



Minutes

Lakewood City Council

Regular Meeting held
February 12, 2002

MEETING WAS CALLED TO ORDER at 7:34 p.m. by Mayor Wagner in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Monsignor Ronald E. Royer, St. Pancratius Church

PLEDGE OF ALLEGIANCE was led by Council Member Joseph Esquivel

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Wagner announced that a reception had been held prior to the meeting to welcome the new County Librarian Margaret Donnellan Todd; recognize the championship football team from Mayfair High School, and the winners of the library bookmark contest; and acknowledge the Lakewood law enforcement team as part of Public Safety Month.

ROUTINE ITEMS:

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 6.

- RI-1 Approval of Minutes of the Meetings held January 22, and January 29, 2002
- RI-2 Approval of Personnel Transactions
- RI-3 Approval of Registers of Demands dated January 17, January 24, and January 31, 2002
- RI-4 Approval of Waiver of City Facility Use Fee for the Greater Lakewood Chamber of Commerce Sponsored Long Beach Unified School District Candidates' Forum and Cablecasting on CityTV
- RI-5 Approval of Easement on the Southeast Corner of Carson Street and Woodruff Avenue

ROUTINE ITEMS: Continued

RI-6 Approval of Additional Appropriation for Public Works Project No. 00-5R, Standby Generators for The Centre and Nixon Yard

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 01-10, McCORMICK POOL EQUIPMENT REPLACEMENT

Lisa Rapp, Director of Public Works, gave a brief oral presentation based on the memorandum in the agenda and reported one bid had been received out of three contractors attending a mandatory pre-bid conference for the replacement of equipment at McCormick Pool. The improvements included the change out of existing gas chlorination system to a more economical liquid chlorination system, replacing outdated parts and construction of a new surge tank. It was the recommendation of staff that the City Council approve the plans and specifications for the project, award the contract to California Commercial Pools of Glendora in the amount of \$184,000.00, appropriate \$132,000 from the General Fund to the project account and authorize staff to approve a cumulative total of change orders in an amount not to exceed \$9,200.00.

Mayor Wagner opened the public hearing at 7:39 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: Esquivel, Piercy, Van Nostran, Rogers and Wagner

NAYS: COUNCIL MEMBERS: None

1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 01-9, LANDSCAPE BLOOMFIELD MEDIAN

The Public Works Director gave a brief oral presentation based on the memorandum in the agenda and reported thirteen bids had been received for the landscaping of the existing raised medians on Bloomfield Avenue between Del Amo Boulevard and 215th Street. The project would include the installation of irrigation, turf and pine trees as well as other plant materials. It was the recommendation of staff that the City Council approve the plans, specifications and working details for Public Works Project No. 01-9; award the contract to the low bidder, Reyco, Smith & Reynolds Erosion Control, Inc., in the amount of \$250,675.00; appropriate \$175,000 from the General Fund to the project account; and authorize staff to approve a cumulative total of change orders not to exceed \$25,000.

1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 01-9, LANDSCAPE BLOOMFIELD MEDIAN - Continued

Vice Mayor Van Nostran expressed his surprise at how expensive the landscaping would be, although he noted that many of the bids were in a similar price range. Ms. Rapp stated that the close numbers among the bids indicated that the pricing was competitive, noting that the specifications called for mature trees so that the completed project would look good right from the start.

Mayor Wagner opened the public hearing at 7:44 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF'S RECOMMENDATIONS.

Council Member Piercy observed that there would be many people who would be glad to get rid of the existing green blacktop and have attractive landscaping instead.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.3 • LIMITING THE TIME FOR POSSESSION AND DISCHARGE OF FIREWORKS AND PERTAINING TO PERMITS FOR SALE OF SAFE & SANE FIREWORKS

Director of Finance, Larry Schroeder, gave a brief oral presentation based on the memorandum in the agenda and reported that the Public Safety Committee had reviewed the fireworks sections of the Municipal Code and recommended several changes. The changes included limiting sales to July 1st through July 4th; discharge of fireworks permitted only on July 4th; each applicant organization must have a meeting place in Lakewood, have a minimum of thirty members and fifty percent of its members must be residents of, have businesses in, or be employed in Lakewood; stands would be limited to parent organizations, limited to a maximum of 25, be at least 500 feet from any other stands, and the compensation an organization paid for use of any property for a fireworks stand would be limited to \$1,000. He concluded by stating that each organization would also be required to provide an accounting of the proceeds from the fireworks stand and that the ordinance provided a grandfathering clause for organizations that were granted permits to operate stands in 2001.

