



# Minutes

## Lakewood City Council

Regular Meeting held  
November 9, 2010

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**MEETING WAS CALLED TO ORDER** at 7:31 p.m. by Mayor Esquivel in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

**INVOCATION** was offered by Elder Mark Parker, Church of Jesus Christ of Latter Day Saints

**PLEDGE OF ALLEGIANCE** was led by Vice Mayor Larry Van Nostran

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

### **ROUTINE ITEMS:**

Council Member DuBois requested that Routine Item 1 be considered separately.

COUNCIL MEMBER CROFT MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE ROUTINE ITEMS 2 THROUGH 6.

RI-2 Approval of Registers of Demands

RI-3 Approval of Allocation for the Proper Destruction of Well 12

RI-4 RESOLUTION NO. 2010-68; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE SOUTH SIDE OF ANDY STREET WITHIN THE CITY OF LAKEWOOD

RESOLUTION NO. 2010-65; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE EAST SIDE OF PIMENTA AVENUE WITHIN THE CITY OF LAKEWOOD

RI-5 Approval of Monthly Report of Investment Transactions

RI-6 RESOLUTION NO. 2010-66; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING BAIL AMOUNTS FOR VIOLATIONS OF SECTIONS 3250.2 THROUGH 5204.A, AS LISTED IN ATTACHMENT A, OF THE LAKEWOOD MUNICIPAL CODE

**ROUTINE ITEMS:** Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

RI-1 Approval of Minutes of the Meeting held October 26, 2010

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: DuBois

**1.1 • APPEAL OF DECISION OF PLANNING AND ENVIRONMENT COMMISSION  
IN THE MATTER OF THE ABATEMENT FOR 6123 HAYTER AVENUE**

City Attorney Steve Skolnik advised that staff was in the process of negotiating a settlement with the property owner and her attorney. He recommended the City Council open the public hearing and formally continue the matter to the meeting to be held on December 14, 2010, at which time the issue would be heard if a settlement had not be reached.

Mayor Esquivel opened the public hearing at 7:36 p.m. and called for a motion to continue the hearing.

VICE MAYOR VAN NOSTRAN MOVED AND COUNCIL MEMBER DUBOIS SECONDED TO CONTINUE THE PUBLIC HEARING TO THE REGULAR MEETING TO BE HELD ON DECEMBER 14, 2010. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 2010-3, NIXON  
YARD GARAGE LEAD ABATEMENT**

Public Works Director Lisa Rapp presented a report based on the memo in the agenda and stated eleven bids had been received for a project for lead abatement and encapsulant work on the Vehicle Service Garage at the Nixon Maintenance Yard. She advised that although the low bidder, Envirocon Contracting, Inc. had omitted a required Addendum acknowledgement form from their bid proposal, due to a clerical oversight, since they had later submitted verification that they had received the Addendum and had based their bid on the information it contained, staff was recommending this be waived as a minor irregularity. She stated that following the abatement procedures, the building would require re-roofing, necessitating a change order to roofing project PW Project No. 2009-09. She noted although

**1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 2010-3, NIXON YARD GARAGE LEAD ABATEMENT - Continued**

there was adequate funding for the project, staff was requesting additional funds for contingencies, independent testing and oversight. She reported that the work would be performed during the December holiday period, therefore not impacting normal operations. It was the recommendation of staff that the City Council: approve the plans, specifications, addendum and working details for the lead abatement project; find the missing Addendum acknowledgement form to be a minor irregularity and waive the requirement; award a contract to Envirocon Contracting, Inc. in the amount of \$17,000; authorize staff to approve a cumulative total of contingency items, as necessary, in an amount not to exceed \$5,000; appropriate \$5,000 to the project account for contingencies associated with the abatement; authorize staff to negotiate a change order to PW Project No. 2009-09 in an amount not to exceed \$28,000; appropriate \$10,000 to the project account for contingencies associated with the re-roofing improvements.

Council Member Rogers inquired about the broad range between the low and high bids and whether any protests had been received regarding the low bidder. The City Attorney advised that there had been no protests received from other bidders and that waiving the minor irregularity did not expose the City to any vulnerabilities. Ms. Rapp stated that since there were four of the bids received that had been below the engineer's estimate, and this contractor had satisfactorily completed a previous project for the City, she was comfortable with the bid.

Mayor Esquivel opened the public hearing at 7:44 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

**1.3 • AWARD OF BID FOR PURCHASING BID PUR 01-11, POLYORTHOPHOSPHATE IN DRUM**

Administrative Services Director Diane Perkin made a presentation based on the memo in the agenda and stated three bids had been received for 50/50 blend polyorthophosphate in drum, an anti-corrosion agent commonly used in U.S. water systems to prevent corrosion from leaching into the water. It was the recommendation of staff that the City Council award the bid to Brenntag Pacific, Inc. at \$6.58 per gallon, for a contract period of three years ending on November 9, 2013.

Responding to a question from Council Member DuBois, Water Resources Director Jim Glancy stated that the original, 4-inch cast-iron mains still in service required corrosion treatment. He advised that the additive adhered directly to the pipes and the impact on the water was miniscule, in the parts-per-billion.

**1.3 • AWARD OF BID FOR PURCHASING BID PUR 01-11, POLYORTHOPHOSPHATE IN DRUM - Continued**

Mayor Esquivel opened the public hearing at 7:49 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

**3.1 • PROPOSED WATER CONSERVATION DEVICE REBATE PROGRAM**

The Director of Water Resources displayed slides and gave a presentation based on the memo in the agenda. He stated that although Lakewood residents had done a good job of conserving water in the past, the State was asking all water consumers to continue conservation efforts on a regular basis. He reviewed the proposed program to offer rebates for the installation of water saving irrigation devices by residential customers in the City's service area. He noted approximately 70 percent of residential water use was outdoors, and so the program was targeted at outdoor conservation measures like rotor sprinkler heads, drip irrigation devices, irrigation timers and limited turf removal. He stated that staff would begin to publicize the program in January and the first rebate applications would be accepted during Water Awareness Month in May. The program would continue until budgeted project funds had been expended. It was the recommendation of the Water Resources Committee that the City Council direct staff to finalize the details and implement the program.

Council Member Croft stated he had initially reviewed the proposed program as a member of the Water Resources Committee and had liked the program because not only were the proposed measures retrofits for existing irrigation systems, but the components were available through local vendors.

Responding to a question from Council Member Rogers, Mr. Glancy advised that artificial turf was not part of the proposed program.

In response to a question from Vice Mayor Van Nostran, Mr. Glancy stated that there were a number of different water saving irrigation timers in different price ranges and that as part of the program, list of products would be supplied to potential applicants.

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

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

NAYS: COUNCIL MEMBERS: None

At 8:06 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:09 p.m., the City Council Meeting was reconvened.

**ORAL COMMUNICATIONS:** None

**CLOSED SESSION**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Mayor Esquivel announced that the City Council would recess to a closed session pursuant to Government Code §54956.8 regarding potential lessees of the property located at 5000 Clark Avenue, Lakewood, CA.

**PUBLIC EMPLOYMENT**

Mayor Esquivel announced that the City Council would also recess to a closed session pursuant to Government Code §54957 regarding the position of City Manager.

At 8:31 p.m., the City Council reconvened and the City Attorney advised that there was no action to announce.

**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Esquivel adjourned the meeting at 8:31 p.m.

Respectfully submitted,

Denise R. Hayward, CMC  
City Clerk