



# Minutes

## Lakewood City Council

Regular Meeting held  
January 28, 2003

---

**MEETING WAS CALLED TO ORDER** at 7:30 p.m. by Mayor Van Nostran 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 Todd Rogers

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

**ROUTINE ITEMS:**

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 9.

- RI-1 Approval of Minutes of the Meetings held November 12, November 26, December 10, and December 26, 2003
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands dated December 5, December 12, December 19, and December 26, 2002; January 2, January 9, and January 16, 2003
- RI-4 Approval of Agreement for Landscape Maintenance Services with U.S. Landscape
- RI-5 RESOLUTION NO. 2003-3; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, CERTIFYING THE LAKEWOOD BUSINESS DEVELOPMENT PROGRAM ADMINISTRATIVE PLAN
- RI-6 Review of City Investment Policy
- RI-7 Approval of Monthly Report of Investment Transactions
- RI-8 Approval of Quarterly Schedule of Investments
- RI-9 Approval of Appointments to the Lakewood Project Shepherd Board

**ROUTINE ITEMS:** Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

In deference to those member of the audience appearing principally to be heard on this item, Mayor Van Nostran announced that Item 3.2 would be moved to the beginning of the agenda.

**3.2 • REVIEW OF SUPPORT OF AMICUS BRIEF IN CASE OF BARDEN v. CITY OF SACRAMENTO**

City Attorney John S. Todd gave a brief oral presentation based on the memorandum contained in the agenda packet and reported that pursuant to a resolution previously adopted by the City Council, the City Attorney had the authority to add the name of the City of Lakewood to friend of the court briefs as deemed appropriate. He outlined the facts of the Sacramento case which involved litigation being brought against the City of Sacramento in order to make all parts of their sidewalks accessible under the Americans with Disabilities Act. The League of California Cities and the National League of Cities had joined in the brief, and urged cities to join, on the basis that the sidewalks were beyond coverage of the ADA. Also, the costs to cities in California to comply with the court decision had been estimated by the League of California Cities to be \$2.5 billion. He concluded by stating that the City Council had the right to review the decision to join in the amicus brief and could rescind the action of the City Attorney.

Hugh Hallenberg stated he was appalled that the City of Lakewood would support the City of Sacramento in this matter. He stated he felt the allegations of the League of California Cities were bogus since it was accepted that curb cuts were part of ADA requirements and thus the definition should include full accessibility on the sidewalk as well. He also pointed out that the City of Sacramento had been given 40 years to comply with the requirements. He concluded by noting that several cities which had initially supported the City of Sacramento had withdrawn their support and that this matter should be considered a civil rights issue.

Dianne Piastro stated that members of the disabled community were not really demanding that all areas be repaired at once, and that even the individual who brought the case against the City of Sacramento had a particular section of sidewalk in mind. She further stated that two years ago, the City of Lakewood had placed curb cuts at the corners in her neighborhood which provided her with wheelchair access to the local park and mall. She noted that the impacts on Lakewood should be negligible since there were very few streets that need repairs. She encouraged the City Council to withdraw its support from the Sacramento case.

### **3.2 • REVIEW OF SUPPORT OF AMICUS BRIEF IN CASE OF BARDEN v. CITY OF SACRAMENTO - Continued**

Council Member Wagner stated that while he could understand the position of the disabled community in the original lawsuit, since it was useless to have a curb cut to get onto the sidewalk if, once you got there, you were unable to maneuver around other obstacles, to let the Court of Appeals ruling stand would be to invite overkill by the Federal government and impose requirements not originally intended under the original ADA. He advised that although the City of Lakewood had put a substantial amount of money into repairing tree-damaged sidewalks, it would require more money than the City had to spend to keep every section of sidewalk in the City in perfect repair all of the time. He noted that about 80 percent of the street corners in the City now had curb cuts for accessibility, but that it had taken a lot of time and a lot of money to achieve that. He stated that the major problem with the court case was that although most people would be reasonable about the time and money required to make repairs, there would still be an enforceable mandate. And although 40 years might seem like a long time, compliance would take a tremendous amount of resources, and at a time when the future financial picture statewide was not at all good. He concluded by stating that he felt the City of Lakewood must fight the blanket ruling by the Court of Appeals, since it would impose onerous requirements on the City, but if anyone in Lakewood had a specific problem with accessibility, the City would be very willing to work with them and address their concerns on an individual basis.

Council Member Piercy stated he agreed with Council Member Wagner and that loss of local control, in the form of State and Federal mandates, was a major issue facing cities today. Local governments needed to be able to make decisions on where funding was most needed without the State or Federal government unnecessarily controlling priorities. He noted that Lakewood had been recognized for years as a "tree city" and that one of the prices of having beautiful trees was occasional interference with the sidewalks. He stated that the price of keeping sidewalks perfectly smooth would be a constant budget drain and take away funds from other necessary programs. He concluded by stating that he saw the issue, not as one of civil rights, but as a question of local control.

Responding to a question from Council Member Rogers, the City Attorney stated that although the practice of many cities of patching moderate sidewalk displacements until funding was available for replacement was acceptable for liability reasons, it would not meet the more rigorous standards that could be applied under the ADA decision by the Court of Appeals.

Council Member Rogers stated that while he strongly believed that the City had an obligation to make the sidewalks as accessible as possible, mandates handed down by the State or Federal government always seem to have negative impacts, either on the City's budget or programs. He affirmed the City's commitment to aggressive maintenance of the City's sidewalks, but stated that he could not support a mandate that would take away the City's control over its budget. He concluded by stating that the action taken by the City Attorney had been proper and that the City Council should continue to support the amicus brief.

**3.2 • REVIEW OF SUPPORT OF AMICUS BRIEF IN CASE OF BARDEN v. CITY OF SACRAMENTO - Continued**

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO SUPPORT THE ACTION OF THE CITY ATTORNEY IN THE BARDEN V. CITY OF SACRAMENTO CASE. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.1 • GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT CANDLEWOOD STREET**

The Director of Community Development, Chuck Ebner, displayed slides and gave a brief oral presentation based on the memorandum contained in the agenda packet. He reported that a General Plan amendment and zone change had been requested by the Olson Company for property located at the southeast corner of Paramount Boulevard and Candlewood Street. The company had proposed a change from commercial to Planned Development Single Family (PDSF) in order to construct 20 single-family residential units. The company was also seeking approval of vesting Tentative Tract Map No. 53993. As the property was still in escrow, the change in zoning and general plan amendment would not take effect until the transfer of ownership was completed. Mr. Ebner stated that traffic engineers had estimated that a residential use of the property would generate approximately 190 vehicle trips per day as compared to the current commercial use which could generate as many as 3,000 vehicle trips per day. He also stated the existing alley would be increased to a 26 foot wide lane in order to improve fire and emergency access. He advised that an initial study and a mitigating negative declaration had been completed for the proposed project. He concluded by stating that no building permits would be issued for the project until a precise plan had been approved by both the Planning and Environment Commission and the City Council at a public hearing.

Ben Bestley, project manager for the Olson Company, stated his company specialized in “in town” type developments. He stated the design was intended to face outward toward the public street to enhance the area. He reported that the company had held a public meeting at Biscailuz Park to hear the concerns of all interested residents. He advised that concerns had been raised about parking, traffic, noise and privacy, all of which would be addressed in the precise plan for the project.

Council Member Rogers inquired about the open space area of the proposed development and what separated that area from the public sidewalk. Mr. Bestley responded by stating that an open, wrought iron fence with 42 inch pilasters was proposed around the open space area.

**1.1 • GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT CANDLEWOOD STREET – Continued**

Susan Deogracias stated that residents surrounding the proposed project were not opposed to the project, but did have issues. She expressed concern about the stability of the existing block walls bordering the proposed project, especially during grading of the site, and asked that the developer consider including a new wall along the border between the site and the existing properties. She also raised concerns about security lighting in the alley, which currently existed and provided a deterrent to graffiti vandalism, and interruptions in utility services. She concluded by pointing out that current paths for drainage of storm water went out across the alley and should be carefully reviewed before changes in grading were made.

Lee Durham and Ivonne Romo stated that they supported the project and would much rather see a residential development than a fast-food restaurant use on the site.

Mr. Bestley stated that the grading plans would be reviewed by a geotechnical engineer to ensure that there would be no damage inflicted on the existing block walls and that the company would work closely with Southern California Edison to coordinate the development work. He also stated that they would review drainage patterns.

Council Member Rogers expressed concern about the location of the open space and its potential for law enforcement problems. Mr. Bestley stated that the corner was deliberately left open, not only for sight consideration for traffic, but to create an open concept for the development. He stated that the proposal included a pedestrian gate for residents to access businesses across the street. Council Member Rogers suggested that the open space be made less accessible to non-residents of the development. Mr. Bestley also advised that guest parking would not be assigned and should be adequate to meet most requirements with only occasional overflow parking into the surrounding neighborhoods.

RESOLUTION NO. 2003-4; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN TO CHANGE THE DESIGNATION OF A PARCEL OF LAND LOCATED AT CANDLEWOOD STREET, LAKEWOOD, CALIFORNIA, FROM COMMERCIAL TO LOW DENSITY RESIDENTIAL, AND DESIGNATED AS GENERAL PLAN AMENDMENT NO. 2003-1

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

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

NAYS: COUNCIL MEMBERS: None

**1.1 • GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR PROPERTY LOCATED AT CANDLEWOOD STREET – Continued**

COUNCIL MEMBER WAGNER MOVED AND VICE MAYOR ESQUIVEL SECONDED TO ADOPT RESOLUTION NO. 2003-4. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR ESQUIVEL SECONDED TO INTRODUCE ORDINANCE NO. 2003-1.

ORDINANCE NO. 2003-1; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE ZONING MAP OF THE CITY OF LAKEWOOD BY CHANGING THE ZONING FROM C-3 (INTERMEDIATE COMMERCIAL) TO PDSF (PLANNED DEVELOPMENT SINGLE FAMILY) ON PROPERTY LOCATED AT CANDLEWOOD STREET, DESIGNATED AS ZONE CHANGE CASE NO. 106 was read by title by Mayor Van Nostran.

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER ROGERS SECONDED TO WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 2003-1. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

RESOLUTION NO. 2003-5; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING TENTATIVE TRACT MAP NO. 53993

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT RESOLUTION NO. 2003-5. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**2.1 • HEIGHT OF FENCES ABUTTING THE WEST SAN GABRIEL RIVER OPEN SPACE AREA**

ORDINANCE NO. 2002-10; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD ZONING ORDINANCE AND THE MUNICIPAL CODE PERTAINING TO GENERAL PROVISIONS RELATING TO HEIGHT OF FENCES ABUTTING THE WEST SAN GABRIEL RIVER OPEN SPACE AREA was read by title by Mayor Van Nostran.

**2.1 • HEIGHT OF FENCES ABUTTING THE WEST SAN GABRIEL RIVER OPEN SPACE AREA – Continued**

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO WAIVE FURTHER READING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT ORDINANCE NO. 2002-10. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**2.2 • THE REGULATION OF INDOOR SWAP MEETS**

ORDINANCE NO. 2002-11; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD ZONING ORDINANCE BY REPEALING ORDINANCE NO. 2002-3 PROHIBITING THE ESTABLISHMENT OF SWAP MEETS AND AMENDING THE LAKEWOOD MUNICIPAL CODE TO AUTHORIZE SWAP MEETS BY CONDITIONAL USE PERMIT was read by title by Mayor Van Nostran

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER WAGNER SECONDED TO WAIVE FURTHER READING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT ORDINANCE NO. 2002-11. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**3.1 • REVIEW OF INTERGOVERNMENTAL RELATIONS PRIORITIES;  
STATEMENT OF INTERGOVERNMENTAL RELATIONS GOALS**

Assistant City Manager Michael Stover gave a brief oral presentation based on the memorandum contained in the agenda and stated that the statement of intergovernmental goals summarized the City's legislative efforts in 2002 and established goals for 2003. He related that the number one goal for 2003 was to protect the residents of Lakewood from the impacts of the Governor's strategies, including proposed budget cuts and tax increases, to balance the State budget.

COUNCIL MEMBER PIERCY MOVED AND VICE MAYOR ESQUIVEL SECONDED TO ADOPT THE STATEMENT OF INTERGOVERNMENTAL GOALS. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

At 8:56 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 Van Nostran adjourned the meeting at 8:59 p.m.

Respectfully submitted,

Denise R. Hayward, CMC  
City Clerk