

**MINUTES OF A REGULAR MEETING OF THE CERRITOS CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE CERRITOS REDEVELOPMENT AGENCY HELD ON AUGUST 28, 2014 IN THE COUNCIL CHAMBERS AT CERRITOS CITY HALL, 18125 BLOOMFIELD AVENUE, CERRITOS, CALIFORNIA**

**1. Call to Order**

The meeting was called to order at 7:00 p.m.

**2. Invocation**

The invocation was given by David Montgomery with the Church of Jesus Christ of Latter-day Saints.

**3. Pledge of Allegiance**

The Pledge of Allegiance was led by Brenda Cabrera, Assistant City Clerk.

**4. Roll Call**

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

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

**5. Presentations/Appointments**

Proclamations were presented as follows:

Corelis Inc. (Business Spotlight)

Cerritos Elementary, Elliott Elementary, and Leal Elementary  
(2014 California Distinguished Schools)

**6. Public Comments and Suggestions**

Yolanda Castro, Executive Director of the Southeast Los Angeles Workforce Board gave a Power point presentation.

Kent Galante, Cerritos Sheraton, spoke regarding the Transient Occupancy Tax item, expressed his support for the item, and encouraged Council to stay at a 10% level for the increase.

**7. Consent Calendar**

Items under the Consent Calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council/Agency Member or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately.

**7. Consent Calendar (continued)**

- 7A.** Approval of the Register of Demands for the City of Cerritos dated August 28, 2014. (COUNCIL)

**MOTION:** It was moved by Barrows, and seconded by Ray, to approve the Register of Demands dated August 28, 2014 in the total amount of \$2,399,350.78. The motion carried (5 – 0) as follows:

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

- 7B.** Approval of the City Council/Successor Agency Regular Meeting Minutes of August 14, 2014. (COUNCIL/SUCCESSOR AGENCY)

**MOTION:** It was moved by Barrows, and seconded by Ray, to approve the City Council/Successor Agency Regular Meeting Minutes of August 14, 2014. The motion carried (5 – 0) as follows:

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

**8. Public Hearings**

- 8A.** Review and consideration of a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS FINDING THE CITY IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE 2014 CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089 (COUNCIL)

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

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

**MOTION:** It was moved by Chen, and seconded by Barrows, to waive reading of and adopt **Resolution No. 2014-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS FINDING THE CITY IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE 2014 CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH THE CALIFORNIA GOVERNMENT CODE SECTION 65089.**

The motion carried (5 – 0) as follows:

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

**8. Public Hearings (continued)**

**8B.** Review and consideration to waive full reading of and introduce AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 22.42, WIRELESS TELECOMMUNICATIONS, OF THE CERRITOS MUNICIPAL CODE ADDING STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES LOCATED IN THE PUBLIC RIGHT-OF-WAY AND CLARIFYING EXISTING STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES LOCATED ON PRIVATE PROPERTY (COUNCIL)

1. NEGATIVE DECLARATION
2. DEVELOPMENT CODE AMENDMENT 2014-1

A staff report was given by Kristin Aguila, Associate Planner. A PowerPoint Presentation was displayed.

The Mayor opened the public hearing and public comments.

Paul O'Boyle, Attorney for Crown Castle, commented regarding the status of the moratorium ordinance, meetings with staff, data technology requirements for residents, change of ownership notification requirements, pole mounts, setbacks, and using small cells.

Leslie Daigle, Verizon Wireless, spoke regarding residential data service demands, the process and standards for wireless antenna installation, recommended the Council review the item in a couple of years, and noted Verizon has submitted a letter stating their concerns.

Kevin Tamaki, AT&T, commented regarding concerns with the amendments to the ordinance, increased use of wireless broadband internet, customer growth and data demand, anticipated trend increases, small cell aesthetic issues, regulation regarding equipment placement and future data capacity requirements that need to be addressed.

Noting there were no further members of the public who elected to speak, the Mayor closed the public hearing and public comments.

Council and staff discussion ensued on the item.

Jonathan Kramer, Telecom Law Firm, a third party Consultant, answered various inquiries from the City Council.

**MOTION:** It was moved by Ray, and seconded by Barrows, to continue this item to a date certain, September 11, 2014, to provide an opportunity for the Wireless Industry to meet with staff and present recommendations and concerns regarding the Ordinance amendments. The motion carried (5 - 0) as follows:

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

**8. Public Hearings (continued)**

- 8C.** Review and consideration of a request by applicant Bazoft Automotive II, LLC (Cerritos Mitsubishi & Isuzu), on behalf of property owner Arshia Incorporated, 6326 Lakehurst Avenue, Dallas, Texas, 75230, for approval of a tree removal and replacement plan for the existing dealership located at 10944 South Street in the City of Cerritos. The subject property is zoned Development Area Five (ADP-5) (APN 7049-014-011).

PRECISE PLAN 97-16(B)(2014) AMENDMENT\*

\*PURSUANT TO SECTION 15304 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THIS PROJECT IS CATEGORICALLY EXEMPT FROM CEQA REVIEW.

A staff report was given by Sandy Cisneros, Senior Planner. A PowerPoint Presentation was displayed.

The Mayor opened the public hearing and public comments.

