REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, NOVEMBER 17, 2009 – 5:00 P.M.

5:00 P.M. SESSION

CALL TO ORDER – Council Member Jacobson at 5:00 p.m.

ROLL CALL

Mayor McDowell - Present – arrived at 5:01

Mayor Pro Tem Busch - Present – arrived at 5:01

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:

Mark Hensley, City Attorney, announced that Council would be meeting in closed session pursuant to items listed on the agenda and that the Government Code §54956.9(b) item pertained to the El Segundo Firefighters Association threatened litigation regarding staffing requirements.

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) -1- matter

1. Pulido v. City of El Segundo, et. Al. Case No. RIC396282

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code §54956.9(b): -1-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-matters

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): - 3-matters

Property: City owned property (APN Nos. 4138-014-914 and 4138-014-901) located on the south side of Hughes Way (near it terminus).

City Negotiators: City Manager, Assistant City Manager and City Attorney.

Negotiating Parties: Rosecrans-Sepulveda Partners 2, LLC, and PES Partners, LLC.

Under Negotiation: Price and Terms (sale).

Property: property owned by Rosecrans-Sepulveda Partners 2, LLC, and PES Partners, LLC (APN Nos. 4138-015-007 and 4138-015-008) located near the northeast corner of Sepulveda and Rosecrans Boulevards (and more specifically to the west of the intersection of Nash Street and Park Place).

City Negotiators: City Manager, Assistant City Manager and City Attorney.

Negotiating Parties: Rosecrans-Sepulveda Partners 2, LLC, and PES Partners, LLC.

Under Negotiation: Price and Terms (purchase).

Property: 2161 El Segundo Boulevard, El Segundo (Fire Station No. 2)

City Negotiators: City Manager, Assistant City Manager

Negotiating Parties: PFK Enterprises, Inc.

Under Negotiation: Price and Terms (potential lease or sale)

SPECIAL MATTERS: - 0- matter

Council recessed at 6:50 p.m.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, NOVEMBER 17, 2009 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION - City Clerk Mortesen

PLEDGE OF ALLEGIANCE - Council Member Don Brann

PRESENTATIONS

a. Council Member Jacobson presented a Proclamation for Spark of Love Toy Drive to Fire Chief Kevin Smith.

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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Michael Meade, U.S. Tow, Inc. spoke regarding the issuance of the towing contract which had been pulled and placed on a future meeting.

Loretta Frye, Resident; spoke regarding the water conservation ordinance.

Amy Lemisch, Executive Director of the Film Commission; spoke on the adoption of the film ordinance, and listed items that the Film Commission disagreed with.

Sarah Walsh, Motion Picture Association of America, spoke on the Film Ordinance and items they disagreed with.

Lena McDermott, Tree Musketeers, spoke regarding the planting of 200 new street trees.

Toni Rena, Continental Development Corporation, spoke regarding the Film Ordinance, and requested Council to consider relaxing filming restrictions east of Sepulveda and south of El Segundo Blvd.

Susanne Fuentes, Resident; spoke regarding the Film Ordinance and stated she would support extending the filming hours to 10 p.m. and weekend filming if it did not exceed the total number of days.

Wade Stevens, resident and member of the filming industry, spoke against the current version of the filming ordinance.

Dora Polk, Resident; spoke regarding the film ordinance and its history.

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 Mayor Pro Tem Busch 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
 - 1. Consideration and possible action to introduce and waive first reading of an Ordinance amending the El Segundo Municipal Code's regulation of filming within the City of El Segundo. (Fiscal Impact: None)

Mayor Pro Tem Busch not-participating on this item due a possible conflict with his employer and therefore left the dais.

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1436

AN ORDINANCE AMENDING EL SEGUNDO CHAPTER 4-11 REGULATING MOTION PICTURE, RADIO AND TELEVISION PRODUCTION WITHIN THE CITY OF EL SEGUNDO.

Council Member Fisher introduced with amendments of section 4-11-23 F to read filming permitted 24/7 east of Sepulveda or South of El Segundo Blvd. except within 275 feet of a hotel. Section 5 4-11-23 I was deleted. Second reading and adoption of the Ordinance for December 1, 2009.

Mayor Pro Tem Busch returned to the dais.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

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 2574523 to 2574719 on Register No. 3 in the total amount of \$736,453.54 and Wire Transfers from 10/23/09 through 11/06/09 in the total amount of \$801,466.83. Authorized staff to release. Ratifed: 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 November 3, 2009.
- 4. ITEM PULLED FOR A FUTURE MEETING DUE TO AN INCOMPLETE PACKET
- 5. PULLED FOR DISCUSSION BY COUNCIL MEMBER JACOBSON
- 6. Approved extending the City's agreement with Cassidy & Associates through September 30, 2010, for the provision of legislative advocacy services in Washington, D.C., and approve federal work plan. (Fiscal Impact: \$160,000 for FY 2009-2010) Authorized the Mayor to execute the attached Agreement No. 4021 with Cassidy & Associates. Approved the federal advocacy work plan as outlined in Cassidy & Associates Memorandum of November 4, 2009. Authorized an additional appropriation of \$20,000 from salary savings. Instructed the City Manager, affected departments, and our Washington, D.C. advocate to work with the Congressional staff and local government associations to pursue the City's federal funding and program objectives.
- 7. Waived second reading and adopted Ordinance No. 1435 setting the City's water Rates and Charges pursuant to Safety Codes § 5471 and El Segundo Municipal Code § 11-1-5 for Fiscal Year 2009-2010 through Fiscal Year 2014-2015. (Potential Fiscal Impact: Approximately \$3,640,000 loss in water revenue in FY 2009-2010.)

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Busch to approve Consent Agenda items 2, 3, 6, and 7. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

5. Consideration and possible action regarding the acceptance of the Softball Field Wall at 339 Sheldon St. – Project No. PW 09-03. (Fiscal Impact: \$206,825.00)

MOTION by Council Member Jacobson, SECONDED by Mayor Pro Tem Busch to accept the work as complete on the Softball Field Wall at 339 Sheldon St. – Project No. PW 09-03. (Fiscal Impact: \$206,825.00) Approved an additional appropriation of \$6,000 from the Capitol Improvement Fund Reserves. Authorized the City Clerk to file a Notice of Completion in the County Recorder's Office. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

- F. NEW BUSINESS
- 8. Consideration and possible action to serve as a host location for a community based pandemic H1N1 influenza mass vaccination clinic. (Fiscal Impact: \$30,000)

Kevin Smith, Fire Chief, stated that the County was not opened to hosting clinics in small cities and venues.

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

Council Member Brann - None

Council Member Fisher - None

Council Member Jacobson – None

Mayor Pro Tem Busch - None

Mayor McDowell - None

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Loretta Frye, Resident; spoke regarding the water conservation ordinance, and requested Council to change it to state PM watering 1 hour prior to sunset.

MEMORIALS - Jack Siadek, Roy Hefner and John McTaggert

CLOSED SESSION – NONE

ADJOURNMENT at 8:12 p.m.

Cindy Mortesen, City Clerk