



Minutes

Lakewood City Council

Regular Meeting held
November 8, 2005

MEETING WAS CALLED TO ORDER at 7:33 p.m. by Mayor Esquivel in the Council Chamber at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Cantor Yehuda Keller, Temple Beth Zion Sinai

PLEDGE OF ALLEGIANCE was led by Council Member Todd Rogers

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

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ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Esquivel announced that the meeting would be adjourned in memory of Richard O. "Andy" Anderson, a former member of the Planning and Environment Commission.

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ROUTINE ITEMS:

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER CROFT SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 5.

RI-1 Approval of Minutes of the Meetings held October 25, 2005

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated October 20 and October 27, 2005

RI-4 Approval of Ground Lease Agreement with Nextel Communications

RI-5 Approval of Memorandum of Understanding for the Los Angeles Region Imagery Acquisition Consortium

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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1.1 • APPLICATION FOR CABLE ANTENNA TELEVISION FRANCHISE TRANSFER

Assistant to the City Manager Lisa Novotny presented an oral report based on the memo contained in the agenda and stated a request had been received from Comcast Cable to transfer ownership of the Cable Antenna Television Franchise to Time Warner Cable via a new Time Warner entity named C-Native Exchange I, LLC. She advised that Telecommunications Management Corporation (TMC) had been retained to provide technical assistance in evaluating the terms of the transfer.

Michael Friedman, TMC, displayed slides and stated that the request for transfer had ultimately been the result of the bankruptcy of Adelphia Cable and the dispersion of its assets, causing a complicated restructuring in the ownership of local cable systems. He noted that since a new entity had been formed for the transfer of ownership, there were no long term performance records available on which to base performance guarantees.

Mr. Friedman confirmed for Vice Mayor Van Nostran that reimbursement of a portion of the City's expense of the transfer had been negotiated as part of the transfer.

Ms. Novotny concluded by stating it was the recommendation of staff that the City Council hold a public hearing on the proposed transfer and adopt Resolution No. 2005-70 containing the conditions of transfer.

RESOLUTION NO. 2005-70; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, ESTABLISHING CONDITIONS FOR THE APPROVAL OF A TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM COMCAST OF LAKEWOOD, INC., TO C-NATIVE EXCHANGE I, LLC

City Attorney Steve Skolnik advised that additional financial information had been made available today and that he would recommend that as a further condition of the approval, the City Council approve entry into and authorize the City Manager to execute a letter agreement with Comcast on behalf of the City.

Mayor Esquivel opened the public hearing at 7:46 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

Phyllis Bowles inquired if the transfer would have any impact on residents currently subscribing to satellite television service. Mr. Friedman responded that there would be no impact for those residents.

Mr. Friedman also noted that the change of ownership would not go into effect until sometime after the first of the year.

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO CLOSE THE PUBLIC HEARING, ADOPT RESOLUTION NO. 2005-70 AND APPROVE THE LETTER AGREEMENT.

1.1 • CABLE ANTENNA TELEVISION FRANCHISE TRANSFER - Continued

Council Member Rogers stated that he had concerns regarding the quality offered to consumers especially since there was now a near-monopoly on cable service in California. Mr. Friedman stated that there really was only one provider now for Southern California and that since the City of Lakewood had previously adopted customer service standards there were some options for residents. He noted that the standards could be expanded, but also noted that in such cases, the cable company would pass along any costs of compliance to their subscribers. He concluded by stating that staff would continue to monitor for compliance and that service had actually improved since prior service providers.

Vice Mayor Van Nostran stated that he still had serious concerns with responsiveness to subscriber complaints and service needs. He noted that every time the providers had gotten bigger, the service had not gotten any better.

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.1 • CHANGE ORDER FOR PUBLIC WORKS CONTRACT NO. 2004-05, WATERMAIN REPLACEMENT 2005

Public Works Director Lisa Rapp gave an oral presentation based on the memo contained in the agenda and reported that a contract had been awarded for Public Works Contract No. 2004-05 in June of 2005. The original bid documents had contained the provision for an additive bid schedule for the construction of a 12-inch water main in Tilbury Street between Marber Avenue and the alley west of Woodruff Avenue. The purpose of the new main would be to provide additional fire flow to the proposed new development at the corner of Bellflower Boulevard and Carson Street. She reported that the new line, which would be constructed for a total of \$192,210 would be partially funded by the developer and that the City was in receipt of a deposit in the amount of \$143,710 for their portion of the work. The remainder of the work would include the installation of new hydrants, valves and service connections to existing homes along the line, an upgrade to the City's existing water system. She noted that although the developer had made the required deposit, they had requested that the change order not be issued until they had provided authorization. Staff had advised them that the guarantee on the price of the work was due to expire at the end of the week, and that any increases in the cost for the work would be their responsibility should they delay in issuing authorization. It was the recommendation of staff that the City Council appropriate \$192,210 from the Water Fund to account 710-965-GA-4970-4400, and approve a contract change order with Precision Pipeline, Inc. for the installation of the water main along Tilbury Street.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE STAFF'S RECOMMENDATION.

3.1 • CHANGE ORDER, PUBLIC WORKS CONTRACT NO. 2004-05 - Continued
UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

WRITTEN COMMUNICATIONS:

CORRESPONDENCE FROM GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT REGARDING BOARD OF TRUSTEES APPOINTMENT.

Mayor Esquivel stated that his term of service with the Greater Los Angeles County Vector Control District would be ending in January and he requested that the City Council consider extending his appointment for an additional two-year period.

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO APPROVE THE APPOINTMENT OF MAYOR JOSEPH ESQUIVEL TO AN ADDITIONAL TWO-YEAR TERM AS A MEMBER OF THE BOARD OF TRUSTEES OF THE GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

At 7:55 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 7:56 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS:

Phyllis Bowles inquired about action at the last City Council meeting regarding the sale of property in the eastern portion of the City.

Community Development Director Chuck Ebner clarified for Ms. Bowles that the property had initially been purchased with funds that are set-aside for Housing uses only and that any monies received through the resale of the property would be required by State law to be returned to that fund.

Council Member Rogers noted that the property sale and pending new development to be located on it were examples of the investments Lakewood had been making in development of the eastern portion of the City.

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 8:00 p.m. to November 22, 2005, at 6 p.m. in the Executive Board Room. A moment of silence was observed in memory of Andy Anderson.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk