



Minutes

Lakewood City Council

Regular Meeting held
March 9, 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 Monsignor Joseph Greeley, St. Pancratius Catholic Church

PLEDGE OF ALLEGIANCE was led by Camp Fire "Po Bo Wa and the Red Birds" Groups

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

ANNOUNCEMENTS AND PRESENTATIONS:

Shirley Jackert, Executive Director of the Long Beach Area Council of Camp Fire USA, made a brief presentation on the history of and programs offered by Camp Fire. She stated the organization, which had been established in the Greater Long Beach area in 1925, had provided services to over 12,000 area children last year. She noted that after school programming was offered as well as a summer day camp and concluded by encouraging participation in the upcoming event, Camp Fire USA Incredible Kid Day.

Mayor Esquivel announced that as part of the Lakewood 50th Anniversary Celebrations, an Open House would be held at City Hall on Tuesday, March 23rd and invited residents to attend this free event.

Council Member Piercy announced that an initiative had been proposed for the November statewide ballot which would require the State to get voter approval before shifting any local revenues away from cities and special districts and that petitions would soon be in circulation to qualify the initiative for the ballot.

ROUTINE ITEMS:

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 4.

RI-1 Approval of Minutes of the Meetings held February 24, 2004

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated February 19, and February 26, 2004

ROUTINE ITEMS: Continued

RI-4 Acceptance of Notice of Completion for Public Works Contract 03-5, Watermain Replacement 2003, Precision Pipeline, Inc.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

1.1 • APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CONDITIONAL USE PERMIT NO. 737, STEVELY AVENUE

Community Development Director Chuck Ebner displayed slides and presented an oral report based on the memorandum in the agenda packet. He stated that on January 8, 2004, the Planning and Environment Commission had heard an application for a Conditional Use Permit to allow a fence in excess of six feet in the rear and side yard area, and a fence in excess of 42 inches in the front yard area at Stevely Avenue. He noted that the front yard fence also encroached into the public right-of-way by two feet, two inches, that the side yard fence extended five inches onto the property directly to the north, and that both fences were constructed without building permits. He advised that the Commission had approved the side yard fencing, provided the applicant obtained consent from the northerly property owner, but had not approved front yard fencing any higher than the 42 inches allowed by the Lakewood Municipal Code. The applicant had subsequently filed an appeal to be allowed to maintain their existing front yard fence.

Vice Mayor Rogers inquired about the negative impacts of allowing the encroachment into the public right-of-way. Public Works Director Lisa Rapp responded by stating that the only potential concern would be public utilities located within that area. She advised that there was a gas line located within that right-of-way and that a Southern California Gas Company spokesman had stated they had no problem with the fence, but would not assume any liability if the fence were ever damaged during repairs to the gas line.

Mr. Ebner confirmed for Council Member Piercy that to date, the adjacent property owner had not agreed to allow the side yard fence.

Responding to a question from Council Member Wagner, Mr. Ebner stated that while staff had observed the surveyor's mark on the sidewalk at the subject location, they had not seen or received a copy of the surveyor's report.

Council Member Wagner noted that since all of the houses within this tract had their sidewalk next to the curb and the two-foot right-of-way area, the decision on this case could impact every property in the neighborhood. He stated that an encroachment permit could be approved provided the property owner was willing to accept responsibility for any future damage to the fence during gas line repairs.

1.1 • APPEAL OF THE DECISION CUP CASE NO. 737 - Continued

Council Member Piercy observed that even if the encroachment issue were to be resolved, the height of the fencing remained in question.

Mayor Esquivel opened the public hearing at 7:59 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

David Burch stated he had retained a contractor to construct the fence to provide safety for his family while he was away for military service. He stated that although he had understood that the contractor would obtain the proper permits for the work, permits had not been pulled. He requested that the fence be allowed to remain within the public right-of-way and that he would be willing to accept responsibility should the fence ever be damaged during gas line repairs. He also requested that the front yard fence be allowed to remain at the height of the lower pilasters, approximately five feet. He noted that he was still in discussions with the neighbor about the side yard fence.

Donald Prince stated he was the owner of the property directly north of the subject site and that his property was currently a rental unit. He further stated that he was not in favor of the side yard fence remaining on the property line as he had planned to construct a courtyard fence around the front of his property and displayed photos of other properties with such a fence.

The Director of Community Development confirmed for Council Member Wagner that such a fence was allowed by the municipal code as long as it would still provide for the required 20-foot setback.

Cindy Prince, daughter of Donald Prince, advised that her parents did not want the existing side yard fence, they wanted their own courtyard fence, and that they felt the front yard fence should not exceed the 42-inch height limit.