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

**MOTION:** It was moved by Chen, and seconded by Cho, to:

- 1.) Approve Precise Plan 97-16(B)(2014)Amendment, making the findings set forth in Resolution No. PC 2014-19, and
- 2.) Include an additional Condition of Approval (No. 59) with language as follows:

**59. Palm Tree Size.** The replacement palm trees shall have varying heights ranging from a nine- to fifteen-foot Brown Trunk Height (BTH), subject to the review and approval of the Department of Community Development.

The motion carried (5 – 0) as follows:

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

**9. New and Old Business**

- 9A.** Review and consideration of proposed modifications to the City of Cerritos tree removal policy. (COUNCIL)

A staff report was given by Todd Kuh, Parks Superintendent.

The Mayor opened the public comments.

Paul W. Bellenbum spoke regarding City trees.

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

**9. New and Old Business (continued)**

**9A. (continued)**

**MOTION:** It was moved by Chen, and seconded by Barrows, to approve the staff recommended modifications to the City of Cerritos, "Policies and Procedures for Residents and Property Owners requesting the removal of parkway trees," changing the wording of Item #18 as follows:

18. Property owners may have the opportunity to contract tree trimming/tree removal services through the City of Cerritos for City maintained parkway trees should tree maintenance be necessary or tree removal be approved in accordance with City of Cerritos **guidelines Policy** and with an approved tree trimming/removal permit. Contracted parkway tree trimming shall be in accordance with City of Cerritos International Society of Arboriculture and National Arbor Day Foundation standards. Tree replacement species shall be determined by the City of Cerritos, Public Works Department.

The motion carried (4 – 1) as follows:

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

**9B.** Review and consideration of the second amendment to Agreement No. 31742 between the City of Long Beach and the City of Cerritos for the provision of animal care and control services for the period of July 1, 2014 through June 30, 2016. (COUNCIL)

A staff report was given by Greg Berg, Community Safety Supervisor.

The Mayor opened the public comments.

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

**MOTION:** It was moved by Barrows, and seconded by Cho, to:

- 1.) Approve the Second Amendment to Agreement No. 31742 for the provision of animal care and control services between the City of Long Beach and the City of Cerritos for the period of July 1, 2014 through June 30, 2016, and
- 2.) Authorize the City Manager to sign all necessary documentation on behalf of the City of Cerritos.

The motion carried (5 – 0) as follows:

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

**9. New and Old Business (continued)**

**9C.** Review and consideration of revenue generation option: Adjustment to Transient Occupancy Tax (COUNCIL)

A staff report was given by Geri DeMasi, Budget Manager.  
The Mayor opened the public comments.

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

**MOTION:** It was moved by Chen, and seconded by Pulido, to:

- 1.) Approve the request to seek an increase in the Transient Occupancy Tax from 6% to 12%, and
- 2.) Authorize staff to secure the services of a consultant to assist with technical issues regarding a ballot measure, and
- 3.) Authorize the City Attorney to draft the measure language, with the objective of placing a ballot measure before the voters on March 3, 2015.

The motion carried (4 – 1) as follows:

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

**10. Legislative Items**

**10A.** Report on pending legislation

**10B.** Review and consideration to support or oppose specific legislation in the State or Federal Legislature or in the State or Federal Executive Office for signature.

**10B.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS IN SUPPORT OF STATE LEGISLATION SB 473 (BLOCK) SB 939 (BLOCK) SB 955 (MITCHELL) SB 1388 (LIEU, HILL, MITCHELL) TO INCREASE JAIL TIME AND PENALTIES FOR THOSE ENGAGED IN CHILD SEX TRAFFICKING.

A staff report was given by Kathy Matsumoto, Assistant City Manager.

The Mayor opened the public comments.

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

**MOTION:** It was moved by Barrows, and seconded by Cho, to waive reading of and adopt **Resolution No. 2014-26, A RESOLUTION OF THE CITY OF CERRITOS IN SUPPORT OF STATE LEGISLATION SB 473 (BLOCK) SB 939 (BLOCK) SB 955 (MITCHELL) SB 1388 (LIEU, HILL, MITCHELL) TO INCREASE JAIL TIME AND PENALTIES FOR THOSE ENGAGED IN CHILD SEX TRAFFICKING;** and direct staff to transmit copies of this Resolution to Governor Jerry Brown, Assembly Member Cristina Garcia and Supervisor Don Knabe.

**10. Legislative Items (continued)**  
**10B. (continued)**

The motion carried (5 – 0) as follows:

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

**11. City Council Communications/Committee Reports/Report on Meetings**

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

**12. Closed Session**

Mark Steres, City Attorney, announced that the City Council would recess to Closed Session to discuss the following items:

- 12A.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (COUNCIL)  
Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54945.9  
Name of Case: City of Cerritos, et al v. Water Replenishment District of Southern California  
Los Angeles Superior Court Case No. BS128136
- 12B.** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (COUNCIL)  
Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54945.9  
Name of Case: Water Replenishment District of Southern California v. City of Cerritos Los Angeles Superior Court Case No. VC060498

**Report from Closed Session:**

Mark Steres, City Attorney, reported that the City Council met in Closed Session to discuss Items 12A and 12B. No reportable action was taken and there was nothing further to report.

**13. Adjournment**

The meeting was adjourned at 10:50 p.m. in memory of Kathryn Mullikin and Delores "Dolly" Serrano.

ATTEST:

/s/Brenda Cabrera  
Brenda Cabrera, Assistant City Clerk/  
Agency Secretary

/s/Mark E. Pulido  
Mark E. Pulido, Mayor/Chair

APPROVED: **September 11, 2014**