

MINUTES OF A REGULAR MEETING OF THE CERRITOS CITY COUNCIL AND THE SUCCESSOR AGENCY TO THE CERRITOS REDEVELOPMENT AGENCY HELD ON OCTOBER 22, 2015, 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 Dustin T. Parker, Concordia Lutheran Church.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Boy Scout Troop 1930.

4. Roll Call

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

Council/Agency Member Jim Edwards
Council/Agency Member Mark E. Pulido
Council/Agency Member Naresh Solanki
Mayor Pro Tem/Vice Chair George Ray
Mayor/Chair Carol Chen

5. Presentations/Appointments

5A. Proclamations were presented as follows:

Kabuki Japanese Restaurant (Business Spotlight)

Matthew Luu (Rank of Eagle Scout)

Friends of the Cerritos Library (National Friends of the Libraries Week)

5B. Consideration of an appointment to the Board of Trustees of the Greater Los Angeles County Vector Control District

MOTION: It was moved by Ray, and seconded by Solanki, to appoint Mark W. Bollman to serve on the Board of Trustees of the Greater Los Angeles Vector Control District for a four year term (COUNCIL). The motion carried (5 – 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Chen introduced Mr. Bollman and read his biography.

Brenda Cabrera, Assistant City Clerk, administered the Oath of Office to Mark W. Bollman.

6. Public Comments and Suggestions

Romeo Ricarte spoke regarding current drought conditions.

Paul Bellenbaum commented regarding water and trash issues.

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 October 22, 2015 (COUNCIL).

MOTION: It was moved by Pulido, and seconded by Edwards, to approve the Register of Demands for the City of Cerritos dated October 22, 2015 in the total amount of \$8,663,142.78 (COUNCIL). The motion carried (5 – 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

7B. Approval of the City Council/Successor Agency Regular Meeting Minutes of October 8, 2015 (COUNCIL/SUCCESSOR AGENCY).

MOTION: It was moved by Pulido, and seconded by Edwards, to approve the City Council/Successor Agency Regular Meeting Minutes of October 8, 2015 (COUNCIL/SUCCESSOR AGENCY). The motion carried (5 – 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

7C. Award of bid for weekly service maintenance of interior and select exterior plants for City facilities, Bid No. 1220-16 (COUNCIL).

MOTION: It was moved by Pulido, and seconded by Edwards, to award Bid No. 1220-16 to The Greenery Design, Inc. for the weekly service and maintenance of interior and select exterior plants in and around various City facilities for a term of three (3) years in the amount of \$2,800 monthly (COUNCIL). The motion carried (5– 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

7. Consent Calendar (continued)

- 7D.** Award of Bid No. 1222-16, purchase of new stage lighting control system (COUNCIL).

MOTION: It was moved by Pulido, and seconded by Edwards, to award Bid No. 1222-16 to Barbizon Lighting for the purchase and installation of a new stage lighting control system in the amount of \$86,953.46 (COUNCIL). The motion carried (5- 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

- 7E.** Award of contract for street improvements in residential streets, Project No. 14088, Bid No. 1224-16 (COUNCIL).

MOTION: It was moved by Pulido, and seconded by Edwards, to:

1. Award Bid No. 1224-16, Project No. 14088 for Street Improvements in Residential Streets to Sequel Contractors in the Amount of \$492,472.20 and reject all other bids; and
2. Authorize staff to negotiate with Sequel Contractors for additional street improvements with available budgeted funds for a total combined project cost not to exceed \$600,000; and
3. Authorize the City Manager or his designee to execute any project-related change orders (COUNCIL). The motion carried (5- 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

- 7F.** Adopt Ordinance No. 998, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING TITLE 22 OF THE CERRITOS MUNICIPAL CODE RELATING TO THE ESTABLISHMENT, LOCATION, AND/OR OPERATION OF ELECTRONIC CIGARETTE RETAIL ESTABLISHMENTS, HEREIN REFERENCED AS DEVELOPMENT CODE AMENDMENT 2015-3.* (COUNCIL).

*Waiver of full reading approved at introduction of ordinance on October 8, 2015.

