

The Laguna Beach Independent

"Our Town - Our Paper"

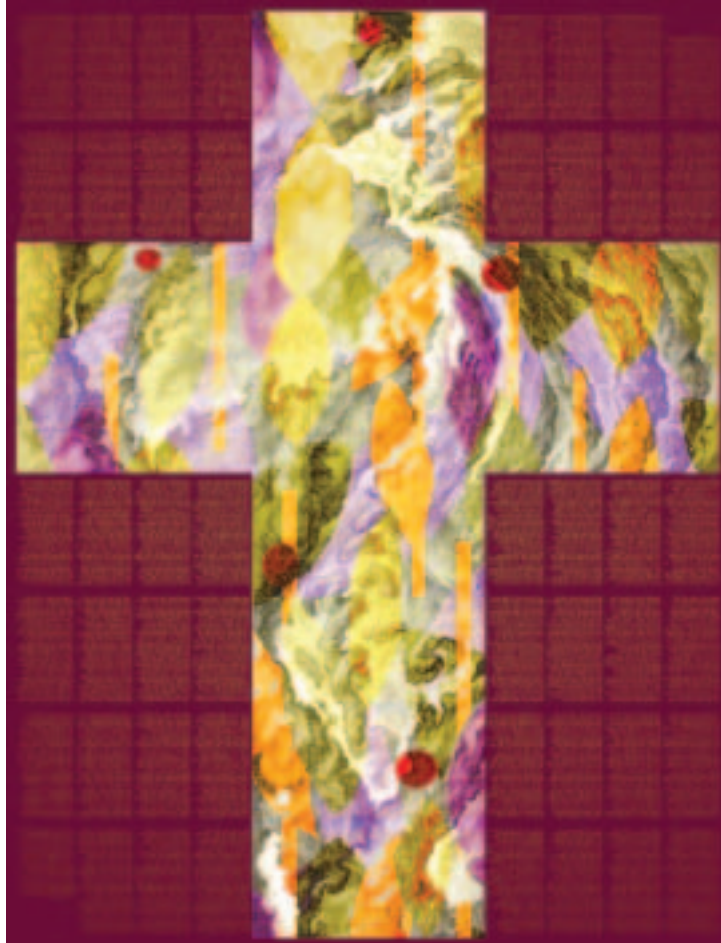
Rediscover Laguna! Read the Laguna Home Companion Each Week

Laguna Beach, California

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Banned in Laguna



Psalms Study, from the Freedom ART Project © Jeff LeFever 2000

The City's Planning Commission Wednesday night denied an application by the Easter in Laguna Committee to hang an 18-foot "Psalms Banner" by Laguna artist Jeff LeFever in front of the Festival of Arts Grounds. The Festival of Arts and Pageant of the Masters and various groups that hold events on the grounds often hang event banners in the existing frames in front of the entry gates at 650 Laguna Canyon Road. The Commission approved a temporary use permit allowing ELC to hang its sign banner.

The Easter in Laguna Committee will once again host an Easter Sunrise service in the Irvine Bowl this year. For the past several years, Calvary Chapel Laguna (now in Irvine) took charge of the annual event.

The consensus of the Planning Commission held that the banner was a religious symbol and therefore would be prohibited from being displayed on public property. The Festival of Arts leases the grounds, which is a Laguna Beach City Park.

An ELC member informed *The Indy* on Thursday morning that the decision will most likely be appealed to the City Council. The appeal cannot be heard prior to Easter but the Committee has 2005 in mind.

STU SAFFER

84th Season Opens July 6

Playhouse Season for 2004-05

The Laguna Playhouse has confirmed five of the seven plays it has selected to produce during its 2004-2005 Mainstage season.

The musical *Forever Plaid*, a perennial audience favorite around the world (but never before produced by The Laguna Playhouse), will enjoy an eight-week summer run, commencing July 6th.

Mitch Albom's Tuesdays With Morrie, based on Albom's best-selling book about the uplifting life lessons learned during weekly visits with his dying college professor, will run September 7 through October 10 in a West Coast Premiere production that will move on to several other theatres around the country, marking the third time a production originating at The Laguna Playhouse has traveled nationally (the previous productions were Julie Harris in *The Belle of Amherst* in 2000 and *Copenhagen* in 2002).

Also being produced next season are: the West Coast Premiere of Nicholas Wright's 2003 Olivier Award-winner for "Best New Play" in London, *Vincent in Brixton* about young Vincent Van Gogh discovering love—and his muse in a London rooming house; the West Coast Premiere of Eric Coble's sharp-edged satire, *Bright Ideas*, about a young couple that stops at nothing to place their child in the best pre-school; and the Southern California Premiere of Naomi Iizuka's much-heralded

See *Playhouse*, page 6...

Monday evening

5 car crash snarls traffic on Coast Highway

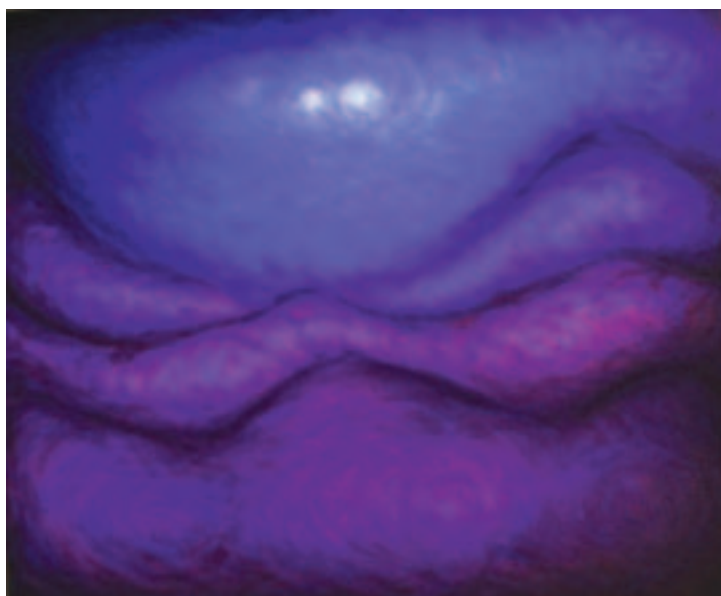
There are only two ways in or out of town – Coast Highway or the Canyon. If you needed to get in or out of town on Coast Highway after 4:30 last Monday afternoon, you were in for a slow drive – in either direction.

A Laguna Beach man in a red 1982 Ford pickup wanted to make a left turn onto Coast Highway from Point Place in South Laguna. Point Place is a quaint, skinny little street on the ocean side of the Highway in the 10th Avenue vicinity.

Apparently impatient, the driver of the red pickup stepped

See *Crash*, back page...

"Once in a Blue Moon"



oil on canvas 72" x 60"

Melissa Battersby exhibit, "A New Life" currently at Marion Meyer Contemporary Art. A reception for the artist will be held during ArtWalk on Thursday from 6-9PM.

City & Lavery settle lawsuit

Constitutionality of ordinances prohibiting art sales in parks unscathed

Michael Lavery believed that because he is ambidextrous, he had the right to sell two of his paintings in a public park in Laguna Beach. After all, he had painted one with each hand.

City ordinances prohibit the sale of more than one painting in all of its parks. The rationale is that Laguna's galleries and festival exhibitors need to be protected from hawkers who sell their art from the trunk of a car or back of a van.

Lavery was cited in October of 1999 for displaying artwork for purposes of sale. Subsequently, Lavery met with the City Manager, and the Chief of Police who explained the City's regulations to him. Lavery reportedly said he understood them and would abide by them. Following the meeting, at the City's request, the District Attorney dismissed the citation.

Several months later Lavery, represented by a Honolulu law firm specializing in civil rights suits against municipalities, sued the City, the Police Department, two police officers, and the City Manager, claiming that the citation deprived him of his civil rights.

The suit alleged that the City's ordinances violated his First Amendment rights and his rights to due process and equal protection. He also alleged that the individual City employees should be personally liable.

The City successfully brought a series of motions for summary judgment. A U.S. District Judge granted the motions, which resulted in a complete victory for the City and the individual employees. Lavery appealed and the Ninth Circuit Court of Appeals upheld all but one of the lower court's rulings.

The appeals court expressly decided that the City's park use ordinances are constitutional on their face and do not violate any of Lavery's rights. The appeals court also found that all of the individual employees acted reasonably.

The only issue returned by the appeals court to the lower court was whether the ordinances were vague in their application to Mr. Lavery under the circumstances, which would entail a factual determination.

The City filed a further summary judgment motion on the remaining issue. On the eve of the hearing on the motion, the parties reached a settlement.

Lavery was seeking a substantial monetary recovery. Both sides incurred attorneys' fees well in excess of \$100,000. Lavery vowed to again appeal any adverse ruling, which would have involved even more time and expense for the parties. In exchange for Lavery dismissing his remaining claim and acknowledging the prior court rulings in favor of the City and the individual employees, the City agreed to pay the sum of \$20,000 jointly to Lavery and his attorneys.

The City explicitly did not admit any liability and maintained that no wrongdoing occurred. The settlement vindicates and leaves intact the rulings of Judge Taylor and the Ninth Circuit that uphold the validity of the City's longstanding ban on commercial sales within its parks.

City gets \$800K to buy 70 acres by Wilderness Park



Staff photo by Cliff Getz

The California State Coastal Conservancy (above) met yesterday morning in the Council Chambers at City Hall and allocated \$800,000 in Proposition 12 Park Bond funds to the City of Laguna Beach for the purchase of two parcels of land adjacent to Laguna Coast Wilderness Park. These two parcels - the 36-acre Trinity and 34-acre Wainwright properties - provide critical trail connections to the adjoining 17,000-acre South Coast Wilderness system of parks and preserves. Laguna Canyon Foundation and the Trust for Public Land joined forces to acquire these lands for the City of Laguna Beach. After purchase, the parcels will become part of Laguna Coast Wilderness Park, which is managed by the County of Orange.

Champs of LA Odyssey of the Mind competition



El Morro team will pursue gold medal in Sacramento

Members of the El Morro School Odyssey of the Mind Team, (from left to right) Hunter Moskow, Tad Heitmann, Anna Heitmann, Samantha Rosiczkowski, and Evan Ehrenberg, pose with their first place medals and their winning "Envirover" at the Regional Competition in Pasadena.

After working together every Saturday morning for several months, a team of five El Morro students struck gold in Pasadena at the Los Angeles Regional Odyssey of the Mind competition. Now in its 25th year, Odyssey of the Mind is an international educational program that provides opportunities for creative problem-solving to students from kindergarten through college.

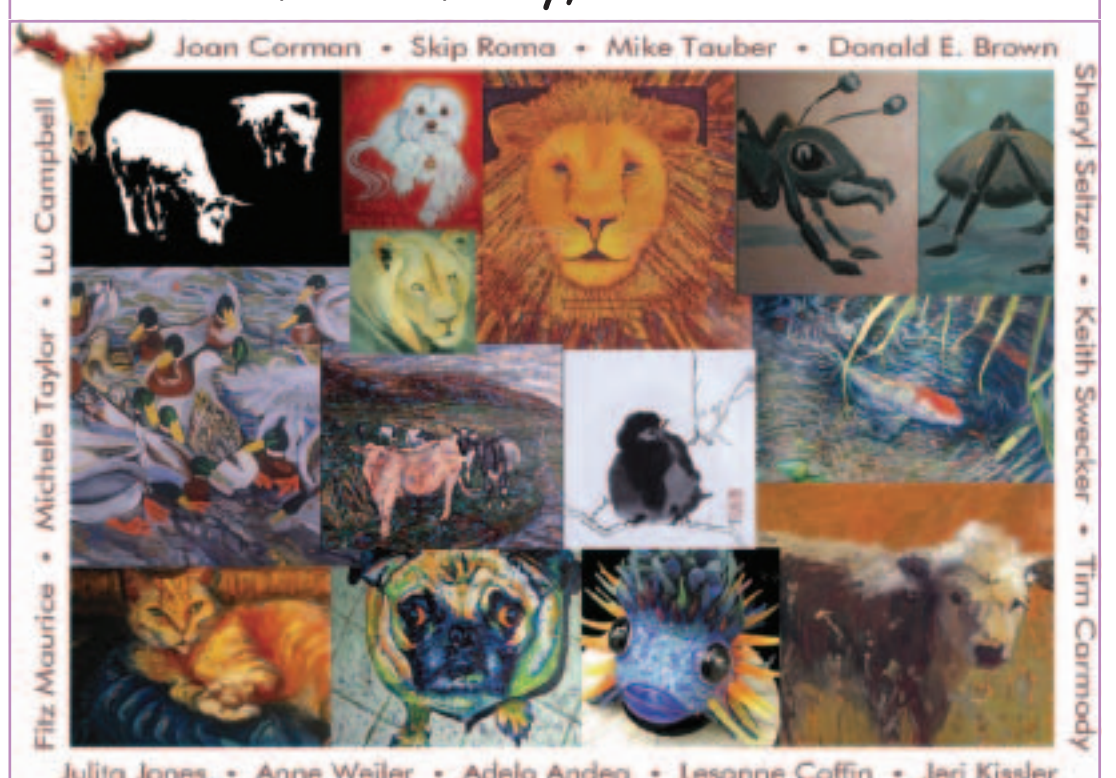
Each OM team selects one of several challenges to solve together. These problems range

from building mechanical devices to perform a specified task to presenting original dramatic interpretations of literary classics. The teams then bring their solutions to competitions held at the local, state, and international level, where they also test their wits in "spontaneous" brain teaser sessions.

Competing for the first time against more than a dozen elementary schools from around the Los Angeles area, El Morro's intrepid OM'ers captured a first place slot in their Division, win-

ning high marks for their unique "Envirover" project, in which a whimsical dragon and a brave knight assist in the collection of loose trash that is then transformed into a set of weather vanes - all within 8 minutes. With their medieval gear in tow and a new goal to achieve, the team will travel to Sacramento in early April to compete against other winning schools from around the State. Congratulations - and good luck - to the *Minds* and their parent-coaches Christine Sjolander-Green and Susan Heitmann.

Animal Chemistry, Ants to Zebras



The works of 15 Laguna Beach artists on all types of animals and creatures will be exhibited all through the month of April at Wells Fargo Bank's Banking On Art. More inside on page 16

A box of dolls found March 24 on Cliff Drive. Please call Cathy at Laguna Beach Police Dept. 497-0396. Full description needed before release of items.

Wondering about City Council Meetings
Read Gary Alstot inside on page 4