



Minutes

Lakewood City Council

Regular Meeting held
March 14, 2006

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 Reverend Bill Cox, Emmanuel Church of Lakewood

PLEDGE OF ALLEGIANCE was led by Campfire Fox Girls

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

ADDITIONAL ITEM:

MORATORIUM ON THE SALE AND USE OF SAFE AND SANE FIREWORKS

Mayor Esquivel announced that the Public Safety Committee had met on Friday, March 10th to consider amendments to the Fire Prevention sections of the Lakewood Municipal Code and had developed recommendations to the City Council regarding regulations for the use and sale of fireworks.

City Attorney Steve Skolnik advised that under the Ralph M. Brown Act, there were certain exceptions to the requirements for items to be listed on the posted agenda. He stated that since the need to discuss this matter had occurred subsequent to the posting of the City Council agenda and the matter needed immediate action by the City Council, it met the legal test for addition to the agenda for this meeting.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO ADD CONSIDERATION OF THE PUBLIC SAFETY COMMITTEE'S RECOMMENDATIONS REGARDING THE USE AND SALE OF FIREWORKS TO THE AGENDA. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Van Nostran, Croft, DuBois, Rogers and Esquivel
NAYS: COUNCIL MEMBERS: None

MORATORIUM ON SALE AND USE OF SAFE & SANE FIREWORKS – Cont.

Vice Mayor Van Nostran, Chairman of the Public Safety Committee, stated that the Committee had looked at fire regulations and whether changes were advisable in the regulations pertaining to fireworks. He stated that while he was disturbed to see the nation's Independence Day celebrations become a day to break the law, he also recognized the good works done in the City of Lakewood by the organizations that raised money through the sale of fireworks. He stated that the only real way to put a stop to the influx of illegal fireworks into California from out-of-state and from the Internet, would be a statewide ban, and noted that the State currently put more effort into keeping illegal fruit out of the State than illegal fireworks. He stated that although the recent incident with the explosion on Dunrobin Avenue had been perpetrated by one individual with illegal fireworks, the City must take steps to protect from any further incidents. The Public Safety Committee would propose a one-year moratorium on the sale of safe and sane fireworks to enable the City to work with the Sheriff's Department to determine the best course of action to combat the use of illegal fireworks in Lakewood. He further stated that the City would also work closely with the community groups depending on fireworks sales as fundraisers to develop alternatives. He called upon the local courts to treat violations of the Municipal Code sections relating to fireworks as the serious crime they were. He concluded by stating that the real solution was not just to change the laws, but to change behaviors.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE A ONE-YEAR MORATORIUM BE PLACED ON THE SALE AND USE OF SAFE AND SANE FIREWORKS AND TO ALLOCATE AN ADDITIONAL \$100,000 TO FUND A NEW LAW ENFORCEMENT TEAM TO TARGET PROBLEM LOCATIONS AND REPEAT OFFENDERS.

The City Attorney stated that an implementing ordinance to amend the Municipal Code would be prepared for City Council approval.

Council Member Rogers stated that as a point of clarification, he wished to disclose that he was a member of the Los Angeles County Sheriff's Department and had worked in the Lakewood Schools Organizing Committee booth, which sold safe and sane fireworks and used the profits to make grants to Lakewood teachers. He continued by stating that the use of safe and sane fireworks was a tradition in his own family and that he would hate to see all families banned from using the legal fireworks because of the action of those who choose to break the law. He expressed concern that there were not enough public fireworks displays to provide an alternative or enough law enforcement officers to catch everyone breaking the law. He acknowledged that there was some truth that the legal fireworks tended to mask the use of illegal fireworks or lead people to think it is okay to bring in illegal fireworks. He stated that the escalating use of illegal fireworks was turning the City into a war zone on July 4th and detracting from residents' ability to enjoy the holiday. He concluded by stating that he would support the moratorium for one year

MORATORIUM ON SALE AND USE OF SAFE & SANE FIREWORKS – Cont.

and see what impact it would have and support the appropriation to give the Lakewood Sheriff Station the tools needed to do a better job of enforcement. He noted the City Council may want to take a look at placing this matter on a future election ballot to get input from the voters.

