



Minutes

Lakewood City Council

Regular Meeting held
October 28, 2003

MEETING WAS CALLED TO ORDER at 7:38 p.m. by Mayor Esquivel in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Reverend Dana Allin, Christ Presbyterian Church

PLEDGE OF ALLEGIANCE was led by Mayor Joseph Esquivel

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Esquivel announced that a reception had been held prior to the meeting recognizing Lakewood schools for their activities in observance of Red Ribbon Week.

Rosa Kellon, of the American Cancer Society, made a brief presentation regarding Breast Cancer Awareness Month and accepted a proclamation from Mayor Esquivel.

ROUTINE ITEMS:

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 12.

RI-1 Approval of Personnel Transactions

RI-2 Approval of Registers of Demands dated October 9, and October 16, 2003

RI-3 RESOLUTION NO. 2003-87; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD PROHIBITING THE PARKING OR STANDING OF VEHICLES BETWEEN 10 A.M. AND 3 P.M. ON FRIDAY OF EACH WEEK FOR STREET SWEEPING PURPOSES ON BOTH SIDES OF SEBREN AVENUE BETWEEN HARVEY WAY AND TILBURY STREET

RI-4 Approval of Amendment to Agreement With Process Cooling & Heating

RI-5 Approval of Monthly Report of Investment Transactions

ROUTINE ITEMS: Continued

RI-6 Approval of Quarterly Schedule of Investments

RI-7 Approval of Agreement with Los Angeles County Department of Public Works for Storm Water Consulting Services

RI-8 RESOLUTION NO. 2003-88; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE EAST SIDE OF SEINE AVENUE WITHIN THE CITY OF LAKEWOOD

RESOLUTION NO. 2003-89; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE SOUTH SIDE OF FAIRMAN STREET WITHIN THE CITY OF LAKEWOOD

RI-9 Acceptance of Notice of Completion for Public Works Project No. 03-7, Landscape Del Amo Median, Tropical Creations, Inc.

RI-10 RESOLUTION NO. 2003-90; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, CERTIFYING THE LAKEWOOD BUSINESS DEVELOPMENT PROGRAM ADMINISTRATIVE PLAN

RI-11 Approval of Contract with MBIA MuniService Company and Don Maynor for UUT Collection

RI-12 Approval of Encroachment Permit for Candlewood Street

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • AWARD OF BID FOR PURCHASING BID 03-04 PARKING CITATION SYSTEM

Assistant Director of Finance Ronnie Campbell presented an oral report based on the memorandum in the agenda packet and reported that one bid had been received for replacement of the City's 15 year-old, computerized parking citation system. He advised that since the single bid received was significantly higher than anticipated, staff had contacted the vendor and determined that clarification of the bid details was needed. It was the recommendation of staff that the City Council reject all bids and authorize staff to revise the specifications as necessary to re-advertise the bid.

1.1 • AWARD OF BID FOR PURCHASING BID 03-04 PARKING CITATION SYSTEM - Continued

Mayor Esquivel 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 VAN NOSTRAN SECONDED TO REJECT ALL BIDS, REVISE THE SPECIFICATIONS AND RE-BID THE PROJECT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.2 • WATER RATES AND CHARGES

James Glancy, Director of Water Resources, displayed slides and presented an oral report based on the memorandum in the agenda packet. He stated that in order to continue to provide high-quality, economical water to the community, the Lakewood water system, portions of which dated back over 50 years, would require a number of capital improvements, such as upgraded water mains and drilling of new water wells. He advised that with over \$5.3 million in capital improvement required over the next three years, it was necessary to adjust water rates to provide adequate revenue for the operations, repair, maintenance, and replacement costs of the system. It was the recommendation of the Water Resources Committee that the City Council hold a public hearing and adopt the resolution pertaining to water rates and charges.

RESOLUTION NO. 2003-85; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING RESOLUTION NO. 3150, AS AMENDED, PERTAINING TO WATER RATES AND CHARGES

Responding to questions from Vice Mayor Rogers, Mr. Glancy stated that the average life span for cast iron water mains was 50 to 75 years and that all of the old steels mains had already been replaced. He advised that main replacement was prioritized using a number of predictability factors including leaks and breakage. He reported that the rate increase would provide funding for the ongoing water main replacement program and also allow an increase in the amount of mains replaced each year.

Mayor Esquivel opened the public hearing at 8:02 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 VICE MAYOR ROGERS SECONDED TO CLOSE THE PUBLIC HEARING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.2 • WATER RATES AND CHARGES - Continued

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADOPT RESOLUTION NO. 2003-85. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.3 • HOTELS, MOTELS AND EXTENDED STAY FACILITIES

Community Development Director Chuck Ebner presented an oral report based on the memorandum in the agenda packet and reported that following a moratorium established last year, the Planning and Environment Commission had completed a study of hotels, motels, and extended stay facilities and was recommending adoption of a new ordinance to amend the City's municipal code.

Council Member Piercy determined from Mr. Ebner that there were no existing facilities in Lakewood which would meet the new requirement for primary access through an indoor lobby, and that this requirement would require new layout designs.

Responding to questions from Council Member Wagner, Mr. Ebner stated that since this type of use would require a conditional use permit, there would be some flexibility in the design process, but primary access through an indoor lobby would be a requirement. Mr. Ebner also stated that designs could include additional, side access to parking areas which could be controlled for after hours access.

