



Minutes

Lakewood City Council

Regular Meeting held
December 11, 2001

MEETING WAS CALLED TO ORDER at 7:42 p.m. by Mayor Wagner in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Reverend John C. Bonner, Pastor Emeritus to the City Council

PLEDGE OF ALLEGIANCE was led by Council Member Todd Rogers

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Wagner announced that there was still time to participate in Lakewood's Project Shepherd Program by donating gifts, cash or food items to help needy children and families during the holiday season.

Mayor Wagner also announced that a reception had been held prior to the Council Meeting to honor retiring Planning and Environment Commissioner Kerry Frank; the Business Recycler of the Year, Verizon; and the 25th anniversary of the appointment of Howard Chambers as City Manager.

Mayor Wagner further announced that the meeting would be adjourned in the memory of Al De Reimer, a long-time resident with years of community service, including involvement with the Lakewood Pan American Festival Association.

Council Member Esquivel reported that he had received several inquiries about flood insurance and asked for an update. Community Development Director Chuck Ebner reported that construction on the last bridge improvement on the Los Angeles River was expected to be completed this week. With completion of the project, the as-built drawings would be forwarded to the Federal Emergency Management Agency. Once FEMA had completed its review of the drawings, the requirement for flood insurance would be lifted, most likely in January, 2002.

Mr. Ebner confirmed for Vice Mayor Van Nostran that a mortgage lender could still require a homeowner to carry flood insurance once the FEMA requirements were lifted and noted that it was important for homeowners to let their lenders know when the FEMA requirements have been lifted.

ANNOUNCEMENTS AND PRESENTATIONS: Continued

City Attorney John S. Todd advised that individual homeowners should carefully consider whether it was to their benefit to continue to carry flood insurance even if it was no longer required by the Federal government.

Mayor Wagner stated that it was a very good feeling to see the \$200 million project come to an end. He also stated that it was in response to pressure from local cities and the County of Los Angeles, that FEMA had agreed to review the as-built plans as the work progressed and committed to provide a final response within two weeks of submittal of the final drawings.

URGENCY ITEM:

Mayor Wagner stated that an item of business had arisen subsequent to the posting of the agenda requiring the immediate attention of the City Council. Mayfair High School had requested a permit for a parade to celebrate their CIF football victory.

COUNCIL MEMBER ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO ADD CONSIDERATION OF THE MAYFAIR HIGH SCHOOL PARADE REQUEST TO THE ROUTINE ITEMS SECTION OF THE AGENDA. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ROUTINE ITEMS:

Council Member Piercy requested that Routine Item 4 be considered separately.

COUNCIL MEMBER ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 3 AND 5 THROUGH 13.

RI-1 Approval of Minutes of the Meetings held November 13, and November 27, 2001

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated November 8, November 15, November 21, November 29, and December 6, 2001

RI-5 RESOLUTION NO. 2001-82; 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 TUESDAY OF EACH WEEK FOR STREET SWEEPING PURPOSES ON THE EAST SIDE OF NORWALK BOULEVARD BETWEEN 207TH STREET AND CENTRALIA STREET

RI-6 Approval of Monthly Report of Investment Transactions

ROUTINE ITEMS: Continued

RI-7 RESOLUTION NO. 2001-83; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD FOR AUTHORIZATION TO APPLY TO CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR A REUSE ASSISTANCE GRANT

RI-8 Approval of Extension of Agreement for Document Imaging System Maintenance and Support

RI-9 RESOLUTION NO. 2001-84; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE EAST SIDE OF ADENMOOR AVENUE WITHIN THE CITY OF LAKEWOOD

RESOLUTION NO. 2001-85; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE WEST SIDE OF COLDBROOK AVENUE WITHIN THE CITY OF LAKEWOOD

RI-10 Approval of Change Order for Public Works Project No. 00-5R, Standby Generators – The Centre and Nixon Yard

RI-11 Ratification of the Purchase of Computer Equipment and Services

RI-12 Approval of Amendment to Agreement with Toft Wolff Farrow, Inc., City Hall HVAC Improvement Project

RI-13 Approval of Request of Mayfair High School for December 20, 2001, Parade Permit

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

RI-4 Approval of Engineering Agreement for the Design of Well #13A Pipeline

Council Member Piercy requested clarification on the location for the new water well. Water Resources Director Jim Glancy responded by stating that although the siting had not yet been finalized, staff wanted to proceed with plans for the pipeline that would be necessary along Palo Verde Avenue in order to complete the work prior to the scheduled resurfacing of Palo Verde Avenue in 2002.

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.1 • STORAGE USES IN THE M-2 ZONE

The Director of Community Development gave a brief oral presentation based on the memorandum in the agenda packet and stated the City had been approached by Boeing Real Estate to use an 11-acre site in the M-2 zone as a temporary mini-warehouse and storage parking for recreational vehicles and boats. Since the Lakewood Municipal Code did not have a provision for this type of use, the Planning and Environment Commission had reviewed the issue and was recommending that the Code be amended to provide for such a use only on a temporary basis and with a conditional use permit required. The proposed ordinance would limit such uses to sites of five acres or more, be permitted only with a conditional use permit for five years, and exempt existing commercial storage areas on sites of less than five acres.

ORDINANCE NO. 2001-7; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD ZONING ORDINANCE AND THE MUNICIPAL CODE PERTAINING TO STORAGE AND OPEN AREAS AND SHIPPING CONTAINERS IN THE M-2 (HEAVY MANUFACTURING) ZONE

Responding to a question from Council Member Piercy, Mr. Ebner stated that the ordinance as written would apply to the whole City and that although the study and recommended Code change had been prompted by Boeing, they would still be required to apply for and complete the conditional use permit process.

Mayor Wagner opened the public hearing at 8:04 p.m. and called for anyone in the audience wishing to address the City Council on this matter.

George Medak, Boeing Real Estate, testified that the proposed use was temporary only and that the site would be landscaped to make it visually acceptable.

Responding to a question from Council Member Rogers, Mr. Medak briefly reviewed the plans for the proposed PacifiCenter development and the intended occupants for the different portions of the property, noting that it was still very early in the development of the project. Mr. Medak noted that they already had potential tenants interested in portions of the development.

In response to a question from Vice Mayor Van Nostran, Mr. Medak detailed the landscaping plans stating that the most intensive landscaping would be on the Carson Street side of the property.

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

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

NAYS: COUNCIL MEMBERS: None

1.1 • STORAGE USES IN THE M-2 ZONE - Continued

COUNCIL MEMBER ROGERS MOVED AND COUNCIL MEMBER PIERCY SECONDED TO INTRODUCE ORDINANCE NO. 2001-7. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

1.2 • RE-AWARD OF BID FOR PURCHASING BID 01-8, CABLECASTING WORKSTATION

Finance Director Larry Schroeder gave a brief oral presentation based on the memorandum in the agenda packet and stated the City Council had awarded a bid for a cablecasting workstation to Digital Synergy on October 23, 2001. Subsequently, the City had been advised by Digital Synergy that they had made an error on their bid and would be unable to supply the equipment. It was the recommendation of staff that the City Council release Digital Synergy from its bid and authorize the purchase from the next bidder, Digital System Technology in the amount of \$23,566.40.

Mayor Wagner opened the public hearing at 8:16 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.1 • 2000/2001 GENERAL PLAN ANNUAL REPORT

The Director of Community Development gave a brief oral presentation based on the memorandum in the agenda packet and stated that in accordance with the California Government Code, an annual report must be provided to the City Council on the status of the City's General Plan. He advised that the report summarized key trends, capital improvement projects and other activities that were compared to the goals, policies and implementation programs outlined in the General Plan Policy Document and had found that no changes were necessary at this time.

MAYOR WAGNER ANNOUNCED THAT THERE BEING NO OBJECTION, THE REPORT WAS ORDERED RECEIVED AND FILED.

3.2 • FINAL REPORT – MONTE VERDE PARK PROJECT

The Director of Public Works, Lisa Rapp, gave a brief oral presentation based on the memorandum in the agenda packet and reported that the contract for the improvements to Monte Verde Park had been completed. She stated that the contract had originally been awarded to Don Veasey Construction in June, 2000, and in May, 2001, the contract had been terminated and the work completed under the supervision of the contractor's surety. The project was completed enough by the end of June, 2001, for the City to take beneficial occupancy and operate a summer day camp program at the park, but a long list of uncompleted work items remained and liquidated damages began to accrue. Staff had recently met with Lou Jones & Associates, representing American Motorist Insurance Company, the Surety for Don Veasey Construction, and had been able to reach agreement on all remaining issues. Staff was recommending that balancing the amount of liquidated damages, and the possible legal costs to recover them, against the level of assistance provided by the Surety in the completion of the project, the liquidated damages should be waived. It was the recommendation of staff that the City Council ratify the 33 change orders issued on PW Contract 00-10R in the net amount of \$46,926.84; accept the work performed under the contract with Don Veasey Construction Company, with assistance by the contract surety, Lou Jones & Associates, in a final contract amount of \$1,336,926.84 and authorize the City Clerk to file a Notice of Completion for the project; and waive all liquidated damages assessed to date against Don Veasey Construction.

In response to a question from Vice Mayor Van Nostran, Ms. Rapp stated that the liquidated damages were approximately \$30,000.

The City Attorney advised that the City could pay as much as \$10,000 to \$20,000 to litigate for the recovery of liquidated damages.

Mayor Wagner noted that the cooperative efforts and actions by the Surety had completely changed the nature of the project.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

WRITTEN COMMUNICATIONS:

1) CORRESPONDENCE FROM THE GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT REGARDING THE RE-APPOINTMENT OF COUNCIL MEMBER ESQUIVEL TO THEIR BOARD OF TRUSTEES

VICE MAYOR VAN NOSTRAN MOVED AND MAYOR WAGNER SECONDED TO RE-APPOINT COUNCIL MEMBER JOSEPH ESQUIVEL FOR AN ADDITIONAL TWO-YEAR TERM TO THE GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT BOARD. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

WRITTEN COMMUNICATIONS: Continued

2) CORRESPONDENCE FROM GREATER LAKEWOOD CHAMBER OF COMMERCE REQUESTING USE OF THE CITY COUNCIL CHAMBERS FOR A CANDIDATE'S FORUM

Assistant City Manager Michael Stover gave a brief oral presentation based on the memorandum in the agenda packet and stated the Greater Lakewood Chamber of Commerce was organizing a candidates' forum to be held on Wednesday, February 6, 2002, for those candidates running for the Congressional and Assembly seats representing Lakewood.

Joy Janes, Greater Lakewood Chamber of Commerce Director of Events, stated that it now appeared there would be no need for a forum for Assembly candidates during the primary. She also stated that the Chamber would be assisted by the League of Women Voters.

Ms. Janes confirmed for Council Member Piercy that the Chamber had reviewed the requirements and conditions and agreed with them. She also noted that an equal amount of time would be allowed for each candidate.

Council Member Rogers inquired if the requirements and conditions were the same as the ones used during the City Council candidates' forum in March 2001. Mr. Stover responded by stating that they were the same with the additional provision that questions posed be relevant to Lakewood.

COUNCIL MEMBER ESQUIVEL MOVED AND COUNCIL MEMBER PIERCY SECONDED TO APPROVE THE USE OF THE CITY COUNCIL CHAMBERS FOR THE CANDIDATES' FORUM ON FEBRUARY 6, 2002 AND THAT THE NORMAL FEE BE WAIVED. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

At 8:32 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:34 p.m., the City Council Meeting was reconvened.

ORAL COMMUNICATIONS: None

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Wagner adjourned the meeting at 8:34 p.m. in memory of Al De Reimer.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk