

MINUTES OF A REGULAR MEETING OF THE CERRITOS CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE CERRITOS REDEVELOPMENT AGENCY HELD ON DECEMBER 12, 2013

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. in the Council Chambers at Cerritos City Hall, 18125 Bloomfield Avenue, Cerritos, California.

2. INVOCATION

The invocation was provided by Dr. Bill Ebling, First Baptist Church of Fullerton.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Girl Scout Troop 263.

4. ROLL CALL

The following members of the City Council/Successor Agency were in attendance:

Council/Agency Member Carol Chen
Council/Agency Member Joseph Cho, Ph.D.
Council/Agency Member George Ray
Mayor Pro Tem/Vice Chair Mark E. Pulido
Mayor/Chair Bruce Barrows

5. PRESENTATIONS (COUNCIL)

None.

6. PUBLIC COMMENTS AND SUGGESTIONS

Ida Kirby, resident spoke regarding the token program related to the Cerritos on Wheels (COW) system.

Marilyn Knight spoke regarding the token program related to the Cerritos on Wheels (COW) system.

CONSENSUS (Chen): Directed staff to meet with ABC Unified School District personnel to discuss the COW token program.

CONSENT CALENDAR

7. Approval of Register of Demands

7A. City of Cerritos dated December 12, 2013. (COUNCIL)

MOTION: It was moved by Chen and seconded by Pulido to approve the Register of Demands dated December 12, 2013 in the total amount of \$2,387,929.76. The motion carried (5 – 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

CONSENT CALENDAR (continued)

**8. Approval of Treasurer's Report for the period ending October 31, 2013.
(COUNCIL/SUCCESSOR AGENCY)**

MOTION: It was moved by Chen and seconded by Pulido to approve the Treasurer's Report for the period ending October 31, 2013. The motion carried (5 - 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

9. Approval of Minutes

**9A. City Council/Successor Agency Special Meeting of November 25, 2013.
(COUNCIL/SUCCESSOR AGENCY)**

MOTION: It was moved by Chen and seconded by Pulido to approve the City Council/Successor Agency Special Meeting Minutes of November 25, 2013. The motion carried (5 - 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

10. Ordinances for second reading and adoption. Reading of Ordinances waived at introduction.

**10A. AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 22.48, SIGNS, OF THE CERRITOS MUNICIPAL CODE AMENDING THE DEVELOPMENT STANDARDS OF AUTOMOBILE DEALERSHIP SIGNS.
(COUNCIL)**

MOTION: It was moved by Chen and seconded by Pulido to waive further reading of and approve **Ordinance No. 982, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 22.48, SIGNS, OF THE CERRITOS MUNICIPAL CODE AMENDING THE DEVELOPMENT STANDARDS OF AUTOMOBILE DEALERSHIP SIGNS.** The motion carried (5 - 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

CONSENT CALENDAR (continued)

10B. AN ORDINANCE OF THE CITY OF CERRITOS IMPLEMENTING CHAPTER 22.94 OF THE CERRITOS MUNICIPAL CODE, ENTITLED ART IN PUBLIC PLACES PROGRAM, AS IT RELATES TO THE AUTO SQUARE FREEWAY SIGN. (COUNCIL)

It was noted for the record that Councilmember Chen previously voted "no" on the agreement portion of the item as presented on November 18, 2013, however, she voted "yes" in favor of introducing the Ordinance.

MOTION: It was moved by Chen and seconded by Pulido to waive further reading of and approve **Ordinance No. 983, AN ORDINANCE OF THE CITY OF CERRITOS IMPLEMENTING CHAPTER 22.94 OF THE CERRITOS MUNICIPAL CODE, ENTITLED ART IN PUBLIC PLACES PROGRAM, AS IT RELATES TO THE AUTO SQUARE FREEWAY SIGN.** The motion carried (5 – 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

END OF CONSENT CALENDAR

11. NEW AND OLD BUSINESS

11A. Consideration of payment of Replenishment Assessment (RA) to the Water Replenishment District of Southern California pursuant to the Court of Appeal's October 30, 2013 order for RA withheld by the City of Cerritos. (COUNCIL)

A staff report was given by Vince Brar, Senior Assistant City Manager.

The Mayor opened public comments. Noting there were no members of the public who elected to speak, the Mayor closed public comments.

