that the City order and purchase the structures, then advertise a project for bid for their installation. It was the recommendation of staff that the City Council authorize staff to purchase two picnic shelter shade structures for the Boyar Park Renovation Project, not to exceed \$59,000, from the sole-source provider, Miracle Equipment.

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

AYES: COUNCIL MEMBERS: Piercy, Rogers, Van Nostran, Wagner and Esquivel

NAYS: COUNCIL MEMBERS: None

WRITTEN COMMUNICATIONS:

CORRESPONDENCE FROM COUNTY SHERIFF LEE BACA REGARDING THE LOS ANGELES COUNTY PUBLIC SAFETY AND HOMELAND SECURITY SALES TAX INITIATIVE

Mayor Esquivel announced that he would form an ad hoc committee comprised of Council Members Piercy and Wagner to further study this issue and report back to the City Council at the next meeting.

At 9:05 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 9:08 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Michael Jackson, Long Beach, introduced himself as a candidate for the State senate.

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 9:12 p.m.

Respectfully submitted,

Denise R. Hayward, CMC

City Clerk