

**MINUTES OF A REGULAR MEETING OF THE CERRITOS CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE CERRITOS REDEVELOPMENT AGENCY HELD ON NOVEMBER 13, 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 Pastor Paul Hansen, First Christian Reformed Church of Artesia.

**3. Pledge of Allegiance**

The Pledge of Allegiance was led by Boy Scout Troop 394.

**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**

**6. Public Comments and Suggestions**

**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.

**7A. Approval of the Register of Demands for the City of Cerritos dated November 13, 2014 (COUNCIL).**

**MOTION:** It was moved by Ray, and seconded by Cho, to approve the Register of Demands dated November 13, 2014 in the total amount of \$5,851,575.20 (COUNCIL). The motion carried (5 – 0) as follows:

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

**7. Consent Calendar (continued)**

- 7B.** Approval of the Register of Demands for the Successor Agency dated November 13, 2014 (SUCCESSOR AGENCY).

**MOTION:** It was moved by Ray, and seconded by Cho, to approve the Register of Demands dated November 13, 2014 in the total amount of \$155.00 (SUCCESSOR AGENCY). The motion carried (5 – 0) as follows:

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

- 7C.** Approval of the City Council/Successor Agency Regular Meeting Minutes of October 23, 2014 (COUNCIL/SUCCESSOR AGENCY).

**MOTION:** It was moved by Ray, and seconded by Cho, to approve the City Council/Successor Agency Regular Meeting Minutes of October 23, 2014 (COUNCIL/SUCCESSOR AGENCY). The motion carried (5 – 0) as follows:

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

- 7D.** Approval of the Treasurer's Reports for the period ending September 30, 2014 (COUNCIL/SUCCESSOR AGENCY).

**MOTION:** It was moved by Ray, and seconded by Cho, to approve the Treasurer's Reports for the period ending September 30, 2014 (COUNCIL/SUCCESSOR AGENCY). The motion carried (5 – 0) as follows:

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

- 7E.** Adopt Ordinance No. 988, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 22.51, AREA DEVELOPMENT PLAN SIXTEEN (ADP-16), OF THE CERRITOS MUNICIPAL CODE, AS IT RELATES TO A NEW PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT 12651 ARTESIA BOULEVARD (APN 7030-001-019), HEREIN REFERENCED AS DEVELOPMENT CODE AMENDMENT 2014-2 (COUNCIL).\*

Adopt Ordinance No. 989, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING THE CERRITOS DEVELOPMENT MAP BY CHANGING THE ZONE CLASSIFICATION OF APPROXIMATELY ±2.4 ACRES OF LAND, LOCATED AT 12651 ARTESIA BOULEVARD (APN 7030-001-019), FROM REGIONAL COMMERCIAL (CR) TO AREA DEVELOPMENT PLAN SIXTEEN (ADP-16), HEREIN REFERENCED AS DEVELOPMENT MAP AMENDMENT 2014-1 (COUNCIL).\*

\*Waiver of full reading approved at introduction of ordinances on October 23, 2014.

**7. Consent Calendar (continued)**

**7E. (continued)**

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

1. Adopt **Ordinance No. 988, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 22.51, AREA DEVELOPMENT PLAN SIXTEEN (ADP-16), OF THE CERRITOS MUNICIPAL CODE, AS IT RELATES TO A NEW PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT 12651 ARTESIA BOULEVARD (APN 7030-001-019), HEREIN REFERENCED AS DEVELOPMENT CODE AMENDMENT 2014-2 (COUNCIL),** and
2. Adopt **Ordinance No. 989, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING THE CERRITOS DEVELOPMENT MAP BY CHANGING THE ZONE CLASSIFICATION OF APPROXIMATELY ±2.4 ACRES OF LAND, LOCATED AT 12651 ARTESIA BOULEVARD (APN 7030-001-019), FROM REGIONAL COMMERCIAL (CR) TO AREA DEVELOPMENT PLAN SIXTEEN (ADP-16), HEREIN REFERENCED AS DEVELOPMENT MAP AMENDMENT 2014-1 (COUNCIL).**

The motion carried (5 – 0) as follows:

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

- 7F.** Adopt Ordinance No. 990, AN ORDINANCE OF THE CITY OF CERRITOS APPROVING DEVELOPMENT AGREEMENT 2014-1, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CERRITOS AND THE RICHMAN GROUP OF CALIFORNIA DEVELOPMENT COMPANY, LLC, FOR A RESIDENTIAL DEVELOPMENT UNDER PRECISE PLAN 2014-13 (APN 7030-001-019) (COUNCIL).\*

\*Waiver of full reading approved at introduction of ordinance on October 23, 2014.

**MOTION:** It was moved by Ray, and seconded by Cho, to adopt **Ordinance No. 990, AN ORDINANCE OF THE CITY OF CERRITOS APPROVING DEVELOPMENT AGREEMENT 2014-1, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CERRITOS AND THE RICHMAN GROUP OF CALIFORNIA DEVELOPMENT COMPANY, LLC, FOR A RESIDENTIAL DEVELOPMENT UNDER PRECISE PLAN 2014-13 (APN 7030-001-019) (COUNCIL).** The motion carried (5 – 0) as follows:

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

- 7G.** Adopt Ordinance No. 991, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 22.27, REGIONAL COMMERCIAL ZONE, OF THE CERRITOS MUNICIPAL CODE AMENDING THE DEVELOPMENT STANDARDS FOR THE LOCATION OF DRIVE-THROUGH SERVICE RESTAURANT USES, HEREIN REFERENCED AS DEVELOPMENT CODE AMENDMENT 2014-3 (COUNCIL).\*

\*Waiver of full reading approved at introduction of ordinance on October 23, 2014.

**7. Consent Calendar (continued)**

**7G. (continued)**

**MOTION:** It was moved by Ray, and seconded by Cho, to adopt **Ordinance No. 991, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 22.27, REGIONAL COMMERCIAL ZONE, OF THE CERRITOS MUNICIPAL CODE AMENDING THE DEVELOPMENT STANDARDS FOR THE LOCATION OF DRIVE-THROUGH SERVICE RESTAURANT USES, HEREIN REFERENCED AS DEVELOPMENT CODE AMENDMENT 2014-3 (COUNCIL)**. The motion carried (5 – 0) as follows:

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

**8. Public Hearings**

**8A.** A public hearing to review and consider adoption of a Resolution to adjust water and sewer charges (COUNCIL).

Consideration to waive reading of and adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS DETERMINING THAT THERE WAS NO MAJORITY PROTEST OF PROPOSED WATER AND SEWER RATE INCREASES, AND ADOPTING UPDATED WATER AND SEWER RATES WHICH SUPERSEDE THE EXISTING RATE SCHEDULES (COUNCIL).

A staff report was given by Vida Barone, City Clerk. A PowerPoint Presentation was displayed.

The Mayor opened the public hearing and public comments.

Gail Grossman spoke in opposition to the rate adjustments.

Jerry Jensen spoke in opposition to the rate adjustments.

Ruby Tomashiro spoke in opposition to the proposed amount of the rate increase.

Alejandro Estella spoke in opposition to the rate adjustments.

Ralph Westfall spoke in opposition to the rate adjustments.

Mayor Pro Tem Chen read a comment, submitted by Jim Yee, into the record. She stated that she would submit the documents to the City Clerk's Office for the public record.

Sal Martinez expressed concerns that the notice of public hearing was not translated into Spanish.

The Mayor closed public comments and the public hearing.

Vida Barone, City Clerk, upon cursory review of the written protest forms, reported that 1,571 written protest forms were received, the number was manifestly less than one-half of the eligible parcels (15,565), and there was an absence of a majority protest.

**8. Public Hearings (continued)**

**8A. (continued)**

**MOTION:** It was moved by Ray, and seconded by Cho, to adopt **Resolution No. 2014-49, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS DETERMINING THAT THERE WAS NO MAJORITY PROTEST OF PROPOSED WATER AND SEWER RATE INCREASES, AND ADOPTING UPDATED WATER AND SEWER RATES WHICH SUPERSEDE THE EXISTING RATE SCHEDULES (COUNCIL)**. 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.** An informational report to the City Council regarding an administrative approval of a Minor Precise Plan proposal by the Cheesecake Factory for a new restaurant previously approved as part of the Los Cerritos Center renovation project under Precise Plan 2014-10. The proposal includes enhanced architectural design, patio seating, and surrounding landscape upgrades. The subject property is located at 201 Los Cerritos Mall, Cerritos, California, 90703 and is zoned Regional Commercial (CR) (APNs 7038-014-017 and 7038-014-022) (COUNCIL).\*

\*One Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and previously approved for Precise Plan 2014-10 and Lot Combination 2014-1.

A staff report was given by Robert A. Lopez, Current Planning Manager. 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 Barrows, and seconded by Chen, to receive and file the report (COUNCIL). The motion carried (5 – 0) as follows:

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

- 9B.** Review and consideration of a Cooperation Agreement related to the construction and maintenance of shared, developer-funded off-site and on-site improvements in connection with two previously approved multifamily residential developments located at 12611 Artesia Boulevard and 12651 Artesia Boulevard (COUNCIL).

Review and consideration of a Reciprocal Easement Agreement providing access through and among two previously approved multifamily residential developments located at 12611 Artesia Boulevard and 12651 Artesia Boulevard and a City-owned water well property located at 12701 Artesia Boulevard (COUNCIL).

