



Minutes

Lakewood City Council

Special Meeting held
March 21, 2006

MEETING WAS CALLED TO ORDER at 5:00 p.m. by Mayor Esquivel in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

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

CONSIDERATION OF POSSIBLE ACTIONS RELATING TO A PROPOSED FIREWORKS MORATORIUM, INCLUDING THE CALLING OF A SPECIAL ELECTION

Mayor Esquivel stated that he had called for this special meeting to consider whether to call a special election, since waiting until the next regular meeting next week would mean that an election could not be conducted and results determined prior to the July 4th holiday. He noted that the issue of putting a fireworks ban as a measure on an election ballot had been raised at the last meeting during the discussion of a moratorium on fireworks sales and he felt that Lakewood voters should be heard on this issue. He concluded by stating that there were really three issues to be addressed at this meeting: whether to call a special election, if so, the date of said election; and, if not, whether to proceed with the moratorium.

City Manager Howard Chamber reviewed the components of the motion made by the City Council at its March 14th meeting. First, the City Council approved the concept of a one-year moratorium on the sale and use of safe and sane fireworks, with an ordinance to be prepared for implementation; second, they approved an allocation of an additional \$100,000 in funding for the Sheriff's Department to step up enforcement of neighborhood problems such as fireworks; third, a pilot program was established for a reward, up to \$100, for information leading to illegal fireworks convictions, which was being drafted for City Council approval and adoption; fourth, staff was requested to develop a review process for making City funds available to the community groups that would be severely impacted by the loss of fireworks sales revenue; and finally, staff was directed to explore the feasibility of providing regionalized fireworks displays through City park facilities. He noted that the Director of Recreation and Community Services had checked with professional fireworks display companies and had been informed that since services are reserved a year in advance, there were not sufficient crews available to provide the type of displays requested.

Council Member Rogers stated that the City Council had agreed at last week's meeting to consider a one-year moratorium, to try to reimburse the non-profit groups losing fireworks funds, to set up regional fireworks displays and to consider placing the matter of fireworks sales before the voters by March of 2007. He noted that a full third of the impacted organizations could not be assisted. He also noted that the regional displays were not feasible

PROPOSED FIREWORKS MORATORIUM/SPECIAL ELECTION - Continued

for July 2006. He did, however, support the concept of holding a special election to put this matter before the voters. He expressed concern that there was no guarantee that the results of a June election could be certified in time for the July 4th holiday. Even if results were available quickly, there would still not be enough time for community groups to gear up for fireworks sales if the voters were to support future sales, not sufficient time to advise the public about whether fireworks were allowed or not, and it would put the holiday celebrations plans of everyone in the City on hold. He stated that he would advocate abandoning the moratorium and place this matter before the voters at the November 2006 election. This date would provide time for the community organizations to make other funding plans if the voters approve a ban. He encouraged all of the community organizations to work closely with the City to identify users of illegal fireworks, noting that it would be important to see the impacts of the extra law enforcement and the reward program. He concluded by stating that safe and sane fireworks had been a Lakewood tradition for more the 40 years, it was only fair to allow more than a few months for residents to decide whether it was time to get rid of them.

COUNCIL MEMBER ROGERS MOVED THAT THE ONE-YEAR MORATORIUM NOT BE ENACTED AND THAT THE MATTER OF THE SALE AND USE OF FIREWORKS BE PLACED ON THE BALLOT FOR CONSOLIDATION WITH THE NOVEMBER STATEWIDE ELECTION. COUNCIL MEMBER CROFT SECONDED.

Council Member Croft stated he echoed the statements made by Council Member Rogers and expressed his concern that what had initially been raised as a matter of public safety had shifted to a debate about local fund raising. He noted that while he was concerned about placing an undue burden on local community groups, he wanted the issue of fireworks to have the thoughtful and deliberative debate due a matter with such far reaching consequences.

Vice Mayor Van Nostran stated his feelings about the moratorium were mixed. He noted the legal advice had indicated that because of the U.S. Constitution's Establishment Clause, separating church and state, the City Council would not be able to assist at least a third of the organizations because of their religious association. Without the ability to assist those organizations, he could not support the moratorium. He stated he would support Council Member Roger's motion which would give the organizations more time to make alternate plans, and would provide an opportunity to see if additional enforcement and the assistance of the community could sufficiently impact the spread of illegal fireworks.

Council Member DuBois stated that Council Member Rogers had spoken well for all the Council and that she would enthusiastically support a special election in November. She expressed reservations about using public revenues to support specific community groups and concluded that it was a better option to allow the electorate to make their opinions known, and, in the event a ban was approved, provide additional time for the community groups to seek other funding options.

PROPOSED FIREWORKS MORATORIUM/SPECIAL ELECTION - Continued

Mayor Esquivel stated he would also support the motion to allow the people of Lakewood to have their opportunity to state a preference. He also stated that he had no wish to punish those families that enjoyed using safe and sane fireworks, but was very concerned about the excessive number of illegal fireworks being discharged in Lakewood.

Mike Sweet, Tim Devine, Jerry Cleveland, Ernie Earl, and Bob McKittrick, representing Little League Baseball, addressed the City Council in favor of the motion. They cited reasons such as: safe and sane fireworks were not the real problem; it would be unfair to punish those who only use the safe and sane fireworks and do not break the law; fireworks sales were needed to support the youth of the community; the community organizations would eagerly support the City's efforts to stop the use of illegal fireworks; and they would also support the reward program.

Steve Hansen expressed concern about the safety aspects of fireworks, noting thousands of fireworks-related injuries last year. He also stated that momentum would be lost by November.

City Attorney Steve Skolnik advised that the specifics of the reward program could not be discussed at this meeting as it was not part of the special meeting notice.

John Kelly, representing TNT fireworks, stated he concurred with the motion and that the makers of safe and sane fireworks were very strictly regulated by the State of California and would continue to work for legislation to increase penalties for sale and possession of illegal fireworks.

Responding to a question from Vice Mayor Van Nostran, Mr. Kelly advised that although the sale of illegal fireworks over the Internet was a problem, it was not a large percentage of the total amount of illegals brought into the State.

Gary Robertson, representing the Lakewood Gardens Civic Association; Jerry Roman, representing Artesia Football; and Chad Matthews addressed the City Council in support of the motion. They included remarks regarding the need for the District Attorney to support convictions for illegal fireworks violations; that the people of Lakewood deserved the opportunity to voice their preferences; that the City Council had been responsive to the needs and wishes of residents; and that nationally, only 13 percent of all fireworks-related injuries were actually caused by safe and sane fireworks.

Mayor Esquivel stated it would be important to let people know where and how they could turn in illegal fireworks without consequences.

The City Attorney advised that there were resolutions that the City Council would need to adopt to start the special election process.

PROPOSED FIREWORKS MORATORIUM/SPECIAL ELECTION - Continued

The City Clerk identified the four resolutions that would be required.

RESOLUTION NO. 2006-9; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, NOVEMBER 7, 2006, FOR THE SUBMISSION TO THE QUALIFIED VOTERS A PROPOSED ORDINANCE

RESOLUTION NO. 2006-10; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2006, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

RESOLUTION NO. 2006-11; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

RESOLUTION NO. 2006-12; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

COUNCIL MEMBER ROGERS MOVED TO AMEND THE MOTION TO INCLUDE THE ADOPTION OF RESOLUTIONS NO. 2006-9 THROUGH NO. 2006-12. COUNCIL MEMBER CROFT, AS THE SECOND TO THE MOTION, CONCURRED.

Council Member Rogers stated that the fireworks issue appeared to be fairly evenly divided and that although he felt strongly that it was the job of the City Council to represent the will of the people, sometimes the people need to be heard from directly, through the voting process. He noted that as a law enforcement officer in another community, the issue of illegal fireworks was one that people were struggling with everywhere. He concluded by stating that he and his colleagues on the City Council were dedicated to doing everything possible to deal with this issue.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 5:56 p.m.

Respectfully submitted,

Denise R. Hayward, CMC

City Clerk