



# Minutes

## Lakewood City Council

Regular Meeting held  
May 28, 2002

---

**MEETING WAS CALLED TO ORDER** at 7:37 p.m. by Mayor Van Nostran in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

**INVOCATION** was offered by Bishop Alfred Coleman, Church of Jesus Christ of Latter Day Saints

**PLEDGE OF ALLEGIANCE** was led by Vice Mayor Joseph Esquivel

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

### **ANNOUNCEMENTS AND PRESENTATIONS:**

Mayor Van Nostran announced a new communications campaign entitled, "Vote! And show you believe in America." The campaign focuses on local elections affecting Lakewood and encourages residents to show their patriotism by voting.

Mayor Van Nostran announced that a reception had been held prior to the meeting to recognize Vice Mayor Joe Esquivel for his year of service as president of the California Contract Cities Association; to honor Boy Scouts and Camp Fire member for reaching the highest ranks in their organizations; and to recognize the winners of the poster contests for Water Awareness Month and Fair Housing Month.

Mayor Van Nostran advised that the meeting would be adjourned in memory of Dan Greenberg, a long-time community volunteer.

### **ROUTINE ITEMS:**

VICE MAYOR ESQUIVEL MOVED AND COUNCIL MEMBER ROGERS SECONDED TO APPROVE ROUTINE ITEMS 1 THROUGH 10.

RI-1 Approval of Minutes of the Meeting held April 23, 2002

RI-2 Approval of Personnel Transactions

RI-3 Approval of Registers of Demands dated May 2, May 9, and May 16, 2002

RI-4 Approval of Monthly Report of Investment Transactions

**ROUTINE ITEMS:** Continued

- RI-5 RESOLUTION NO. 2002-26; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD RESCINDING RESOLUTION ESTABLISHING PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE WITHIN THE CITY OF LAKEWOOD
- RI-6 Approval of Workforce Investment Board Policy Board and Catalyst Corporation Audit
- RI-7 Approval of Amendment to 2001 Community Development Block Grant Action Plan
- RI-8 Approval of Quitclaim of Easements - 2650 Carson Street
- RI-9 Southern California Water Company Water Rights Lease
- RI-10 RESOLUTION NO. 2002-27; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, APPROVING THE APPLICATION OF GRANT FUNDS FROM THE USED OIL RECYCLING ENHANCEMENT ACT FOR THE FOLLOWING PROJECT: EDUCATION AND PUBLIC AWARENESS, AND THE ENHANCEMENT OF EXISTING USED OIL COLLECTION SYSTEM

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.1 • AMENDING THE MUNICIPAL CODE AND THE ZONING ORDINANCE PERTAINING TO PLANNED UNIT DEVELOPMENT REGULATIONS**

Director of Community Development Chuck Ebner gave a brief oral presentation based on the memorandum in the agenda packet and reported an application presented to the Planning and Environment Commission for a General Plan amendment and zone change had prompted a study of the PD (Planned Unit Development) Zone regulations. The proposed ordinance would reduce the minimum lot area for a planned development from three acres to 15,000 square feet, while allowing the Planning and Environment Commission an opportunity to review and approve a precise plan for each proposed project. It was the recommendation of the Planning and Environment Commission that the City Council introduce Ordinance No. 2002-6, amending regulations for Planned Unit Developments.

ORDINANCE NO. 2002-6; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE AND THE ZONING ORDINANCE PERTAINING TO PLANNED UNIT DEVELOPMENT REGULATIONS

**1.1 • AMENDING THE MUNICIPAL CODE AND THE ZONING ORDINANCE PERTAINING TO PLANNED UNIT DEVELOPMENT REGULATIONS - Continued**

Responding to questions from Council Member Piercy, Mr. Ebner stated that the ordinance would reduce the required size from three acres to about one-third of an acre and that the requirement for a precise plan would give the City much greater control over the type of development and the impacts on the surrounding neighborhood.

The Community Development Director affirmed for Council Member Wagner that the change in regulations would provide for much more flexibility, especially in the eastern portion of the City and could encourage more redevelopment with less intensive uses.

Council Member Rogers inquired about the consequences for violations of an approved precise plan. Mr. Ebner responded by stating no building permits could be issued for a project unless plans were submitted which were in compliance with the precise plan for the property.

Mayor Van Nostran opened the public hearing at 8:53 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

COUNCIL MEMBER PIERCY MOVED AND COUNCIL MEMBER WAGNER SECONDED TO CLOSE THE PUBLIC HEARING AND INTRODUCE ORDINANCE NO. 2002-6. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.2 • AWARD OF BID FOR PUBLIC WORKS PROJECT 02-6, ADA CURB RAMPS**

Public Works Director Lisa Rapp gave a brief oral presentation based on the memorandum in the agenda packet and stated six bids had been received for the construction of thirty-eight ADA (Americans with Disabilities Act) curb ramps. The project, located in the area bounded by Del Amo Boulevard, Centralia Street, Bellflower Boulevard and Palo Verde Avenue, would be funded by L.A. County MTA funds. It was the recommendation of staff that the City Council approve the plans and specifications, award the contract to the low bidder, Kalban, Incorporated, in the amount of \$29,450, and authorize staff to add additional curb ramps and approve a cumulative total of contract change orders not to exceed \$12,244.

Mayor Van Nostran opened the public hearing at 7:56 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 PIERCY SECONDED TO CLOSE THE PUBLIC HEARING AND APPROVE STAFF'S RECOMMENDATION. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**1.3 • AWARD OF BID FOR PURCHASING BID 02-6, CISCO ROUTER EQUIPMENT**

Finance Director Larry Schroeder gave a brief oral presentation based on the memorandum in the agenda packet and stated two bids had been received for the purchase of Cisco router equipment which would connect the City's internal computer network to the Internet. It was the recommendation of staff that the City Council award to the low bidder, Affiliated Computer Services (ACS), in the amount of \$26,211.65.

Mayor Van Nostran opened the public hearing at 7:57 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

**1.4 • COMMUNITY DEVELOPMENT BLOCK GRANT SUBMITTAL FOR FISCAL YEAR 2002-03**

The Director of Community Development gave a brief oral presentation based on the memorandum in the agenda packet and reported the City had participated in the Community Development Block Grant Program for 27 years. He advised that the Program required that the funded activities primarily benefit persons of low and moderate income. He briefly outlined the objectives of the City's Action Plan and the proposed activities for fiscal year 2002. It was the recommendation of staff that the City Council conduct a public hearing to receive comments and approve the Action Plan for fiscal year 2002 and authorize the City Manager to submit the CDBG funding application and certifications.

Mayor Van Nostran opened the public hearing at 8:01 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

VICE MAYOR 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: Rogers, Esquivel, Piercy, Wagner and Van Nostran

NAYS: COUNCIL MEMBERS: None

### **1.5 • CABLE TELEVISION FRANCHISE TRANSFER**

Assistant City Manager Michael Stover gave a brief oral presentation based on the memorandum in the agenda packet and reported that since the City's connection to cable television in 1983, the system franchise had been through a change of control five times. The request put forth by AT&T Corporation, the current franchisee, would transfer control to a new entity, AT&T Comcast Corporation, which was being formed as the result of a recent merger agreement. He stated that although about 40 percent of the households in Lakewood were cable subscribers, the City had little ability to regulate cable rates or ownership transfers. He briefly reviewed three potential franchise compliance issues: Franchise Fees On Internet Modem Service, Customer Call Center Responsiveness; and Required Documentation. He noted that the transfer/merger documents had also been reviewed by Telecommunications Management Corporation (TMC) at the City's request. Based upon the City Attorney's review of the legal basis for AT&T's decision to halt payment for franchise fees on cable modem revenues, staff was recommending the City Council find AT&T in apparent violation of the franchise ordinance, and in approving the merger, not waive the right to rescind or cancel the franchise if said violation should continue after any final disposition of the cable modem ruling by either the FCC or a final court decision contrary to the FCC's tentative ruling. Finding no significant justification to deny consent to the proposed transfer, it was the recommendation of staff that the City Council conditionally consent to the merger between AT&T and Comcast Corporation.

RESOLUTION NO. 2002-28; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD CONSENTING TO THE CHANGE OF CONTROL OF THE LAKEWOOD CABLE FRANCHISEE FROM AT&T CORP. TO AT&T COMCAST CORPORATION

Council Member Piercy noted that the City was "handcuffed" by Federal deregulation of the cable industry and had no control over rate issues.

Council Member Wagner stated that while there was much that needed to be done about the cable television franchise, it was almost pointless to discuss since the City had been stripped of control. He noted that the original rationale for cable deregulation had been to stimulate competition, but that instead it had created vast monopolies which continued to soak cable customers to pay for continuing resales of the systems. He stated he would propose writing a letter to the Federal Communications Commission and to the correct Congressional committee to point out the problems with deregulation and ask them to correct the mistake.

Council Member Rogers cited problems such as poor customer service, lack of courtesy by customer representatives and arbitrary programming changes. He stated he would support making as much noise as possible about the problems with the current cable regulation system.

Mayor Van Nostran opened the public hearing at 8:18 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

**1.5 • CABLE TELEVISION FRANCHISE TRANSFER - Continued**

COUNCIL MEMBER WAGNER MOVED AND COUNCIL MEMBER ROGERS SECONDED TO CLOSE THE PUBLIC HEARING AND ADOPT RESOLUTION NO. 2002-28. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

COUNCIL MEMBER WAGNER MOVED AND VICE MAYOR ESQUIVEL SECONDED TO DRAFT A LETTER TO THE FCC AND THE CONGRESSIONAL COMMITTEE. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

**3.1 • AGREEMENT FOR WEB-BASED CONTENT MANAGEMENT SYSTEM**

The Assistant City Manager gave a brief oral presentation based on the memorandum in the agenda packet and stated negotiations had been completed with the City's information technology services contractor, Affiliated Computer Services (ACS), to implement Civica Internet and intranet content management systems. The implementation of the Civica content management software would simplify the creation, modification and removal of content from the City's website and thereby reduce reliance on one or two experts, thus reducing the need for future technical staff. He briefly outlined the key features of the software and the proposed modules and their function. It was the recommendation of staff that the City Council authorize the execution of an agreement with ACS for licensing, installation and support of the Civica Content Management and Delivery System in a sum not to exceed \$59,000.

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

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

NAYS: COUNCIL MEMBERS: None

**3.2 • AMENDMENT TO THE WATER MAIN REPLACEMENT PROJECT ENGINEERING AGREEMENT**

Water Resource Director Jim Glancy gave a brief oral presentation based on the memorandum in the agenda packet and reported that the City had an existing agreement with Tetra Tech, Inc. for the design of water mains. He stated that staff was proposing that the engineering agreement be amended to allow for the design of a water main replacement project for fiscal year 2002-03, to replace cast iron piping in the area south of Del Amo Boulevard and east of Palo Verde Avenue. It was the recommendation of staff that the City

**3.2 • AMENDMENT TO THE WATER MAIN REPLACEMENT PROJECT ENGINEERING AGREEMENT - Continued**

Council approve the amendment to the agreement for engineering services with Tetra Tech, Inc. in the amount of \$43,800.

Council Member Piercy inquired if there was an additional project in the following year's budget. Mr. Glancy responded by stating that their practice was to budget funds each year, but to complete the construction as one large two-year project, since better pricing was generally obtained with a larger project.

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

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

NAYS: COUNCIL MEMBERS: None

**3.3 • CHANGE ORDER FOR PUBLIC WORKS PROJECT 01-9, LANDSCAPE BLOOMFIELD MEDIAN**

The Director of Public Works gave a brief oral presentation based on the memorandum in the agenda packet and stated that a contract had been awarded for a project to landscape the existing raised medians on Bloomfield Avenue between Del Amo Boulevard and 215th Street. She advised that during initial demolition, it had been discovered that there were significant additional amounts of concrete and asphalt that would have to be removed before the project could proceed and after reviewing possible alternatives, it was found that the additional removals were the most cost-effective way to proceed. It was the recommendation of staff that the City Council authorize a contract change order in the amount of \$67,000 to Reyco, Smith & Reynolds Erosion Control, Inc. for the extra work to remove the additional asphalt and concrete and related work, and to appropriate \$65,000 from the General Fund to the project account.

Council Member Wagner inquired who had supervised the original construction of the raised medians. City Manager Howard Chambers responded by stating that the medians had been constructed while that portion of the City was still part of unincorporated Los Angeles County.

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

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

NAYS: COUNCIL MEMBERS: None

**3.4 • AGREEMENT FOR DIGITAL ORTHOPHOTOGRAPHY SERVICES**

The Director of Community Development gave a brief oral presentation based on the memorandum in the agenda packet and stated the 2001-02 budget had contained an appropriation for the acquisition and integration of updated color digital aerial photographs (orthophotos) for the City's geographical information system (GIS). He reported that eight responses had been received from the department's Request for Proposals. He stated that the low bidder had an excellent reputation in this field and that their proposal was so favorable that staff was proposing additional items be acquired that would make the maps even more useful. It was the recommendation of staff that the City Council execute a professional services agreement for digital orthophotography with Sanborn, Inc. in an amount not to exceed \$32,000.

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

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

NAYS: COUNCIL MEMBERS: None

At 8:35 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:36 p.m., the City Council Meeting was reconvened.

**ORAL COMMUNICATIONS:** None

**CLOSED SESSION:**

Mayor Van Nostran stated that based upon the confidential written report of the City Attorney, the City Council would adjourn to a closed session to confer with and receive advice from its legal counsel pursuant to Section 54956.9(c) of the Government Code pertaining to its decision to initiate litigation in one case.

At 8:56 p.m., Mayor Van Nostran reconvened the meeting with all members present and stated that the City Council had met in closed session to receive facts and consider circumstances pertaining to settlement of the complaint of the California Regional Water Quality Control Board for civil liability for alleged violation of NPDES Order No. 97-045 and had approved the settlement of said complaint and reaffirmed the action taken by the Director of Water Resources in that regard.

City Council Minutes

May 28, 2002

Page 9

**ADJOURNMENT**

There being no further business to be brought before the City Council, Mayor Van Nostran adjourned the meeting at 8:56 p.m. in memory of Dan Greenberg.

Respectfully submitted,

Denise R. Hayward, CMC

City Clerk