MOTION: It was moved by Ray and seconded by Chen to:

1. Appropriate adequate funds to pay withheld, as well as current, Fiscal Year Replenishment Assessment in the amount of \$5,119,933.32; and
2. Authorize the remittance of Replenishment Assessment withheld from April 2011 through June 30, 2013, in the amount of \$4,908,733.32 to the Water Replenishment District; and
3. Authorize the City Manager or his designated representative to send a letter to the Water Replenishment District transmitting Payment Pending Final Judgment in Proposition 218 Litigation and Renewed Claim for Refund for Replenishment Assessments. The motion carried (5 – 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

NEW AND OLD BUSINESS (continued)

11B. Consideration of a contract to update the Cerritos Local Hazard Mitigation Plan. (COUNCIL)

A staff report was given by Rebecca Scott, Management Analyst.

The Mayor opened public comments. Noting there were no members of the public who elected to speak, the Mayor closed public comments.

MOTION: It was moved by Pulido and seconded by Cho to reject all proposals. The motion carried (5 – 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

MOTION: It was moved by Pulido and seconded by Cho to conduct a bid procedure for this item with an increased budget appropriation. The motion carried (5 – 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

11C. Consideration and approval of a change order to add portions of South Street to the contract with Sequel Contractors for the construction of street improvements in Artesia Boulevard, Palo Verde Avenue and College Place, Project Nos. 14077 and 13104, Bid No. 1166-14, and consideration of encumbering the remaining balance for miscellaneous street repairs. (COUNCIL)

A staff report was given by Hal Arbogast, Director of Public Works. A PowerPoint Presentation was displayed.

The Mayor opened public comments. Noting there were no members of the public who elected to speak, the Mayor closed public comments.

MOTION: It was moved by Pulido and seconded by Barrows to:

1. Approve a change order in the amount of \$15,000 as an addition to the contract with Sequel Contractors under Project Nos. 14077 and 13104, Bid No. 1166-14, for repairing medians on South Street; and
2. Authorize the encumbrance of the remaining balance from Project Nos. 14077 and 13104 for street repair work to be completed by the Los Angeles County Department of Public Works. The motion carried (5 – 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

NEW AND OLD BUSINESS (continued)

11D. Consideration and approval of a utility agreement with the California Department of Transportation establishing the liability for the costs related to the relocation of street lighting on Valley View Avenue in connection with the I-5 Corridor Improvement Project within the City of Cerritos. (COUNCIL)

A staff report was given by Kanna Vancheswaren, Assistant City Engineer.

The Mayor opened public comments. Noting there were no members of the public who elected to speak, the Mayor closed public comments.

MOTION: It was moved by Chen and seconded by Pulido to execute the Utility Agreement with Caltrans establishing the liability costs associated with the relocation of street lighting within the City of Cerritos. The motion carried (5 – 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

11E. Consideration and approval of a utility agreement with the California Department of Transportation establishing the liability for the costs related to the relocation of a water main on Valley View Avenue in connection with the I-5 Corridor Improvement Project within the City of Cerritos. (COUNCIL)

A staff report was given by Kanna Vancheswaren, Assistant City Engineer.

The Mayor opened public comments. Noting there were no members of the public who elected to speak, the Mayor closed public comments.

MOTION: It was moved by Ray and seconded by Chen to execute the Utility Agreement with Caltrans establishing the liability costs associated with the relocation of a water main on Valley View Avenue within the City of Cerritos. The motion carried (5 – 0) as follows:

AYES: Chen, Cho, Ray, Pulido, Barrows
NOES: None
ABSENT: None
ABSTAIN: None

12. Legislative Items

12A. Report on Pending Legislation

Reports on various pieces of litigation in which the City is involved as a party were given by Sergio Vidal, Acting Finance Manager and Mark Steres, City Attorney.

12B. Action to support or oppose specific legislation pending in the California Legislature or pending in the California Governor's Office for signature.

None.

13. City Council Communication/Committee Reports/Report on Meetings

Reports were provided by Councilmembers Ray, Cho, Chen, Mayor Pro Tem Pulido and Mayor Barrows.

14. Closed Session

Mark Steres, City Attorney, reported that the City Council would adjourn to Closed Session for the purpose of discussion Closed Session Items 14A and 14D only. Items 14B and 14C were deferred to a future meeting date. The City Council adjourned to Closed Session.

14A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Potential initiation of litigation pursuant to Government Code Section 54956.9(c). Number of potential cases: Two (2)

14B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.

Title: City Manager

14C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.

Title: City Attorney

14D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.

Title: City Clerk

REPORT FROM CLOSED SESSION:

The City Council reconvened into Open Session.

The City Attorney reported that the City Council met in Closed Session to discuss items 14A and 14D. There was no reportable action taken on either item and there was nothing further to report.

15. ADJOURNMENT

The meeting was adjourned at 9:45 p.m. in memory of Aaron Sandler.

ATTEST:

/s/Vida Barone
Vida Barone, City Clerk/
Agency Secretary

/s/Bruce Barrows
Bruce Barrows, Mayor/Chair

Approved: January 9, 2014