Mayor Esquivel opened the public hearing at 8:11 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

ORDINANCE NO. 2003-8; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD ZONING ORDINANCE AND THE MUNICIPAL CODE PERTAINING TO HOTELS, MOTELS, AND EXTENDED STAY FACILITIES

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO CLOSE THE PUBLIC HEARING. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO APPROVE THE NEGATIVE DECLARATION AND INTRODUCE ORDINANCE NO. 2003-8.

1.3 • HOTELS, MOTELS AND EXTENDED STAY FACILITIES - Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.1 • PURCHASE OF REPLACEMENT DASH BUSES

The Assistant Director of Finance presented an oral report based on the memorandum in the agenda packet and stated three DASH vehicles had been destroyed in an accidental fire on September 23, 2003. Funding for replacement buses was available through Proposition A Transportation Funds, pending the settlement of an insurance claim. He also advised that the buses were available through the California Multiple Awards Schedule pricing, a cooperative purchasing arrangement through the State of California authorized by the municipal code. It was the recommendation of staff that the City Council authorize the appropriation of Proposition A funds for the purchase of three new buses at the total State contract price of \$152,178.54.

Council Member Van Nostran inquired about how long it would take to receive the replacement buses and if there was adequate coverage for the DASH program in the interim. Public Works Director Lisa Rapp responded by stating the new vehicles would not be available for about four months, however, the Recreation and Community Services Department had been able to work out a schedule so that the level of service to the City's senior and disabled residents would not be impacted.

Responding to a question from Council Member Wagner, Mr. Campbell stated that this emergency use of Prop A funds would not impact funding for the City's bus shelter replacement program.

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROPRIATE THE FUNDING AND AUTHORIZE THE PURCHASE OF THE VEHICLES. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.2 • REQUEST FROM PARKVIEW AND MANOR DRIVE RESIDENTS FOR STREET VACATION

The Director of Public Works presented an oral report based on the memorandum in the agenda packet and reported that a request had been received from the residents along Parkview Drive and Manor Drive, an area informally known as “the island,” to create private streets so that they can place a gate at the entrance to their neighborhood. She outlined the numerous legal steps, set out by the City Attorney, that would be required to complete such a process and concluded by stating staff was seeking direction from the City Council before further processing the request.

City Attorney John S. Todd advised that the resolution in the agenda packet was a sample of the resolution that would be presented to the City Council for adoption as the final step in the process, should the Council decide to proceed. He stated that the Council had total discretion to decide whether or not the street should be vacated. He concluded by stating that the only issue before the Council at this time was whether staff resources should continue to be committed to the process.

Responding to a question from Council Member Van Nostran, the City Attorney stated that by vacating the streets the City would no longer be responsible for maintenance, the property owners would form a homeowner’s association which would assess each property to cover maintenance costs. He noted that the homeowner’s association would need to grant an easement to the City for water pipeline running beneath the streets. The Director of Public Works advised that one of the reasons the process could take months was the need to allow time for all utilities to review and obtain easements where necessary.

Vice Mayor Rogers requested clarification regarding the expenses involved in the process. Ms. Rapp advised that staff time was being tracked as costs were investigated, such as the cost of providing a separate circuit for the street lighting. Vice Mayor Rogers stated that his understanding from the letter was that the property owners wanted an estimate of the total costs before committing fully to the process. He suggested that staff also educate the property owners on the long-term costs for items like street resurfacing.

Responding to a question from Council Member Wagner, Ms. Rapp stated they would request a deposit from the property owners before any serious costs to the City were incurred.

Council Member Wagner asked the City Attorney about improvements that were already in place and whether vacating the streets, with those improvements, would be a gift of public funds since the proposed vacation was not for a public purpose, but for the benefit of the few residents within the vacation area. Mr. Todd responded by stating that the street improvements were installed and paid for by the developer and that since the property owners had paid by virtue of being taxpayers of the City, a vacation would not be a gift of public funds. Council Member Wagner expressed concern about setting a precedent for vacating areas of the City.

3.2 • PARKVIEW AND MANOR DRIVE STREET VACATION REQUEST

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO AUTHORIZE STAFF TO MOVE FORWARD.

Council Member Wagner suggested that staff be authorized to do further investigation into the costs to accomplish the vacation, but not authorize the whole process.

Council Member Piercy stated that it was vital to keep in contact with the property owners throughout the process.

VICE MAYOR ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO AMEND THE MOTION TO AUTHORIZE STAFF TO MOVE FORWARD THROUGH THE PRELIMINARY STEPS TO PRESENT THE COSTS TO THE PROPERTY OWNERS AND TO RETURN THE MATTER TO THE CITY COUNCIL FOR FURTHER AUTHORIZATION, IF THE PROPERTY OWNERS DECIDE TO PROCEED.

Council Member Wagner requested the City Attorney provide a written legal opinion on the gift of public funds issue.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

3.3 • ROOM RENTAL WAIVER AND CITYTV CABLECASTING FOR GREATER LAKEWOOD CHAMBER OF COMMERCE INTERGOVERNMENTAL TOWN HALL MEETING

Assistant City Manager Michael Stover presented an oral report based on the memorandum in the agenda packet and stated a request had been received from the Greater Lakewood Chamber of Commerce for the use of the City Council Chambers and a crew to videotape an Intergovernmental Town Hall Meeting. The Chamber was requesting that the City Council waive the rental fees for use of the facilities. He concluded by presenting guidelines that had previously been used for similar events which could be modified to suit the nature of the event.

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

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

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At 8:47 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:48 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 Esquivel adjourned the meeting at 8:48 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk