REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, DECEMBER 6, 2005 - 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER - Mayor Pro Tem Gaines at 5:00 p.m.

ROLL CALL

Mayor McDowell - Present arrived at 5: 02 p.m.

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

Mark Hensley, City Attorney, announced that Council would be meeting in closed session pursuant to items identified on the agenda and that 54956.9(b) items were threats of litigation regarding the Postell/White Claim No. 05-42.

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 Bressi v. City of El Segundo, LASC Case Nos. BC288293 and 288292 Tom Kennedy v. City of El Segundo, WCAB Case No. AHMO114150

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -2- 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) – 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): -1- matter Purchase of Real Property (Parcel Nos. 4138-004-016 (primary parcel), 4138-004-008 and 4138-004-015)

City Negotiator: Jeff Stewart, City Manager

Property Owner: Federal Express Corporation/Thomas Properties

SPECIAL MATTERS - 0 matter

Council recessed at 6:50 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, DECEMBER 6, 2005 - 7:00 P.M.

7:00 P.M. SESSION

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

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

INVOCATION - Chaplain, Captain Bradley Kimble of the Los Angeles Air Force Base

PLEDGE OF ALLEGIANCE – Council Member Eric Busch

PRESENTATIONS -

- (a) Council Member Jacobson presented a Proclamation to Susan Jones, El Segundo Lions Club, inviting the residents of El Segundo to warmly welcome the members of the El Segundo Sunshine Lions Club as they judge the 2005 Lighting Up the Community program and proclaiming December, 2005 the month for Lighting Up the Community.
- (b) Mayor Pro Tem Gaines presented a Proclamation to Julie Warner, Parade Chair, inviting the community to all the traditional El Segundo holiday events and proclaiming Sunday, December 11, 2005 as the 42nd Annual El Segundo Holiday Parade.
- (c) Council Member Boulgarides presented a Proclamation to Kevin Mortesen, Chair, in keeping with an annual holiday tradition in El Segundo, to symbolically change the name of the 1200 block of Acacia to Candy Cane Lane, in order to create a snow-covered Christmas Village for the period of December 10, 2005 at 7:00 pm through December 23, 2005.
- (a) Council Member Busch presented a commendation to presented to George Lochinski, El Segundo Police Department's RSVP of the Year for his invaluable contributions to the Retired Senior Volunteer Program.

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.

Liz Garnholz, resident, spoke regarding the LAX briefing, and asked if Shute and Mihaley would be available for questions after the presentation.

John McCarty, resident, spoke regarding the proposed LAX settlement agreement.

Juli Potter, resident, spoke regarding written communications from the R1 Special Joint Meeting.

Mike Stevens, Inglewood resident, spoke against negotiating with LAX to allow for runway expansion.

Linda Tarr, resident, requested the City notify the Metro System that Main Street would be closed on Sunday, December 11, 2005, for the Annual Holiday Parade.

Kitty Crowley, resident, spoke regarding item 8, Purchase and Sale Agreement with Thomas Properties for athletic fields and item 11, establishment of an ad hoc committee reviewing and commenting on the development of athletic fields on the Thomas Properties.

Peggy Tyrell, resident, spoke against going forward with the proposed LAX settlement agreement.

Mark Rener, resident, spoke regarding the Purchase and Sale Agreement with Thomas Properties for athletic fields.

Jeff Stewart, City Manager, stated that the MTA had been notified to re-route their bus lines on Sunday for the Holiday Parade.

A. PROCEDURAL MOTIONS

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

MOTION by Council Member Busch, SECONDED by Council Member Jacobson 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

(i) Presentation of a summary of the City of El Segundo's potential settlement with the City of Los Angeles and Los Angeles World Airports regarding the Los Angeles International Airport (LAX) Master Plan litigation.

Clem Schute and Olsa Wolff of Shute, Mihaly & Weinberger gave a presentation.

Council consensus to receive and file presentation.

Public Comment:

Allison Friedman, Jane Harmon's Office, congratulated Council and the Attorneys on the work they have done to produce this settlement.

Written Communication from Ruth Galenter, former LA City Council Member, was read by Mayor McDowell, stating her approval and compliments on the settlement.

Liz Garnholz, resident, spoke on the settlement agreement and the movement of the south runway, She stating there are no limitations on the distance the runway may be moved. She also spoke on the avigation easements.

Jan Cruickshank, resident, stated she did not agree with the settlement agreement and the trading the movement of the south runway for the RSI sound proofing funding.

Mike Steven, Inglewood resident, questioned the FAA requirement of moving the runway 55 feet when the width of a runway required is 200 feet and the existing runways are 150 feet.

Juli Potter, resident, spoke against the settlement agreement and stated she did not have confidence in LAX maintaining the agreement. She did not feel the City should accept the settlement.

Cecil Carp, Inglewood resident, stated she felt there were no new guarantees offered with this settlement. She also questioned the adoption procedure and requested an explanation of several of the "terms" used in the public handout.

Mark Rener, resident, spoke against the agreement and the representation of the firms and Counsel that negotiated the settlement.

Pat Smith, resident, spoke in favor of the agreement. He also stated that he felt it was a good deal and thanked Council and the City for working on this agreement.

Gail Church, resident, congratulated Council, and spoke in favor of the agreement.

Clem Schute and Olsa Wolff of Shute, Mihaly & Weinberger responded to questions raised by the public.

Council comments followed.

- C. UNFINISHED BUSINESS
- D. REPORTS OF COMMITTEES, BOARDS AND COMMISSIONS

1. Consideration and possible action regarding a presentation by the Senior Citizen Housing Corporation Board of the 2006 Budget.

Carol Wingate and Paula Rotolo gave a report.

MOTION by Council Member Boulgardies, SECONDED by Council Member Busch to approve the 2006 Budget for Senior Citizen Housing Corporation Board. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

2. Consideration and possible action regarding the positions on Committees, Commissions and Boards ("CCBs") that will expire in the year 2006.

MOTION by Council Member Boulgarides, SECONDED by Mayor ProTem Gaines to direct staff to open the recruitment process for the positions on the CCBs, as listed, beginning January, 2006. 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.

- 3. Approved Warrant Numbers 2550589 to 2550910 on Register No. 4 in the total amount of \$1,437,691.88 and Wire Transfers from 11/4/2005 through 11/23/2005 in the total amount of \$2,008,698.55. 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 November 15, 2005 and Special City Council Meeting Minutes of November 29, 2005.
- 5. Second reading by title only and adoption of an Ordinance 1389 adding a new Chapter 27A in the El Segundo Municipal Code called Development Impact Fees. (Fiscal Impact: None)
- 6. Adopted plans and specifications for the installation of the Americans with Disabilities Act (ADA) compliant Automatic Doors at the south side of the City Hall (entrance outside City Council Chambers) and on the north entrance of the Police Department. Project No. PW 05-13. CDGB Project No. 600803-05. (Fiscal Impact: None)
- 7. Accepted the work as complete for the Replacement of Water Lines 2003-2004, located at 600-1000 block of East Mariposa Avenue; 600-1000 block of East Maple Avenue; 600-700 block of Maryland Street and 600-700 block of Bungalow Drive. Project No. PW 04-06 Approved Capital Improvement Program. (Final contract amount: \$491,808) Authorized the City Clerk to file the City Engineer's Notice of Completion in the County Recorder's Office.

MOTION by Council Member Busch, SECONDED by Mayor ProTem Gaines to approve Consent Agenda Items 3, 4, 5, 6, and 7. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0. MAYOR PRO TEM GAINES NOT PARTICIPATING IN ITEM 4 AS HE WAS ABSENT FROM THE MEETING. COUNCIL MEMBERS BOULGARIDES AND JACOBSON NOT PARTICIPATING IN ITEM 7 DUE TO THE LOCATION OF THEIR RESIDENCES.

CALL ITEMS FROM CONSENT AGENDA

- F. NEW BUSINESS
- 8. Consideration and possible action regarding entering into a Purchase and Sale Agreement, opening escrow with Thomas Properties Group (TPG) and selecting Tempkin, Inc. as the appraiser, for the anticipated purchase of five acres of land located at the northeast corner of Mariposa Avenue and Nash Street (to be used for athletic fields) pursuant to the Development Agreement entered into between the City and TPG in January 2001. (Fiscal Impact: \$50,000 deposit into escrow, \$16,500 for appraisal).

City Attorney, Mark Hensley, gave a report.

MOTION by Council Member Busch, SECONDED by Mayor ProTem Gaines to authorize the Mayor to execute the Purchase and Sale Agreement No. 2976 D in the form approved by the City Attorney; Authorize the Mayor to execute Agreement No. 3551 in a form approved by the City Attorney for appraisal services with Tempkin, Inc.; Authorize staff to open escrow with Thomas Properties Group and deposit \$50,000 into the escrow account. MOTION PASSED BY THE FOLLOWING VOICE VOTE. AYES: MAYOR MCDOWELL, MAYOR PRO TEM GAINES, COUNCIL MEMBERS BUSCH AND BOULGARIDES; NOES: COUNCIL MEMBER JACOBSON. 4/1

9. Consideration and possible action to receive and file the Mayor's appointment of an additional member of the City Council to the City's Disaster Council and grant consent to the Director of Emergency Services' (City Manager) appointments to the Disaster Council. (Fiscal Impact: None)

MOTION by Mayor McDowell, SECONDED by Council Member Jacobson to received and file the Mayor's appointment of Mayor Pro Tem John Gaines to the City's Disaster Council; Granted consent of the Director of Emergency Services' appointment of the Superintendent of the El Segundo Unified School District, the Assistant City Manager, Police Chief, Fire Chief, and Public Works Director to the City Disaster Council. MOTION PASSED BY UNANIOUS VOICE VOTE. 5/0

- G. REPORTS CITY MANAGER Announced the award received by the Information Technology Division.
- H. REPORTS CITY ATTORNEY NONE
- I. REPORTS CITY CLERK

10. Consideration and possible action requesting Council consensus to cancel the January 3, 2006 City Council Meeting.

MOTION by Council Member Busch, SECONDED by Council Member Boulgarides to approve the cancellation of the January 3, 2006 City Council Meeting. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Announced the nomination period for the April 11, 2006 election.

- J. REPORTS CITY TREASURER NONE
- K. REPORTS CITY COUNCIL MEMBERS

Council Member Boulgarides – Announced the public meeting on R-1 Zone guidelines.

Council Member Busch -

11. Consideration and possible action to establish an ad hoc committee for the purpose of reviewing and commenting on the plans to develop athletic fields on the five acres located at the northeast intersection of Nash Street and Mariposa Avenue that the City is negotiating to acquire from the Thomas Properties Group. (Fiscal Impact: None)

Council consensus to establish an ad hoc committee to make recommendations with regard to the City's plans to develop athletic fields near the intersection of Nash Street and Mariposa Avenue and make the following appointments to the Committee: Council Member Busch, Council Member Boulgarides, two members of the Recreation and Parks Commission, representative from AYSO, Club Soccer and TPG, the City Manager and the Recreation and Parks Director. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council Member Jacobson – NONE

Mayor Pro Tem Gaines – Announced that Wednesday, December 14, a meeting of the Homeland Security Task Force will be held in the Communication Center.

Mayor McDowell – Announced the Christmas Tree lighting, Thursday, December 8, and the Holiday Parade, Sunday, December 11. Announced that John Gaines is receiving the Emergency Preparedness Award the Emergency Preparedness Commission.

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Cecil Carp, Inglewood resident, requested clarification of the formal adoption process for the LAX settlement agreement.

Mark Rener, resident, questioned the vote on agenda item number 8, the purchase of the athletic fields from Thomas Properties.

Juli Potter, resident, spoke regarding statements that she makes during Council meetings, and stated she verifies her statements through video taping.

Kitty Crowley, resident, requested clarification on who will use the new athletic fields.

Liz Garnholz, resident, spoke regarding the proposed settlement with LAX.

MEMORIALS – Gladys Knote, 105 year old resident. Robert Smith, El Segundo Rotarian.

CLOSED SESSION - NONE

ADJOURNMENT at 9:57 p.m.

Cindy Mortesen, City Clerk