

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JULY 21, 2009 – 6:00 P.M.

6:00 P.M. SESSION

CALL TO ORDER – Mayor McDowell at 6:00 p.m.

ROLL CALL

Mayor McDowell	-	Present
Mayor Pro Tem Busch	-	Present
Council Member Brann	-	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.

SPECIAL ORDER OF BUSINESS:

1. Appointment of Real Property Negotiators for City –Owned Property (2161 El Segundo Boulevard).

MOTION by Mayor Pro Tem Busch, SECONDED by Council Member Fisher to appoint Jack Wayt, City Manager, and Bill Crowe, Assistant City Manager, as Real Property Negotiators regarding the potential sale or lease of City-owned property (2161 El Segundo Boulevard) to PFK Enterprises, Inc. for use as a point of sale for petroleum products, including on-site sale of petroleum products. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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) -0- matter

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): -0- matter.

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

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): - 1- matter

Property: 2161 El Segundo Blvd., El Segundo

Agency Negotiator: Jack Wayt (City Manager), Bill Crowe, (Assistant City Manager)

Negotiating Party: PFK Enterprises, Inc.

Under Negotiation: Proposal to lease or purchase City-owned property

SPECIAL MATTERS: - 0- matter

Council recessed at 6:50 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, JULY 21, 2009 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor SeHee Han, United Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Don Brann

PRESENTATIONS

- a. Council Member Fisher presented a Proclamation announcing July as Relay for Life month.
- b. Presentation from the Muscular Dystrophy Association to the El Segundo Fire Department for their participation in the “Fill the Boot” event.

ROLL CALL

Mayor McDowell	-	Present
Mayor Pro Tem Busch	-	Present
Council Member Brann	-	Present
Council Member Fisher	-	Present
Council Member Jacobson	-	Present

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Megan Berry and Suzanne Gutterman, Muscular Dystrophy Association, made a presentation to Fire Chief Kevin Smith for the Fire Departments participation in the “Fill the Boot” event.

A. PROCEDURAL MOTIONS

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

MOTION by Council Member Brann, 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 (PUBLIC HEARING)

C. UNFINISHED BUSINESS

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

1. Consideration and possible action to receive and file the Annual Report of the Capital Improvement Program Advisory Committee (CIPAC). Oral presentation will be made by CIPAC Chairman Crista Binder. (Fiscal Impact: None)

Crista Binder, CIPAC Chairman, gave a presentation.

Council consensus to receive and file the Annual Report of CIPAC.

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.

2. Approved Warrant Numbers 2572230 to 2572558 on Register No. 18 in the total amount of \$1,634,577.59 and Wire Transfers from 06/05/2009 through 06/25/2009 in the total amount of \$2,351,018.74 and Warrant Numbers 2572559 to 2572790 on Register No. 19 in the total amount of \$846,056.60 and Wire Transfers from 06/25/2009 through 07/09/2009 in the total amount of \$1,067,702.81. 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 June 16, 2009 and Special City Council Meeting Minutes of July 8, 2009.
4. Authorized the City Manager to issue a letter of concurrence to the South Bay Regional Public Communication Authority to modify a radio frequency co-licensed with one assigned to the City. (Fiscal Impact: None.)
5. Approved an upgrade of the Millennium hardware and software system of existing Agreement #2235 supplied by Innovative Interfaces, Inc., in a form approved by the City Attorney, for the operational functions of cataloging, circulation of materials, and public access to the El Segundo City Library's online catalog. (Fiscal Impact: \$29,443) Authorized the City Manager to execute the contract, in a form approved by the City Attorney.

6. Awarded standard Public Works Contract No. 3962 to the lowest responsible bidder, Vido Samarzich, Inc., for the replacement of a water main on Lairport Street. Project No. PW 09-04 (Fiscal Impact: \$192,870). Authorized the City Manager to execute the contract in a form approved by the City Attorney.
7. Awarded standard Public Works Contract No. 3963 to Belaire-West Landscape, Inc. for the installation of an irrigation system and decomposed granite path at Washington Park located on Washington Street between Palm and Maple Avenues – Project No. PW 09-06 (Fiscal Impact: \$49,000) Authorized the City Manager to execute the contract in a form approved by the City Attorney.
8. Awarded standard Public Works Contract No. 3964 to Vido Samarzich, Inc. for the fabrication and installation of the light pole banners on Sepulveda Boulevard. – Project No. PW 09-05. (Fiscal Impact: \$48,290) Authorized the City Manager to execute the contract in a form approved by the City Manager.
9. Adopted plans and specifications for the 2008-2009 annual contract for curb, gutter, handicap ramps, sidewalk and other minor improvements at various locations citywide. Approved Capital Improvement Program. Project No.: PW 09-08, CDBG Project No. 601209-09 (Fiscal Impact: \$260,000 - \$150,000 CDBG funds, \$110,000 Gas Tax funds) Authorized staff to advertise the project for receipt of construction bids.
10. Adopted plans and specifications for the slurry sealing of the streets in the area bounded by Sheldon Street, Mariposa and Imperial Avenues and Sepulveda Boulevard. Project No.: PW 09-10 (Fiscal Impact: \$225,000) Authorized staff to advertise the project for receipt of construction bids.
11. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON
12. Received and filed report without objecting to a new Alcoholic Beverage Control (ABC) license for on-site sale and on-site consumption of alcohol (Type 41 – On-Sale Beer and Wine) at an existing restaurant located at 321 Main Street, EA No. 835 and AUP No. 09-03. Applicant: George Andrews (Fiscal Impact: N/A)
13. Authorized staff to negotiate pricing with The Jones Payne Group for Design and Testing Services related to the Residential Sound Insulation (RSI) Program. (Fiscal impact: None)
14. Adopted Ordinance No. 1430 approving Development Agreement No. 09-01 (Third Amendment to Development Agreement No. 03-01 with Rosecrans-Sepulveda Partners 2, LLC and PES Partners, LLC for EA 631) for the Plaza El Segundo project located at 710-850 South Sepulveda Boulevard, 700-740 Allied Way, and 2005-2015 East Park Place. Such action would allow the following uses: 1) Fast food restaurants south of the current locations of the Union Pacific Railroad or the Burlington Northern Santa Fe Railroad lines (southwest portion of the site); 2) banks and similar institutions up to a total of 10,000 square feet of

floor area; 3) day spas up to a total of 10,000 square feet of floor area; 4) health clubs and fitness centers up to a total of 10,000 square feet of floor area; 5) indoor sale of motorcycles, motor scooters and the sale of related parts and accessories only as an ancillary use; and 6) dance and music instruction studios up to 6,000 square feet of floor area. (Fiscal Impact: None)

15. Authorized the City Manager to purchase two new alternative fuel (hybrid) vehicles at a cost not to exceed \$63,000 for use by the Planning and Building Safety Department. (Fiscal Impact: \$63,000. Air Pollution Reduction Fund)
16. Approved Amendment No. 1 to the City Manager's Contract No 3846A for purposes of increasing his salary and benefits. (Potential fiscal impact approximately \$30,000 plus a potential additional \$12,000 depending on whether the City Manager participates in the City's Deferred Compensation Plan.)
- 16A Ratified the El Segundo Chamber of Commerce re-nomination and re-appointed Elyse Beardsley to Seat #18 of the South Bay Workforce Investment Board (SBWIB). (Fiscal Impact: None) and directed the City Clerk to forward a certified copy of the Council's action to the SBWIB.

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Busch to approve Consent Agenda Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, and 16A. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

11. Consideration and possible action regarding a new Alcoholic Beverage Control (ABC) license for on-site sale and off-site consumption of alcohol (Type 21 - Off-Sale General) at an existing market located at 601 Virginia Street (Village Wine and Cigar Shop), EA No. 832 and AUP No. 09-02. Applicant: Abdo Diab Barakat (Fiscal Impact: N/A)

Council Member Jacobson requested Council protest this application due to the proximity to Richmond Street School.

MOTION by Mayor McDowell, SECONDED by Council Member Fisher to request the City Manager to report in 6 months on any adverse activity in the neighborhood of the Market. MOTION PASSED BY THE FOLLOWING VOICE VOTE: AYES: MCDOWELL, BUSCH, FISHER. NOES: JACOBSON, BRANN. 3/2

F. NEW BUSINESS

17. Consideration and possible action regarding 1) Introduction of an Ordinance and Adoption of a Resolution of Intention to approve an Amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the El Segundo City Council providing Section 20903 (Two Years Additional Service Credit) for the City's Local

Miscellaneous (Non-Safety) Members, with the exception of Department Directors, Assistant City Manager and City Manager and 2) Approval of a \$5,000 payment to eligible employees entering into a Date-Certain Retirement Separation Agreement with the City. (Fiscal Impact: 1) Estimated increase in the City's PERS miscellaneous employer rate of 0.327% and an annual cost increase in FY 2011-2012 of \$50,235; 2) Salary savings based on the number of employees retiring during the designated retirement period, less the \$5,000 payment for entering into a Date-Certain Retirement Separation Agreement.)

Bob Hyland, Human Resources Director, gave a report.

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1431

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF EL SEGUNDO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Mayor McDowell introduced the ordinance.

MOTION by Council Member McDowell, SECONDED by Council Member Brann to adopt Resolution of Intention No. 4606 to approve an amendment to contract between the Board of Administration California Public Employees' Retirement System and the City of El Segundo; Approve a \$5,000 payment to eligible employees entering into a Date-Certain Retirement Separation Agreement with the City; Authorize the City Manager to execute the Retirement Separation Agreement, in a form approved by the City Attorney. MOTION PASSED BY THE FOLLOWING VOICE VOTE; AYES: MCDOWELL, BUSCH, FISHER, BRANN. NOES; NONE. ABSTAIN: JACOBSON 4/0/1

- G. REPORTS – CITY MANAGER
- H. REPORTS – CITY ATTORNEY
- I. REPORTS – CITY CLERK
- J. REPORTS – CITY TREASURER
- K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – Requested staff repair a report on how the proposed State Budget might impact the City.

Council Member Fisher – None

Council Member Jacobson – None

Mayor Pro Tem Busch – Spoke regarding Relay for Life; July 4th celebration;

Mayor McDowell – Spoke regarding the California Budget. He stated that City monies have been taken by the State in the balancing of their budget. He also stated it was time for a Constitutional Convention.

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MEMORIALS – Dick Peterson, and Marvin Johnson

CLOSED SESSION – NONE

ADJOURNMENT – 7:45 p.m.



Cindy Mortesen, City Clerk