

**MINUTES OF THE MEETING
OF THE GATEWAY CITIES COUNCIL OF GOVERNMENTS
BOARD OF DIRECTORS
Cerritos Senior Center
12340 South Street
Cerritos, California
September 1, 2004**

President Wilson called the meeting to order at 6:04 p.m.

PRESENT: President Edward H. J. Wilson, Signal Hill
Vice President Greg Nordbak, City of Whittier
Board Member Larry R. Nelson, City of Artesia
Board Member John Pratt, City of Bellflower
Board Member Daniel Crespo, City of Bell Gardens
Board Member John Crawley, City of Cerritos
Board Member Jesus Cervantes, City of Commerce
Board Member Lillie Dobson, City of Compton
Board Member Keith McCarthy, City of Downey
Board Member Betty Schultze, City of Hawaiian Gardens
Board Member Juan Noguez, City of Huntington Park
Board Member Stan Carroll, City of La Habra Heights
Board Member Wayne Piercy, City of Lakewood
Board Member Frank Colonna, City of Long Beach
Board Member Leticia Vasquez, City of Lynwood
Board Member Samuel Pena, City of Maywood
Board Member Gordon Stefenhagen, City of Norwalk
Board Member Gene Daniels, City of Paramount
Board Member Beatrice Proo, City of Pico Rivera
Board Member Betty Putnam, City of Santa Fe Springs
Board Member Hector De La Torre, City of South Gate

ABSENT: Board Member Frank Gurule, City of Cudahy
Board Member Ralph Morrow, City of Avalon
Board Member George Cole, City of Bell
Board Member Susan Tripp, City of La Mirada
Board Member Bonnie Lowenthal, City of Long Beach
Board Member Edward Vasquez, City of Montebello
Board Member William Davis, City of Vernon
Board Member Don Knabe, Los Angeles County Board of Supervisors

ALSO PRESENT: Hawaiian Gardens Acting City Administrator Ernesto Marquez; Lakewood Director of Community Development Chuck Ebner; Pico Rivera Assistant to the City Manager Debbie Lopez; Long Beach Legislative Affairs Coordinator Carl Kemp; Vernon Administrative Assistant Chris Romero; Mike Hollon, Aide to South Gate Councilmember Hector De La Torre; Niki Tenant, Chief of Staff, Office of Long Beach Councilmember Bonnie Lowenthal; Connie Sziebl, Office of Supervisor Don Knabe; Raymond Maekawa, LACMTA Director of Planning, Southeast Area; Dean

Kitakis, L. A. Freightliner, Whittier; John Barna, Anrab Associates; Ashley Moore, TIAX, LLC; Robert Messinger, Law Offices of Robert Messinger; Frank Osgood, Planner; GCCOG Legal Counsel Julie Biggs; GCCOG Deputy Legal Counsel Michael Baker; GCCOG Executive Director Richard Powers; GCCOG Deputy Executive Director Jack Joseph; GCCOG Director of Program Development Deborah Chankin; GCCOG Director of Transportation Jerry Wood; GCCOG.

Member Nelson provided Words of Wisdom.

The pledge of allegiance was led by Member Pena.

Roll was taken through self-introductions.

There were no amendments to the agenda.

No one wished to speak during public comments.

It was moved by Member Colonna, seconded by Member Piercy, to approve the consent calendar as presented. The motion was approved unanimously.

The Deputy Executive Director presented a report from the Clean Air Grant Program Steering Committee. He reported that the Committee was recommending a series of modifications to the programs, the major ones being: 1) a change in the model years of trucks eligible for participation in the program from 1983 and older to 1986 and older; 2) a change in the model years eligible as replacement vehicles from 1994 and newer to 1999 and newer; and 3) an updating of the formula used to determine the grant amount to be consistent with that currently used by the SECAT program in Sacramento. He said that these proposed changes had been approved by all of the program's funding partners.

The Executive Director announced that the Gateway Cities Clean Air Program had been selected by the South Coast Air Quality Management District to receive a Model Community Achievement Award at its annual awards banquet to be held in Los Angeles on October 13th.

It was moved by Member McCarthy, seconded by Member Colonna, to approve the recommendations of the Clean Air Grant Program Steering Committee. The motion was approved unanimously.

The Deputy Executive Director presented a status report on the Truck Impacted Intersection Project. He said that most cities had now completed all of their required actions and that the few remaining cities have said that they will have paid their required match by the middle of September. It was moved by Member Colonna, seconded by Member McCarthy, to receive and file the report. The motion was approved unanimously.

The Executive Director presented a status report on the Needs Assessment Study for State Route 91 and Interstate 605. He recapitulated the background to the initiation of the study effort, but emphasized that the priority order of the major transportation initiatives of the COG was: 1) Interstate 5; 2) Interstate 710; and 3) the 91/605 project. Member

McCarthy requested staff to return next month with a resolution restating the priority order of these projects. It was moved by Member Daniels, seconded by Member Piercy, to receive and file the report. The motion was approved unanimously.

President Wilson reported that former COG General Counsel Robert Messinger had left the firm of Burke, Williams & Sorenson to establish his own law office. He said that Mr. Messinger proposed to continue to offer legal services to the COG through an agreement with his new firm. President Wilson pointed out that the COG still had a contract for legal services with Burke, Williams & Sorenson and that the firm was assigning Rachel Richman as the COG's General Counsel under that agreement.

President Wilson presented a series of options to the Board on how to proceed with regard to the matter of legal representation: 1) continue with Burke, Williams & Sorenson under the current contract; 2) provide 30 days notice of intent to terminate the agreement with Burke, Williams & Sorenson, and approve an agreement with Robert F. Messinger; 3) direct staff to prepare a Request for Proposals (RFP) for legal services, with the understanding that Burke, Williams & Sorenson will continue to provide legal services in the interim; 4) defer action to a later date pending an evaluation of the COG's satisfaction with the services provided by Burke, Williams & Sorenson; or 5) refer the matter to the City Managers Steering Committee for a recommendation.

Acting General Counsel Julie Biggs of Burke, Williams & Sorenson stated that the firm had recently made some hard decisions regarding the makeup of the firm, but that Burke, Williams & Sorenson was still a public agency law firm and was interested in retaining the COG as a client.

It was moved by Member Proo, seconded by Member McCarthy, to approve option 5 and refer the matter to the City Managers Steering Committee. Member McCarthy asked Mr. Messinger if he would like to make any comments. Mr. Messinger responded that he had enjoyed his service to the COG over the past several years and that he would welcome the opportunity to continue to work for the COG if the Board chose to retain him. In response to an inquiry from Member Piercy, Mr. Messinger said that although he was starting his own practice he continued to have a good relationship with Burke, Williams & Sorenson and would be able to use the services of that firm to assist him.

Vice President Nordbak said that he preferred preparing a Request for Qualifications (RFQ) from interested firms rather than referring the matter to the City Managers Steering Committee. He said that he felt that this was a Board decision since the General Counsel works for the Board of Directors. Member Pena said he concurred with Vice President Nordbak and suggested that an ad hoc committee of Board members be established to review proposals. Member De La Torre said that he also agreed with Vice President Nordbak. Member Piercy said that any RFP or RFQ should contain a "no contact" clause prohibiting prospective firms from contacting individual Board members. Member Crespo said that he also preferred going out with an RFP.

Members Proo and McCarthy agreed to withdraw their motion to refer the matter to the City Managers Steering Committee.

Member Leticia Vasquez said that her city had previously worked with Burke, Williams & Sorenson and was happy with their service. It was moved by Member Vasquez, seconded by Member Schultze, to continue legal services with Burke, Williams & Sorenson.

ROLL CALL:

AYES: Members Cervantes, Dobson, Schultze, Leticia Vasquez

NOES: Members Nelson, Pratt, Crespo, Crawley, McCarthy, Noguez, Carroll, Piercy, Colonna, Pena, Stefenhagen, Daniels, Proo, Putnam, De La Torre, Vice President Nordbak, President Wilson

ABSENT: Members Morrow, Cole, Gurule, Tripp, Lowenthal, Edward Vasquez, Davis and Knabe

The motion failed.

It was moved by Vice President Nordbak, seconded by Member Nelson, to direct staff to prepare a Request for Proposals for legal services which includes a “no contact” clause, and for the President to appoint an ad hoc committee to review the proposals received and make a recommendation to the Board. The motion was approved unanimously.

Member Colonna announced that the Rivers and Mountains Conservancy faced a potential crisis because the California Performance Review Commission has recommended dissolution of the Conservancy. He referred to a resolution approved by the Long Beach City Council opposing the dissolution of the Conservancy. He said that grant dollars would be at stake for the region’s cities if the Conservancy’s authority is transferred to a joint powers authority based in northern California. Member Colonna said that he would be going to a hearing of the California Performance Review Commission to testify on this issue. President Wilson and the Executive Director reminded the Board that the creation of the Conservancy was initiated by the COG.

It was moved by Member Colonna, seconded by Member Nelson, to draft a resolution opposing the recommendation of the California Performance Review Commission that the Rivers and Mountains Conservancy be dissolved. The motion was approved unanimously.

Member McCarthy recommended coordinating that the COG coordinate on this issue with the San Gabriel Valley and Orange County councils of government.

The Executive Director presented a report from the I-710 Oversight Policy Committee. He said that after a series of twelve meetings the Tier 2 Community Advisory Committee had reached unanimous agreement on its report which will go to the OPC in late September and October. It was moved by Member Daniels, seconded by Member Nelson, to receive and file the report. The motion was approved unanimously.

Member Proo reported that there had not been a meeting of the Transportation Committee this month. She asked the Executive Director to address the recent issue of triple trailers that was being discussed by SCAG. The Executive Director restated the COG’s

opposition to the Operation Jump Start proposal regarding a dedicated truck lane facility and, in particular, the use of triple trailers because of the anticipated safety issues. Raymond Maekawa, LACMTA, said that the MTA Board had never adopted a policy supporting the use of triple trailers, but did not object to a study of the issue.

Member Pena said that strong language opposing the use of triple trailers was needed. Niki Tenant, Office of Long Beach Councilmember Bonnie Lowenthal, reported on the resolution adopted by the Long Beach City Council opposing the use of triple trailers.

It was moved by Member De La Torre, seconded by Vice President Nordbak, to oppose the use of truck triple trailers. The motion was approved unanimously.

Member McCarthy said that he will be opposing a resolution from the SCAG Energy Committee which would further restrict housing construction. In addition, he said that the SCAG Regional Transportation Plan was still out of conformity with federal air quality standards.

The Executive Director announced that there were four vacancies on SCAG policy committees that were assigned to the Gateway Cities COG. He directed the Board to the request from Member Lowenthal that she be appointed to the SCAG Transportation and Communications Committee. It was moved by Vice President Nordbak, seconded by Member De La Torre, to appoint Member Lowenthal to the Transportation and Communications Committee. The motion was approved unanimously.

Member De La Torre requested that letters be sent out to the cities seeking nominations to fill the committee vacancies.

There were no matters from staff.

It was moved by Vice President Nordbak, seconded by President Wilson, to adjourn. The motion was approved unanimously.

Adjournment: The meeting of the Board of Directors was adjourned at 7:32 p.m.