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

**9B. (continued)**

A staff report was given by Robert A. Lopez, Current Planning Manager. 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 Barrows, and seconded by Chen, to:

1. Approve the Cooperation Agreement by and among TPG (Cerritos) Acquisition, LLC, A Delaware limited liability company, Kelton Title Corporation, A California Corporation, Islandia 29 LP, a Delaware limited partnership, Richman Group of California Development Company, LLC, a California limited liability company, and City of Cerritos, a charter city and municipal corporation organized and existing under the laws of the State of California and authorize the City Manager to execute the Cooperation Agreement, in the form submitted with the agenda report with such further modifications thereto as the City Manager shall determine appropriate, related to the construction and maintenance of shared, developer-funded off-site and on-site improvements in connection with two previously approved multifamily residential developments located at 12611 Artesia Boulevard and 12651 Artesia Boulevard (COUNCIL), and
2. Approve the Reciprocal Easement Agreement by and among TPG (Cerritos) Acquisition, LLC, a Delaware limited liability company, Kelton Title Corporation, a California corporation, as to an undivided 62.5% interest, and Islandia 29 LP, a Delaware limited partnership, as to an undivided 37.5% interest, and City of Cerritos, a charter and municipal corporation organized existing under the laws of the State of California and authorize the City Manager to execute the Reciprocal Easement Agreement, in the form submitted with the agenda report with such further modifications thereto as the City Manager shall determine appropriate, providing various easements through and among two previously approved multifamily residential developments located at 12611 Artesia Boulevard and 12651 Artesia Boulevard and a City-owned water well property located at 12701 Artesia Boulevard (COUNCIL). The motion carried (4 – 1, Cho “no”) as follows:

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

**9C. Designation of Voting Delegate and Alternate(s) for the National League of Cities 2014 Annual Business Meeting to be held on November 22, 2014 (COUNCIL).**

A staff report was given by Vida Barone, City Clerk.

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

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

**9C. (continued)**

**MOTION:** It was moved by Barrows, and seconded by Chen, to designate Carol Chen as voting delegate and Bruce Barrows as voting alternate for the National League of Cities 2014 Annual Business Meeting to be held on November 22, 2014 (COUNCIL). The motion carried (5 – 0) as follows:

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

**9D.** Review and consideration of requests from community organizations to conduct candidate forums relating to the March 3, 2015 General Municipal Election (COUNCIL).

A staff report was given by Vida Barone, City Clerk.

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, and seconded by, to authorize candidate forum's as follows:

1. AAUW, Monday, February 9, 2014, 7:00 p.m. – 9:00 p.m.
2. Woman's Club, Wednesday, February 25, 2014, 7:00 p.m. – 9:00 p.m. (COUNCIL).

The motion carried (5 – 0) as follows:

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

**10. Legislative Items**

None.

**10A.** Report on pending legislation

None.

**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.

None.

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

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

**CONSENSUS** (Cho): Directed staff to place a discussion item on the next agenda related to adoption of resolutions proclaiming November as homecare worker month.

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

**CONSENSUS** (Barrows): Directed staff to obtain information on the City of Indio's in-house "app" which is used as a marketing tool to communicate with residents.

**CONSENSUS** (Barrows): Directed staff to obtain information from the JPIA regarding cyber security.

**CONSENSUS** (Barrows): Directed staff to provide options for modifying the existing speaker's cards to include options for submitting written comment and develop a participant's guide for City Council meetings.

**12. Closed Session**

City Attorney Mark Steres announced that the City Council/Successor Agency would recess to Closed Session to discuss Items 12A, 12B, 12C, and 12D on the Closed Session Agenda. The City Council/Successor Agency recessed to Closed Session.

**12A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
(COUNCIL/SUCCESSOR AGENCY).**

Pursuant to Paragraph (1) of subdivision (d) of Government Code section 54945.9.

Name of Case: City of Cerritos, et al v. Michael Cohen, et al; Sacramento Superior Court Case No. 34-2013-80001503.

**12B. 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

**12C. 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

**12D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to California Government Code Section 54957 (COUNCIL).

Title: City Attorney

**RECONVENE TO OPEN SESSION AND CITY ATTORNEY REPORT**

The City Council/Successor Agency reconvened into Open Session.

City Attorney Mark Steres reported that the City Council met in Closed Session to discuss Items 12A, 12B, 12C, and 12D on the Closed Session Agenda.

**12. Closed Session (continued)**

**MOTION:** It was moved by Barrows, and seconded by Chen, in regard to Closed Session Item 12A, existing litigation related to the City and Agency against the Department of Finance, the City Council and Successor Agency authorized the filing of an appeal of the trial court decision. The motion carried (5 – 0) as follows:

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

In regard to Closed Session Items No. 12B, 12C, and 12D, no actions were taken and there was nothing further to report.

**13. Adjournment**

The meeting was adjourned at 10:30 p.m. in memory of Tom Blackman, father-in-law of Supervisor Don Knabe's son, Matt Knabe.

ATTEST:

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

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

APPROVED: November 24, 2014