Sedley Burch stated the since they had a swimming pool in their rear yard, the front yard fencing was necessary to provide a secure play area for her small children. She stated that they had been attempting to work with the Princes but had not been able to reach any sort of compromise.

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

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

1.1 • APPEAL OF THE DECISION CUP CASE NO. 737 - Continued

Responding to a question from Council Member Wagner, City Attorney John S. Todd advised that the Commission had approved the side yard fence on the condition that the consent of the neighboring property owner be obtained, but had required that the front yard fence be reduced to a height of 42-inches.

Council Member Wagner noted that the subject front yard fence was similar in type to a fence in a case that the City Council had reviewed within the past year and that previous appellant had been required to reduce the height of that fence. He stated that he felt that decision had established a policy that fences above 42-inches in height should not be allowed in the front yard area and that this appeal should be denied on that basis. He encouraged the appellant to work with the neighboring property owners to find an acceptable compromise rather than destroy the existing side yard fencing.

COUNCIL MEMBER WAGNER MOVED AND VICE MAYOR ROGERS SECONDED TO ADOPT RESOLUTION NO. 2004-10 DENYING THE APPEAL OF THE DECISION OF THE PLANNING AND ENVIRONMENT COMMISSION ON CONDITIONAL USE PERMIT CASE NO. 737.

RESOLUTION NO. 2004-10; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD DENYING THE APPEAL OF CONDITIONAL USE PERMIT NO. 737 AND APPROVING AN ENCROACHMENT PERMIT FOR FENCING LOCATED IN THE PUBLIC RIGHT OF WAY AT STEVELY AVENUE, LAKEWOOD, CALIFORNIA

Vice Mayor Rogers stated that he had driven through the neighborhood and looked at the subject fence. He stated that while the fence was attractive, the height of the fence was significantly out of character with the neighborhood and that he could not, therefore, support the appeal.

Council Member Piercy noted that the root of the problem appeared to be the lack of proper building permits, since the issues could have been addressed and corrected by Building Department officials prior to the construction of the fences. He stated it was the responsibility of the City Council to be conscious of the broad impacts of these types of cases and to be consistent in their decisions.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

1.2 • ADMINISTRATIVE CITATION ORDINANCE FOR NEIGHBORHOOD PRESERVATION

The Director of Community Development presented an oral report based on the memorandum in the agenda packet and reported the proposed ordinance had been introduced at the City Council's last meeting. He stated that staff had worked closely with the City Prosecutor to draft the ordinance, which had been prepared as part of the City's Housing Strategy to address the non-compliance with municipal codes of chronic violators. The Administrative Citation program would provide an alternative to lengthy criminal prosecutions for resolving unsightly property cases. It was the recommendation of staff that the City Council hold a public hearing on the proposed ordinance, and following second reading, adopt the proposed ordinance and the proposed resolution to set the non-judicial fines for violations of the ordinance.

Mayor Esquivel opened the public hearing at 8:37 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

RESOLUTION NO. 2004-8; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A SCHEDULE OF NON-JUDICIAL FINES FOR VIOLATIONS OF THE LAKEWOOD MUNICIPAL CODE AND ORDINANCES THAT ARE CITED IN ADMINISTRATIVE CITATIONS

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

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

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 was read by title by the City Clerk.

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2004-3. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

COUNCIL MEMBER PIERCY MOVED AND VICE MAYOR ROGERS SECONDED TO ADOPT ORDINANCE NO. 2004-3.

1.2 • ADMINISTRATIVE CITATION ORDINANCE - Continued

Council Member Wagner stated that while he fully supported the intent of the ordinance, and staff had indicated the procedures that would be followed for the implementation of the ordinance, the ordinance, as written, did not require any specific procedures to be followed and was powerful enough to be oppressive if not properly applied. He proposed a substitute motion.