MOTION: It was moved by Pulido, and seconded by Edwards, to waive full reading of and adopt **Ordinance No. 998, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING TITLE 22 OF THE CERRITOS MUNICIPAL CODE RELATING TO THE ESTABLISHMENT, LOCATION, AND/OR OPERATION OF ELECTRONIC CIGARETTE RETAIL ESTABLISHMENTS, HEREIN REFERENCED AS DEVELOPMENT CODE AMENDMENT 2015-3** (COUNCIL). The motion carried (4 - 1) as follows:

AYES: Edwards, Solanki, Ray, Chen
NOES: Pulido
ABSENT: None
ABSTAIN: None

- 7G.** Adopt Ordinance No. 999, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 5.35, TOBACCO RETAIL LICENSING REGULATIONS, OF THE CERRITOS MUNICIPAL CODE, ADDING A DEFINITION FOR ELECTRONIC CIGARETTES AND CLARIFYING LICENSING REQUIREMENTS FOR RETAIL ESTABLISHMENTS THAT SELL OR DISTRIBUTE ELECTRONIC CIGARETTES, HEREIN REFERENCED AS DEVELOPMENT CODE AMENDMENT 2015-4 *

*Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), this project is categorically exempt from CEQA Review (COUNCIL).

MOTION: It was moved by Pulido, and seconded by Edwards, to waive full reading of and adopt **Ordinance No. 999, AN ORDINANCE OF THE CITY OF CERRITOS AMENDING CHAPTER 5.35, TOBACCO RETAIL LICENSING REGULATIONS, OF THE CERRITOS MUNICIPAL CODE, ADDING A DEFINITION FOR ELECTRONIC CIGARETTES AND CLARIFYING LICENSING REQUIREMENTS FOR RETAIL ESTABLISHMENTS THAT SELL OR DISTRIBUTE ELECTRONIC CIGARETTES, HEREIN REFERENCED AS DEVELOPMENT CODE AMENDMENT 2015-4** (COUNCIL).

The motion carried (5- 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

- 7H.** Consideration of A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS AMENDING RESOLUTION NO. 2014-39, REVISING SECTION 18, SICK LEAVE, TO PROVIDE FOR CERTAIN ADJUSTMENTS IN THE EMPLOYMENT SYSTEM AND THE PERSONNEL POLICIES FOR FULL-TIME EXEMPT EMPLOYEES AND FULL-TIME CONFIDENTIAL EMPLOYEES (COUNCIL).

MOTION: It was moved by Pulido, and seconded by Edwards, to waive reading of and adopt **Resolution No. 2015-26, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS AMENDING RESOLUTION NO. 2014-39, REVISING SECTION 18, SICK LEAVE, TO PROVIDE FOR CERTAIN ADJUSTMENTS IN THE EMPLOYMENT SYSTEM AND THE PERSONNEL POLICIES FOR FULL-TIME EXEMPT EMPLOYEES AND FULL-TIME CONFIDENTIAL EMPLOYEES** (COUNCIL). The motion carried (5- 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

8. Public Hearings

- 8A.** Review and consideration to waive full reading of and adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS DECLARING ITS INTENTION TO GRANT A PIPELINE FRANCHISE TO SPFF, L.P. (COUNCIL).

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

The Mayor opened the public hearing and public comments.

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

8. Public Hearings (continued)

8A. (continued)

MOTION: It was moved by Ray, and seconded by Edwards, to:

1. Waive reading of and adopt **Resolution No. 2015-27, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERRITOS DECLARING ITS INTENTION TO GRANT A PIPELINE FRANCHISE TO SFPP, L.P.**; and,
2. Set November 12, 2015 at 7:00 p.m. as the date and time of the public hearing at the Council Chambers of City Hall to consider the granting of a franchise to SFPP, L.P. (COUNCIL). The motion carried (5 – 0) as follows:

AYES: Edwards, Solanki, Ray, Chen, Pulido
NOES: None
ABSENT: None
ABSTAIN: None

- 8B.** Review and consideration to waive full reading of and adopt A RESOLUTION OF THE CITY OF CERRITOS AUTHORIZING UTILIZATION OF FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO IMPROVE ACCESSIBILITY TO PLAYGROUND EQUIPMENT LOCATED AT FRIENDSHIP PARK AND BROOKHAVEN PARK.*

*Funding is based on an estimate of \$170,683 anticipated CDBG funds for Fiscal Year 2016-2017. Final CDBG fund allocation may vary.

A staff report was given by Eduardo Vega, Associate Planner. A PowerPoint presentation was displayed.

The Mayor opened the public hearing and public comments.

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

MOTION: It was moved by Ray, and seconded by Edwards, to waive full reading of and adopt **Resolution 2015-28, A RESOLUTION OF THE CITY OF CERRITOS AUTHORIZING UTILIZATION OF FISCAL YEAR 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO IMPROVE ACCESSIBILITY TO PLAYGROUND EQUIPMENT LOCATED AT FRIENDSHIP PARK AND BROOKHAVEN PARK** (COUNCIL). The motion carried (5 – 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

9. New and Old Business

- 9A.** Review and consideration of a Tennis Court allocation process for Cerritos approved community organizations (COUNCIL).

A staff report was given by Sherré Titus, Recreation Services Superintendent.

9. New and Old Business (continued)

9A. (continued)

The Mayor opened public comments.

Alejandro Estella spoke regarding consideration of the Tennis Court time allocation.

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

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

1. Approve the Tennis Court allocation formula for class A and Class B organizations; and
2. Review the requested Tennis Court usage by the Cerritos Liberty Tennis Club (COUNCIL). The motion carried (4 -1) according to the following vote:

AYES: Pulido, Solanki, Ray, Chen
NOES: Edwards
ABSENT: None
ABSTAIN: None

9B. Designation of Voting Delegate and Alternate(s) for the National League of Cities 2015 Annual Business Meeting to be held on November 7, 2015 (COUNCIL).

A staff report was given by Brenda Cabrera, Assistant City Clerk.

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

MOTION: It was moved by Ray, and seconded by Solanki, to appoint Jim Edwards as the voting delegate to the National League of Cities 2015 Annual Business Meeting to be held on November 7, 2015 (COUNCIL). The motion carried (5 – 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

9C. Review and consideration of a proposal to purchase additional artwork to be installed in the Cerritos Sculpture Garden in the Civic Center, generally located on the northwest corner of Bloomfield avenue and 183rd Street, west of the Cerritos Sheriff's Station (APN 7025-028-904) (COUNCIL).

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

The Mayor opened public comments.

Paul Bellenbaum spoke regarding art displays in the Cerritos Sculpture Garden.

9. New and Old Business (continued)

9C. (continued)

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

MOTION: It was moved by Edwards, and seconded by Ray, to approve the recommendation of the Fine Arts and Historical Commission to restore the "Join the Parade" Artwork to the original eight piece set at a cost of \$45,000, and authorize the expenditure of this amount from the Art in Public Places Trust Fund (COUNCIL). The motion carried (5 – 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

9D. Review and consideration of artwork proposals for the temporary sculpture display program for the Cerritos Sculpture Garden in the Civic Center, generally located on the northwest corner of Bloomfield Avenue and 183rd street, west of the Cerritos Sheriff's Station (APN 7025-028-904) (COUNCIL).

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

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

MOTION: It was moved by Ray, and seconded by Chen, to approve the recommendation of the Fine Arts and Historical Commission to approve the sculptures titled "Flame" by Lyle London and "Joker" by Jeff Zischke for display in the Cerritos Sculpture Garden for a period of two years and award each artist a stipend of \$2,500 (COUNCIL). The motion carried (5 – 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

9E. Review and consideration of award of a contract for maintenance of Cerritos arterial, center median and additional public landscaped areas, Bid No. 1225-16.

Hal Arbogast, Director of Public Works reported that due to last minute information received by staff in relation to the Bid, the consideration of Item 9E will be postponed to a date certain, November 12, 2015.

The Mayor opened public comments.

Juan Sanchez, Complete Landscape Care, spoke regarding the continuation of the item.

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

9. New and Old Business (continued)

9E. (continued)

MOTION: It was moved by Edwards, and seconded by Solanki, to continue Item 9E to a date certain, November 12, 2015 (COUNCIL). The motion carried (5 – 0) as follows:

AYES: Edwards, Pulido, Solanki, Ray, Chen
NOES: None
ABSENT: None
ABSTAIN: None

10. Legislative Items

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 Pulido, Solanki and Edwards, Mayor Pro Tem Ray and Mayor Chen.

12. Closed Session

The City Attorney announced that the City Council would recess to Closed Session to discuss item 12A and 12B on the Closed Session agenda.

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

Pursuant to Paragraph (1) of subdivision (d) of Government code Section 54956.9

Name of Case: Cerritos v. State of California

Third District California Court of Appeal, Case No. C070484

12B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(COUNCIL/SUCCESSOR AGENCY)

Pursuant to Paragraph (1) of subdivision (d) of Government code Section 54956.9

Name of Case: City of Cerritos, et al v. Michael Cohen, et al; Sacramento

Third District California Court of Appeal, Case No. 078320

REPORT FROM CLOSED SESSION:

The City Council reconvened into Open Session.

The City Attorney announced that the City Council recessed to Closed Session to discuss Items 12A and 12B on the Closed Session agenda. There was no reportable action and nothing further to report.

13. Adjournment

The meeting was adjourned at 9:20 p.m.

ATTEST:

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

/s/Carol K. Chen
Carol K. Chen, Mayor/Chair

APPROVED: November 12, 2015