## REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, NOVEMBER 5, 2013 – 5:00 PM

5:00 P.M. SESSION

CALL TO ORDER – Mayor Fisher at 5:01 PM

ROLL CALL

Mayor Fisher - Present
Mayor Pro Tem Jacobson - Present
Council Member Fuentes - 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 Fisher announced that Council would be meeting in closed session pursuant of the items listed on the agenda.

Mark Hensley, City Attorney, stated a clerical error was made under Real Property Negotiator, no discussion in closed session will occur.

#### 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(d) (3) -3- matter

- 1. 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
- 3. James Carver vs. City of El Segundo, WCAB Case No. ADJ7733022

#### CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(d) (2) and (3): -1- matter.

1. Exposure to Litigation by O'Duffy Brothers, Inc. regarding public works construction project; installation of a storm drain on Mariposa between Maryland St. and Center St. and associated catch basins.

Initiation of litigation pursuant to Government Code §54956.9(c): -0- 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

Recessed at 6:50 PM

## REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, NOVEMBER 5, 2013 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER - Mayor Fisher at 7:00 PM

INVOCATION – Pastor Lee Carlile, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Atkinson

#### **PRESENTATIONS**

Proclamation read by Council Member Fuentes and presented to Fire Chief, Kevin Smith, declaring Spark of Love Toy Drive November 25 through December 19, 2013 located at Fire Station No. 1.

#### **ROLL CALL**

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

Mark Hensley, City Attorney, suggested, due to the amount of speakers in attendance to speak on behalf of Top Golf, that Public Communication for Items 3 and 17 be held before their discussion to allow those who are speaking on other items to do so.

Council consensus agreed with Mark Hensley's suggestion.

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**Talia Gerard**, Tree Musketeers, thanked the council and sponsors for helping "Make A Difference Day" a success.

**Mike Robbins**, resident, spoke against the political campaign materials from the Police Officer's Association received by residents and had questions concerning Agenda item 11 and the resolution attached.

**Carl Jacobs**, resident, Sons of the American Revolution representative, awarded the City of El Segundo a commendation in recognition of exemplary patriotism and the display of the Flag of the United States of America.

**Antonio Mendez**, resident, in favor of El Segundo's Economic Development committee and spoke concerning our Business Directory.

CITY COUNCIL COMMENTS – (Related to Public Communications)

#### A. PROCEDURAL MOTIONS

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

MOTION by Mayor Pro Tem Jacobson, 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)

Consideration and possible action to open the public hearing; take public testimony; waive second reading; and adopt the 2013 California Building Code (Volumes I and II), 2013 California Electrical Code, 2013 California Plumbing Code, 2013 Mechanical Code, 2013 California Fire Code, 2013 California Energy Code, 2013 California Residential Code, with local amendments; and 2013 California Green Building Standards Code with no amendments.
 (Fiscal Impact: None)

Mayor Fisher stated this was the time and place to conduct a Public Hearing, receive public testimony, waive second reading and adopt the 2013 California Building Code (Volumes I and II), 2013 California Electrical Code, 2013 California Plumbing Code, 2013 Mechanical Code, 2013 California Fire Code, 2013 California Energy Code, 2013 California Residential Code, with local amendments; and 2013 California Green Building Standards Code with no amendments.

Clerk Weaver stated that proper notice had been done and one item was received and Council was copied.

Mayor Fisher opened the Public Hearing.

Sam Lee, Director of Planning and Building Safety, available to answer questions.

Mike Robbins, resident, spoke concerning the Green Building Standard Code.

MOTION by Mayor Pro Tem Jacobson, Seconded by Council Member Atkinson to close the hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney, read by titles only:

#### ORDINANCE NO. 1484

AN ORDINANCE INCORPORATING THE 2013 CALIFORNIA BUILDING CODE ("CBC") BY REFERENCE AND AMENDING THE CBC BASED UPON LOCAL CLIMATIC, TOPOGRAPHIC, AND GEOLOGICAL CONDITIONS

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to approve Ordinance No. 1484. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

#### ORDINANCE NO. 1485

AN ORDINANCE ADOPTING THE 2013 EDITION OF THE CALIFORNIA ELECTRICAL CODE

MOTION by Council Member Fuentes, SECONDED by Council Member Fellhauer to approve Ordinance No. 1485. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

#### **ORDINANCE NO. 1486**

AN ORDINANCE ADOPTING THE 2013 EDITION OF THE CALIFORNIA PLUMBING CODE WITH AMENDMENTS

MOTION by Council Member Fellhauer, SECONDED by Council Member Fuentes to approve Ordinance No. 1486. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

# ORDINANCE NO. 1487 AN ORDINANCE ADOPTING THE 2013 EDITION OF THE CALIFORNIA MECHANICAL CODE WITH AMENDMENTS

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to approve Ordinance No. 1487. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

#### ORDINANCE NO. 1488

AN ORDINANCE ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA FIRE CODE, CHAPTERS 1, DIVISION 2, 3, 4, AND SECTIONS 503, 510.2 AND 1103.2 OF THE INTERNATIONAL FIRE CODE, 2012 EDITION, AND AMENDING THESE CODES THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY

MOTION by Council Member Atkinson, SECONDED by Council Member Fellhauer to approve Ordinance No. 1488. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

## ORDINANCE NO. 1489 AN ORDINANCE ADOPTING THE 2013 EDITION OF THE CALIFORNIA ENERGY CODE

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to approve Ordinance No. 1489. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

#### ORDINANCE NO. 1490

AN ORDINANCE INCORPORATING THE 2013 CALIFORNIA RESIDENTIAL CODE ("CRC") BY REFERENCE AND AMENDING THE CRC BASED UPON LOCAL CLIMATIC, TOPOGRAPHIC, AND GEOLOGICAL CONDITIONS.

MOTION by Council Member Fuentes, SECONDED by Council Member Fellhauer to approve Ordinance No. 1490. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

# ORDINANCE NO. 1491 AN ORDINANCE ADOPTING THE 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

MOTION by Council Member Atkinson, SECONDED by Mayor Fisher to approve Ordinance No. 1491. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

2. Consideration and possible action to open a public hearing and receive testimony regarding an update to the Corporate Campus Specific Plan. If approved, the Project would: 1) approve an Addendum to the Final EIR (FEIR); 2) amend the existing Corporate Campus Specific Plan; 3) subdivide 23.87 acres of the Corporate Campus Specific Plan area into 32 lots; 4) amend the Development Agreement for the 2002 "Original Project"; and 5) approve a 625,205 square-foot development project (the "Revised Project") on 23.87 acres that will include office uses and retail/restaurant uses that will be developed in 3 Phases. The Revised Project is comprised of 625,205 square feet and the 304,820 square feet of existing development will total 930,025 square feet of development within the 46.5 acre Corporate Campus project area. Applicant: CDC Mar Campus, LLC. (Fiscal Impact: None)

Mayor Fisher stated this was the time and place to open a public hearing and receive testimony regarding an updated to the Corporate Campus Specific Plan.

Mayor Fisher stated at the request of the applicant, CDC MAR Campus LLC, the public hearing for the Corporate Campus Specific Plan item has been continued until November 19, 2013.

MOTION by Mayor Pro Tem Jacobson, SECONDED by Council Member Fuentes to continue the hearing for the Corporate Campus Specific Plan to November 19, 2013.

#### C. UNFINISHED BUSINESS

3. Approval of a Due Diligence and Ground Lease Agreement and Reimbursement Agreement with ES CenterCal LLC to lease the driving range portion of The Lakes Golf Course for the purpose of developing a Top Golf Facility consisting of a driving range, restaurant, bar and lounge and event facilities. (Fiscal Impact: Estimated - \$425,000.00 annual ground lease with 10% increases compounded each five years)

PUBLIC COMMUNICATIONS – (**Related to Items #3 and #17**) – 3 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.

Tom Donahue, Manhattan Beach resident, opposed to Top Golf.

Joe Svezia, El Segundo resident, opposed to Top Golf.

Ron Swanson. El Segundo resident and business owner, in favor of Top Golf.

Centra Branca, El Segundo resident, in favor of Top Golf.

Edward Dion, Manhattan Beach resident, in favor of Top Golf.

Noah Yoseloff, El Segundo resident, in favor of Top Golf.

Mike Dugan, El Segundo resident, opposed to Top Golf.

**Tom Courtney**, Manhattan Beach resident and El Segundo business owner, opposed to Top Golf.

Debra Geist, Manhattan Beach resident, opposed to Top Golf.

John Gutt, El Segundo resident, opposed to Top Golf.

**Marsha Hansen**, President and CEO of El Segundo Chamber of Commerce, states the Chamber of Commerce is in favor of Top Golf.

