

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MARCH 18, 2008 - 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
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.

The City Attorney stated that Council would be meeting in closed session pursuant to items identified on the agenda and Government Code §54956.9(b) items were a threat of litigation regarding the Coleman Claim 07-62 and the Henry Radio Claim 07-48 and the Regional Water Quality Control Board Notice of Violation dated March 4, 2008.

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)) –
-2- matters

City of El Segundo vs. City of Los Angeles, et. al. LASC No. BS094279
Solomon vs. City of El Segundo, LASC Case No. BC372401.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(b): -3- potential case (no further public statement is required at this time); Initiation of litigation pursuant to Government Code §54956.9(c): -1- matter.

DISCUSSION OF PERSONNEL MATTERS (Gov't Code §54957): -0- matters

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 6:50 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, MARCH 18, 2008 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor Dino Tumbuan, Saint John's Lutheran Church

PLEDGE OF ALLEGIANCE – Council Member Jim Boulgarides

PRESENTATIONS

- a. Council Member Jacobson presented a Certificate of Appreciation for Police Officer of the Year to Vince Martinez.
- b. Mayor ProTem Busch presented a Certificate of Appreciation for Firefighter of the Year to Mark Lees.

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.

Mark Hensley, City Attorney, made a statement regarding political activity during public communications. Stated some examples of the types of statements that were not appropriate during Council Meetings included: introducing yourself as a council candidate, making statements that include any reference to the fact that you are running for council, making statements either in support of or against a candidate, or discussing in any manner city council candidates in the context of the election. However, members of the public do have the right under the Brown Act to discuss any matter that is within the subject matter jurisdiction of the City and have the right to express opinions regarding the City Council and its Members relating to City business. As the City is precluded under the law from using resources for political campaigns, such are by definition not within the subject matter jurisdiction of the City and cannot be discussed during Council Meetings.

Stated this admonition also held true for ballot measures and other local, state and federal offices that were the subject of the upcoming election.

Gail Church, Resident; Reported on the Arbor Day activities, Trees to the Sea.

Mike Briney, Resident; announced the "Run for Education" on March 29, 2008 beginning in front the High School.

Stan Myles, South Coast Air Quality Management District Representative, introduced himself and explained what the Air Quality Management District does.

Liz Garnholz, Resident; announced the Aviation Safety and Noise Abatement Committee would be demonstrating the Airport Camera on Tuesday, March 25, in the West Conference Room, in City Hall. She also questioned Consent Item number 8.

A. PROCEDURAL MOTIONS

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

MOTION by Mayor ProTem Busch, SECONDED by Council Member Boulgarides to read all ordinances and resolutions on the Agenda by title only. MOTION PASSED BY UNANIMOUS VOTE. 5/0

B. SPECIAL ORDERS OF BUSINESS

C. UNFINISHED BUSINESS

1. Consideration and possible action regarding award of contracts to Wyle, Inc. for Design and Testing services and Construction Monitoring and oversight services related to the Residential Sound Insulation (RSI) Program. (Fiscal impact: \$1,613,720 for Design and Testing services and \$493,380 for Construction Monitoring and Oversight services, included in the 2007-2008 budget)

Jeff Stewart, City Manager, gave a report.

MOTION by Council Member Jacobson, SECONDED by Mayor ProTem Busch to award Contract No. 3793 to Wyle, Inc. for Design and Testing Services, award Contract No. 3794 to Wyle, Inc. for Construction Monitoring and Oversight Services and authorize the City Manager to execute contracts in a form approved by the City Attorney. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

2. Consideration and possible action regarding the adoption of an Ordinance to amend the El Segundo Municipal Code to conform Municipal Code with statutory provisions of the Digital Infrastructure and Video Competition Act (DIVCA) regarding cable and commercial video services, including establishing franchise and Public Education Government (PEG) fees at the current local franchise fee rates of 5% and 2% of gross revenues, respectively. (Fiscal Impact: None)

Jeff Stewart, City Manager, gave a report.

MOTION by Council Member Jacobson, SECONDED by Council Member Fisher to approve the recommendation of the El Segundo Community Cable Advisory Committee to amend the El Segundo Municipal Code in order to conform Municipal Code with statutory provisions of the Digital Infrastructure and Video Competition Act (DIVCA) and set fees at the existing franchise rate of 5% and PEG rate of 2% of gross revenues. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1418

AN ORDINANCE OF AMENDING § 9-6-3 AND ADDING A NEW § 9-6-27 TO THE EL SEGUNDO MUNICIPAL CODE ESTABLISHING VIDEO FRANCHISE FEES, PEG FEES, PENALTIES AND OTHER RELATED MATTERS FOR STATE VIDEO FRANCHISE AGREEMENTS.

Council Member Jacobson introduced of Ordinance.

Second reading and adoption of Ordinance scheduled for April 1, 2008.

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 2564542 to 2564791 on Register No. 11 in the total amount of \$1,058,643.49 and Wire Transfers from 2/22/2008 through 3/6/2008 in the total amount of \$756,484.43. 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 Regular City Council Meeting Minutes of March 4, 2008.

5. Awarded Standard Public Works Contract No. 3795 to Best Contracting Services for the installation of a roof for City Hall above the Council Chambers and air conditioning modifications at 350 Main Street – Project No. PW 08-02 (Fiscal Impact = \$64,590.00). Authorized the City Manager to execute the Contract in a form approved by the City Attorney. Appropriated funds in the amount of \$64,590 from the Roof Replacement City Hall.
6. Awarded Standard Public Works Contract No. 3796 to Pacific Construction Co. for the installation of a Biological Wastewater Closed Loop System at 400 Sepulveda Blvd. – Project No. PW 08-01 (Fiscal Impact = \$71,930.00). Authorized the City Manager to execute the Contract in a form approved by the City Attorney. Appropriated funds in the amount of \$71,930 from the Golf Course Enterprise Fund.
7. Approved examination plan for the Personnel Merit System job classification of Equipment Mechanic I/II. (Fiscal Impact: None)
8. PULLED FOR DISCUSSION BY MAYOR PROTEM BUSCH
9. Authorized the Police Department to replace the Watch Commander's Ford Crown Victoria, currently due for replacement in the equipment replacement fund, with a police package Chevrolet Tahoe Flex Fuel vehicle; Pursuant to El Segundo Municipal Code Sec. 1-7-10, waived the bidding process authorized staff to issue a purchase order piggybacking on an existing Los Angeles County Sheriff's Department contract to purchase one police package-Chevrolet Tahoe Flex Fuel vehicle in an amount not to exceed \$33,200, which does not include vehicle conversion.
10. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON
11. Rejected bid submitted by C.A.S. General Contractor for Group 25 and award Contract No. 3798 to S&L Specialty Contracting, Inc. for construction related to Group 25 (31 residences) and Contract No. 3799 for Group 26 (25 residences) of the Residential Sound Insulation (RSI) Program. (Estimated construction cost and retention: \$1,690,040) Authorized the City Manager to execute the contracts in a form approved by the City Attorney.

MOTION by Council Member Jacobson, SECONDED by Council Member Fisher to approve Consent Agenda Items 3, 4, 5, 6, 7, 9, and 11. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

8. Consideration and possible action regarding the status on staffing and workload issues in the Planning and Building Safety Department. (Fiscal Impact: None)

Sam Lee, Building Manager, gave a report.

Mayor ProTem Busch requested staff develop a strategy to bring the outstanding plan check waiting time down to a manageable level.

Council consensus to receive and file the status on staffing and workload issues in the Planning and Building Safety Department.

10. Consideration and possible action regarding award of a contract to Tron Construction, Inc. for construction related to Group 24 (25 residences) of the Residential Sound Insulation (RSI) Program. (Estimated construction costs and retention: \$877,250)

Council Member Jacobson stated he had received complaints on the RSI program and most of the time the Contractor was Tron Construction. Requested that the contract have penalties included. He also requested the City Manager have a discussion with the contractor and share the Council and Staff concerns regarding complaints.

City Attorney, Mark Hensley, stated there was a process to disqualify a bidder and documentation was needed to state in what ways they were not qualified.

MOTION by Council Member Jacobson, SECONDED by Council Member Boulgarides to award Contract No. 3797 to Tron Construction, Inc. for construction related to Group 24 (25 residences) of the Residential Sound Insulation (RSI) Program. (Estimated construction costs and retention: \$877,250) Authorized the City Manager to execute the contract in a form approved by the City Attorney. The City Manager to have a discussion with the contractor and share the Council and Staff concerns regarding performance issues. MOTION PASSED BY UNANIMOUS VOICE VOTE.
5/0

F. NEW BUSINESS

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY - Reported that the Council in closed session by unanimous vote authorized the City Attorney's Office to initiate administrative and other legal proceedings as necessary to protect the City's interest with regard to the March 4, 2008, Notice of Violation and Order issued by the Regional Water Quality Control Board.

I. REPORTS – CITY CLERK – Clerk Mortesen announced the last day to register to vote for the April 8, Municipal Election was March 24.

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Fisher – Spoke regarding the “Trees to the Sea” project.

Council Member Jacobson – Spoke on the opening of Douglas Street to Rosecrans.

Council Member Boulgarides – Spoke regarding the air quality testing that will be done on Wednesday, March 19 at locations on the West side and the East side. Also stated that there would be a Blood Mobile at Farmers Market on March 27. Spoke regarding the ad hoc committee that was investigating film permits and noted that no action has been taken. Requested to agendaize stop sign request at the intersection of Sierra Street and Holly Avenue for the next Council meeting..

Mayor Pro Tem Busch – Spoke on “Trees to the Sea” and the “Run for Education”. Encouraged the public to join in. Also wished his son Brendan a happy birthday on March 28.

Mayor McDowell – Spoke regarding the number of film permits that have been issued and the film ad hoc committee.

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MEMORIALS – PETER BOWMAN, who died on February 26, 2008, at the age of 82.

ADJOURNMENT at 8:05 p.m.


Cindy Mortesen, City Clerk