REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MARCH 15, 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 - arrived at 5:05 p.m.
Council Member Boulgarides	-	Present
Council Member Busch	-	Present - arrived at 5:03 p.m.
Council Member Jacobson	-	Present

City Attorney Mark Hensley announced that Council would be meeting in closed session pursuant to items identified on the agenda and that 54956.9(b) item is a threat of litigation regarding 916 Sheldon Street.

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.*

SPECIAL ORDERS OF BUSINESS:

MOVED by Mayor McDowell, SECONDED by Council Member Jacobson to table negotiations for the Management/Confidential Employee Group (which includes all City employees that are not members of collective bargaining units. MOTION PASSED BY UNANIMOUS VOICE VOTE. 3/0 Mayor Pro Tem Gaines and Council Member Busch not in Chambers during the vote.

City Attorney Mark Hensley therefore stated Council would not be meeting in closed session regarding negotiations.

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)) – 3 matters
City of El Segundo v. City of Los Angeles, et. al. LASC No. BS094279
Michael Ward v. City of El Segundo, et. al., LASC No. BC325247
Bryan Ezell v. City of El Segundo, WCAB Case No. MON0302193

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to Government Code §54956.9(b): -1- potential cases (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) – 1 matter
Public Employment (position to be filled)
Title: City Manager

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

SPECIAL MATTERS - 0 matter

Council moved to open session at 6:55 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MARCH 15, 2005 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Bishop Michael Briney of the Church of Jesus Christ of Latter Day Saints

PLEDGE OF ALLEGIANCE – Mayor Pro Tem John Gaines

PRESENTATIONS –

(a) Council Member Boulgarides presented Commendations to Joe Harding, Donn Cottom, Marisa Vega, Michael Herbach, Melissa Champagne and Davida Hagan for running the LA Marathon while raising monies on behalf of Rotary International's effort to eradicate polio worldwide by the year 2005.

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.*

MOVED by Council Member Boulgarides, SECONDED by Council Member Busch to request the Council allow the public to address the Campaign Finance issue separately. MOTION PASSED BY THE FOLLOWING VOICE VOTE. AYES: BOULGARIDES, JACOBSON AND BUSCH. NOES: MAYOR MCDOWELL AND MAYOR PRO TEM GAINES. 3/2

Liz Garnholz, resident, spoke regarding the monies being spent on light pole banners stating she felt the funds should be appropriated differently, and questioned the funding for a Senior Planner. She also spoke about restricted public speaking.

Richard Arabian, resident, spoke regarding the water billing and the waste water charges.

A. PROCEDURAL MOTIONS

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

MOVED by Council Member Jacobson, SECONDED by Council Member Busch to read all ordinances and resolutions on the Agenda by title only. MOTION PASSED BY UNANIMOUS VOICE VOTE. 50

B. SPECIAL ORDERS OF BUSINESS

1. Consideration and possible action (Public Hearing) regarding a Conditional Use Permit and Development Agreement for a new private High School ("Vistamar School") to occupy an existing 75,640 square-foot building at 737 Hawaii Street in the Light Industrial (M-1) Zone.

Mayor McDowell stated this is the time and place hereto fixed for a public regarding a Conditional Use Permit and Development Agreement for a new private High School ("Vistamar School") to occupy an existing 75,640 square-foot building at 737 Hawaii Street in the Light Industrial (M-1) Zone. City Clerk Mortesen stated that proper notice was completed and one communication had been received in the City Clerk's Office.

Seimone Jurjis, Planning and Building Safety Director, gave a report.

Applicant: Romayne Levee, Chairman of the Board of Trustees for Vistamar School gave a brief report.

Bernadette Minton, resident, supported the Vistamar School.

Joanne Kinetta, Member of the Wiseburn School Board, supported the Vistamar School.

Matthew Wonder, Principal of Dana Middle School, supported the Vistamar School.

Nick Wesley, Western Regional President of USI, supported the Vistamar School.

Mike Rotolo, resident, supported the Vistamar School.

Brian McClinski supported the Vistamar School.

Cindy Schmidt, Hermosa Beach resident, Board of Trustees, Vistamar School, supported Vistamar School.

Don Brann, resident, supported the Vistamar School.

Cindy Topar, resident, expressed concern with the possibility of the Vistamar School taking corporate funding away from the local public schools and threatening the El Segundo School District.

Kitty Crowley, resident, concerned with pedestrian traffic.

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

City Attorney, Mark Hensley, read changes on page 3, 5.1.3 second sentence, deletion of "development fees", page 4, 5.5.1 deletion of the word "fees" in the next to last sentence, and page 5 6.2 Development Fees addition of the sentence "or such other development fees or amounts as set by the City Council from time to time" to the Development Agreement into the record.

Council Member Jacobson requested an additional condition be added to the CUP restricting school use of the city recreational facilities and not granted special permission by virtue of being a "school".

City Attorney Mark Hensley proposed two options.

MOVED by Mayor McDowell SECONDED by Mayor ProTem Gaines to approve Condition of Approval #40, Vistamar School and it's students shall be subject to the same rules and regulations relating to the use of El Segundo recreation & parks facilities applicable to all other individuals and groups with respect to the right to utilize such facilities. MOTION PASSED BY THE FOLLOWING VOICE VOTE; AYES; MCDOWELL, GAINES, BUSCH, JACOBSON. NOES: BOULGARIDES 4/1/0

Mark Hensley, City Attorney, read the following:

RESOLUTION NO. 4416

A RESOLUTION OF THE EL SEGUNDO CITY COUNCIL APPROVING ENVIRONMENTAL ASSESSMENT NO. 656 AND CONDITIONAL USE PERMIT NO. 04-6 TO ESTABLISH A PRIVATE HIGH SCHOOL AT 737 HAWAII STREET.

MOVED by Mayor McDowell, SECONDED by Mayor ProTem Gaines to adopt Resolution No. 4416 approving Environmental Assessment No. 656 and Conditional Use Permit No. 04-6 to establish a private high school at 737 Hawaii Street. MOTION PASSED BY THE FOLLOWING VOICE VOTE; AYES: MCDOWELL, GAINES, BUSCH AND JACOBSON. NOES: BOULGARIDES. 4/1/0

Mark Hensley, City Attorney, read the following:

ORDINANCE NO. 1383

AN ORDINANCE REGARDING AN APPLICATION FROM VISTAMAR SCHOOL APPROVING DEVELOPMENT AGREEMENT NO. 04-1 TO ESTABLISH A PRIVATE HIGH SCHOOL AT 737 HAWAII STREET.

Mayor McDowell introduced the ordinance with amendments to the Development Agreement.

C. UNFINISHED BUSINESS

2. Consideration and possible action regarding the Council Ad Hoc Subcommittee's recommendation to amend Title 1, Chapter 9- "Campaign Contributions and Disclosures", of the El Segundo Municipal Code ("ESMC") with regard to campaign finance regulations.

Liz Garnholz, resident, requested clarification of the options. She would like to see a maximum donation set, and restriction on anonymous donations to be raised to a $99.99. She further stated she would like to see out of town donations and corporate donations restricted.

Mark Hensley, City Attorney, gave a brief report.

Council Member Jacobson requested discussion of a new sign ordinance be agendized under his name for the April 5, 2005 meeting.

Mark Hensley, City Attorney, read the following:

ORDINANCE NO. 1384

AN ORDINANCE AMENDING CHAPTER 9 IN TITLE 1 OF THE EL SEGUNDO MUNICIPAL CODE ENTITLED "CAMPAIGN CONTRIBUTIONS."

Council Member Boulgarides introduced the ordinance.

3. Consideration and possible action regarding a status report on the implementation of the water/wastewater billing rates approved by the City Council on August 31, 2004. (Fiscal Impact: None)

Jeff Stewart, Assistant City Manager, gave a report.

Council consensus to receive and file report.

4. Consideration and possible action to retain Shannon David Design to complete both the Business Recruitment Campaign and the Sepulveda Boulevard Light Pole Banner projects. (Fiscal Impact: $125,000).

MOVED by Council Member Busch, SECONDED by Mayor ProTem Gaines to accept the recommendation of the Economic Development Advisory Council to retain Shannon David Design to complete both the Business Recruitment Campaign ($90,000) and the Light Pole Banner project ($35,000) and authorize the City Manager to execute Contract No. 3454 in a form approved by the City Attorney. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

D. REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS

5. Consideration and possible action regarding naming of the four (4) new El Segundo Public Library Meeting Rooms. (Fiscal Impact: None)

Debra Brighton, Library Director, gave a report.

MOVED by Council Member Jacobson, to approve the following names for the four new Library meeting rooms: a) Parkview East; b) Parkview West; c) Jack London Room; and d) Agatha Christie Room.

Mayor McDowell suggested this item be brought back with new names for the Parkview rooms that reflects El Segundo history.

Council Member Jacobson withdrew his motion.

MOVED by Council Member Boulgarides, SECONDED by Council Member Busch to approve the following names for the four new Library meeting rooms: a) Parkview East; b) Parkview West; c) Jack London Room; and d) Agatha Christie Room. MOTION FAILED BY THE FOLLOWING VOICE VOTE. AYES: BOULGARIDES AND BUSCH. NOES: MCDOWELL, GAINES AND JACOBSON. 2/3

Council consensus to have Library Board of Trustees and Recreation and Parks Commission re-evaluate the name suggestions, and bring back a number of recommendations.

6. Consideration and possible action regarding a request from the City Council Golf Sub-committee to use the funds from the refinancing of the golf course bonds, $526,200, to purchase several capital items that are needed at the Golf Course. (Fiscal Impact: $526,200).

Stacia Mancini, Director of Recreation and Parks, gave a report.

MOVED by Council Member Jacobson, SECONDED by Mayor ProTem Gaines to approve Public Works staff to go out to bid to replace the 40-oz artificial turf on the driving range at the Lakes Golf Course – (Estimated Cost: $258,760). Direct staff to include alternate weight of 20-oz artificial turf as a bid option – (Estimated Cost: $190,000); (2) Approve Public Works staff to go out to bid to add additional 90-ft high netting across the back of the driving range – (Estimated Cost: $64,200); (3) Approve Public Works staff to go out to bid to replace the existing tee boxes on the golf course – (Estimated Cost: $91,869). MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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 2546112 to 2546353 on Register No. 11 in the total amount of $734,525.76 and Wire Transfers from 2/18/2005 through 3/3/2005 in the total amount of $713,415.67. 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 City Council Meeting Minutes of March 1, 2005.

9. Adopted Resolution No. 4417 denying Environmental Assessment No. 636, Subdivision No. 04-02 (Vesting Tentative Tract Map 60995), and Variance No. 04-01 for converting an existing 35-unit apartment complex to condominiums at 910 E. Grand Avenue ("Project").

10. Adopted Ordinance No. 1382 for Zone Change Nos. 03-2 and 03-3, Zone Text Amendment No. 04-1, and Subdivision No. 03-7 for the Sepulveda/Rosecrans Site Rezoning Reduced Traffic Generation Alternative and Plaza El Segundo Development Reduced Traffic Generation Alternative, and Development Agreement No. 03-1 for the Plaza El Segundo Development Reduced Traffic Generation Alternative. Approved land use entitlements, including Development Agreement No. 3455 for a proposed shopping center development project located on 43.3 acres within the Sepulveda/Rosecrans Site Rezoning area ("Plaza El Segundo project").

11. Authorized Professional Services Agreement No. 3456 with Willdan Associates for providing an interim Senior Planner to replace the recent vacancy of the position. (Fiscal Impact: $72,000). Authorized the City Manager to execute the agreement in a form approved by the City Attorney.

12. Received and filed status report on the Douglas Street Gap Closure Project. (Fiscal Impact: None)

13. Accepted the project as complete for the Underground Fuel Storage System Repairs – Project No. PW 04-05 (Final Project Cost = $8,306.38). Authorized the City Clerk to file the City Engineer's Notice of Completion in the County Recorder's Office. Adopted plans and specifications for the Phase II Underground Fuel Storage System Repairs – Project No. PW 05-09 (Estimated Cost: $45,300.00). Authorized staff to advertise the project for receipt of bids.

14. Awarded Contract No. 3452 to Daphne Painting for the Clubhouse (located at 300 E. Pine St.) Interior Painting Project – Project No. PW 05-03 (Fiscal Impact: $16,000) and Contract No. 3453 to All-Area Plumbing for the Clubhouse Plumbing Refurbishment Project – Project No. PW 05-02. (Fiscal Impact: $15,000). Authorized the City Manager to execute the contracts on behalf of the City.

MOVED by Council Member Jacobson, SECONDED Council Member Busch to approve Consent Agenda Items 7, 8, 9, 10, 11, 12, 13 and 14. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0. Council Member Busch not participating on item number 14 due to the location of his residence.

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

G. REPORTS – CITY MANAGER – Announced the retirement of Jim Hanson, Director of Economic Development.

H. REPORTS – CITY ATTORNEY – NONE

I. REPORTS – CITY CLERK – NONE

J. REPORTS – CITY TREASURER – NONE

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Boulgarides – Announced the Run for Education this Saturday and the Junior ROTC competition. Requested a proclamation be sent supporting the ROTC event.

Council Member Busch – Spoke about the Trees to the Sea project.

Council Member Jacobson – NONE

Mayor Pro Tem Gaines – NONE

Mayor McDowell –

Council Member Jacobson left the dais at 9:30 P.M. due to a potential conflict on Item 15 regarding his interest in real property and regarding the location of his employer.

15. Consideration and possible action regarding staff conducting a public workshop for the study of potential planning/land use changes to the Smoky Hollow Specific Plan by the University of California-Irvine (UCI). (Fiscal Impact: None)

Council consensus to receive and file.

Council Member Jacobson returned to the dais at 9:32.

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.*

Peggy Tyrell, resident, spoke regarding campaign contributions and the FPPC investigation. She also commented on public communications and Hawthorne's meeting rules.

Bill Mason, El Segundo Rotary Club, announced the Chamber Mixer "March Madness", a major fundraiser for the Rotary Club, this Thursday at the Flight Path Learning Center.

Brian Crowley, resident, spoke regarding the meeting of March 1, 2005, and the El Segundo Plaza approval. He stated he was not pleased with the treatment of the representatives from Manhattan Beach.

George Hoop, resident, spoke regarding the Douglas Street Gap Closure Project.

Joe Brandon, resident, spoke regarding the Vistamar School Project.

CELEBRATIONS – The birth of Jake Michael Van Fossen, son of Jeff Van Fossen, the City's Recreation Supervisor and his wife, Amy.

CLOSED SESSION - NONE

ADJOURNMENT at 9:48 p.m.

_____
Cindy Mortesen, City Clerk