

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, December 18, 2012 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 5:00 PM

ROLL CALL

Mayor Jacobson - Present
Mayor Pro Tem Fuentes - Present
Council Member Fisher - Present
Council Member Atkinson - Present
Council Member Fellhauer - Present

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of \$50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of \$250.

Mayor Jacobson announced that Council would be meeting in closed session pursuant to the items listed on the agenda.

SPECIAL ORDER OF BUSINESS:

CLOSED SESSION:

The City Council moved into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City's Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City's Labor Negotiators; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov't Code §54956.9(a) -5- matter

City of El Segundo vs. City of Los Angeles, et. al. LASC Case No. BS094279
City of Los Angeles vs. Pacific Bell Telephone Company, et al., LASC Case No. BC414272

Willmore vs. City of El Segundo, et al., LASC Case No. BC485025

Garton vs. City of El Segundo, et al., LASC Case No. YC066586

Garcia vs. City of El Segundo, et al., WCAB Case No. ADJ8116925 (Anaheim)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -0- matter.
Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): -0- matter

APPOINTMENT OF PUBLIC EMPLOYEE (Gov't. Code § 54957) -0- matter

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -0-
matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -0-
matters

Council recessed at 6:50 PM

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, December 18, 2012 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor Jacobson at 7:00 PM

INVOCATION – Lee Carlile, Pastor, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Fisher

PRESENTATIONS

ROLL CALL

Mayor Jacobson	-	Present
Mayor Pro Tem Fuentes	-	Present
Council Member Fisher	-	Present
Council Member Atkinson	-	Present
Council Member Fellhauer	-	Present

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Anthony Rotolo, High School Varsity Water Polo, spoke concerning building a new pool facility.

Joe Harding, resident, gave praise and thanks for the City and Chevron on the Alternative Tax Agreement.

Liz Garnholz, resident, spoke regarding Agenda Items #9 and #17A.

Doug Poffinbarger, Sustainable El Segundo, gave an update on the program.

Dr. Tony Mendez, resident, spoke regarding Chevron Corporation and the negotiating of taxes.

Sandy Jacobs, resident, stated the citizens should be proud and satisfied with the City Council and Chevron for the Alternative Tax Agreement.

Frank Semancik, General Manager of Chevron El Segundo, supports the Agreement between Chevron and the City of El Segundo.

Marcia Hansen, CEO and Executive Director for the El Segundo Chamber of Commerce, spoke in support of the Chevron Agreement and congratulated both parties on coming to terms with the agreement.

Mike Robbins, resident, spoke regarding the Chevron Alternative Tax Agreement, asking was an analysis done properly concerning Chevron's use of the cities resources. Spoke on a mailer sent to residents regarding a Police Union Fundraiser and was concerned about the use of using the El Segundo Police Departments badge as an image on the mailer.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only. MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to read all ordinances and resolutions on the agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action to amend El Segundo Municipal Code ("ESMC") § 4-8-8 to allow fees relating to entertainment permits to be adopted by City Council resolution and adopting a resolution establishing an entertainment permit fee. Applicant: City of El Segundo.
(Fiscal Impact: \$3,505.00)

Sam Lee, Planning and Building Safety Director, gave a report.

Mayor Jacobson stated that this was the time and place to conduct a public hearing and receive testimony, introduce and waive first reading of an ordinance amending ESMC § 4-8-8 to allow fees required for an entertainment permit, adopt a Resolution establishing a new fee to recover costs associated with issuing entertainment permits and schedule second reading and adoption of the ordinance amendment for January 15, 2013.

City Clerk Weaver stated that proper notice had been given in a timely manner and that no written communication has been received in the City Clerk's office.

Mike Rotolo, resident, Past President of Chamber of Commerce and current Chair of Downtown El Segundo Committee, commended the council and staff for the effort put forth into making the change on the entertainment permit fees.

MOTION by Council Member Fellhauer, SECONDED Mayor Pro Tem Fuentes by Council Member to close public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

Mark Hensley, City Attorney, read by title only.

ORDINANCE NO. 1475

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE (ESMC) §4-8-8 REGARDING RECOVERING ADMINISTRATIVE COSTS ASSOCIATED WITH ISSUING ENTERTAINMENT PERMITS.

Council Member Atkinson introduced Ordinance No. 1475

Second reading and adoption scheduled for January 15, 2013.

Mark Hensley, City Attorney, read by title only.

RESOLUTION NO. 4801

A RESOLUTION ADOPTING A NEW FEE IN ACORDANCE WITH EL SEGUNDO MUNICIPAL CODE §4-8-8 FOR RECOVERING ADMINSTRATIVE COSTS RESULTING FROM ISSUING ENTERTAINMENT PERMITS.

MOTION by Council Member Atkinson, SECONDED by Council Member Fisher to adopt Resolution No. 4801 establishing a new fee to recover costs associated with issuing entertainment permits. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

2. Consideration and possible action regarding the adoption of a temporary plan check and permit surcharge to design and construct the City's One-Stop Permit Center for residential and non-residential permits.
(Fiscal Impact: None)

Sam Lee, Planning and Building Safety Director, gave a report.

Mayor Jacobson stated that this was the time and place to conduct a public hearing and receive testimony regarding the new temporary permit surcharge, close public hearing and adopt a Resolution establishing the proposed temporary plan/check permit surcharge.

City Clerk Weaver stated that proper notice had been given in a timely manner and that no written communication has been received in the City Clerk's office.

Liz Garnholz, resident, asked if the center would be in the vacant Communications Center.

Mike Robbins, resident, commended the City Council and staff in reducing government bureaucracy at City Hall and helping businesses and developers push their projects through in a timely manner. Mr. Robbins asked how many permits the center would handle and if the center is idle, would it be set up to support other City Hall functions? Mr. Robbins stated that possibly the funds coming from the new Chevron agreement could be used for the center, but does not want to see the funds used for pay raises and unsustainable pensions.

MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to close public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

Greg Carpenter, City Manager, answered Liz Garnholz's question regarding the Communications Center. The Communications Center was built with funds that are for law enforcement purposes only, therefore the Permit Center can't be housed in this facility. Mr. Carpenter stated that Chief Tavera is in negotiations with another law enforcement agency and should bring to council early next year an agreement. Mr. Carpenter also addressed the need for the Permit Center. He stated that two areas in City Hall have not been renovated, one being the Council Chamber and the other a permit center. Mr. Carpenter stated that the center will better serve our customers and will be busy everyday. He also stated the facility could be used by others in City Hall if the center is idle.

Sam Lee, Director of Building and Safety, stated he did not have the current numbers on how many customers are served daily, but did say that the Center would be a creative office setting for customers to conduct business.

Mayor Pro Tem Fuentes stated the Center could be used for other permit processes as well.

Council Member Fisher thanked Council Member Atkinson for coming forward with the idea to borrow from the Equipment Replacement Fund and have the surcharge to replace the funds. Council Member Fisher asked if there has been feedback on the 4% surcharge?

Sam Lee stated that the idea has been received positively. Mr. Lee also stated that the fees would generate approximately \$100,000.00 per year, thus in 5 years the Center will be paid back to the Equipment Replacement Fund.

Council Member Atkinson stated the Center would help with efficiency for both the City and our customers.

Mark Hensley, City Attorney, read by title only.

RESOLUTION NO. 4802

A RESOLUTION ADOPTING A TEMPORARY SURCHARGE OF FOUR PERCENT (4%) ON ALL BUILDING SAFTEY PLAN CHECK AND PERMIT FEES TO CONSTRUCT PERMIT CENTER.

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to adopt Resolution No. 4802 establishing the proposed temporary plan/check permit surcharge. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

3. Consideration and possible action regarding (Public Hearing) the proposed project and budget for the FY 2013/14 Community Development Block Grant (CDBG) Program Year. Estimated CDBG budget allocation for Program Year 2013-2014 is approximately \$53,767.00.
(Fiscal Impact: \$53,767.00)

Tina Gall, CDBG Consultant, gave a report.

Mayor Jacobson stated that this was the time and place to conduct a public hearing and receive testimony, close the public hearing, adopt the new 2013-2014 CDBG project and budget, and authorize the City Manager to execute the contracts, in a form approved by the City Attorney, with the Los Angeles County Community Development Commission (CDC).

City Clerk Weaver stated that proper notice had been given in a timely manner and that no written communication has been received in the City Clerk's office.

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Fuentes to close public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

MOTION by Mayor Pro Tem Fuentes, SECONDED by Council Member Fellhauer to adopt the new 2013-2014 CDBG project and budget and authorize the City Manager to execute the contracts, in a form approved by the City Attorney, with the Los Angeles County Community Development Commission (CDC). MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

C. UNFINISHED BUSINESS

4. Presentation: Update on efforts to recruit for the vacant office of the City Treasurer and potential action by City Council regarding appointing a person or calling a special election to fill the vacancy.
(Fiscal Impact: N/A)

Received and filed presentation

Consensus by Council to close the application acceptance period on Thursday, Dec. 27, 2012 and schedule a Special Meeting for the first and/or second week in January 2013 to interview the applicants.

5. Presentation by the City of El Segundo Chief of Police, Mitch Tavera, related to City of El Segundo Mass Emergency Notification Systems.
(Fiscal Impact: N/A)

Chief Mitch Tavera introduced Captain Bob Turnbull, who gave the presentation on the City of El Segundo Mass Emergency Notification Systems.

Received and filed oral presentation.

- 5A. Update on the status of negotiations with Chevron Corporation and consideration of terms for an Alternative Tax Agreement (ATA).
(Fiscal Impact: Estimated – 134 million net new revenue over the next 15 fiscal years)

Greg Carpenter, City Manager, gave an overview of the past year leading up to the Chevron Alternative Tax Agreement and gave an overview of the proposed agreement.

Received and filed report.

MOTION by Council Member Fellhauer, SECONDED by Council Member Fisher to direct staff to prepare an Alternative Tax Agreement with Chevron Corporation for the Council's consideration. MOTION PASSED BY FOLLOWING VOICE VOTE; AYES – MAYOR JACOBSON, MAYOR PRO TEM FUENTES, COUNCIL MEMBERS FISHER AND FELLHAUER; NOS – COUNCIL MEMBER ATKINSON. VOTE 4/1.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

6. Consideration and possible action to open the recruitment process for the positions on the Committee, Commissions and Boards ("CCBs") that will expire in the year 2013.
(Fiscal Impact: None)

Council directed staff to open the recruitment process for the positions on the CCBs, as listed.

E. CONSENT AGENDA

All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

7. Approved warrant Numbers 2590472 - 2590627 on Register No. 5 in the total amount of \$585,890.44 and Wire Transfers from 11/23/2012 through 12/06/2012 in the total amount of \$1,231,085.36. Authorized Staff to Release. Ratified Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.
8. Approved Regular City Council Meeting Minutes of December 4, 2012.
9. PULLED FOR DISCUSSION BY MAYOR JACOBSON

10. Approved an Amendment to the Joint Powers Agreement between the City of El Segundo and the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force (LA IMPACT) and authorized the City Manager to execute the Joint Powers Agreement (JPA) Amendment No. 4135A in a form approved by the City Attorney.
(Fiscal Impact: None)
11. Waived the bidding process per El Segundo Municipal Code § 1-7-10, as there was only one bidder that could meet the product specifications, and authorized the purchase of emergency food and water for employees, disaster service workers, and mutual aid responders in the event of a disaster.
(Fiscal Impact: Additional \$36,874.23)
12. Authorized the City Manager to sign and enter into Agreement No. 4371, reviewed by the City Attorney, with the Regents of the University of California to allow the City of El Segundo to provide Paramedic Internship for students of the University of California, Los Angeles (UCLA) Emergency Medical Technician Paramedic Program.
(Fiscal Impact: None)
13. Awarded Professional Services Agreement No. 4372 to Zest Enterprise for custodial/janitorial services for several City of El Segundo Facilities.
(Fiscal Impact: \$119,870.67)
14. Authorized the City Manager to execute Agreement No. 4373 between the City of El Segundo and NRG in a form approved by the City Attorney for the promotion of the Sustainable El Segundo program.
(Fiscal Impact: None)
15. Adopted Resolution No. 4803 pursuant to Public Contracts Code § 20168 finding that an emergency existed within the City and authorized the City Manager to execute Contract No. 4361 in a form approved by the City Attorney with Best Contracting Services to repair the Police Department roof without the need for bidding in accordance with Public Contracts Code § 22050.
(Fiscal Impact: \$7,950.00)

MOTION by Council Member Fisher, SECONDED by Mayor Pro Tem Fuentes to approve Consent Agenda items 7, 8, 10, 11, 12, 13, 14. and 15. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0.

CALL ITEMS FROM CONSENT AGENDA

9. Consideration and possible action to approve and adopted South Bay Workforce Investment Board's (SBWIB) proposed Amendment No. 5 to the Joint Powers Agreement No. 83-100 transferring the duties of administrative entity from the City of Hawthorne to the City of Inglewood and authorized the mayor to sign the Amendment No. 1754E the Joint Powers Agreement No. 83-100 as amended. (Fiscal Impact: None)

John Parsons, City of Redondo Beach, gave a report on the South Bay Workforce Investment Board.

MOTION by Council Member Fellhauer, SECONDED by Mayor Pro Tem Fuentes to approve and adopt the South Bay Workforce Investment Board's (SBWIB) proposed Amendment No. 5 to the Joint Powers Agreement No. 83-100 and authorize the Mayor to sign the Amendment No. 1754E the Joint Powers Agreement No. 83-100 as amended. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

16. Consideration and possible action regarding approval of a revised Residential Sound Insulation (RSI) Program map and a status report on the City's RSI Program. (Fiscal Impact: None)

James O'Neil, RSI Manager, gave a report concerning the revised map.

MOTION by Council Member Atkinson, SECONDED by Council Member Fisher to approve a revised Residential Sound Insulation (RSI) Program map, received and filed a status report on the City's RSI Program. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

- G. REPORTS – CITY MANAGER – Stated that Council Member Fisher is pulling item No. 17 for revisions. He also wished all city employees and the council a Merry Christmas.
- H. REPORTS – CITY ATTORNEY - None
- I. REPORTS – CITY CLERK – Reminded everyone that the January 2, 2013 City Council meeting is cancelled.
- J. REPORTS – CITY TREASURER - None
- K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fellhauer – Remembering Newtown, CT and how important public safety is and our first responders. Wished a Merry Christmas and Happy New Year to all.

Council Member Atkinson – Thanking our city for all we have and wished everyone a Merry Christmas and Happy New Year.

Council Member Fisher – Wished everyone a great Holiday season.

17. Consideration and possible action to adopt a resolution supporting the Earned Income Tax Credit EITC and the Volunteer Income Tax Assistance program.
(Fiscal Impact: None)

PULLED FOR REVISIONS

Mayor Pro Tem Fuentes –

- 17A. Report on the Los Angeles County Clean Water, Clean Beaches Tax/Fee Measure that would provide revenues to the County Flood Control District to offset the costs associated with storm water runoff. Consideration and possible action by Council regarding whether the City wants to protest the proposed tax/fee.
(Fiscal Impact: None)

Both Council Member Atkinson and City Attorney, Mark Hensley spoke concerning the tax/fee measure.

MOTION by Council Member Atkinson, SECONDED by Mayor Pro Tem Fuentes to protest the proposed tax/fee for the city's parcels. MOTION PASSED BY THE FOLLOWING VOICE VOTE; AYES – MAYOR JACOBSON, MAYOR PRO TEM FUENTES AND COUNCIL MEMBER ATKINSON; NOS – NONE; ABSTAINED - COUNCIL MEMBERS FISHER AND FELLHAUER. VOTE 3/0/2.

Mayor Jacobson –

18. Consideration and possible action regarding the annual request of Mr. S. Claus for variances from the Municipal Code.
(Fiscal Impact: None)

MOTION by Council Member Fisher, SECONDED by Council Member Fellhauer to approve the requests by Mr. S Claus. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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Liz Garnholz – let everyone know that the Automobile Driving Museum will have 2 cars in the Rose Parade.

Mike Robbins – spoke regarding the Newtown, CT tragedy and how the politicians are exploiting the gun control issue. Mr. Robbins also stated his concern with unsustainable pensions for our Police and Fire departments.

MEMORIALS – John F. “Jack” Schott

CLOSED SESSION - NONE

ADJOURNMENT at 9:20 PM



Tracy Weaver, City Clerk