REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, JANUARY 16, 2007 - 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 Busch - Present – arrived at 5:10 p.m.

Council Member Boulgarides - Present
Council Member Fisher - Present
Council Member Jacobson - 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.

Mike Hensley, City Attorney, announced that Council would be meeting in closed session pursuant to the posted 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)) – $\underline{3}$ matters

- 1. City of El Segundo v. 2221 Park Place, LASC Case No. BC319034
- 2. City of El Segundo vs. City of Los Angeles, et. al. LASC No. BS094279
- 3. Gilbreath v. El Segundo, LASC Case No. YC053692

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): <u>-1-</u> potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): <u>-0-</u> matter.

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

SPECIAL MATTERS: -0- matter

Council recessed at 6:55 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, JANUARY 16, 2007 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION - Pastor Dino Tumbuan of Saint John's Lutheran Church

PLEDGE OF ALLEGIANCE - Council Member Carl Jacobson

PRESENTATIONS -

- (a) Mayor McDowell presented a Proclamation to Mary Ann Runyan and Lila Hummel in commemoration of El Segundo's 90th Anniversary on January 18, 2007 to salute residents and businesses and invite the community to celebrate this occasion in a special ceremony at the City Hall Plaza and Farmer's Market on Thursday, January 18, 2007 at 5:30 p.m.
- (b) Mayor McDowell presented Commendations to the Recipients and Judges (the Loyal Order of Moose El Segundo Moose Lodge) of the 2006 Lighting Up the Community Program to the following Families:

The DeFrancesco Family The Ricarte Family The Hahn, Kim and Lee Family The Powell Family The Swanson Family The Knoll Family The Ollen Family The Stier Family The Maples Family The Roach Family The Kutil and Hayman Family The Gordon Family The Goodvear Family The Smith Famiov The Stevenson Family The Waters Family The Mortesen Family The Clagg Family The Eccles Family The Marak Family The Younger Family The Agee Family The Collings, DeGraff, and Underwood Families

The Smith Family

(c) Julie Warner, Chamber of Commerce, presented trophies to the 2006 Holiday Parade winners by the El Segundo Chamber of Commerce:

Best Decorated Vehicle - Children, Boy Scout Troop 762

Best Decorated Vehicle - Adult, El Segundo Kiwanis Club

Best Float - Other, Anne Ville

Best Musical – Elementary, El Segundo Elementary Band

Best Musical - High School, El Segundo High School

Best Performers - Children, Torrance Torrettes Dance & Drill Team

Best Performers, South Bay Coastliners

Dave Jones Award - Children, El Segundo Girl Scouts

Grand Marshal's Award, Vintage Military Vehicle Owners of O.C.

Most Original Entry, Hems Bakery Delivery Truck

ROLL CALL

Mayor McDowell - Present
Mayor Pro Tem Busch - Present
Council Member Boulgarides - Present
Council Member Fisher - 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.*

Katie Holmes, American Cancer Society, spoke regarding Item No 9, the upcoming American Cancer Society Relay for Life. Requested Council support.

A. PROCEDURAL MOTIONS

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

MOTION by Council Member Jacobson, SECONDED by Council Member Boulgarides 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

1. Consideration and possible action to conduct a public hearing regarding the possible amendment of the El Segundo Municipal Code to add a definition for "Museum"; add "Museums" as a conditionally permitted use in the Corporate Office (CO) Zone; and grant a Conditional Use Permit for a car museum located at 610 Lairport Street upon the effective date of the proposed Ordinance. (Fiscal Impact: None) Applicant: Earl Rubenstein

Mayor McDowell stated this is the time and place hereto fixed for a public hearing regarding the possible amendment of the El Segundo Municipal Code to add a definition for "Museum"; add "Museums" as a conditionally permitted use in the Corporate Office (CO) Zone; and grant a Conditional Use Permit for a car museum located at 610 Lairport Street upon the effective date of the proposed Ordinance. Clerk Mortesen stated that proper notice was completed and one written communication had been received by City Clerk's Office.

Gary Chicots, Interim Planning and Building Safety Director, gave a report. He noted for the record the following changes to the proposed Resolution's Conditions of Approval:

Item No. 9 changed to read: The middle driveway apron must be removed and replaced with sidewalk per Public Works Department specifications. The applicant may install a U-shaped driveway and passenger drop off zone along the front of the property between the north and south driveway approaches.

Item No. 30 changed to read: Replace existing sidewalk along the front length of the property with 6'-0" wide concrete sidewalk and 5'-0" wide landscaped parkway adjacent to the sidewalk.

Stanley Zimmerman, principal sponsor of the Automobile Museum, spoke in favor of the project. Requested an adjustment to the public service mitigation fees.

Toni Reina, Continental Development Corporation, spoke in favor of the project. Requested Council consider adding "Museum" as a permitted use in the Urban Mixed-Use South Zone.

MOTION by Council Member Jacobson, SECONDED by Council Member Fisher to close the Public Hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney, clarified the requirements of the Service Fee Ordinance and advised that fees should be imposed consistently on all projects.

Mark Hensley, City Attorney, read by title only:

RESOLUTION NO. 4500

A RESOLUTION OF THE CITY COUNCIL ADOPTING A NEGATIVE DECLARATION APPROVING ENVIRONMENTAL ASSESSMENT NO. 661 (EA-661) AND ZONE TEXT AMENDMENT NO. 06-03 AMENDING EL SEGUNDO MUNICIPAL CODE ("ESMC") § 15-1-6 TO ADD A NEW DEFINITION FOR "MUSEUM" AND TO AMEND ESMC § 15-5D-5 TO ADD "MUSEUMS" AS A CONDITIONALLY PERMITTED USE IN THE CORPORATE OFFICE (CO) ZONE.

Mark Hensley read the following changes to Resolution 4501, Conditions of Approval, into the record:

Service Fees

The following fees will be imposed consistent with and in accordance with the below identified sections of the ESMC and consistent with the manner in which the City has imposed such fees in the past.

- 12. Pursuant to ESMC §§ 15-27A-1, et seq., and before certificates of occupancy are issued, the applicant must pay a one-time library services mitigation fee.
- 13. Pursuant to ESMC §§ 15-27A-1, et seq., and before certificates of occupancy are issued, the applicant must pay a one-time fire services mitigation fee.
- 14. Pursuant to ESMC §§ 15-27A-1, et seq., and before certificates of occupancy are issued, the applicant must pay a one-time police services mitigation fee.
- 15. Pursuant to ESMC §§ 15-27A-1, et seq., and before the City issues certificates of occupancy, the applicant must pay the required traffic mitigation fees as calculated in accordance with City Council Resolution No. 4443.

RESOLUTION NO. 4501

A RESOLUTION OF THE CITY OF EL SEGUNDO APPROVING ENVIRONMENTAL ASSESSMENT NO. 661 (EA-661) AND CONDITIONAL USE PERMIT NO. 05-1 TO ALLOW THE OPERATION OF A MUSEUM IN THE CORPORATE OFFICE (CO) ZONE AT 610 LAIRPORT STREET.

MOTION by Council Member Jacobson, SECONDED by Council Member Boulgarides to adopt Resolution 4500 adopting a negative declaration approving Environmental Assessment No. 661 and Zone Text Amendment No. 06-03 amending El Segundo Municipal Code to add a new definition for "Museum" and to add "Museums" as a conditionally permitted use in the Corporate Office Zone and Resolution No. 4501 approving Environmental Assessment No. 661 and Conditional Use Permit No. 05-1 to allow for the operation of a Museum in the Corporate Office Zone at 610 Lairport Street. MOTION PASSED BY UNANNIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1405

AN ORDINANCE AMENDING EI SEGUNDO MUNICIPAL CODE ("ESMC") § 15-1-6
TO ADD A NEW DEFINITION FOR "MUSEUM" AND TO AMEND ESMC § 15-5D-5
TO ADD MUSEUMS AS A CONDITIONALLY PERMITTED USE IN THE
CORPORATE OFFICE (CO) ZONE, SUBJECT TO THE CONDITIONAL USE
PERMIT REQUIREMENTS IN ESMC CHAPTER 23. (ZTA NO. 06-03)

Council Member Boulgarides introduced the ordinance.

Second reading and adoption of Ordinance scheduled for Adjourned Regular Meeting scheduled for Monday, January 22, 2007.

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

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.

City Attorney Mark Hensley stated with regard to Item No. 7, at the award of contract on September 5, 2006 Mayor McDowell and Mayor Pro Tem Busch, due to the location of their residences, and Council Member Fisher due to the location of his business, had potential conflicts. In order to have a voting quorum, Council Member Fisher was selected by random draw to participate in the item. Therefore, the Mayor and Mayor Pro Tem would not be participating in Item No. 7 on this Agenda and need not leave the dais unless the item was pulled from the Consent Agenda. Council Member Fisher would be participating in the item.

- 2. Approved Warrant Numbers 2556985 to 2557240 on Register No. 6 in the total amount of \$1,479,338.33 and Wire Transfers from 12/8/2006 through 12/21/2006 in the total amount of \$1,839,536.44 and Warrant Numbers 2557241 to 2557362 on Register No. 7 in the total amount of \$367,310.22 and Wire Transfers from 12/21/2006 through 1/4/2007 in the total amount of \$527,629.79. 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.
- 3. Approved Regular City Council Meeting Minutes of December 19, 2006.
- 4. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON REQUESTED THE ORDINANCES BE TAKEN UP BY SEPARATE VOTE.

- 5. Approved the examination plan for the Personnel Merit System job classification of Fire Captain. (Fiscal Impact: None)
- 6. Approved Amendment to a Professional Services Agreement No. 3688 between JAS Pacific, Inc. and the City of El Segundo for building inspector services in conjunction with the Residential Sound Insulation (RSI) Program. (Fiscal Impact: None) Authorized the City Manager to sign the agreement approved as to form by the City Attorney.
- 7. Accepted the project to slurry seal streets in the area bounded by El Segundo Boulevard, Sepulveda Boulevard, Sheldon Street and Mariposa Avenue. Approved Capital Improvement Program Project No. PW 06-09 (Final contract amount: \$246,137.65). Authorized the City Clerk to file the City Engineer's Notice of Completion in the County Recorder's Office.
- 8. Waived the formal bidding process per the El Segundo Municipal Code Sec. 1-7-10 and authorized the Fire Department to purchase emergency food and water supplies designed to sustain City employees working at or in support of a disaster from More Prepared, LLC. (Fiscal Impact: \$19,650)
- 9. Approved a Special Event Permit per Municipal Code Sections 8-8-13 B and 8-8-16 from the American Cancer Society to hold a Relay for Life event at El Segundo High School and for a waiver of all City-related fees per Municipal Code Section 8-8-7 D 1. (Fiscal Impact: \$4,040)

MOTION by Council Member Jacobson, SECONDED by Mayor Pro Tem Busch to approve Consent Agenda Items 2, 3, 5, 6, 8 and 9. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0. MAYOR MCDOWELL AND MAYOR PRO TEM BUSCH NOT PARTICIPATING IN ITEM NO. 7 DUE TO POTENTIAL CONFLICTS.

CALL ITEMS FROM CONSENT AGENDA

4. Consideration and possible action regarding the adoption of Ordinances setting the City's water and wastewater rates for Fiscal year 2006-2007 through Fiscal Year 2009-2010 (Fiscal Impact: Approximately \$6.3M in increased water revenues through Fiscal Year 2009-2010 and approximately \$3M in increased wastewater revenues through Fiscal Year 2008-2009)

Mark Hensley, City Attorney read by title only:

ORDINANCE NO. 1403

AN ORDINANCE SETTING THE AMOUNT OF WATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE § 5471 AND EL SEGUNDO MUNICIPAL CODE § 11-1-5.

MOTION by Mayor Pro Tem Busch, SECONDED by Council Member Boulgarides to adopt Ordinance No. 1403, setting the amount of Water Rates and Charges pursuant to the Health and Safety Code § 5471 and El Segundo Municipal Code § 11-1-5. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney read by title only:

ORDINANCE NO. 1404

AN ORDINANCE SETTING THE AMOUNT OF WASTEWATER RATES AND CHARGES PURSUANT TO HEALTH AND SAFETY CODE § 5471 AND EL SEGUNDO MUNICIPAL CODE § 12-7-3.

MOTION by Council Member Boulgarides, SECONDED by Mayor McDowell to adopt Ordinance. 1404, setting the amount of Wastewater Rates and Charges Pursuant to Health and Safety Code § 5471 and El Segundo Municipal Code § 12-7-3. MOTION PASSED BY THE FOLLOWING VOICE VOTE: AYES: MAYOR MCDOWELL, MAYOR PRO TEM BUSCH, COUNCIL MEMBERS BOULGARIDES AND FISHER; NOES: COUNCIL MEMBER JACOBSON. 4/1

- F. NEW BUSINESS
- G. REPORTS CITY MANAGER Announced the appointment of Jeff Robinson, Emergency Services Coordinator for the City.
- H. REPORTS CITY ATTORNEY NONE
- I. REPORTS CITY CLERK NONE
- J. REPORTS CITY TREASURER NONE
- K. REPORTS CITY COUNCIL MEMBERS

Council Member Fisher – NONE

Council Member Jacobson – Wished the City a Happy 90th Birthday.

Council Member Boulgarides -

 Consideration and possible action to receive and file report on changes to the Public Communications portion of City Council meetings and survey of other cities regarding public comment at Council meetings. (Fiscal Impact: None) Council Member Boulgarides suggested that during the first public communication on the agenda, the public could speak on any item under the jurisdiction of the City Council and limit the time to three minutes per speaker. The second public communication would remain as is. Also suggested posting a signboard identifying Public Communications rules and public hearings on the agenda. He suggested that any changes be revisited in three months.

Mayor Pro Tem Busch agreed with the above suggestion but with a five minute time limit per speaker.

Council Member Jacobson suggested allowing the public, if requested in advance, to speak as items are addressed on the agenda.

Council Member Fisher suggested a three minute limit for items not on the agenda and a five minute time limit per speaker for items listed on the agenda. The second public communications would allow for a five minute time limit per speaker.

MOTION by Council Member Boulgarides, SECONDED by Mayor McDowell to allow the public to speak on any item on the agenda or any item under the purview of the City Council at the first public communication, with a five minute time limit per speaker and the second public communication would remain unchanged, allowing the public to speak on any matter within the jurisdiction of the City Council, with a five minute time limit per speaker. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Council Member Boulgarides reported on the request for a bus stop at Plaza El Segundo. Staff to work with bus line regarding this request.

Requested staff supply the Aquatics sub-committee with a follow-up report.

Also requested staff agendize an item for the Adjourned Regular Meeting on Monday, January 22, 2007, to consider adding "Museum" to the Urban Mixed-Use South Zone.

Mayor Pro Tem Busch – Spoke regarding the Athletic Field Ground Breaking. Requested that the Athletics Task Force be reconvened to address the field striping and other issues.

Council consensus to have staff return to Council with a process for implementing Licensing/Naming Rights.

Mayor McDowell – Spoke regarding the City's Upcoming 90th Birthday Celebration.,

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Joe Brandin, resident, spoke regarding the Pennsylvania Blue Stone at Grand and Main and the difficulty of handicapped persons crossing at that intersection and other intersections with stamped concrete. Also spoke regarding the design of the Athletic Fields.

Doug, Clyde, resident, spoke regarding the problem of cars not stopping at stop signs.

MEMORIALS - Kai, El Segundo Police Canine, retired in 2003.

ANNOUNCEMENTS – Cindy Mortesen, City Clerk, announced the birth of her Grand Daughter Annika Joy born December 30, 2006 to Steve & Sabina Mortesen, sister to Gage, Kaitie and Alexandria.

ADJOURNMENT at 8:25 p.m. to Monday, January 22, 2007 at 5:00 p.m.

Cathy Domann, Deputy City Clerk