Mike Keller, El Segundo resident, in favor of Top Golf.

Lance Ralls, El Segundo resident, in favor of Top Golf.

Joseph Esquivel, El Segundo resident, opposed to Top Golf.

Ken Joseph, El Segundo resident, opposed to Top Golf.

Caitlyn Scanlan, El Segundo resident, in favor of Top Golf.

Kelly Murphy, El Segundo resident, opposed to Top Golf.

Bob Kailes, Playa Del Rey resident, opposed to Top Golf.

Charles Boyce, El Segundo resident, opposed to Top Golf.

Brian Lewis, El Segundo resident, opposed to Top Golf.

Robert Korran, El Segundo resident, opposed to Top Golf.

Wayne Vanderleest, South Bay resident, opposed to Top Golf.

Dan Bick, Manhattan Beach resident, in favor of Top Golf.

Drew Boyles, El Segundo resident, in favor of Top Golf.

**Bob Tarnofsky**, read letter by Richard Lundquist of Continental Development Corporation in favor of Top Golf.

Craig Kessler,

James Patrick Smith, El Segundo resident, in favor of Top Golf.

Mike Robbins, El Segundo resident, opposed to Top Golf.

Mike Newnham, El Segundo resident, opposed to Top Golf.

Richard Rizika, South Bay resident, in favor of Top Golf.

Greg Carpenter, City Manager, gave a brief description on how Top Golf came to be a consideration for the City of El Segundo.

Ted Shove, Economic, gave a presentation on the Top Golf concept.

Randy Starr, Top Golf, gave a presentation.

Recessed at 10:38 PM

Back in session at 10:49 PM

Council Discussion

Josh Alpert, The Lakes, spoke on behalf of the Shared Principles document.

Council Discussion

MOTION by Council Member Atkinson, SECONDED by Council Member Fellhauer to approve the Due Diligence and Ground Lease Agreement and direct the City Manager to enter into a Reimbursement Agreement that requires CenterCal to pay the costs associated with the various due diligence and land use entitlement costs. MOTION PASSED BY A VOICE VOTE OF 3/2. YES – Atkinson, Fellhauer and Fisher NO – Fuentes and Jacobson

- 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.

4. Approved Warrant Numbers 2594746 – 2595010 on Register No. 2 in the total amount of \$1,491,839.54 and Wire Transfers from 9/27/2013 through 10/10/13 in the total amount of \$4,421,504.02). 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.

- Approved Special City Council Meeting Minutes of October 15, 2013, Regular City Council Meeting Minutes of October 15, 2013 and Special City Council Meeting Minutes of October 28, 2013.
- Awarded a 5-year standard Public Works Contract No. 4506 to Santa Monica Electric Company for On Call Electrical Services. Project No.: PW 13-16. (Fiscal Impact: Not to exceed \$20,000.00 annually.
- 7. Awarded a Professional Services Agreement No. 4507 to AKM Consulting Engineers for developing the 2014 Sewer System Evaluation and Capacity Assurance Plan (known in the past as the Sewer Master Plan). Project No.: PW 13-25.

(Fiscal Impact: \$89,080.00)

- Awarded a standard Public Works Contract No. 4508 to F.M. Thomas Air Conditioning, Inc. for City On-Call HVAC maintenance and repair services. Project No.: PW 13-17. (Fiscal Impact: \$27,304.00 the first year with a 3% annual escalation for the next four years; \$144,965.00 over a 5-year contract duration.)
- 9. Waived the second reading and adopted Ordinance No. 1483 for a Categorical Exemption and Zone Text Amendment to modify El Segundo Municipal Code (ESMC) regulations regarding the definition of "Setback" located in ESMC §15-1-6 and corrections to the table entitled "Drive Aisle Width and Parking Space Depth" located in ESMC §15-15-5(N)(1). Applicant: City Initiated. (Fiscal Impact: None)
- 10. Authorized the City Manager to enter into a Professional Service Agreement No. 4496 with Digital Health Department, Inc. for the purchase of data management software to be used by the Fire Department in coordination with the California Environmental Reporting System (CERS). (Fiscal Impact: \$35,000.00)

#### 11. PULLED BY COUNCIL MEMBER FUENTES

12. Adopted Resolution No. 4851 updating the employer's contribution under the Public Employees' Medical and Hospital Care Act for the El Segundo Firefighters' Association and Resolution No. 4850 for the El Segundo Police Officers' Association.

(Fiscal Impact: Active Employees: Estimated Savings FY 2013/2014 of \$15,300.00; Retires: Estimated Savings FY 2013/2014 of \$6,500.00)

13. Adopted policy changes to the City's Residential Sound Insulation (RSI) Program.

(Fiscal Impact: None)

14. Authorized the City Clerk to file the City's Planning and Building Safety Director's Notice of Completion in the County Recorder's Office and authorized the City Manager, or designee, to record the Notice of Completion of work for 24 homes related to the City's Residential Sound Insulation Program's Group 49 (Project No. RSI 13-02).

(Fiscal Impact: \$876,463.89 less liquidated damages)

15. Approved an Agreement No.4510 between the City of El Segundo and Southern California Edison (SCE) to implement El Segundo's Energy Efficiency Strategic Planning Activities Phase 3.

(Fiscal Impact: \$111,250 receipt of grant fund award)

16. Adopted Resolution No. 4846 approving the new City of El Segundo Emergency Operations Plan.

(Fiscal Impact: None)

MOTION by Council Member Fellhauer, SECONDED by Council Member Atkinson to approve Consent Agenda items 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15 and 16. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

#### PULLED ITEM:

11. Consideration and possible action regarding 1) adoption of resolutions calling for, requesting Los Angeles County services and adopting regulations for candidate statements for the General Municipal Election, April 8, 2014; 2) approval of a standard professional services agreement with Martin & Chapman Co. for election support and services.

(Fiscal Impact: \$69,200.00)

MOTION by Council Member Atkinson, SECONDED by Council Member Fellhauer to adopt Resolution No. 4847, calling General Municipal Election on April 8, 2014 with revision of the wording from "Vote for Two" to "Vote for No More than Two", Resolution No. 4848 requesting Los Angeles County services for the April 8, 2014 General Municipal Election, Resolution No. 4849 adopting regulations for candidate statements, and approve a standard Professional Services Agreement No. 4811 with Martin & Chapman Co. for election support and services.

#### F. NEW BUSINESS

17. Consideration and possible action to authorize the Mayor to execute a letter in response to a "cease and desist" letter received on October 1, 2013 and October 17, 2013 from Debra Geist alleging various violations of the Ralph M. Brown Act relating to City's negotiations to lease out a portion of "the Lakes". (Fiscal Impact: None)

MOTION by Council Member Fuentes, SECONDED by Fellhauer to authorize the Mayor to execute a letter in response to a "cease and desist" letter received on October 1, 2013 and October 17, 2013 from Debra Geist alleging various violations of the Ralph M. Brown Act relating to City's negotiations to lease out a portion of "the Lakes". MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

REPORTS - CITY MANAGER - None

REPORTS - CITY ATTORNEY - None

REPORTS - CITY CLERK - None

REPORTS - CITY TREASURER - None

REPORTS - CITY COUNCIL MEMBERS

Council Member Fellhauer - None

Council Member Atkinson - None

Council Member Fuentes – Thanked the staff for a successful Halloween Frolics, attended Salute the Military, attended Robotics competition at St. Anthony's and Thursday is the Mattel Chamber Mixer, Eddy Awards next week.

Mayor Pro Tem Jacobson - None

Mayor Fisher – LADC runner up this year, thanked the Sons of the Revolution for honoring the City of El Segundo.

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**Brian Lewis**, El Segundo resident, stressed to the Council to maintain the Junior Golf programs with Top Golf facility.

**Ann Marie Gunderman**, El Segundo resident, concerned with the traffic elements that Top Golf may bring to the community.

**Mike Dugan**, El Segundo resident, feels the financial analysis are incorrect. **Joseph Esquivel**, El Segundo resident, concerned with the Top Golf decision.

**Cynthia Cohen**, Manhattan Beach resident, proud of all who contributed to the Top Golf item. Ms. Cohen is also concerned with the height of the facility and young children at the facility.

**Duane Kelly**, El Segundo resident, concerned with prices for the Golf course portion at Top Golf facility.

Mike Robbins, El Segundo resident, concerned with Top Golf coming into our community.

**Robert Korran**, El Segundo resident, urged the Council to take the due diligence process seriously in the Top Golf process.

Council addressed questions asked during Public Communication.

Council discussion

MEMORIALS - William (Bill) Marvin Glickman

ADJOURNMENT at 12:33 AM

Tracy Weaver, City Clerk