COUNCIL MEMBER WAGNER MOVED THAT FOR AN INITIAL PERIOD OF NINE MONTHS FOLLOWING THE EFFECTIVE DATE OF THE ORDINANCE, THE CITY'S POLICY FOR ISSUING ADMINISTRATIVE CITATIONS SHALL BE AS FOLLOWS: A CITATION MAY BE ISSUED ONLY AFTER THREE OR MORE CONTACTS FROM CITY ENFORCEMENT STAFF WITH THE RESPONSIBLE PARTY, EACH GIVING THE OPPORTUNITY TO CORRECT A VIOLATION. A CONTACT "GIVING THE OPPORTUNITY TO CORRECT A VIOLATION" IS ANY OF THE FOLLOWING ACTIONS DOCUMENTED IN THE CITY'S PROPERTY ENFORCEMENT FILE: 1) A PERSONAL CONVERSATION BETWEEN AN ENFORCEMENT OFFICER AND THE RESPONSIBLE PARTY, IN WHICH THE VIOLATIONS AND CORRECTIVE ACTION ARE DISCUSSED; 2) THE ENFORCEMENT OFFICER'S BUSINESS CARD LEFT AT A PROPERTY, IN A READILY ACCESSIBLE PLACE SUCH AS WEDGED BETWEEN THE FRONT DOOR AND THE DOOR JAMB, ON WHICH THE OFFICER HAS WRITTEN A REQUEST THAT HE BE CALLED ABOUT THE VIOLATION; 3) A LETTER TO THE RESPONSIBLE PARTY STATING THE VIOLATION AND THE CORRECTIVE ACTION REQUIRED; 4) A LETTER STATING THE VIOLATION AND CORRECTIVE ACTION REQUIRED, INVITING THE RESPONSIBLE PARTY TO AN OFFICE CONFERENCE REGARDING THE VIOLATION. THE LAST CONTACT IS TO BE ITEM 4, THE INVITATION TO AN OFFICE CONFERENCE. THIS POLICY DOES NOT APPLY TO VIOLATIONS REQUIRING IMMEDIATE CORRECTIVE ACTION. IN SUCH CASES, A CITATION MAY BE ISSUED WITHOUT ANY PRIOR CONTACTS. THIS POLICY IS FOR AN INITIAL PERIOD OF NINE MONTHS. AT THE CONCLUSION OF THE NINE-MONTH PERIOD, THE STAFF IS DIRECTED TO RETURN WITH RECOMMENDATIONS FOR KEEPING OR AMENDING THIS POLICY BASED UPON THE EXPERIENCE GAINED IN THE EVALUATION PERIOD.

The City Attorney advised that such action would impair the effectiveness of the ordinance and could provide a violator with a great defense if even a minor part of the policy was violated. He noted that the Administrative Citation process was intended to be used in minor cases, to prevent the need to go through a lengthy court process. He stressed that it was only one method for dealing with violations and that implementation needed to be determined on a case-by-case basis. He concluded by stating the proposed policy would make the ordinance difficult to enforce.

City Prosecutor Bill Holt stated that although the ordinance had been drafted without the intent to require extensive procedures, staff had indicated that there were certain procedures which were routinely followed. He noted that the nine-month evaluation period should be adequate to assess the effectiveness of the ordinance.

VICE MAYOR ROGERS SECONDED THE SUBSTITUTE MOTION.

1.2 • ADMINISTRATIVE CITATION ORDINANCE - Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

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

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT RESOLUTION NO. 2004-8. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

2.1 • AUTHORIZING THE ISSUANCE AND SALE OF WATER REVENUE REFUNDING BONDS

The Director of Finance, Larry Schroeder, presented an oral report based on the memorandum in the agenda packet and reported that a review of the City's financial obligations had indicated that refinancing the 1996 Water Revenue Bonds could net a savings of \$214,000. It was the recommendation of staff that the City Council adopt the proposed resolution which authorized the refinancing of the Lakewood Public Financing Authority 1996 Water Revenue Bonds.

RESOLUTION NO. 2004-9; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AUTHORIZING THE ISSUANCE AND SALE OF WATER REVENUE REFUNDING BONDS FOR THE PURPOSE OF REFUNDING CERTAIN WATER REVENUE OBLIGATIONS OF THE CITY, AND RELATED MATTERS

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT RESOLUTION NO. 2004-9. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

3.1 • COMMUNITY SERVICES OFFICERS PROGRAM

Deputy City Manager Sandi Ruyle presented a brief oral report based on the report in the agenda packet and stated a Community Services Officer program was being implemented. The uniformed Community Services Officers would provide staffing for the Lakewood Sheriff's Community Safety Center at the mall and would also assist deputies and public safety staff through community events, traffic control, crime prevention programs and would take non-criminal field reports. To perform the required field work, it was necessary to purchase specially marked vehicle for the Officers. The proposed vehicles, similar to those currently in use by Parking Control Officers, operated on compressed natural gas and qualified for funding under Air Quality Management District alternate fuels funding. They were a sole-source vendor item. The vehicles would also require specific equipment, including a City radio and a Sheriff's mobile digital computer. It was the recommendation of staff that the City Council authorize the purchase of two 2004 Honda Civic GX vehicles equipped with safety equipment and appropriate \$44,102 from Fund AB.

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, Wagner and Esquivel

NAYS: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Van Nostran

3.2 • REPORT OF AD HOC COMMITTEE ON THE PUBLIC SAFETY AND HOMELAND SECURITY SALES TAX INITIATIVE

Mayor Esquivel announced that this item would be continued to a future meeting.

At 8:58 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:59 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS: None

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk