

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 1, 2009 – 5:00 P.M.

5:00 P.M. SESSION CANCELLED – NO ITEMS OF BUSINESS

(REGULAR MEETING TO BE ADJOURNED TO 7:00 P.M.)

5:00 P.M. SESSION

CALL TO ORDER

ROLL CALL

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:

CLOSED SESSION:

The City Council may move 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

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): - 0- matters

SPECIAL MATTERS: - 0- matter

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 1, 2009 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor John Svendsen, First Baptist Church

PLEDGE OF ALLEGIANCE – Council Member Bill Fisher

PRESENTATIONS

- a. Council Member Brann presented a Proclamation to announce Candy Cane Lane, December 12, 2009 through December 23, 2009.
- b. Council Member Jacobson presented a Commendation for Maurice O'Brien as RSVP of the Year.
- c. Mayor McDowell presented a Proclamation to announce December 13, 2009 as the 46th Annual El Segundo Holiday Parade.

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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Denise Dedesquali, Board Member for Work Investment Board (WIB), made a presentation regarding WIB activities and programs, and the quarter summary.

Michael Mead, US TOW; addressed item number 13 on the Consent Agenda, spoke regarding the award of the RFP for towing.

Nancy Peters, Resident; introduced the new Relay for Life partner Amanda Manning, and announced the planning the event for June 14, 2010.

Amanda Manning, American Cancer Society, spoke regarding the Relay for Life Event.

Jeremy Landcaster, Washington Plaza Homeowners Association; spoke regarding parking permits for a limited area around his complex.

Liz Garnholtz, Resident; spoke regarding the discussion on consolidating the Fire Department with the County of Los Angeles.

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 Brann 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)

1. Consideration and possible action to waive the first reading and introduce a Water Efficient Landscape Ordinance for the City of El Segundo. (Fiscal Impact: None)

Greg Carpenter, Director of Planning and Building Safety, gave a presentation.

Toni Reina, Continental Development Corporation, spoke regarding their concerns with the restrictions of the ordinance.

MOTION by Council Member Jacobson, SECONDED by Mayor Pro Tem Busch to close the public hearing. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

Mark Hensley, City Attorney, read by title only:

ORDINANCE NO. 1437

AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE CHAPTER 10-2, ENTITLED "WATER CONSERVATION IN LANDSCAPING," IN ITS ENTIRETY IN ACCORDANCE WITH GOVERNMENT CODE § 65595(C).

Mayor McDowell introduced the ordinance.

Second reading and adoption scheduled for December 15, 2009.

C. UNFINISHED BUSINESS

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 2574720 to 2574958 on Register No. 4 in the total amount of \$1,350,950.82 and Wire Transfers from 11/05/09 through 11/19/09 in the total amount of \$2,195,721.65. 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 November 17, 2009 and Special City Council Meeting of November 12, 2009.
4. Authorized the City Manager to execute Standard Public Works Contract No. 4026 in the amount of \$721,403, in a form approved by the City Attorney, to Pacific Hydrotech Corporation for the Seismic Strengthening of the 3.1 Million Gallon Water Reservoir located at 400 Lomita Street. Amend Contract No. 3742 with Tetra Tech, Inc. for additional services for materials testing and special inspection services (\$17,541) and add a 10% contingency and authorize the Public Works Director to use this contingency in the event that change orders are necessary – Project No. PW 09-13 (Fiscal Impact: \$738,944.00)
5. Approved the request from the Young Americans Workshop Committee to allow banners to be hung over Main Street at no cost. (Fiscal Impact: \$178)
6. Adopted Resolution No. 4635 approving the El Segundo Sewer System Management Plan. (SSMP) (Fiscal Impact: None)
7. Received and filed report without objecting to modify an existing 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 720 Allied Way, Suite D, EA No. 851 and AUP No. 09-09. Applicant: The Veggie Grill (Fiscal Impact: N/A)
8. Approved the purchase of the Vermeer 1200LX brush chipper for the Parks Maintenance Division. (Fiscal Impact: \$33,824.15)
9. Authorized the City Manager to execute a renewal to the City's agreement with TruGreen LandCare, in a form approved by the City Attorney, for landscape maintenance services. (Fiscal Impact: \$150,095)

10. Approved the rental fee waver request for the amount of \$3,850 from "El Segundo Broadway in the Park" to host a week-long professional theater performance in July 2010 at Recreation Parks' Softball Field.
11. Waived second reading and adopted Ordinance No. 1436 to amend Title 4, Chapter 11 regulating motion picture, radio, and television production within the City of El Segundo. (Fiscal Impact: None)
12. Authorized the City Manager to execute standard Public Works Contract No. 4027 to General Lighting and Electric, Inc., in the amount of \$11,910 for the installation of new lighting poles and conduits at Joslyn Center (339 Sheldon Street). Project No.: PW 09-14. (Fiscal Impact: 13,000.00)
13. PULLED FOR DISCUSSION BY MAYOR MCDOWELL.
14. Authorized the City Manager to execute standard Public Works Contract No. 4028, in the amount of \$212,856.95, to the lowest responsible bidder, Silvia Construction, Inc., for the rehabilitation of Mariposa Avenue from Sepulveda Boulevard to Nash Street. Project No.: PW 09-01, Federal Project No.: LAES681 (Fiscal Impact: \$234,000.00)
15. Approved request from Big West Construction Corporation to substitute the door supplier listed in their Bid related to Group 38 (26 homes) of the City's Residential Sound Insulation Program. (Project No. RSI 09-19)
16. Adopted Resolution No. 4634 opposing proposed Metropolitan Transportation Authority plans to construct a rail transit operations and maintenance facility for the Crenshaw Transit Corridor Project within the City of El Segundo. (Fiscal Impact: None) Authorized the City Manager, or designee, to take appropriate action to oppose the proposed project.

MOTION by Council Member Fisher, SECONDED by Council Member Jacobson to approve Consent Agenda items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0. Mayor Pro Tem Busch Not-Participating on item number 11 due to a possible conflict of interest regarding his employer.

CALL ITEMS FROM CONSENT AGENDA

13. Consideration and possible action on awarding RFP No. #09-17 (Police Towing and Storage Services) to Manhattan Beach Towing as the City's primary tow contractor and authorize the City Council to execute a four-year agreement in a form approved by the City Attorney with three one-year term extensions, for a maximum total contract length of seven years. (Fiscal Impact: None.)

MOTION by Mayor Pro Tem Busch, SECONDED by Council Member Fisher to authorize the City Manager to execute a four-year Contract No. 4029, in a form approved by the City Attorney, to Manhattan Beach Towing as the City's primary tow contractor, RFP No. #09-17 (Police Towing and Storage Services), with three one-year term extensions, for a maximum total contract length of seven years. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

F. NEW BUSINESS

17. Consideration and possible action to request a survey from the Consolidated Fire Protection District of Los Angeles County to determine the feasibility of the Consolidated Fire Protection District of Los Angeles County (District) providing fire protection and related services to the City of El Segundo (City). The survey is intended to be used as a tool to educate the City Council and City staff on the operational and financial impacts on the City if the City were to elect to contract with the District for fire protection and related services instead of maintaining its own municipal fire department. (Fiscal Impact: \$18,000 Refunded from Economic Uncertainty Fund, Fire Station #2 Designation)

Kevin Smith, Fire Chief, gave a report.

MOTION by Council Member Fisher, SECONDED by Council Member Brann to authorize the City Manager to sign and forward a letter on behalf of the El Segundo City Council to the County of Los Angeles Board of Supervisors requesting a proposal from the Consolidated Fire Protection District of Los Angeles County to provide fire protection and related services to the City of El Segundo. Authorized the City Manager to execute Agreement No. 4030, in a form approved by the City Attorney, with the Consolidated Fire Protection District, to prepare a report relating to Fire Protection, Paramedic, and Incidental Services. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

18. Consideration and possible action to (1) place an initiative on the ballot for the previously called April 13, 2010 municipal election to amend the City's utility user tax ("UUT") regulations (El Segundo Municipal Code ("ESMC") Chapter 3-7) to update the language in regulations with regard to maintaining the City's revenues from the UUT tax based upon technological changes in communications methods; and (2) place an initiative on the ballot for the previously called April 13, 2010 municipal election to amend the City's business license tax regulations to (i) increase the tax amount annually based upon the ten-year average of percentage increase in public safety costs incurred by cities in California (ESMC Title 4), and (ii) reduce from a 50% credit to a 25% credit, over a three year period, the amount that businesses can reduce their annual business license tax based upon the annual sales/use tax they generate for the City. (Fiscal Impact: Projected approximate 6% per year increase to the City's business license tax for which the City collects an estimated \$9,000,000 annually.)

MOTION by Mayor Pro Tem Busch, SECONDED by Council Member Jacobson to adopt Resolution No. 4636 placing an initiative on the ballot amending utility user tax regulations. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Council Member Jacobson, SECONDED by Council Member Fisher to adopt Resolution No. 4637 directing the City Attorney to prepare an impartial analysis for Ballot Initiative M. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Council Member Brann, SECONDED by Council Member Jacobson to appointed Mayor McDowell to draft the argument and rebuttal argument in favor of the UUT tax measure and all five Council Members to sign the argument. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Mayor Pro Tem Busch, SECONDED by Council Member Brann to adopt a Resolution placing an initiative on the ballot amending business license tax regulations using the Public Safety Index and directing Mayor Pro Tem Busch to draft the argument and rebuttal arguments in favor of the tax measure. MOTION FAILED BY THE FOLLOWING VOICE VOTE: AYES: BUSCH, BRANN, FISHER NOES: MCDOWELL AND JACOBSON 3/2

19. Consideration and possible direction to Planning and Building Safety staff to review and to prepare municipal code amendments to the existing off-street parking and loading requirements in El Segundo Municipal Code (ESMC) Chapter 15-15. (Fiscal Impact: None)

Continued to December 15, 2009 meeting due to the length of the presentation.

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

I. REPORTS – CITY CLERK

20. Consideration and possible action regarding Council consensus to cancel the January 5, 2010 City Council Meeting. (Fiscal Impact: None)

MOTION by Mayor Pro Tem McDowell, SECONDED by Mayor Pro Tem Busch to approve cancellation of the January 5, 2010 City Council Meeting. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

J. REPORTS – CITY TREASURER - NONE

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Brann – Spoke regarding the signal at Mariposa and Douglas.

Council Member Fisher – NONE

Council Member Jacobson – NONE

Mayor Pro Tem Busch – Expressed his disappointment regarding Council's action on the Business License Tax initiative actions.

Mayor McDowell – Spoke regarding his decision on the Business License Tax initiative.

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Jack Kenton, resident; spoke regarding stop signs being blocked by trees and trucks.

MEMORIALS – NONE

CLOSED SESSION – NONE

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)

ADJOURNMENT AT 9:38 P.M.


Cindy Mortesen, City Clerk