



Minutes

Lakewood City Council

Regular Meeting held
February 11, 2003

MEETING WAS CALLED TO ORDER at 7:39 p.m. by Mayor Van Nostran 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 Mayor Larry Van Nostran

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Van Nostran announced that at a reception held prior to the meeting, Jason Hagensick, the new executive director for the Lakewood Weingart Family YMCA had been introduced; and deputies, volunteers and community members had been recognized for their contributions to the Sheriff's Team Lakewood efforts to improve public safety.

Mayor Van Nostran called Lieutenant Mike Rothans forward from the audience to elaborate on the status of public safety in Lakewood and to address an erroneous report of crime rates in a recent edition of the *Long Beach Press Telegram*.

Lieutenant Mike Rothans stated that although the *Press Telegram* had recently reported that auto theft in Lakewood had increased 46 percent, there had actually been a 4 percent decrease, and the Sheriff's Crime Analysis Unit had shown that serious crimes in Lakewood were at a ten-year low in Lakewood, with violent crime down almost 6% overall from the previous year.

ROUTINE ITEMS:

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 7.

RI-1 Approval of Minutes of the Meeting held January 7, 2003

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated January 23, and January 30, 2003

ROUTINE ITEMS: Continued

RI-4 Acceptance of Notice of Completion for Public Works Project No. 02-8; CNG Refueling Station; Gas Equipment Systems, Inc.

RI-5 Approval of Encroachment Permit for a Fence, Fidler Avenue

RI-6 RESOLUTION NO. 2003-6; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE EAST SIDE OF DUNROBIN AVENUE WITHIN THE CITY OF LAKEWOOD

RESOLUTION NO. 2003-7; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE WEST SIDE OF EASTBROOK AVENUE WITHIN THE CITY OF LAKEWOOD

RI-7 RESOLUTION NO. 2003-8; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE RIVER PARKWAY GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOODS, AND COASTAL PROTECTION BOND ACT OF 2002 FOR THE WEST SAN GABRIEL RIVER AREA-PHASE II PROJECT

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • PROHIBITING THE OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES PENDING COMPLETION OF A STUDY AND REPORT

City Attorney John S. Todd advised that the State legislature had passed legislation, which would take effect in March of this year, to amend the Vehicle Code to allow the use of electric personal assistive mobility devices, or power scooters. He continued by stating that there had been concerns expressed by a number of groups since the legislative change contained no restrictions for use on public sidewalks. He noted that the law change did contain a provision allowing local agencies to adopt additional appropriate regulations. He concluded by stating that the proposed ordinance would make the operation of such devices illegal in Lakewood until a study could be completed and appropriate regulations put into place.

Assistant City Manager Michael Stover displayed slides and presented an oral report based on his memorandum in the agenda. He stated that the purpose of the proposed ordinance was to “freeze the landscape” until a comprehensive study could be done. He further stated that the City had been in contact with the manufacturer of the Segway Human Transporter, who had supported the City’s pro-active approach and had expressed a willingness to assist in the

1.1 • PROHIBITING THE OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES PENDING COMPLETION OF A STUDY - Continued

study. It was the recommendation of staff that the City Council hold a public hearing and adopt Ordinance No. 2003-2 as an urgency measure to prohibit the operation of electric personal assistive mobility devices pending a study by the Community Safety Commission and report on the feasibility of allowing or regulating the use of such devices within the City.

Noting that the proposed ordinance contained no required date for the completion of the study, Council Member Piercy encouraged the Community Safety Commission to proceed with the study in a timely fashion, as, with proper regulations, the device could prove to be beneficial to some residents. Mr. Stover responded by stating that the study should not take more than one year to complete.

Mayor Van Nostran opened the public hearing at 7:52 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

ORDINANCE NO. 2003-2; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD PROHIBITING THE OPERATION ON ANY PUBLIC SIDEWALK, STREET, OR PLACE WITHIN THE CITY OF AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE OR "EPAMD" PENDING STUDY AND REPORT OF THE FEASIBILITY OF ALLOWING OR REGULATING THE USE OF ANY SUCH DEVICE WITHIN THE CITY OF LAKEWOOD AND SETTING FORTH FACTS CONSTITUTING THE SAME AS AN URGENCY ORDINANCE was read by title by Mayor Van Nostran.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2003-2. 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 INTRODUCE ORDINANCE NO. 2003-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • PROHIBITING THE OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES PENDING COMPLETION OF A STUDY - Continued

Council Member Rogers echoed the comments of Council Member Piercy, adding that the decision to study the matter should not be considered an indictment against the new technology, but was rather a tradition for the City to evaluate such matters in light of public safety, especially due to the concerns raised by the disabled community.

Council Member Wagner emphasized the hope that the Community Safety Commission would bring the manufacturer into the discussions.

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER ROGERS SECONDED TO ADOPT ORDINANCE NO. 2003-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT 03-3, REHAB RESIDENTIAL STREETS - CDBG 2003

The Director of Public Works, Lisa Rapp, gave a brief oral presentation based on the memo contained in the agenda and stated ten bids had been received for a project to resurface about four miles of residential streets and two residential alleys with rubberized asphalt concrete. The project would be funded by Federal Community Development Block Grant (CDBG) funds and staff was requesting authority to reprogram \$170,730 of other CDBG funds for the project. Noting that the bid price received had been very good and that State budget take-aways were not going to be as severe for this fiscal year as anticipated, Ms. Rapp stated that staff was recommending the inclusion of additional overlay work in the area between Del Amo Boulevard and Centralia Street and between Woodruff and Palo Verde Avenues. The contractor had agreed to the additional work for the same unit prices, which was estimated at a cost of approximately \$385,000. It was the recommendation of staff that the City Council approve the plans, specifications and working details for Public Works Project No. 03-3; award the contract to All American Asphalt in the amount of \$594,182.50; authorize the reprogramming of \$170,730 in Community Development Block Grant funds to the current year Street Improvement Project; and authorize staff to approve a cumulative total of contract changes orders, as needed, not to exceed \$443,000.

Council Member Rogers expressed concern that since the original bid was based on a specific amount of work, the addition of work at the same unit price, without going out to bid put the contractor at a disadvantage. Ms. Rapp responded by stating that the Green Book of Standard Specifications for Public Works Projects permitted an agency to add additional work to a contract at the unit prices of the original bid, and the contractor was agreeable.

Mayor Van Nostran opened the public hearing at 8:07 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT 03-3, REHAB RESIDENTIAL STREETS - CDBG 2003 - Continued

COUNCIL MEMBER ROGERS MOVED AND VICE MAYOR ESQUIVEL SECONDED TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF'S RECOMMENDATION AS AMENDED. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

2.1 • ZONE CHANGE CASE NO. 106, CANDLEWOOD STREET

Mayor Van Nostran stated that Ordinance No. 2003-1 was presented for seconded reading and adoption.

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 WAGNER SECONDED TO WAIVE FURTHER READING OF ORDINANCE NO. 2003-2. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER WAGNER SECONDED TO ADOPT 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

3.1 • PURCHASE OF PLAYGROUND EQUIPMENT, PICNIC SHELTER SHADE STRUCTURE AND PICNIC TABLES FOR THREE CITY PARKS

The Director of Public Works displayed slides and gave a brief oral presentation based on the memo contained in the agenda. She stated that as part of a budgeted capital improvement project, five play areas at three parks were scheduled for improvement before Summer 2003. Due to the timing required for the bidding process and lead time necessary for the procurement of the specified play equipment, staff was recommending the play and site equipment and shade structure be purchased for installation, prior to the award. The play equipment was selected to match existing themes at each park and since no two play equipment manufacturer's products were alike, the purchase would be considered to be a sole

3.1 • PURCHASE OF PLAYGROUND EQUIPMENT, PICNIC SHELTER SHADE STRUCTURE AND PICNIC TABLES FOR THREE CITY PARKS - Continued

source purchase. The total cost of the equipment would be funded by a grant from the Per Capita Program under Proposition 12, 2000 Park Bond Act. It was the recommendation of staff that the City Council authorize the purchase of play equipment and a picnic shelter shade structure for the Mayfair, Del Valle and Palms Parks Play Area Improvement Project in an amount not to exceed \$99,505 from the specified sole source providers.

Council Member Wagner inquired about the durability of the specified play equipment. Ms. Rapp responded by stating the climbers with slides would be constructed of recycled plastic material and could be expected to hold up very well.

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

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

NAYS: COUNCIL MEMBERS: None

3.2 • STATUS REPORT ON THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA

This item was deferred due to the illness of the Director of Water Resources.

3.3 • PUBLIC NUISANCE AND SUBSTANDARD PROPERTY AT BRENDA COURT

City Attorney John S. Todd stated that the Planning and Environment Commission, sitting as the Building Rehabilitation Board, had held a public hearing and had found the property located at Brenda Court to be in a substandard condition. He stated that a letter had been sent to Mr. Thomas Richetti, as the owner of the real property located at Brenda Court, advising that he had until 9 a.m. on Tuesday, February 11, 2003 to abate the public nuisance on their property. He inquired if Mr. or Mrs. Richetti were in the audience, there was no response. He stated that authorization was sought for the City Attorney or City Prosecutor to obtain from the Los Angeles County Superior/Municipal Court, a Nuisance Abatement Inspection Warrant so that the property might be inspected to determine compliance with the Findings and Minute Order of the Planning & Environment Commission dated November 7, 2002. If the work had not been performed, the Director of Community Development would be authorized to abate said nuisance either with City forces or contract forces and the cost thereof, including attorney fees, would be assessed to the property.

The Director of Community Development displayed slides and gave a brief history of the property. He stated that the problems at the subject property had first been brought to the attention of staff by the homeowners association for property, in April of 2002. The property had been inspected by court order in August of 2002.

3.3 • PUBLIC NUISANCE AND SUBSTANDARD PROPERTY AT BRENDA COURT - Continued

Maxine Mueller, representing the Village Green Townhomes homeowners' association, stated it was their desire to see the situation properly resolved.

The City Attorney asked Ms. Mueller how long the problems had existed. She responded by stating problems had begun to surface in 1992, and although the homeowners' association had contacted the owners, they had been unresponsive. She advised that there had been a fire at the property in 1995, causing the townhouse to be refurbished, but the problems had quickly reappeared. She stated that although the female tenant was living on the premises, she believed the male tenant had moved out.

Responding to a question from the City Attorney, the Community Development Director stated that although there had been a man living at the property in August, it was unknown if he still resided there. In response to a question from Mayor Van Nostran, he also noted that while there had been some recent activity at the property, it had been non-productive and the condition of the property has not improved.

Thomas Chafin, Los Angeles County Health Department, stated that their investigation had started in May, with a notice of violation being sent to the property owners in August regarding rodent harborage, which could cause a serious problem for surrounding residents. He advised that although the residents had stated their desire to clean the property, nothing had been done.

Responding to questions from the City Attorney, Mr. Chafin stated that he had met with the property owners and that they seemed both mentally competent and physically able to clean up the property.

Captain Robert Bangor with the Fire Prevention Bureau of the Los Angeles County Fire Department, stated his department had visited the subject property on two occasions and two letters had been sent, but there had been no change in the condition of the property, which constituted a fire hazard.

Responding to questions from the City Attorney, Captain Bangor stated that under Title 32 of the Los Angeles County Fire Code, the condition of the subject property was a life safety hazard since it shared common walls with other units.

Mayor Van Nostran determined from the Community Development Director that staff would follow up and continue to monitor the condition of the property .

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO FIND THAT THE PROPERTY AT BRENDA COURT WAS IN VIOLATIONS OF HEALTH AND FIRE CODE AND THAT THE NECESSARY STEPS BE TAKEN TO INITIATE AN ABATEMENT AS RECOMMENDED BY THE CITY ATTORNEY. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.4 • PURCHASE OF MOTOROLA RADIOS FOR THE SHERIFF'S DEPARTMENT

Lieutenant Mike Rothans, Los Angeles County Sheriff's Department, made a brief oral presentation to the Council based on the written report contained in the agenda and stated that approximately \$37,000 of one-time grant funds from the Career-Criminal Apprehension Program (C-CAP) grant remained following appropriated expenditures. He stated that the Department was proposing that said funds be utilized for the purchase of Motorola mobile radios for station detectives. He noted that currently, detectives were required to share radios with patrol units which meant that the radios were not always readily available.

Mike Lofy inquired why the detectives could not use cell phones or walkie-talkies, which would be a lot cheaper.

Lieutenant Rothans stated that the Motorola radios carry dedicated frequencies for the Sheriff's Department and also had the ability to contact other agencies for mutual aid when necessary. He advised that although the radios were more expensive than other types of communication equipment, it was a matter of officer safety.

COUNCIL MEMBER WAGNER MOVED AND VICE MAYOR ESQUIVEL SECONDED TO AUTHORIZE THE PURCHASE OF SIX MOTOROLA TWO-WAY RADIOS IN THE AMOUNT OF \$21,298.17. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

AYES: COUNCIL MEMBERS: Rogers, Esquivel, Piercy, Wagner and Van Nostran
NAYS: COUNCIL MEMBERS: None

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At 8:35 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:36 p.m., the City Council Meeting was reconvened.

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ORAL COMMUNICATIONS: None

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Van Nostran adjourned the meeting at 8:37 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk