



Minutes

Lakewood City Council

Regular Meeting held
September 26, 2000

MEETING WAS CALLED TO ORDER at 7:30 p.m. by Mayor Piercy in the Council Chambers at the Civic Center, 5000 Clark Avenue, Lakewood, California.

INVOCATION was offered by Reverend Sam Wilder, West Lakewood Baptist Church

PLEDGE OF ALLEGIANCE was led by Boy Scout Troop 75 from Bethany Lutheran Church

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

ANNOUNCEMENTS AND PRESENTATIONS:

Mayor Piercy announced that the Iacoboni Library had now closed and the renovation project was underway. He advised that Lakewood's Nye Library on Del Amo Boulevard would be open for extended hours, including Sundays, during the entire construction project.

Dr. David Goren, President-elect of the Lakewood Rotary Club, made a brief presentation about Project Shepherd, which was in its 28th year of service to the Lakewood community. He reported that Council Member Joe Esquivel would be serving as the Chairman of Project Shepherd and Mayor Wayne Piercy would be coordinating the warehouse facility. He concluded by thanking the City for supporting the program and requested that the City again act as co-sponsor of the program, allowing the use of the City's water/trash billing system for the distribution of Project Shepherd literature. Mayor Piercy affirmed the City's commitment to participate in the program.

Mayor Piercy also proudly noted that Lakewood's own Lisa Fernandez, a past Lakewood Youth Hall of Fame award recipient, and her fellow members of the U.S. Women's Softball team had prevailed to win the Olympic Gold Medal in the Sydney games.

ROUTINE ITEMS:

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

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO APPROVE ROUTINE ITEMS 2 THROUGH 10.

RI-2 Approval of Personnel Transactions

ROUTINE ITEMS: Continued

- RI-3 Approval of Registers of Demands dated September 7, and September 14, 2000
- RI-4 Approval of Revisions to Conflict of Interest Code for City Officers and Employees
- RI-5 Approval of Monthly Report of Investment Transactions
- RI-6 Approval of Consultant Agreement for Professional Design Services with Aquatic Design Group for the Mayfair Pool Equipment Replacement Project
- RI-7 RESOLUTION NO. 2000-68; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE EAST SIDE OF OBISPO AVENUE WITHIN THE CITY OF LAKEWOOD
- RESOLUTION NO. 2000-69; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ESTABLISHING A PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACE ON THE SOUTH SIDE OF 209TH STREET WITHIN THE CITY OF LAKEWOOD
- RESOLUTION NO. 2000-70; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD RESCINDING RESOLUTIONS ESTABLISHING PHYSICALLY HANDICAPPED PERSONS DESIGNATED PARKING SPACES WITHIN THE CITY OF LAKEWOOD
- RI-8 Approval of Ground Lease and Maintenance Agreement for 6143 Woodruff Avenue
- RI-9 RESOLUTION NO. 2000-71; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD, CALIFORNIA, REAFFIRMING THE CITY'S POLICY REGARDING THE PROCUREMENT OF RECYCLED AND RECYCLABLE PRODUCTS, THE RECYCLING OF ASPHALT GRINDINGS AND CONCRETE DEBRIS FROM CITY PUBLIC WORKS PROJECTS, AND THE REQUIREMENT FOR RECYCLING FACILITIES IN NEW MULTIFAMILY RESIDENTIAL DEVELOPMENTS
- RI-10 Approval of Substitution of Subcontractors for Public Works Contract 00-10R, Monte Verde Park Improvement Project

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

- RI-1 Approval of Minutes of the Meeting held August 8, 2000

COUNCIL MEMBER VAN NOSTRAN MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO APPROVE ROUTINE ITEM 1.

ROUTINE ITEMS: Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: Titel

1.1 • AWARD OF BID FOR PUBLIC WORKS PROJECT NO. 00-16, LOCAL STREET PAVEMENT REHAB

Lisa A. Rapp, Director of Public Works, displayed slides and presented an oral report based on her memorandum contained in the agenda packet and reported that four bids had been received for the Local Street Pavement Rehab Project which provided for the resurfacing of streets in the area south of South Street between Clark and Woodruff Avenues, south of Candlewood Street between Clark Avenue and Bellflower Boulevard, and certain streets east of Palo Verde Avenue where new water main line installation was completed earlier this year. She stated that in addition to the paving, testing of the materials would be required as well as hardscape maintenance. She noted that the Palo Verde Avenue streets had been a deductive part of the project but that recent legislation would be providing additional transportation funds, allowing the area to be included in this project. It was the recommendation of staff that the City Council award the contract to All American Asphalt in the amount of \$1,506,291; approve an agreement with Associated Soils Engineering, Inc. in amount of \$27,000 for testing services; approve an agreement with Kalban, Inc. for hardscape maintenance services; authorize staff to approve a cumulative total of change orders not to exceed \$75,000; and appropriate unreserved General Fund balance of \$408,000 for the street project and \$162,000 for hardscape maintenance.

Mayor Piercy stated he was pleased to see that the money from the State would be well spent by allowing this project to be expanded.

Council Member Van Nostran remarked that these repairs were very timely, that is was important to catch the streets before they deteriorated to a state where they would be much more costly to repair. He noted that the hardscape repairs should also please a number of area residents.

Mayor Piercy opened the public hearing at 7:50 p.m. and called for anyone in the audience wishing to address the City Council on this matter. There was no response.

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

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

NAYS: COUNCIL MEMBERS: None

3.1 • SKY KNIGHT MAINTENANCE AGREEMENT

Deputy City Manager Sandi Ruyle presented an oral report based on her memorandum contained in the agenda packet and reported the City's contractor for helicopter maintenance, Precision Helicopter, had made a business decision not to continue with their contract. Until an agreement with a replacement contractor could be established, AirFlite of Long Beach had agreed to provide interim maintenance services for the City's Sky Knight helicopters under the existing contract terms and amounts. It was the recommendation of staff that the City Council authorize the execution of an agreement with AirFlite for interim helicopter maintenance services.

Council Member Van Nostran inquired if the helicopters would have to be moved from their present location. Ms. Ruyle responded by stating that although a move would be necessary, the AirFlite hangar was located in the same area of the airport as the current hangar.

Responding to a question from Mayor Piercy, Ms. Ruyle stated that although AirFlite had only offered to provide interim services, if they later expressed an interest in contracting for ongoing maintenance, their qualifications would definitely make them a candidate worth consideration.

COUNCIL MEMBER VAN NOSTRAN MOVED AND VICE MAYOR WAGNER SECONDED TO APPROVE THE INTERIM AGREEMENT. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

3.2 • AWARD OF CONSTRUCTION CONTRACT FOR PUBLIC WORKS CONTRACT 00-15, WEINGART SENIOR CENTER RENOVATION PROJECT

The Director of Public Works presented an oral report based on her memorandum contained in the agenda packet and stated at its previous meeting, the City Council had authorized staff to negotiate a contract for the Weingart Senior Center Renovation Project. Staff had contacted three qualified general contractors and had received two quotations for the project. It was the recommendation of staff that the City Council adopt the plans, specifications, addendum and working details for the project; appropriate \$250,000 from the Park Dedication Fund; award the contract to Award Building Services in the amount of \$209,400.00; and authorize staff to approve a cumulative total of change orders not to exceed \$11,000.00.

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

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

NAYS: COUNCIL MEMBERS: None

3.3 • INTERGOVERNMENTAL RELATIONS COMMITTEE RECOMMENDATION – GENERAL ELECTION PROPOSITION 35 (USE OF CONTRACTORS TO PERFORM PUBLIC WORKS PROJECTS)

Assistant City Manager Michael Stover presented an oral report based on the memorandum contained in the agenda packet and reported that the League of California Cities had recently endorsed Proposition 35 on the November statewide ballot, which would allow State and local governments to contract for private architecture and engineering services. The Intergovernmental Relations Committee had reviewed the measure and recommended that the City Council join in its support.

RESOLUTION NO. 2000-72; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD IN SUPPORT OF PROPOSITION 35 RELATING TO USE OF PRIVATE CONTRACTORS IN STATE AND LOCAL GOVERNMENT CONSTRUCTION PROJECTS

COUNCIL MEMBER ESQUIVEL MOVED AND COUNCIL MEMBER VAN NOSTRAN SECONDED TO ADOPT RESOLUTION NO. 2000-72. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

Vice Mayor Wagner noted that the measure was supported by Cal Tax, a taxpayer's rights organization. He noted that while opposition to the measure was alleged to be included in a slate mailer by the Howard Jarvis organization, it really was in the best interests of the taxpayer to support the measure.

3.4 • PEERLESS WATER COMPANY MERGER WITH SOUTHERN CALIFORNIA WATER COMPANY

City Manager Howard Chambers stated this item was a follow up to action taken at the previous meeting regarding the Peerless Water Company merger. The staff had talks with the City of Paramount who was in the same situation, with about 100 service locations in their City that were part of the Peerless system. Paramount had filed an official protest with the Public Utilities Commission to be named as a party to the merger and seeking an order conditioning the merger on the transfer of services from Peerless to the City upon payment of fair market value of those services within their City. Paramount had expressed an interest in coordinating this effort with the City of Lakewood and staff was requesting authority to proceed with the cooperative effort.

The City Attorney advised that the City of Paramount had filed a protest and the PUC had recognized their right to negotiate and had granted a motion for leave to accept a late filing. The attorney representing Paramount, Mr. John Cavanaugh, had indicated that he would be willing to file these documents on behalf of the City of Lakewood as well. It was the recommendation of Mr. Todd, that the City Council retain Mr. Cavanaugh to handle the PUC filing on behalf of the City of Lakewood.

3.4 • PEERLESS WATER COMPANY MERGER WITH SOUTHERN CALIFORNIA WATER COMPANY - Continued

Vice Mayor Wagner inquired if, in the normal operation of the PUC, there would be any advance indication of the decision to be given. The City Attorney responded by stating the hearing would be before an administrative judge and that while there would probably not be any prior indication of the decision before it became final, the decision could be appealed.

Vice Mayor Wagner stated the City should be prepared to initiate condemnation proceedings if the decision did not go in the City's favor and that the City Council should authorize the use of condemnation proceedings if it became apparent that the acquisition of the Lakewood portion of the system could not otherwise be accomplished.

The City Attorney assured the Council that condemnation proceedings did not involve tight deadlines that could be easily missed and therefore need not be considered an urgent matter. He stated that in fact, the process was very detailed and would require the City Council to adopt a resolution in order to proceed. He also advised that there was still the chance that the City could negotiate with Southern California Water Company for the purchase of the Lakewood portion of the system.

Council Member Titel stated that he supported Vice Mayor Wagner's position of not wanting to lose any opportunity to acquire the system and to signal that the Council was willing to initiate condemnation proceedings if necessary in order to protect Lakewood's residents. He also suggested that the Water Committee members be empowered to testify before the PUC if necessary.

VICE MAYOR WAGNER MOVED AND COUNCIL MEMBER ESQUIVEL SECONDED TO RETAIN JOHN CAVANAUGH TO FILE THE PROTEST WITH THE PUBLIC UTILITIES COMMISSION ON BEHALF OF THE CITY OF LAKEWOOD. UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

The City Attorney clarified for Council Member Titel that although the City would have standing in the PUC case even without filing a protest, the filing would demonstrate a unified approach by the cities of Lakewood and Paramount.

Vice Mayor Wagner stated he wanted a clear understanding of the Council's direction to staff to proceed, through the appointed attorney Mr. Cavanaugh, with whatever actions were required to make the City of Lakewood a part of the merger action being presented to the PUC.

VICE MAYOR WAGNER MOVED AND COUNCIL MEMBER TITEL SECONDED TO DIRECT STAFF TO PROCEED WITH WHATEVER ACTION WAS REQUIRED TO ACQUIRE THE LAKEWOOD PORTION OF THE PEERLESS WATER SYSTEM EITHER THROUGH NEGOTIATION OR CONDEMNATION.

3.4 • PEERLESS WATER COMPANY MERGER WITH SOUTHERN CALIFORNIA WATER COMPANY - Continued

UPON ROLL CALL VOTE, THE MOTION WAS APPROVED:

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

NAYS: COUNCIL MEMBERS: None

The City Attorney responded to questions from Vice Mayor Wagner and Council Member Titel by stating that Mr. Cavanaugh would be representing the City throughout the entire PUC process and that any negotiation or condemnation action would be a separate matter.

At 8:23 p.m., the Regular Meeting of the City Council was recessed for the Meeting of the Lakewood Redevelopment Agency. At 8:24 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 Piercy adjourned the meeting at 8:24 p.m.

Respectfully submitted,

Denise R. Hayward, CMC
City Clerk