

MINUTES

CITY OF ARTESIA
ARTESIA CITY HALL, ARTESIA COUNCIL CHAMBER
18747 CLARKDALE AVENUE, ARTESIA, CA 90701

SPECIAL JOINT MEETING OF
THE ARTESIA CITY COUNCIL AND ARTESIA PUBLIC SAFETY COMMISSION

MONDAY, August 25TH, 2008

6:00 P.M.

The Special Joint meeting of the Artesia City Council and Artesia Public Safety Commission was called to order at 6:05 p.m., Monday, August 25th, 2008, in the Artesia City Council Chamber by Mayor/Chairman Flowers. . The Invocation was led by Vice Chairman Oliver while the Pledge was led by Chairman Sorgdrager.

ROLL CALL- PRESENT: Larry Nelson, Council Member
John C. Martins, Council Member
Victor Manalo, Council Member
Tony Lima, Mayor Pro Tem
Sally Flowers, Mayor/Chairman

ALSO PRESENT: Maria Dadian, City Manager
Daryl Betancur, City Clerk/Treasurer
Kevin Ennis, City Attorney
Justine Menzel, Deputy City Manager

PUBLIC SAFETY COMMISSION Adrian Mulder, Commissioner
Juan Jimenez, Commissioner
Charles Oliver, Vice Chairman
Dean Sorgdrager- Commission Chairman

ABSENT: John Bothof- Commissioner

(In Accordance with the Court's Decision in Rubin v. City of Burbank, only non-Sectarian prayers/invocations are allowed during the invocation)

PLEDGE OF ALLEGIANCE – Chairman Sorgdrager, Public Safety Commission

APPROVAL OF AGENDA- APPROVED 5-0

ANNOUNCEMENT REGARDING SPEAKER CARDS

Anyone wishing to speak to the City Council or Artesia Public Safety Commission should fill out a speaker card and give that card to the City Clerk at the staff table prior to the commencement of the meeting. Please observe a time limit of three (3) minutes when giving your presentation.

CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

This time has been set aside for members of the public to address the Councilmembers or Commission members on items that are not already listed on the agenda. Any public comments that cannot be heard within the next 20 minutes will be heard at the end of the meeting.

There were no citizen comments.

ANNOUNCEMENT REGARDING ASSISTIVE LISTENING DEVICES

Anyone who requires audio assistance to listen to these proceedings may request the use of an assistive listening device (ALD) from the City Clerk. If you require said device, please come forward to the City Clerk at the staff table for assistance.

STAFF REPORTS

1. **RESOLUTION NO. 08-2101-** A RESOLUTION OF THE CITY OF ARTESIA ORDERING THE ABATEMENT OF CONDITIONS AT THE PROPERTY LOCATED AT 12003 RENDOVA AVENUE, ARTESIA, AND IMPOSING A LIEN ON THE PROPERTY TO RECOVER COSTS THEREOF.

Maria Dadian, City Manager presented the staff report indicating that this is a continued item from the regular City Council meeting of August 11th; that this is a resolution ordering the abatement of the property located at 12003 Rendova Avenue and imposing a lien on the property to recover the cost thereof.

Motion by Council Member Manalo, seconded by Council Member Nelson to adopt Resolution No. 08-2101 as read by title. Motion carries 4-0-1 (with Council Member Martins abstaining)

Said motion carries by the following roll call vote:

AYES: COUNCIL MEMBERS: Manalo, Nelson, Lima and Flowers
NOES: COUNCIL MEMBERS: None
ABSTAIN: COUNCIL MEMBERS: Martins
ABSENT: COUNCIL MEMBERS: None

2. **INTRODUCTION AND OVERVIEW OF CITY CODE ENFORCEMENT AND SERVICES BY DAPEER, ROSENBLIT & LITVACK, LLP.**

Maria Dadian, City Manager introduced Ken Dapeer, with the law firm of Dapeer, Rosenblit & Litvack, LLP, who is here to make a presentation relative to code enforcement issues; and that this is a follow up presentation to a previous one that was done in April 30th at the breakfast meeting with the public safety department including Sheriff's department personnel, code enforcement, city prosecutor and other interested parties.

Mr. Dapeer stated that his firm has been representing the city for almost 12 years regarding issues of code enforcement; he made brief comments about his law firm, his background and the types of issues they get involved in on behalf of the 52 cities that they represent. Mr. Dapeer

explained that his objective is to seek voluntary compliance and that they will use every tool to get people to voluntarily comply; that when communication alone is not sufficient, they utilize administrative, civil and criminal remedies to obtain compliance with applicable laws; that when they are enforcing laws, they do so based on what is communicated to them by staff and hopefully based on the priorities that council passes down to staff; that they strive for voluntary compliance by way of compliance letters and office conferences before taking someone to court; that they do not get involved until city staff has exhausted all methods of diplomacy to obtain compliance; that there are also administrative remedies such as administrative citations, license revocations and suspensions, permit revocations and suspensions, nuisance abatement, inspection warrants, and other similar remedies.

Mr. Dapeer also spoke about other remedies such as criminal remedies in the form of infractions, misdemeanors and probation so that the violator is under the guidance of the court; that in terms of civil remedies, they use injunctive relief, red-light photo abatement, narcotics abatement, unfair competition and receiverships; that they also often times are asked to look over existing codes to make sure that from an enforcement stand point, that there won't be problems later on; that they also meet with code enforcement personnel to ensure that they are adequately trained.

Mr. Dapeer continued his presentation stating that the process starts with staff enforcement followed by enforcement before court, court enforcement and the typical case disposition; that as it relates to staff enforcement, staff have to be told that there is a violation by way of an unanimous call or somebody on staff that says we have a problem or a next door neighbor; that the code enforcement officer then has to go out and determine that there is a violation and if there is no violation, the officer has no business going further with it; that however, if there is a violation, then the city is going to use its diplomacy methods to seek voluntary compliance.

Further, Mr. Dapeer stated that the City Manager is very much aware of every single case to ensure that we are not going after someone who is not violating the code.

Mayor Flowers asked a question relative to what is typical if the city manager is not involved with the process of code enforcement. Mr. Dapeer stated that in some jurisdictions, there is a code enforcement supervisor who takes care of these cases and the city manager gets involved only when there is a red flag; that in larger jurisdictions, the City Manager is not involved at all in the process or does not want to know about these issues unless something comes up.

The presentation also included discussion relative to the following points:

- City Prosecutor gets more difficult cases when there are compliance issues
- 28 Cases opened last year
- Spoke of notification process, first notice, if corrected case is closed if not then follow up then second notice then moves to administrative citation then if not taken care of, they get involved and send harsher letter threatening court proceedings
- Persistent violators and the type of enforcement in these cases
- Court orders for inspections when there is probable cause

Questions from the City Council/Commission:

Commissioner Sorgdrager- asked a question relative to the property that we are doing abatement on around Rendova and stated that he drove by and there are six (6) other properties in the same area that look like this property or much worse. How do you enforce something like that?

Mr. Dapeer stated that this is a reason to be more proactive and that it should not necessarily take a complaint to come in to enforce and that if they see these types of situations out there to let code enforcement know about it; that collectively the City needs to determine what is important and what it is they want the community to look like.

Commissioner Oliver- made a comment about the same property in Rendova stating that it is being abated because someone complained about it and how about these other homes that are occupied and in the same neighborhood, how does enforcement work in these cases where there is no call that prompts a response from code enforcement.

Mr. Dapeer briefly stated that most people do not complain because they do not want to create conflict with their neighbors and simply choose to live with the consequences; that anyone can complaint; that the objective is to make the community look better.

Pradeepkumar Elayath- Mr. Elayath, code enforcement officer commented that people do not have to complain by calling, that they can also use the website to submit information related to code enforcement violations and that is a tool that they city has been using for a while; that these reports are given to code enforcement officers for action

Council Member Nelson- asked about what happens when the officer goes out for one violation and in that process sees (6) six more violations what happens then stated Mr. Nelson.

Mr. Dapeer commented that generally code enforcement officers do not go inside homes; that mainly they respond to issues that have to do with the exterior of a property; that the problem in those cases is that if you do not raise the issue and you allow the condition to remain which could be a question of safety then it becomes a larger issue if something were to happen; that on the other hand, if the issues are corrected, that person's property becomes more valuable.

There was a larger discussion relative to code enforcement with members of the City Council talking about specific cases in the community for which they have received complaints and calls and were seeking clarification.

Mr. Dapeer stated that code enforcement normally does not engage the services of Sheriff's Department personnel to conduct inspections unless that is a specific request made by the city to have law enforcement officers accompany them and stand by during an inspection.

Council Member Manalo- asked if we keep track of the calls that we get and the nature of these calls and if it would be possible to give to the City Council a breakdown at least for this year of what the majority of the calls are about because it seems that is what is driving code enforcement response and what that speaks to is the inability of code enforcement to be proactive; that we need to be more engaged in prioritizing what we as a city want to see code enforcement look at.

Mayor Pro Tem Lima- commented on the property on Rendova Street, stating that the reason this property is being abated and others in the same neighborhood are not, is that this particular house was infested with drugs about a year ago and law enforcement officers were consistently responding there and the neighbors were calling and this is what triggered the complaints; that then they cut the big tree and left it in the front yard and that prompted more calls; that in addition, they later removed the carpets and left them outside in the yard and that in itself prompted an influx of more calls.

Mayor Flowers- asked a question about how the city deals with inoperable vehicles and if the city could do something about it. City Manager Dadian stated that a parking officer cannot by law enforce parking of vehicles on lawns reiterating that is a function of code enforcement.

There was a large discussion on the issue of parking on lawns as it relates to code enforcement with Council Member Manalo asking about what the hours for code enforcement were and if they are here on weekends. Mr. Elayath code enforcement officer responded that the hours are Monday through Friday from 7:30 a.m. to 5:00 p.m. and that there is no code enforcement presence on weekends. City Manager Dadian stated that most of the violations occur on weekends and that it all depends on what information is given and what needs to be addressed.

ADDITIONAL CITIZEN COMMENTS

This time is set aside for the public to address the Councilmembers or Public Safety Commission members on any item of interest within the subject matter jurisdiction of the Councilmembers or Public Safety Commission members that could not be heard under the citizen comment section at the beginning of the meeting.

There were no additional citizen comments.

COUNCILMEMBER/PUBLIC SAFETY COMMISSION MEMBERS COMMENTS

This is the time for additional general comments, announcements, and requests of staff and/or other issues of concern to Councilmembers or Commission members that may briefly be presented at this time.

Commissioner Oliver- Thanked the City Council for the time and that gives them an opportunity to understand the code enforcement activities on a regular basis.

Commissioner Sorgdrager- commented that he enjoyed the meeting and commented about commercial properties for sale closing and that there a lot more these days which become eyesores for the community; he inquired as to what can be done in terms of enforcement perhaps putting up a green fencing with some screen on them and that the fist 6 foot of the property must be landscaped and maintained. Spoke regarding prioritizing what code enforcement does.

Commissioner Mulder- stated that he liked this very informal meeting and that he too found the information enjoyable and thanked the City Council for their time; that there are also another couple of houses on Rendova Street that need to be looked at and suggested that if we have a lot of activity on the weekend that we could schedule a code enforcement officer

once a month to work a weekend and take two days during the week or so to establish a code enforcement presence on weekends.

Commissioner Jimenez- stated that this meeting has been very informative for him and gives him a good insight as to what to look at; also thanked the City Council for their time.

Mayor Flowers suggested that the Public Safety Commission could prioritize and make a suggestion to the Council so that we have something to look at and asked for the Public Safety Commission to put this on their future agenda.

Council Member Nelson

- Attended car show and stated that it was a fabulous event and that he too had enjoyed the meeting tonight
- Requested that the issue of the tape recorders for code enforcement officers be placed on the next agenda and that the costs associated with this also be presented to City Council

Council Member Manalo

- Stated that this meeting was very informative and that it gives him the opportunity to better understand the process
- Asked if the city had ever had a key to the city recognition program and asked if for special occasions such as the 50th year anniversary this could be revisited
- Commented that once the Public Safety Commission provides input regarding code enforcement priorities, he would like very much to proceed with this

Council Member Martins

- Thanked the Commissioners for their service
- Spoke about code enforcement and the information that was presented and that he feels that sometimes things still do not get resolved
- Commented that perhaps the City Council needs to sit down and prioritize certain code enforcement things to provide better parameters to city staff
- Suggested that perhaps the City ought to start allowing code enforcement officers to use tape recorders when they respond to a complaint
- Commented if there is a curfew in Artesia for minors in light of the recent shooting of a 17-year old boy

Mayor Pro Tem Lima

- Stated that the meeting tonight was interesting and that Mr. Dapeer brought a lot of important points to make the Council understand the different roles within the code enforcement process
- That it was very helpful to have this meeting with the Public Safety Commission and thanked them for their service

- Commented that the car show was also a successful event

Mayor Flowers

- Stated that she too would like to prioritize code enforcement issues
- Made comments regarding the pit-bull incident and asked for an update
- Asked if the animal ordinance could be revisited to address incident related to vicious dogs
- Requested if the City Engineer could come and give a report related to his work load and giving people an alternative relative to process of issuing permits that is taken too long to get things done

ADJOURNED – 7:55 p.m.

DARYL BETANCUR, CMC
CITY CLERK/TREASURER