Council Member Rogers additionally stated he would like to amend the motion on the floor.

COUNCIL MEMBER ROGERS MOVED TO AMEND THE MOTION TO ADD THE ESTABLISHMENT OF A PILOT PROGRAM FOR A \$100 REWARD FOR INFORMATION LEADING TO THE ARREST OR CITATION OF ANYONE IN VIOLATION OF ANY CODE SECTION RELATING TO ILLEGAL FIREWORKS AND DIRECT STAFF TO PREPARE A REPORT REGARDING REGIONALIZING FIREWORKS DISPLAYS IN PARK FACILITIES DISTRIBUTED THROUGHOUT THE CITY. AS THE MAKER OF THE ORIGINAL MOTION, VICE MAYOR VAN NOSTRAN CONCURRED WITH THE AMENDMENT.

Finance Director Larry Schroeder reported that in 2002, the Fire Prevention section of the Lakewood Municipal Code had been amended to reduce the number of fireworks stands allowed in the City; to decrease the number of days fireworks could be sold; to limit the type of groups allowed to receive a permit for fireworks; and to specify that proceeds must be spent within the City of Lakewood.

Deputy City Manager Sandi Ruyle displayed slides showing the printed guidelines for a safe July 4th celebration and Lakewood fireworks regulations. She advised that the flyers were distributed through all fireworks stands; the 400 active Neighborhood Watch block captains; all City facilities; all block party permit participants; and Sheriff's deputies. Starting with July 4, 2005, a 24-hour hotline had been established to collect reports of illegal fireworks activities and a 2-man Sheriff's fireworks suppression car had worked both prior to and on the holiday. She reported on the trends in block party permit applications, noting that more stringent requirements had been imposed in 2002.

Captain Dave Fender, Commander of the Lakewood Sheriff Station, displayed slides and reported on the Station's deployment plan that had been used on July 4th, the calls for service, and a city-by-city comparison on the number of calls regarding illegal fireworks. He stated that an average p.m. shift received about 27 calls for service and, by contrast, 131 calls for service had been received on July 4th. He also reported that 123 citations had been issued over the holiday period, with 98 of them being issued on July 4th, even though darkness and smoke often hampered efforts to identify specific individuals using illegal fireworks. He noted that while previously the focus had been to merely seize any illegal fireworks and quickly move on to the next call, in 2005, deputies had concentrated on issuing citations. He stated that help was needed from the court system on the disposition of the citations.

MORATORIUM ON SALE AND USE OF SAFE & SANE FIREWORKS – Cont.

The City Attorney advised the audience members wishing to address the City Council that the item under discussion was limited to a moratorium on the sale and use of safe and sane fireworks and that anyone wishing to address the City Council regarding the explosion on Dunrobin Avenue would be provided an opportunity later in the agenda.

Bob McKittrick, representing Little League Baseball; Dina Schmidt, representing Lakewood Football and Cheer; Sal Hernandez, representing Pop Warner Football; Mark Abeyta, Joy Janes, Noemi Tiedemann, Robert Clayton, Joe Arambel, Ron Wade, Dennis Fontes, President of the Lakewood Rotary Club; Anna Melendez, representing Lakewood Pacific Junior Football; Debra Esquivel, representing the Lakewood JC's; Terry Downs, representing the Weingart-Lakewood Family YMCA; Glenn Haas, representing Little League Baseball; and Ruby Pyers-Cure, representing the Lakewood Women's Club; addressed the City Council in opposition to a moratorium. They cited reasons such as: the huge financial impacts on local organizations that benefit children; punishing families that enjoy the legal, safe and sane fireworks for the actions of one bad person; safe and sane fireworks were not the real problem; placing the matter on an election ballot instead; and urging the City Council to take additional time to seek another alternative.

Steve Hansen, James Stewart, Mitch Snyder and Priscilla Hansen addressed the City Council in favor of a moratorium. They cited reasons such as: a moratorium was the best and only way to stop the illegal fireworks; there was no such thing as safe fireworks; and a full ban on fireworks was necessary for the safety of the public.

Robert Wagner noting that this item was not on the posted agenda, advocated postponing a decision on a moratorium until a public hearing could be held for a broader audience.

Council Member Croft noted that if the moratorium were to proceed, the proposed ordinance would be placed on the posted agenda for the next meeting.

Responding to a question from one of the speakers, the City Attorney stated that the City Council did not have the authority under California State law to make a violation of the Lakewood Municipal Code a misdemeanor.

Vice Mayor Van Nostran stated he was in a quandary, since he knew a moratorium would have far-reaching impacts and that some community groups depended on the funds raised from the sale of safe and sane fireworks. He further stated that there should be a study to determine if there was a way to assist the organizations that would lose funding if a moratorium were implemented. He stated he would support placing this issue before the voters and that public safety was his number one concern.

MORATORIUM ON SALE AND USE OF SAFE & SANE FIREWORKS – Cont.

Council Member Rogers stated that this was a particularly tough issue and that his own children would not support him voting against safe and sane fireworks. He stated that if there was any way to soften the financial blow to the organizations, the City should help.

Council Member Croft stated that as a long-time resident, safe and sane fireworks had been sold as long as he could remember. He expressed concern that legal and illegal fireworks could still be purchased elsewhere and used in Lakewood, even if a moratorium were instituted. He stated that the largest problem was with judges refusing to impose the higher fines adopted by the City Council and offering lesser fines and charges to those receiving citations for illegal fireworks. He noted that the City should seek the help of State and Federal authorities to help implement additional controls on the use of illegal fireworks. He stated that he would support a plan to soften the impacts to local non-profit groups at least for the first year of a moratorium or fireworks ban.

Responding to a question from Vice Mayor Van Nostran regarding whether public funds could be used to assist the organizations, the City Attorney stated that there were tests for the uses of municipal expenditures and that specific facts must be reviewed to determine if such assistance was feasible.

Vice Mayor Van Nostran proposed that the motion be further amended.

VICE MAYOR VAN NOSTRAN MOVED THAT THE MOTION BE AMENDED TO DIRECT STAFF TO PREPARE AN ENACTING ORDINANCE FOR A MORATORIUM AND TO PREPARE A PROCESS FOR REVIEWING EACH FIREWORKS STAND APPLICANT'S ELIGIBILITY FOR CITY FUNDING ASSISTANCE. AS THE SECOND TO THE MOTION, COUNCIL MEMBER ROGERS CONCURRED WITH THE AMENDMENT.

Mayor Esquivel stated that he had worked in July 4th fireworks booths for many, many years in support of a number of service organizations in Lakewood. He stated that he understood that what happened to the house on Dunrobin Avenue was an extremely frightening incident and that the City Council was prepared to take measures to see that such a thing would never happen again. He expressed his support for the amended motion.

Council Member DuBois stated that she supported the remarks made by her colleagues and suggested that staff also look at service opportunities where organizations could possibly work to earn funding support or participate in other fund raising opportunities at City events.

UPON ROLL CALL VOTE, THE MOTION, AS AMENDED, WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

City Council Minutes

March 14, 2006

Page 6

At 9:26 p.m., Mayor Esquivel called for a brief recess. The meeting was reconvened at 9:35 p.m., with all Members of the City Council present.

ROUTINE ITEMS:

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 8.

RI-1 Approval of Minutes of the Meeting held February 28, 2006

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated February 23, and March 2, 2006

RI-4 RESOLUTION NO. 2006-7; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A TWO-HOUR PARKING ZONE ON THE NORTH SIDE OF SOUTH STREET WEST OF ALLEY WEST OF BELLFLOWER BOULEVARD WITHIN THE CITY OF LAKEWOOD

RI-5 Approval of Encroachment Permit

RI-6 Approval of Meeting Reports and Authorizations Pursuant to AB1234

RI-7 Approval of Amendment to Agreements with Meyer & Associates - Rynerson Park Shelter No. 3 Replacement Project

RI-8 RESOLUTION NO. 2006-8; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING THE FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT WITH THE EXCLUSION OF PARAMOUNT AS A MEMBER CITY OF THE SOUTHEAST LOS ANGELES COUNTY WORKFORCE INVESTMENT BOARD

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 06-1R, DRILLING ASR WELL 27

The City Attorney advised that although this item had been noticed for a public hearing on this date, it was not ready for a decision to be made by the City Council.

Mayor Esquivel opened the public hearing at 9:36 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 CROFT SECONDED TO CONTINUE THE AWARD OF BID OF PUBLIC WORKS PROJECT NO. 06-1R TO THE MEETING OF MARCH 28, 2006. 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 PERTAINING TO HEARING OFFICERS FOR ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE HEARINGS

Community Development Director Chuck Ebner gave a brief presentation based on the report contained in the agenda and stated that based on recent case law, the City Prosecutor had recommended a change in the Lakewood Municipal Code pertaining to the definition of Hearing Officer in matters pertaining to vehicle nuisance hearings. It was the recommendation of staff that the City Council hold a public hearing and introduce the proposed ordinance amending Article IV of the Municipal Code.

ORDINANCE NO. 2006-3; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE PERTAINING TO HEARING OFFICER FOR HEARINGS CONCERNING ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLES

Mayor Esquivel opened the public hearing at 9:39 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Priscilla Hansen, 6178 Eastbrook Avenue, requested further explanation on the purpose of the item. Council Member Croft clarified that the ordinance would bring a section of Lakewood's Municipal Code into compliance with current State law.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO INTRODUCE ORDINANCE NO. 2006-3. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.1 • SPECIFIC PLAN 2006-1 FOR 5800, 5802 & 5804 AUTRY AVENUE AND 5437 & 5439 SOUTH STREET

The City Attorney advised that a report had been presented on this item at the last regular meeting and that the ordinance was presented for second reading and adoption at this time.

ORDINANCE NO. 2006-2; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADOPTING SPECIFIC PLAN 2006-1 was read by title by the City Clerk.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2006-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER CROFT SECONDED TO ADOPT ORDINANCE NO. 2006-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.1 • REQUEST BY GREATER LAKEWOOD CHAMBER OF COMMERCE TO USE THE CITY COUNCIL CHAMBERS FOR A CANDIDATE FORUM ON MAY 16, 2006

Assistant to the City Manager Lisa Novotny gave a brief presentation based on the report in the agenda and stated the Greater Lakewood Chamber of Commerce had requested the use of the City Council Chamber for a candidate forum on May 16, 2006. She noted that although previous requests for use of the Council Chamber for this type of event had been granted with a waiver of the related fees, the Chamber of Commerce had decided to change their priorities and was not planning the event as a content neutral presentation, but rather the Chamber planned to make political endorsements of specific candidates and issues. It was the recommendation of the Intergovernmental Relations Committee that the City Council approve the use of the City Council Chamber by the Greater Lakewood Chamber of Commerce for the May 16, 2006, Candidate Forum for the half-day rental fee of \$300.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE THE RECOMMENDATION OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.2 • STATUS REPORT ON THE PROPERTY LOCATED AT DUNROBIN AVENUE

Captain Dave Fender reported an explosion had occurred at Dunrobin Avenue at 6:50 a.m. on March 5th which had totally destroyed the house at that address and damaged 12 other adjacent houses. The apparent cause of the explosion was the resident, Mr. Brian Miller, who, with a cigarette, ignited a fire on a workbench which spread to illegal fireworks he had stored under the bench. He stated that there had been a number of complaints from residents in the area about the Miller residence and that Mr. Miller had been the subject of an ongoing criminal investigation. He advised that Lakewood's Special Assignment Officers had monitored the subject address on 12 different days, had checked the trash for evidence of illegal fireworks and had on one occasion been allowed access to the house, but had not seen anything illegal in order to obtain a search warrant. He stated that although there had been 21 calls for service at the subject address, 16 of them had been anonymous, requiring responding deputies to actually witness a criminal act before they could take action. He briefly described the process for a citizen's arrest. He reported that an internal investigation was being conducted regarding the investigator's handling of the criminal case. He also reported that the Station would be assessing its internal mechanisms for management to be advised of escalating situations such as this case. He stated that the area residents had acted properly to keep calling.

Responding to a question from Council Member DuBois, Captain Fender clarified the difference between a complaint and a call for service and how each was handled by the Station. He also noted that an upgrade to the Department's call tracking system was in the works and should be available to the Station soon.

Council Member Croft determined from Captain Fender that rumors that Mr. Miller had been operating a meth lab on at the subject address were false and that prior to his four years as a renter of the subject property, Mr. Miller had no other known address in Lakewood.

Sergeant John Ament, of the arson and explosives team, stated that he had been part of the investigation team and that the subject location was the sole address of operations for Mr. Miller.

Tracy Hildebrant, Priscilla Hansen, James Stewart, Jeff Hansen, Steve Krawczuk, Yvetth Santos, Mitch Snyder, Laverne Nance, Steve Hansen, Joe Arambel and Tami Parmley addressed the City Council regarding the explosion. They conveyed concerns regarding officer responses to calls and a lack of understanding or explanations of the difference between calls for service and complaints; that there were more calls than Sheriff records indicate; that there had also been no explanation of the process for a citizens' arrest, and on their support for a moratorium on fireworks.

Mrs. Hansen noted that she had written a letter to Mayor Esquivel, but had not received a response letter. The Deputy City Manager stated that on direction from the Mayor, she had placed personal telephone calls and spoken to Mrs. Hansen, her husband and her son regarding the concerns raised in the letter.

3.2 • STATUS REPORT ON THE PROPERTY LOCATED AT DUNROBIN AVENUE

- Continued

Council Member Rogers stated that there were many generalizations being thrown about and that he personally was offended by the characterization of the City Council as uncaring and non-responsive. He noted that each of the City Council Members received numerous letters, telephone calls and emails from residents and they devoted a lot of time and effort into providing timely responses.

Mayor Esquivel point out that although this was a terrible and frightening incident, it was one event and that viewed as a whole, Captain Dave Fender and the Sheriff's Department were doing an excellent job of fighting crime in Lakewood, as was evidenced by the very low crime rate.

Council Member Rogers thanked the speakers for their valuable input and expressed gratitude that no one was injured in this incident. He stated that there would be changes made to the way correspondence was addressed by the Council and staff, including copying correspondence to the Mayor to the entire City Council. He advised that Captain Fender would be making sure that his staff fully understood the experiences and feelings expressed by the speakers when evaluating their methods of response to complaints.

Captain Fender assured the Council that as part of the de-briefing process from this incident, his staff would be reviewing their responses to residents.

Council Member Croft suggested that the Lakewood Safety Center located in the Lakewood Center Mall could be utilized for a class to educate residents on how to work effectively with the Sheriff's Department staff on neighborhood problems. Ms. Ruyle assured the City Council the staff would explore that idea, and that the concept could be expanded to cable programming and City publications to get the information out to the community.

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At 11:04 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 11:06 p.m., the City Council Meeting was reconvened.

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ORAL COMMUNICATIONS:

Joe Willard addressed the City Council regarding the 72-hour parking regulation.

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City Council Minutes

March 14, 2006

Page 11

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 11:11 p.m. to 5 p.m. on March 28, 2006, in the City Council Chamber.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk