

MINUTES OF THE REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 21, 2005 – 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 5:00 p.m.

ROLL CALL

Mayor McDowell	-	Present
Mayor Pro Tem Gaines	-	Present
Council Member Boulgarides	-	Present – Arrived at 5:45 p.m.
Council Member Busch	-	Present
Council Member Jacobson	-	Present

City Attorney Mark Hensley announced that Council would be meeting in closed session pursuant to items identified on the agenda.

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)) – 8 matters

City of El Segundo v. City of Los Angeles, et. al., LASC No. BS094279
Re Variance Application of: City of Los Angeles, Department of Airports for Los Angeles International Airports;

1. Department of Transportation, State of California, Case No. 2009060244
2. City of El Segundo v. 2221 Park Place, LASC Case No. BC319034
3. City of El Segundo v. CTF2 Alaska, LASC Case No. BC319033
4. Yeaton v. City of El Segundo, LASC Case No. BS096351
5. Chen v. City of El Segundo LASC Case No. YC049424
6. Bressi v. City of El Segundo, LASC Case Nos. BC288293 and 288292
7. Ward v. City of El Segundo LASC Case No. BC325247

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -0- potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): -2- matters.

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

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

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

Council moved to open session at p.m.

SPECIAL MATTERS – 6:00 P.M.

1. Interview of candidates for City Boards, Committees and Commission regarding Senior Citizen Housing Corporation Board and Planning Commission and potential appointment of members to the Boards, Committees and Commissions. Interview will commence at approximately 6:00 p.m. and will be held in the West Conference Room and are open to the public.

Council consensus to appoint Carol Wingate and Edna Freeman to the Senior Citizen Housing Corporation Board for full terms, expiring 6/30/09 and Marie Caron Fellhauer to the Planning Commission for a full term expiring 6/30/09. The interviews for the Library Board of Trustees and Investment Advisory Committee will be scheduled for 6:00 p.m., July 19, 2005, and the current positions on these two committees are extended until July 19th or until filled, whichever first occurs. Recruitment continues for positions on remaining CCBs: El Segundo Community Cable Advisory Committee and Capital Improvement Program Advisory Committee and interviews will be scheduled for October or November, 2005.

Council recessed at 6:55 p.m.

MINUTES OF THE REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JUNE 21, 2005 - 7:00 P.M.

7:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 7:00 p.m.

INVOCATION – Pastor Rich Reid of El Segundo Christian Church

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson

PRESENTATIONS –

Council presented Commendations to the ESHS Baseball Team and Coaches, winners of the CIF Division IV Championship game.

Players: Taylor Adlam, Gilbert Camacho, Albert Diaz, Robi Estrada, Tyson Hawley, Mitch Krug, Rey Lopez, Ryan Lopez, Austin Meick, Tyler Moon, Michael Quinones Michael Rice, Patrick Rooney, Patrick Shrum, Luis Vizaino

Coaches: John Stevenson, Bill Erickson, Craig Cousins, Gregg McMullin, Jack Cassette, Chuck Shaffer, Tim Richardson

ROLL CALL

Mayor McDowell	-	Present
Mayor Pro Tem Gaines	-	Present
Council Member Boulgarides	-	Present
Council Member Busch	-	Present
Council Member Jacobson	-	Present

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.

El Segundo Boy Scout representatives, spoke regarding item 12, Pacifica District Cub Scout Soap Box Derby, and requested Council support.

Heidi Maerker, El Segundo Herald, spoke regarding item 17 and apologized for missing the publication of two City legal notices recently. Also spoke regarding the Herald's back-up plan to ensure that this oversight did not happen again.

Alan Mackenzie, Plaza El Segundo, spoke in favor of the Douglas Street Gap Closure Project.

Leonard Blakesley, Sr. Vice President Continental Development, spoke in support of the Douglas Street Gap Closure Project.

Brad Millward, South Bay Masonic Lodge, spoke regarding item 10 and asked for Council support.

Bill Mason, member of the Chamber and business community, spoke in support of the Douglas Street Gap Closure Project.

A. PROCEDURAL MOTIONS

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

MOVED by Council Member Boulgarides, SECONDED Mayor Pro Tem Gaines read all ordinances and resolutions on the Agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

B. SPECIAL ORDERS OF BUSINESS

UNFINISHED BUSINESS

1. Consideration and possible action with regard to the following items relating to the Douglas Street Gap Closure/Railroad Grade Separation Project ("Project" PW 05-06) Approved Capital Improvement Project: adopt a resolution authorizing execution of a lease agreement to secure California State Infrastructure Bank funds; approval of a Program Supplement for MTA Grant funding; appropriation of funds; and award of a construction contract to Sema Construction, Inc. (Fiscal Impact: \$21,162,928)

Jeff Stewart, City Manager Designee, gave a brief history and overview.

Steve Finton, City Engineer, gave a report.

MOVED by Mayor Pro Tem Gaines, SECONDED by Council Member Boulgarides to:

California Infrastructure Bank –

(1) Adopt Resolution No. 4426 authorizing the Mayor to execute Facility and Site Lease Agreements with the California State Infrastructure and Economic Development Bank (California Infrastructure Bank) for the potential financing of the Project;

Caltrans Program Supplement for MTA Grant Funding –

(2) Approve Program Supplement Agreement No. M003 to the Master State-Agency Agreement to set the terms and conditions for the receipt of MTA grant funds in the amount of \$9,233,000 for the Project;

(3) Authorize the City Manager to execute Program Supplement Agreement No. M003 on behalf of the City;

Appropriations –

(4) Appropriate Transportation Community System Preservation (TCSP) Funds in the amount of \$937,433 for the Project;

(5) Appropriate Federal Transit Administration (FTA) grant funds in the amount of \$2,079,661 for the Project;

(6) Appropriate MTA grant funds in the amount of \$9,233,000 for the Project;

(7) Appropriate Proposition C 25% funds in the amount of \$500,000 for the Project;

(8) Appropriate Surface Transportation Program Local TEA-21 (STPL) Funds in the amount of \$500,000 for the Project;

(9) Appropriate CIP savings in the amount of \$111,698 for the Project;

Appropriations for Contingency Funding –

(10) Appropriate California Infrastructure Bank funding in the amount of \$10,000,000 and Transportation Equity Act for the 21st Century (TEA-21 Demonstration Funds) funding in the amount of \$4,000,000 upon outside agency approval of these funds.

MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council Member Busch left the dais due to a potential conflict of interest with regard to the location of his residence, regarding Capital Improvement Contingency Funding and the use Community Center funds.

MOVED by Mayor Pro Tem Gaines, SECONDED by Council Member Boulgarides to:

(11) Appropriate all or a portion of the following funds, in the order listed, as needed in the event that California Infrastructure Bank funding and/or TEA-21 Demonstration Funds are not available for the Project: Water Enterprise Funds in the amount of \$270,000, General Funds (CIP Savings) in the amount of \$1,248, 652, Traffic Mitigation funds in the amount of \$1,831,898, Proposition C funds in the amount of \$600,000, Gas Tax Funds in the amount of \$215,000 from funds currently appropriated to the five-Year Street Reconstruction Project, General Funds in the amount of \$152,100 from funds currently appropriated in the Downtown Specific Plan, General Funds in the amount of \$819,900 from the funds currently appropriated to the City Hall Remodel Project, General Funds in the amount of \$5,945,500 from funds currently appropriated to the Community Center Project General Funds in the amount of \$675,750 from funds currently appropriated to the Aquatics Master Plan, General Funds in the amount of \$2241,300 from funds currently appropriated to the Fire Station No. 2 Project (all totaling \$14,000,000).

MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council Member Busch returned to the dais.

MOVED by Mayor Pro Tem Gaines, SECONDED by Council Member Busch to:

Award of Construction Contract –

(11) Award a construction Contract No. 3391 to Sema Construction, Inc. in the amount of \$19,239,025 for construction of the Project (PW 05-06);

(12) Authorize a 10% contingency for said contract in the amount of \$1,923,903;

(13) Authorize the City Manager to execute the contract on behalf of the City.

MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

D. REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS

2. Consideration and possible action regarding the announcement of the appointments of candidates to the following Committees, Commissions and Boards (CCBs): Senior Citizen Housing Corporation Board and the Planning Commission.

Mayor McDowell announced the appointment of Carol Wingate and Edna Freeman to the Senior Citizen Housing Corporation Board for full terms, expiring 6/30/09 and Marie Caron Fellhauer to the Planning Commission for a full term expiring 6/30/09. The interviews for the Library Board of Trustees and Investment Advisory Committee will be scheduled for 6:00 p.m., July 19, 2005, and the current positions on these two committees are extended until July 19th or until filled, whichever first occurs. Recruitment continues for positions on remaining CCBs: El Segundo Community Cable Advisory Committee and Capital Improvement Program Advisory Committee and interviews will be scheduled for October or November, 2005.

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.

3. Approved Warrant Numbers 2547693 on Register No. 2547930 in the total amount of \$649,698.96 and Wire Transfers from 5/27/2005 through 6/9/2005 in the total amount of \$1,552,056.01. 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.
4. Approved City Council Meeting Minutes of June 7, 2005 and Special City Council Meeting Minutes of May 20, 2005.

5. ITEM TABLED BY THE CITY MANAGER DESIGNEE UNTIL THE NEXT COUNCIL MEETING.
6. Accepted the work as complete for the project for the City Library Interior Modifications (111 West Mariposa Avenue) – PW 03-09 the work as complete; Approved Change Order No. 1 in the amount of \$24,329.25; Approved an appropriation in the amount of \$16,493 from Developer Funds deposited for the Library; Authorized the City Clerk to file a Notice of Completion in the County Recorder's Office. (Final Contract Amount: \$188,129.25)
7. Awarded Contract No. 3392 to S&L Specialty Contracting Inc. for construction related to the Residential Sound Insulation Program's Group 6 (38 residences). (Estimated construction cost and retention - \$1,226,500) Authorized the City manager to execute a construction contract in a form approved by the City Attorney.
8. Approved the purchase order with John E. Phillips Plumbing and Heating, Inc. for emergency replacement of leaking hot water boilers at the Park Vista Senior Apartments at 615 East Holly Avenue. (Fiscal Impact: \$16,500)
9. Approved request of the El Segundo Rotary Club to waive fees for city services associated with Movie in the Park. (Fiscal Impact: \$200)
10. PULLED FOR DISCUSSION BY COUNCIL MEMBER BOULGARIDES
11. Approved request and Special Event Permit of the El Segundo Police Officers Association for City Council's approval and support to close off the 100 to 600 blocks of Main Street for the Annual Car Show to be held on August 27, 2005 from 6:00 a.m. to 6:00 p.m. (Fiscal Impact: \$300)
12. Approved the waiver of fees for city services associated with the Pacifica District Cub Scout Soap Box Derby. (Fiscal Impact: \$2,334)
13. PULLED FOR DISCUSSION BY MAYOR PRO TEM GAINES
14. Waived the formal bidding process pursuant to El Segundo Municipal Code Sec. 1-7-10 and approve the City's use of competitively solicited U.S. Communities Contract #O5Z00801. Authorized the issuance of a purchase order for 16 Vecta (manufacturer) Train computer tables through Tangram Interiors (authorized distributor and installers) in an amount not to exceed \$26,600.
15. Authorized the City Manager to sign a Designation of Applicant's Agent Resolution No. 4427 for the purpose of obtaining federal and state assistance under Public Law 93-288 as amended, under the Robert T. Stafford Disaster Relief Act and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act. (Fiscal Impact: None) Designate the City Manager or Fire Chief or Emergency Services Coordinator as the city's designated agents to file claims for reimbursement with state and federal authorities.

MOVED by Council Member Carl Jacobson, SECONDED by Jim Boulgarides to approve Consent Agenda Items 3, 4, 6, 7, 8, 9, 11, 12, 14, 15. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0 MAYOR PRO TEM GAINES ABSTAINING ON ITEM 4 SPECIAL MEETING MINUTES OF MAY 20, 2005 AS HE WAS ABSENT FROM THE MEETING.

CALL ITEMS FROM CONSENT AGENDA

10. Consideration and possible action regarding a special permit, per Municipal Code, Section 8-8-7(D) (2), the waiver of fees for city services associated with the South Bay Masonic Lodge's request for the city's co-sponsorship in the first Constitution Observance Day Festival to be held September 11, 2005 from 10:00 a.m. until 6:00 p.m. (Fiscal Impact: \$2,080)

Council consensus to have staff work with the South Bay Masonic Lodge to come up with an alternate plan that does not interfere with the present City 911 observance.

13. Consideration and possible action regarding adoption of the National Initiatives; National Incident Management System (NIMS) and National Response Plan (NRP). These systems provide guidelines for local, regional and national coordination of major disasters. (Fiscal Impact: None)

Fire Chief Angelo gave a report and responded to Council questions.

MOVED by Mayor Pro Tem Gaines, SECONDED by Council Member Busch to adopt Resolution No. 4428 adopting the National Initiatives; National Incident Management System (NIMS) and National Response Plan (NRP). MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

G. REPORTS – CITY MANAGER – NONE

H. REPORTS – CITY ATTORNEY – NONE

I. REPORTS – CITY CLERK

16. Consideration and possible action regarding cancellation of the July 5, 2005 City Council Meeting.

MOVED by Mayor Pro Tem Gaines, and SECONDED by Council Member Boulgarides to cancel the July 5, 2005 City Council Meeting. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

J. REPORTS – CITY TREASURER – Congratulated Mary Strenn on her retirement.

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Boulgarides – Reported on the Beauty and the Beach Clean Up on July 16th. Thanked Mary Strenn for her guidance and leadership.

Council Member Busch – Reported on the upcoming July 4th event at the Recreation Park.

Council Member Jacobson –

17. Consideration and possible action directing staff to research and present alternative public notice procedures pertaining to issues and items requiring published legal notices.

Council consensus to direct staff to research available alternative procedures regarding public legal notices.

Mayor Pro Tem Gaines – NONE

Mayor McDowell –

18. Consideration and possible action to amend the City's agreement with Cassidy & Associates and increase the contract by an amount not to exceed \$1,700/month through September 30, 2005 to represent the City's interests regarding the LAAFB and the BRAC process in lieu of paying annual dues to the Los Angeles Air Force Base Regional Alliance. (Fiscal Impact: \$5,100).

Jeff Stewart, City Manager Designee, gave a report.

MOVED by Mayor McDowell, SECONDED by Council Member Boulgarides to approve Amendment #1 to the City's current Agreement No. 3381 with Cassidy & Associates. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

19. Consideration and possible action regarding a resolution appointing a new delegate to the South Bay Cities Council of Governments (SBCCOG).

MOVED by Mayor Pro Tem Gaines SECONDED by Council Member Jacobson to approve appointment of Council Member Busch as the new delegate to the SBCCOG and adopt Resolution No. appointing one delegate and one alternate to the South Bay Cities Council of Governments. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

20. Consideration and possible action to support AB556 (Gordon) which seeks to codify regulations regarding airport noise standard and procedures for obtaining and renewing airport noises variances.

MOVED by Mayor McDowell, SECONDED by Council Member Busch to approve the attached list of proposed amendments to the bill and authorize the Mayor to send a letter supporting the amended version of AB556. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mayor McDowell congratulated Mary Strenn on her retirement. Welcomed the City Manager Designee Jeff Stewart.

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Gail Church, Tree Muskateers, spoke regarding the next fiscal year tree budget.

MEMORIALS – Bob Tobiason, husband of Mona Tobiason, long time resident and city employee.

CLOSED SESSION - NONE

ADJOURNMENT - at 8:18 p.m.

Cathy Domann, Deputy City Clerk