



Minutes

Lakewood City Council

Adjourned Regular Meeting held
February 10, 2004

MEETING WAS CALLED TO ORDER at 5:31 p.m. by Mayor Esquivel in the Executive Board Room at the Civic Center, 5000 Clark Avenue, Lakewood, California.

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

REVIEW OF PROPOSED ADMINISTRATIVE CITATION ORDINANCE FOR NEIGHBORHOOD PRESERVATION

Community Development Director Chuck Ebner stated neighborhood preservation was a priority for the City and that it would be useful in code enforcement efforts to have a mechanism for enforcing municipal code regulations through an administrative process, rather than a criminal process.

City Prosecutor William Holt displayed slides and gave an oral presentation based on the memorandum contained in the agenda. He stated an Administrative Citation Program was one of the programs contained in the Lakewood Housing Strategy. The Program would provide an incentive for compliance; a more efficient and cost-effective method of dealing with chronic violators; save money on attorney fees, court appearances and trials for municipal code violations; and encourage timely compliance. He advised that the process was governed by the California Government Code and was similar to a fix-it ticket issued to a motorist for a vehicle code violation, wherein if the party cited were to bring the property into compliance, there would be no fine. He noted that the proposed ordinance would establish fines by City Council resolution and include a hardship waiver provision. He stated that citations could be appealed through an administrative hearing process. He concluded by stating that use of an Administrative Citation Program would provide an additional tool to protect neighborhoods.

Council Member Van Nostran expressed concern that since the Administrative Citation Program was intended for use in dealing with only the most serious violators, small fines would not provide much incentive for compliance.

City Attorney John S. Todd advised that even with an Administrative Citation Program, there would always be the option to cite a violation as a misdemeanor in very serious cases. The major point of the Program was to allow the settlement of cases without going to court and that without having to navigate the legal and court processes, many more violators could be brought into compliance.

City Council Minutes

February 10, 2004

Page 2

REVIEW OF PROPOSED ADMINISTRATIVE CITATION ORDINANCE FOR NEIGHBORHOOD PRESERVATION - Continued

Responding to a question from Council Member Van Nostran, Mr. Holt confirmed that building code violations were on a separate fee schedule and, in fact, State law had recently been changed to allow higher fees for building code violations of \$100 for the first citation, \$500 for the second, and \$1,000 for the third citation of the same violation in a 12-month period as compared to the \$100, \$200 and \$500 recommended for other citations. Council Member Van Nostran stated he would like to see the higher building code violation fees incorporated into the fee resolution.

Council Member Wagner stated he was not in favor of the higher fees. He questioned the 21-day minimum for corrections. Mr. Holt responded by stating that the law specified that a "reasonable" time period be provided and additional time could be granted as appropriate. Council Member Wagner also determined from Mr. Holt that a single case could have three separate violations which would be three separate \$100 citations. He expressed concern about the lack of specificity in the ordinance which would mean each enforcement case would depend on the judgment and discretion of the staff. He stated he would prefer that the ordinance target major areas of concern and not blanket violations of the whole code.

The City Attorney advised that before any code enforcement case reached a citation level, either the City Attorney, the City Prosecutor or both would have to be consulted prior to any action by the City staff. He also noted that parts of the municipal code, such as parking restrictions, were not subject to the Administrative Citation Program.

Council Member Piercy stated he felt the fix-it method was the right approach and questioned the specifics of the administrative hearing process. Mr. Holt responded by stating the proposed hearing process would include sharing among cities so that a hearing officer from another city could hear Lakewood appeals, and a Lakewood hearing officer would go to another city to hear their appeals, ensuring that the administrative hearing process remained impartial. At a hearing, the code enforcement officer for an individual case could present the case solely through documentation. If the case was appealed to the court, the City Prosecutor would represent the City.

Vice Mayor Rogers determined from Mr. Holt that the administrative citation program could be applied to any violation of the municipal code except parking restrictions. He also clarified how the fines structure would work for recurring or different violations at the same address. Mr. Holt also responded to a question from the Vice Mayor about violations remaining unresolved until an administrative hearing was scheduled by stating that the "set within 60 days" time frame was established as the maximum amount of time that should be required for notice of the property owner and to arrange for a hearing.

Vice Mayor Rogers inquired about the appeal process in other jurisdictions and whether any included an appeal to the City Council in their process. Mr. Holt responded that although not specified in that section of the Government Code, such a provision might be prohibited. Vice Mayor Rogers expressed concern that the City Council be informed of serious cases pending and potential volatile situations within the City.

City Council Minutes

February 10, 2004

Page 3

REVIEW OF PROPOSED ADMINISTRATIVE CITATION ORDINANCE FOR NEIGHBORHOOD PRESERVATION - Continued

In response to a question from Council Member Wagner, the City Attorney advised that the Administrative Citation Program could be used to address an inoperative vehicle parking in a front yard, however, the Program was not mandatory and other options could be exercised where appropriate.

Responding to a question from Council Member Wagner, Mr. Holt stated that housing issues that dealt with building code violations would be given a reasonable amount of time, not less than 21 days, to correct the violations unless there was an immediate threat to public health or safety.

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO DIRECT STAFF TO MOVE FORWARD WITH THE ADMINISTRATIVE CITATION ORDINANCE AND TO SCHEDULE IT FOR PUBLIC HEARING BEFORE THE CITY COUNCIL. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 6:12 p.m.

Respectfully submitted,

Denise R. Hayward, CMC

City Clerk