1.3 • POSSESSION, DISCHARGE AND SALE OF SAFE & SANE FIREWORKS

Vice Mayor Van Nostran reported that exploring this issue had been an interesting journey for the Committee which revealed that with the growing number of organizations applying for permits to operate fireworks stands, there was a need for more well policed policies. He stated that the Committee had received a significant amount of input and that although the proliferation of stands was a recognized problem, the most frequent complaint encountered regarding fireworks was the noise and its impact on particularly sensitive people or animals. To mitigate the impacts, the Committee was recommending the discharge of fireworks be limited to July 4th only. He stated that any aerial or noisy fireworks were not safe-and-sane fireworks, but the illegal variety. He stressed that only the safe-and-sane fireworks were authorized for sale in Lakewood, but that it was becoming easier than ever to acquire the illegal variety since they could be ordered on the Internet, a problem that was unfortunately outside the City Council's jurisdiction to address, except through enforcement. He stated that the Committee had reviewed the requirements and procedures of many cities during their study. He concluded by stating that it was time the City Council took advantage of an existing section in the fireworks permit process that provided the Council with the discretion to issue or deny permits and to impose additional, reasonable conditions.

Council Member Rogers stated that the priorities the Committee heard expressed were that the tradition of using safe-and-sane fireworks to celebrate Independence Day be preserved; that local civic and charitable groups continue to be provided with the fundraising opportunity offered by safe-and-sane fireworks; to ensure that funds raised were used for the betterment of the Lakewood community; and to minimize any negative impacts of safe-and-sane fireworks on the neighborhood quality of life. He noted that some of the concerns addressed by the proposed changes included the bidding wars that had developed over fireworks stand locations, and groups with no real nexus to Lakewood operating booths. He stated that while the proposed ordinance might not be perfect, the revisions were reasonable and a step in the right direction. He also noted that the City Council would retain the discretion to deny any application for a permit to sell safe-and-sane fireworks. He concluded by stating that he felt the revised ordinance, together with stepped-up enforcement, would provide the community with a much safer and saner 4th of July.

City Attorney John S. Todd advised that the important changes featured in the proposed ordinance included a limitation on the time fireworks could be possessed, and limiting the discharge of fireworks to July 4th.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO AMEND THE PROPOSED ORDINANCE TO INCLUDE LANGUAGE IN SECTION 3105.3.C TO REQUIRE THAT ORGANIZATIONS SUBMITTING APPLICATIONS BE IN SUBSTANTIAL COMPLIANCE WITH ALL OTHER PROVISIONS OF THE ORDINANCE.

Council Member Piercy stated that there was a definite need to tighten the regulations pertaining to the sale of safe-and-sane fireworks. He requested clarification from the City Attorney regarding the legality of restricting the amount that could be paid for a fireworks stand location. The City Attorney responded by stating that while the City could not limit what a property owner could charge for use of his property, it could place restrictions on how much an organization could pay for a location.

1.3 • POSSESSION, DISCHARGE AND SALE OF SAFE & SANE FIREWORKS

Council Member Esquivel, noting that there was also a problem with illegal fireworks, inquired how the ordinance would address the issue or if there was a law enforcement plan to provide more control. Vice Mayor Van Nostran responded by stating that the proposed ordinance dealt with the proliferation of stands selling safe-and-sane fireworks and the funds being raised that were going to groups outside Lakewood. He noted that the Committee had talked to the Sheriff's Department about the need for an enforcement plan to deal with illegal fireworks.

Council Member Piercy observed that restricting the time for sales and discharge should make it much easier to locate those persons possessing illegal fireworks.

Council Member Rogers stated that the use of illegal fireworks was clearly part of the problem and that while the City Council was preempted from passing any legislation on illegal fireworks, they could take measures to step-up enforcement and a plan would be formulated.

Mayor Wagner expressed concern that the time period for organizations to provide an accounting of the funds raised was not adequate.

MAYOR WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO CHANGE THE ACCOUNTING DATE IN SECTION 3105.6.H TO APRIL 1ST. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

Mayor Wagner also expressed concern that requiring each organization to have a minimum of thirty members could exclude some very worthwhile organizations, especially at a time when many civic and charitable organizations were struggling to attract and retain members. He stated that the provision would appear to favor the school organizations at the expense of the smaller civic groups.

The City Attorney responded by stating that one objective of the requirement was to eventually reduce the total number of applications for stands.

Vice Mayor Van Nostran noted that there were several provisions built into the ordinance with the intent to reduce the number of permits issued to 25, like those on the locations for stands, but that organizations that held permits in 2001 would be grandfathered in for 2002 permits. He stated that he was not interested in throwing out anyone unless they were in flagrant violation.

Mayor Wagner responded by stating that he felt it was a very lopsided way to distribute booths, especially when there were groups such as the high schools with many sub-groups, each having separate stands.

1.3 • POSSESSION, DISCHARGE AND SALE OF SAFE & SANE FIREWORKS

Council Member Rogers noted that there were already a couple of groups that were not in substantial compliance and would probably not even re-apply for 2002 permits.

Mayor Wagner opened the public hearing at 8:33 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Bob McKittrick, Long Beach, stated he represented Little League Baseball and had operated a stand for many years. He expressed concern that all stand operators had not been invited to participate in the Committee's study of the issue. He also stated that limiting the time for sales could mean losing sales to stands in other cities and hamper the operator's ability to restock the fireworks booths.

Council Member Rogers reported that the Committee had worked closely with the fireworks company representatives, who were acting on behalf of all of the stand operators.

Chuck Haynes stated he felt the requirement for thirty members was too high and would eliminate some good groups. He also addressed the need for more enforcement.

Kenneth Fails stated that he would like to see all fireworks phased out completely.

Joe Arambel stated that his group, the Pan American Association, was a small group with only about twenty members, and yet, using the funds raised through the sale of safe-and-sane fireworks, had been able to offer scholarships to nine local high school students. He encouraged the Council not to grandfather in all of the high school sub-groups. He also inquired if two small organizations could go together to operate a fireworks stand.

Vice Mayor Van Nostran stated the proposed ordinance was a good starting point and that after seeing its impacts, the City Council could re-visit the issue and make any necessary adjustments.

Ruby Pyers stated she had operated a booth for the Greater Lakewood Chamber of Commerce for the past six years. She stated that she felt thirty was too high a membership requirement and that each organization should only have one stand.

Linda Stone, Executive Director of the Greater Lakewood Chamber of Commerce, stated that the grandfathering clause should have a time limit.

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

Mayor Wagner requested that the public hearing remain open and be held over to the next reading of the ordinance. The maker and second of the motion agreed and withdrew the motion.

1.3 • POSSESSION, DISCHARGE AND SALE OF SAFE & SANE FIREWORKS

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED THAT THE REQUIRED NUMBER OF MEMBERS LISTED IN SECTION 3105.3 BE LEFT AT 20. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

Mayor Wagner stated that while he felt the Committee had basically done a great job and had addressed most of his concerns and eliminated many abuses, he still felt there had been inadequate input from the organizations operating the stands and that a time limit on the grandfathering clause needed to be examined.

MAYOR WAGNER MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO REMAND THE ORDINANCE BACK TO THE PUBLIC SAFETY COMMITTEE TO ADDRESS THE ISSUE OF GRANDFATHERING AND THE DISTRIBUTION OF STANDS TO ORGANIZATIONS.

Vice Mayor Van Nostran stated that as he was not immediately available for another meeting of the Committee, the work could not be completed in time to be implemented this year. Mayor Wagner responded by stating that he felt it was not necessary that the ordinance be effective for this year. Vice Mayor Van Nostran stated that he felt it was necessary to act in time for the ordinance to take effect this year, even if the issue must be brought back for further action at a later time.

Responding to a question from Council Member Piercy, the City Attorney stated that there was adequate time for the ordinance to go into effect for 2002 permits, but not if the ordinance was sent back to the Committee for alterations.

Mayor Wagner noted that with the grandfathering clause, there was not an urgent need to adopt the ordinance in time for this year. Mr. Schroeder advised that beyond the regulations for permits, the ordinance also contained the provisions to limit the times for sale and discharge of fireworks.

The City Attorney advised that an alternative would be to adopt only the portions of the ordinance pertaining to possession and discharge of fireworks.

MAYOR WAGNER PROPOSED A SUBSTITUTE MOTION THAT ORDINANCE NO. 2002-2 BE LIMITED TO SECTION 3105, SUBSECTIONS A, B AND C, AND SECTION 1205, AND THAT THE REST OF THE PROVISIONS BY REMANDED BACK TO THE PUBLIC SAFETY COMMITTEE. THE MOTION DIED FOR LACK OF A SECOND.

Council Member Rogers stated that the Committee had collected extensive data and received input from several of the high school organizations in addition to the other organizations through their fireworks company representatives. He also noted that with the high school organizations, each sub-group, although affiliated with the high school, considered itself a completely separate entity. He concluded by stating that the Committee had been made well aware of all of the problems to be addressed.

1.3 • POSSESSION, DISCHARGE AND SALE OF SAFE & SANE FIREWORKS

Mayor Wagner responded that he felt the fireworks company representatives could not have adequately represented all of the organizations and that the Committee needed to hear from them directly.

COUNCIL MEMBER PIERCY CALLED FOR THE QUESTION.

UPON ROLL CALL VOTE, THE MOTION FAILED:

AYES: COUNCIL MEMBERS: Esquivel and Wagner

NAYS: COUNCIL MEMBERS: Piercy, Van Nostran and Rogers

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO INTRODUCE ORDINANCE NO. 2002-2 AS PRESENTED WITH APPROVED AMENDMENTS.

ORDINANCE NO. 2002-2; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE LIMITING THE TIME FOR POSSESSION AND DISCHARGE OF FIREWORKS AND PERTAINING TO PERMITS FOR SALE OF SAFE & SANE FIREWORKS

Mayor Wagner stated that the ordinance as presented was not fair to all of the organizations and that while there were many good elements to the ordinance, the grandfathering issue negated some of them. He concluded by stating that since he felt the ordinance would not be to the ultimate benefit of the community, he would oppose it.

Council Member Piercy stated that the Committee had made great progress and that although there might be areas that the City Council would need to re-address and improve, it was very clear that regulations needed to be adopted now in order to improve the quality of life in the community.

Vice Mayor Van Nostran re-stated his intent to cause no harm to any of the organizations. He noted that it would be unfair to combine all of the high school organizations into a single booth. He expressed the opinion that the combination of provisions in the ordinance and attrition would take care of the problem of the proliferation of booths.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: Wagner

At 9:40 p.m., Mayor Wagner called for a brief recess. At 9:46 p.m., the City Council meeting resumed with all members present.

3.1 • ENDORSEMENT OF PROPOSITION 42, TRANSPORTATION CONGESTION IMPROVEMENT ACT

Assistant City Manager Michael Stover gave a brief oral presentation based on the memorandum in the agenda and reported that there was an issue on the Statewide ballot in March which proposed that gasoline sales tax revenues be specifically used for State and local transportation purposes, instead of leaving their use up to the Legislature and the Governor. Proposition 42 would establish a stable, ongoing funding source to improve road safety and reduce traffic congestion.

RESOLUTION NO. 2002-5; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD SUPPORTING PROPOSITION 42, THE TRANSPORTATION CONGESTION MANAGEMENT ACT, ON THE MARCH 5TH BALLOT

Council Member Piercy, noting that critics of Proposition 42 indicated that it would throw the State education fund out of balance, inquired about the effects. Mr. Stover responded by stating that while the entire annual gasoline sales tax was only about one percent of the total state budget, the amount was quite significant for cities and the ability to improve local streets. He also noted that there was a proposal pending from the Jarvis Taxpayers Association that would remove the gasoline sales tax all together. He concluded by stating that forty percent of the State budget was constitutionally guaranteed to go to education.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT RESOLUTION NO. 2002-5. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.2 • LOCATION FOR WATER WELL #13A

Director of Water Resources, Jim Glancy, displayed slides and gave a brief oral presentation based on the memorandum in the agenda and stated in October, 2000, Well #13 had been lost and been properly destroyed. He reported that the loss seriously reduced the department's ability to maintain adequate water levels in the tanks located on Palo Verde Avenue north of Del Amo Boulevard, where Well #13 had been located. In April, 2001, the City had entered into an agreement with Boyle Engineering to research potential locations for a replacement well. Their evaluation had indicated that the most suitable location was at the northeast corner of Candleverde Park, located on Candlewood Street at Palo Verde Avenue. The evaluation had been reviewed by the Water Committee which recommended that the Candleverde site be approved and staff be directed to proceed with the necessary steps for the design work and specifications.

Council Member Piercy stated he had initially been concerned about losing space at the park for recreational uses but the presentation, and the announcement that improvements to the park and its play equipment were also planned, had convinced him the project was worth supporting.

3.2 • LOCATION FOR WATER WELL #13A - Continued

COUNCIL MEMBER ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE THE RECOMMENDATION OF THE WATER COMMITTEE. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.3 • COMMUNITY PRESERVATION, CODE ENFORCEMENT AND LEGAL SERVICES

Director of Community Development, Chuck Ebner, gave a brief oral presentation based on the memorandum in the agenda and stated that effective code enforcement was a key element in maintaining property values and an attractive community. He reported that staff was experiencing problems in achieving effective resolution of code enforcement cases due to the lack of timely prosecution. Such cases were currently handled by a County Deputy District Attorney who, with 41 cities to service, was taking up to four weeks before any action occurred. Several area cities were no longer using the District Attorney for these services, but were contracting with an outside law firm to act as their City Prosecutor, with positive results. It was the City Attorney's recommendation that such a firm handle all cases involving violations of the Lakewood Municipal Code. Following review by the Public Safety Committee, it was their recommendation that the City Council authorize staff to seek proposals from qualified law firms for the provision of City Prosecutor services.

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: Esquivel, Piercy, Van Nostran, Rogers and Wagner

NAYS: COUNCIL MEMBERS: None

At 9:58 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 9:59 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 Wagner adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk