

<u>REVISED</u> AGENDA

EL SEGUNDO CITY COUNCIL COUNCIL CHAMBERS - 350 Main Street

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the City Council regarding any matter on this agenda that the City received after issuing the agenda packet, are available for public inspection in the City Clerk's office during normal business hours. Such Documents may also be posted on the City's website at www.elsegundo.org and additional copies will be available at the City Council meeting.

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the **Public Communications** portions of the Meeting. Additionally, the Public can comment on any Public Hearing item on the Agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

Members of the Public may place items on the Agenda by submitting a **Written Request** to the City Clerk or City Manager's Office at least six days prior to the City Council Meeting (by 2:00 p.m. the prior Tuesday). The request must include a brief general description of the business to be transacted or discussed at the meeting. Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the City Clerk two (2) working days prior to the meeting and they do not exceed five (5) minutes in length.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk, 524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, May 21, 2013 - 7:00 P.M.

<u>AGENDA REVISED TO ADD ITEM A1</u>

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION - Eric Jay, Pastor, St. John's Lutheran Church

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Fuentes

PRESENTATIONS

- a. Proclamation Elaine Allen, 2013 El Segundo Older American of the Year
- b. Proclamation SUPER CPR SATURDAY June 1, 2013
- c. Proclamation National Public Works Week May 19 May 25, 2013
- d. Presentation Ellen Cunningham, Senior Librarian, Author Fair at the El Segundo Library Sunday, June 2, 2013 from 11:30 AM 4:30 PM.
- e. Presentation Ron Melton, Resident, Residential Sound Insulation (RSI) Program

ROLL CALL

PUBLIC COMMUNICATIONS – (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. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.

Recommendation – Approval.

B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

C. UNFINISHED BUSINESS

A1. Consideration and possible action to authorize the Mayor to execute a settlement agreement between the Wiseburn School District and the City of El Segundo related to the construction of a high school and joint use aquatics facility at 201 N. Douglas Street

(Fiscal Impact: City will agree to operate the aquatics facility upon completion).

Recommendation – 1) Consider whether to authorize the Mayor to execute the draft settlement agreement; 2) Consider directing the City Manager, or designee, to cooperate with Wiseburn School District on the design of the facility and the drafting of a Joint Use Agreement (JUA) and return to City Council for a presentation of the design and consideration of the JUA; and 3) Alternatively, discuss and take other action related to this item.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

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.

1. Warrant Numbers 2592490 to 2592670 on register No. 15 in the total amount of \$1,058,106.95 and Wire Transfers from 4/26/13 through 5/09/13 in the total amount of \$1,193,429.69.

Recommendation – Approve Warrant Demand Register and authorize staff to release. Ratify Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.

2. Special City Council Meeting Minutes of April 23, 2013, Special City Council Meeting Minutes of April 30, 2013 and Regular City Council Meeting Minutes of May 7, 2013.

Recommendation – Approval.

3. Consideration and possible action regarding approval of an agreement regarding the exchange of Federal Surface Transportation Program (STP-L) funds for Los Angeles County Metropolitan Transportation Authority. (LACMTA) local funds.

(Fiscal Impact: \$243,458.00 receipt of grant funding)

Recommendation – 1) Authorize the City Manager to sign an agreement, in a form approved by the City Attorney, between El Segundo and the Metropolitan Transportation Authority, for the exchange of Federal STP-L funds for LACMTA local funds; 2) Alternatively, discuss and take other possible action related to this item.

4. Consideration and possible action to award a standard Public Works Contract to West Coast Netting for Installation of Soccer Field Netting at Campus El Segundo Athletic Field. Project No.: PW 13-06 (Fiscal Impact: \$17,375.00)

Recommendation – 1) Authorize the City Manager to execute a standard Public Works Contract in a form approved by the City Attorney with West Coast Netting in the amount of \$13,900.00; 2) Alternatively, discuss and take other possible action related to this item.

5. Consideration and possible action to vacate an existing sewer easement currently located at 1916 East Imperial Highway within the City of El Segundo.

(Fiscal Impact: \$0)

Recommendation – 1) Adopt a resolution vacating a sewer easement on real property owned by the Boeing Company; 2) Alternatively, discuss and take other possible action related to this item.

6. Consideration and possible action to authorize the City Manager to execute a fifth amendment extending Agreement No. 3484, in a form approved by the City Attorney, between El Segundo and Fireworks & Stage FX America Inc. to provide a public fireworks show for the 2013 Fourth of July Community Celebration.

(Fiscal Impact: Not-to-Exceed \$23,000.00 from Special Events Trust Account and Special Events Contractual Services)

Recommendation – 1) Authorize the City Manager to execute a fifth amendment extending Agreement No. 3484, in a form approved by the City Attorney; 2) Alternatively, discuss and take other possible action related to this item.

7. Consideration and possible action to award a standard Public Works Contract to J. Cab & Sons for City Hall Roof Replacement and to reject all bids for the Park Vista Senior Housing Facility Roof Replacement. Project No.: PW 13-05

(Fiscal Impact: \$378,350.00)

Recommendation – 1) Authorize the City Manager to execute a standard Public Works Contract, in a form approved by the City Attorney, with J. Cab & Sons Roofing in the amount of \$329,000.00; 2) Reject all bids for the Park Vista Senior Housing Roof Replacement; 3) Alternatively, discuss and take other possible action related to this item.

8. Consideration and possible regarding a request for an Administrative Use Permit to expand the on-site sale and consumption of beer, wine and alcohol (Type 47 State of California Alcoholic Beverage Control License) at an existing restaurant. The restaurant, The Tavern on Main will expand into approximately 800 square-foot vacant portion of 119 Main Street located at 121-123 Main Street. Applicant: Kristian Krieger

(Fiscal Impact: N/A)

Recommendation – 1) Receive and file this report without objecting to the approval to allow the on-site sale and consumption of beer, wine and alcohol at an existing restaurant; 2) Alternatively, discuss and take other possible action related to this item.

9. Consideration and possible regarding a request for an Alcoholic Beverage Control (ABC) License to allow the on-site sale and consumption of beer and wine (Type 41 State of California Alcoholic Beverage Control License) at a new restaurant (PizzaRev) at 460 North Sepulveda Boulevard, Suite C. Applicant: Rodney Eckerman

(Fiscal Impact: N/A)

Recommendation – 1) Receive and file this report without objecting to the issuance of an alcohol license for on-site sale and consumption of beer and wine at a new restaurant at 460 North Sepulveda Boulevard, Suite C; 2) Alternatively, discuss and take other possible action related to this item.

10. Consideration and possible action regarding the acceptance of \$36,940.00 in grant funding from the U.S. Department of Homeland Security, through the Grant Programs Directorate within the Federal Emergency Management Agency (FEMA), under the Fiscal Year 2012 Urban Areas Security Initiative (UASI 2012), to procure the \$39,547.17 purchase of gas masks and class III protective suits for the Police Department.

(Fiscal Impact: \$39,547.17)

Recommendation – 1) Authorize the acceptance of \$36,940.00 in grand funds from the UASI 2012 grant program which will be used toward the \$39,547.17 purchase of police protective gear; 2) Pursuant to EI Segundo Municipal Code § 1-7-10, waive the bidding process and purchase of gas masks (the Avon C50), their corresponding filters, and class III protective suits (the Blauer XRT) in accordance with an existing contract with U.S. Communities (Contract Number 4400001839) and Mallory Safety and Supply, LLC using equipment replacement and Urban Areas Security Initiative (UASI) grant funds; 3) Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, to purchase sixty-five (65) gas masks (the Avon C50), their corresponding filters, and class III protective suits (the Blauer XRT) from Mallory Safety and Supply, LLC, using equipment replacement and Urban Areas Security Initiative (UASI) grant funds; 4) Alternatively, discuss and take other possible action related to this item.

11. Consideration and possible action to authorize the City Manager to execute an agreement with AC Martin Partners, Inc. for Interior Architectural services for City Permit Center and Finance Office Tenant Improvements. (Fiscal Impact: \$36,000.00)

Recommendation – 1) Authorize the City Manager to execute an agreement with AC Martin Partners, Inc., as approved to form by the City Attorney, for Interior Architectural services not to exceed \$36,000.00; 2) Alternatively, discuss and take other possible action related to this item.

12. Consideration and possible action to award a standard Public Works Contract to GMC Engineering, Inc. for construction of Maple Avenue Street Improvements project, and to award a Public Works Professional Services

Agreement to AKM Consulting Engineers for construction inspection services for the project. Project No.: PW 12-09

(Fiscal Impact: \$2,035,500.00)

Recommendation – 1) Authorize the City Manager to execute a standard Public Works Contract, in a form approved by the City Attorney, with GMC Engineering, Inc. in the amount of \$1,677,637.70; 2) Authorize the City Manager to execute a standard Public Works Professional Services Agreement in a form approved by the City Attorney with AKM Consulting Engineers in the amount of \$92,694.00; 3) Alternatively, discuss and take other possible action related to this item.

13. Consideration and possible action to receive this report regarding the emergency repair of the wet well level monitoring sensor line in Pump Station #1.

(Fiscal Impact: \$2,906.63)

Recommendation - 1) Receive and file this report regarding the emergency repair of the wet well level monitoring sensor in Pump #1; 2) Alternatively, discuss and take other possible action related to this item.

14. Consideration and possible action to receive and file this report regarding the emergency repair of Recreation Park field lighting.

(Fiscal Impact: \$10,525.00)

Recommendation – 1) Receive and file this report regarding the emergency repair to the 480 Volt, 800 amp main breaker at Recreation Park; 2) Alternatively, discuss and take other possible action related to this item.

F. NEW BUSINESS

15. Consideration and possible action to update the El Segundo Municipal Code regulating general penalties and administrative citations. These changes are desirable to ensure effective code enforcement by the El Segundo Police, Fire, Public Works, and Planning and Building Safety Departments.

(Fiscal Impact: None)

Recommendation – 1) Introduce and waive first reading of an Ordinance amending Chapter 1-2 of the El Segundo Municipal Code regarding procedures for issuing infraction citations; 2) Introduce and waive the first reading of an Ordinance amending Sections 1-2A-1, 1-2A-2, 1-2A-3 1-2A9 and 1-2A10 of the El Segundo Municipal Code regarding administrative citations; 3) Schedule a second reading and adoption for both ordinances; 4) Alternatively, discuss and take other possible action related to this item.

G. REPORTS - CITY MANAGER

- H. REPORTS CITY ATTORNEY
- I. REPORTS CITY CLERK
- J. REPORTS CITY TREASURER
- K. REPORTS CITY COUNCIL MEMBERS Council Member Fellhauer -

Council Member Atkinson -

Council Member Fisher -

16. Consideration and possible action to change the current practice of electing a Mayor and Mayor Pro Tem for two-year terms and instead have these positions elected by Council on an annual basis.

(Fiscal Impact: None)

Recommendation – 1) Change the current City Council policy to conduct an annual election for Mayor and Mayor Pro Tem, direct staff to make any necessary changes to the Municipal Code and conduct Council election for Mayor and Mayor Pro Tem; 2) Alternatively, discuss and take other possible action related to this item.

17. Consideration and possible action to fill two vacant positions on the Economic Development Advisory Council (EDAC) with current City Council Members Bill Fisher and Dave Atkinson to provide a direct conduit to the entire City Council on economic development issues including funding recommendations and a long range economic development strategic plan. (Fiscal Impact: None)

Recommendation – 1) Approve the appointments of Council Member's Dave Atkinson and Bill Fisher to the Economic Development Advisory Council; 2) Alternatively, discuss and take other possible action related to this item.

Mayor Pro Tem Fuentes -

Mayor Jacobson -

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have receive 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. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

MEMORIALS -

CLOSED SESSION

The City Council may move 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.

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT

POSTED:

---- Mail

TIME:

NAMF:

MEETING DATE: May 21, 2013
AGENDA HEADING: Unfinished Business

AGENDA DESCRIPTION:

Consideration and possible action to authorize the Mayor to execute a settlement agreement between the Wiseburn School District and the City of El Segundo related to the construction of a high school and joint use aquatics facility at 201 N. Douglas Street (Fiscal Impact: City will agree to operate the aquatics facility upon completion).

RECOMMENDED COUNCIL ACTION:

- 1. Consider whether to authorize the Mayor to execute the draft settlement agreement;
- 2. Consider directing the City Manager, or designee, to cooperate with Wiseburn School District on the design of the facility and the drafting of a Joint Use Agreement (JUA) and return to City Council for a presentation of the design and consideration of the JUA; and
- 3. Alternatively, discuss and take other action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

- 1. Draft settlement agreement (to be provided under separate cover)
- 2. Air photo of 201 N. Douglas Street
- 3. Site Plan of proposed aquatics facility

FISCAL IMPACT: TBD

Amount Budgeted:
Additional Appropriation:
Account Number(s):

PREPARED BY:

Greg Carpenter, City Manager

REVIEWED BY: APPROVED BY:

BACKGROUND & DISCUSSION:

Unlike El Segundo, which is a unified (kindergarten through 12th grade) school district, the Wiseburn area is served by two districts: Wiseburn School District (WSD) for grades K-8 and the Centinela Valley High School District (CVHSD) for grades 9-12. The Wiseburn School District has existed since 1896 and initially served a large portion of the South Bay. Over the years, Wiseburn has reduced its boundaries to address the incorporation of new cities and school districts. When El Segundo Unified School District (ESUSD) was established, the boundary between ESUSD and WSD/CVHSD was set at Sepulveda Boulevard. This placed the eastern half of the City's jurisdiction outside of the ESUSD boundaries.

The Wiseburn School District has been taking steps since 2000 to become a Unified School District and expand its service from K-8th grade to K-12th grade, similar to ESUSD. As an interim measure, WSD established Da Vinci Charter High School in 2009. Unification has been a complex process. In November of this year, the Wiseburn residents will be asked to vote on unification and if the ballot measure is approved, unification could occur in July of 2014.

In preparation for unification, WSD has taken steps towards acquiring the funding and property for the construction of a new high school. The funding was secured through the passage of high school construction bond in November of 2010 that provides \$87 million dollars in construction funding. In January of 2011, WSD informed the City of El Segundo that it intended to establish the new high school in the City of El Segundo with possible locations along Aviation Boulevard or on a portion of the vacant land located at Campus El Segundo.

Based on concerns about land use, fiscal impact and lost development opportunity, the City asked WSD to work cooperatively for finding a school location that was mutually satisfactory. A great deal of time and effort went into discussion of other sites, particularly the ability to utilize property in and around Del Aire Park. This location and the agreement proved to be problematic. In late 2012, WSD indicated that it was interested in constructing the high school at 201 N. Douglas Street. This is a 13.7-acre site improved with a 4-story, 355,000 Sq. ft. building that the Northrop Grumman Corporation vacated around January of 2013 (see attached air photo).

The District prepared a Draft Environmental Impact Report (EIR) and the City provided comments on areas of concern. The District took action to exempt its proposed school from the City's zoning regulations pursuant to state law and certified a Final EIR on March 21, 2013. The District moved forward with the purchase of the property in late April 2013.

While the District took these actions, the City sought to resolve its concerns by negotiating with the District for construction of an Aquatics Center. A City Council subcommittee, comprised of Council Member Atkinson and Council Member Fisher was formed and the parties have been meeting for the past several months to reach agreement on a mutually beneficial resolution.

PROPOSED JOINT USE AGREEMENT

The Council Subcommittee and Wiseburn have negotiated a possible settlement agreement that would include the following basic terms:

Wiseburn Obligations

- Aquatics facility Wiseburn agrees to improve 2 acres of its property with an aquatics facility (see attached site plan) consisting of a 50-meter competition pool, restrooms and locker facilities and aquatics facility parking lot and, if the budget allows, a smaller therapy pool.
- **Facility financial commitment** Wiseburn agrees to commit \$6,000,000 to the construction of the aquatics facility.
- Joint Use Agreement Wiseburn and the City would negotiate a joint use agreement for use of the Aquatics Center to accommodate Wiseburn, ESUSD, and the general public. The City and Wiseburn also agree to explore joint use of the other athletic facilities at the proposed high school and the Campus El Segundo athletic fields.
- **Term of the Agreement** the term of the agreement would be for 25 years with the City having the ability to extend the agreement for an additional 25 years.
- **Timing** Wiseburn agrees to prepare a modification to its EIR and prepare plans for the aquatics facility in a timely manner. The intent is to have the facility complete in late 2015. If the pool is not complete by June of 2017, a liquidated damages payment of \$1.5 million dollars would be paid to the City of El Segundo.

City of El Segundo Obligations

- **Dispute Resolution** The City agrees to not dispute the EIR and not pursue and legal challenge related to the EIR or the purchase of the property.
- Operations and Maintenance The City agrees to staff, operate and maintain the facility. While the intent would be to operate the facility throughout the term of the agreement, the city must, at a minimum, fully operate the facility for one year and operate it at a level that supports the school districts use for at least 5 years.
- **Grand Avenue Extension** The City's General Plan anticipates Grand Avenue to be extended through this site at some future date. The City agrees to not extend the street through the property for as long as the property is used for a high school.

Summary

The proposed agreement would resolve the dispute between the City and Wiseburn. More importantly, the settlement agreement would:

- Provide a new, competition and recreation oriented aquatics facility aquatics for area residents, in a venue large enough to support larger scale events,
- Provide an amenity for use by area employers and their employees and an additional tool in the City's business attraction efforts,
- Provide for enhanced educational opportunities for Wiseburn students
- Allow for the Urho Saari Plunge to be closed for renovations and reopened with additional community programming
- Allow access to additional athletic facilities (soccer, softball etc.)

For these reasons, it is recommended the City Council consider authorizing the Mayor to execute the draft settlement agreement. In addition, the City Council should consider directing the City Manager to undertake negotiating and drafting the joint use agreement anticipated in the settlement agreement.



