## REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL TUESDAY, DECEMBER 15, 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.)

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

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 15, 2009 - 7:00 P.M.

7:00 P.M. SESSION

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

INVOCATION – Pastor Monica Moreland, Hilltop Community Church of Christ

PLEDGE OF ALLEGIANCE – Council Member Carl Jacobson

## **PRESENTATIONS**

- a. Council Presented commendations to each of the members of the El Segundo High School Varsity Water Polo CIF Championship Team.
- b. Mayor McDowell presented a Commendation on behalf of the sponsors, supporters and volunteers of the El Segundo Community Christmas Dinner to be held at 1:00 p.m. on Christmas Day at the Joslyn Center at Recreation & Parks.

### **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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## 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 Fisher 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 regarding (Public Hearing) the proposed exchange of FY 2010/11 Community Development Block Grant (CDBG) funds totaling approximately \$77,871 with another CDBG participating city within the Los Angeles Urban County. (Fiscal Impact: \$77,871)

Mayor McDowell stated this is the time and place hereto fixed for a public hearing regarding the proposed exchange of FY 2010/11 Community Development Block Grant (CDBG) funds totaling approximately \$77,871 with another CDBG participating city within the Los Angeles Urban County. (Fiscal Impact: \$77,871) City Clerk Mortesen stated that proper notice was completed and no written communication had been received by City Clerk's Office.

Tina Gall, CDBG Consultant, gave a presentation.

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

MOTION by Council Member Jacobson, SECONDED by Council Member Fisher to authorize staff to proceed with identifying an interested participating city to begin negotiations for the exchange of FY 2010/11 Community Development Block Grant (CDBG) funds totaling approximately \$77,871 with another CDBG participating city within the Los Angeles Urban County, establish an exchange rate, and return to the City Council with a resolution authorizing the exchange of CDBG funds with another City, authorize the City Manager to execute the contracts, as to form approved by the City Attorney, with the Los Angeles county Community Development Commission, and with all sub-recipients receiving CDBG funds. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

- C. UNFINISHED BUSINESS
- D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS
- Consideration and possible action regarding the positions on the Committees, Commissions and Boards ("CCBs") that will expire in the year 2010. (Fiscal Impact: None)

MOTION by Council Member Brann, SECONDED by Council Member Jacobson to direct staff to open the recruitment process for the positions on the CCBs, as listed. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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 2574959 to 2575144 on Register No. 5 in the total amount of \$702,047.77 and Wire Transfers from 11/20/09 through 12/03/09 in the total amount of \$635,162.58. 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 December 1, 2009.
- 5. Approved a Fire Department Mutual Apparatus and Equipment Loan Agreement No. 4032 between the cities of El Segundo, Redondo Beach, Hermosa Beach, and Manhattan Beach. (Fiscal Impact: None) Authorized the Mayor to sign the Agreement.
- 6. Approved the 2-year fee waiver request, for the total amount of \$45,100, for fifteen (15) City co-sponsored annual Special Events, in which the City provides support services and/or facilities at no cost to the organizing group. (Fiscal Impact: None)
- 7. Waived second reading and adopted Ordinance No. 1437, a Water Efficient Landscape Ordinance for the City of El Segundo. (Fiscal Impact: None)
- 8. Accepted the work as complete on the installation of a storm drain and infiltration structure on Maple Avenue near Nash Street Project No. PW 09-12. (Fiscal Impact: \$20,410.00) Authorized the City Clerk to file a Notice of Completion in the County Recorder's Office.
- Accepted the work as complete for 98 homes related to the City's Residential Sound Insulation Program's Groups 32 (Project No. RSI 09-09), 33 (RSI 09-10), 34 (RSI 09-04) and 35 (RSI 09-08). (Final Contract Amounts: \$2,654,213.83) Authorized the City Clerk to file the City's Planning and Building Safety Director's Notices of Completion in the County Recorder's Office. Authorized the City Manager, or designee, to close out Project Nos. RSI 09-09; RSI 09-10, RSI 09-04 and RSI 09-08.

MOTION by Council Member Brann, SECONDED by Mayor Pro Tem Busch to approve Consent Agenda items, 3, 4, 5, 6, 7, 8, and 9. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

CALL ITEMS FROM CONSENT AGENDA

F. NEW BUSINESS

 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)

Greg Carpenter, Planning and Building Safety Director, gave a report.

Council consensus to receive staff presentation.

11. 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 business license tax regulations to (i) increase the tax amount annually based upon the ten-year average of the consumer price index and (ii) reduce from a 50% credit to a 40% credit 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 \$680,000 for FY 2010-11 and approximate \$250,000 to \$300,000 additional per year increase to the City's business license tax in subsequent fiscal years for which the City collects an estimated \$9,000,000 annually.)

Deborah Cullen, Finance Director, gave a report.

MOTION by Mayor Pro Tem Busch, SECONDED by Council Member Brann to adopt Resolution No. 4638 placing an initiative on the ballot amending business license tax regulations. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Mayor Pro Tem Busch SECONDED by Council Member Brann to appoint Mayor Pro Tem Busch to prepare and submit the Argument in favor of the measure and authorize all 5 council members to sign the arguments in favor of the tax measure.

MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

MOTION by Council Member McDowell SECONDED by Council Member Brann to adopt Resolution No. 4639 directing the City Attorney to prepare an impartial analysis for the ballot initiative. MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

REPORTS - CITY MANAGER - NONE

**REPORTS - CITY ATTORNEY - NONE** 

REPORTS – CITY CLERK - Reported on a New Law and Election Conference attended December 2, 3 and 4<sup>th</sup> in Monterey.

REPORTS - CITY TREASURER - NONE

REPORTS - CITY COUNCIL MEMBERS

Council Member Brann – Congratulated Robin Funk on her election to President of the Unified School District Board of Education. Wished everyone Merry Christmas and Happy Holidays.

Council Member Fisher – Wished everyone Happy Holidays.

Council Member Jacobson – Commented on the wonderful Christmas Parade, and wished everyone Happy Holidays.

Mayor Pro Tem Busch – Spoke regarding the design meeting for the lifeguard station at Grand Ave, El Segundo Beach. Wished everyone Happy Holidays.

Mayor McDowell – Reported on the MTA proposal for the Rail maintenance yard on the corner of Rosecrans and Sepulveda Blvd. and the exclusion of the El Segundo and Westchester sites from consideration.

- PULLED BY MAYOR MCDOWELL
  Consideration and possible action to adopt a resolution urging the State
  Legislature to repeal the designation of Serpentine a source of asbestos as
  the State's Rock. (Fiscal Impact: None)
- 13. Consideration and possible action regarding the annual request of Mr. S. Claus for variances from the Municipal Code.

MOTION by Council Member Fisher, SECONDED by Council Member Jacobson to approve:

(1) A Conditional Use Permit and waiver of regulations in ESMC Section 15-23-4; (2) The use of air rights and waiver of the Santa Monica Radial 160 R procedure (FAA should be contacted); (3) Grant a free business license for a non-profit organization (ESMC 4-1-7); (4) Waiver of ESMC 8-4-11B (Driveway Permits Required) and ESMC 8-5-11 (Parking on Grades). (5) Waiver of the Noise Ordinance to permit the sound of bells (ESMC 7-2-3); (6) Waiver of the Trespass Ordinance (ESMC 7-6-3) including 6-5-11 dealing with trespassing animals; (7) Waiver of the ordinance on Animal Regulations (ESMC 6-2-1).

MOTION PASSED BY UNANIMOUS VOICE VOTE. 5/0

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Jim Boulgarides, Resident; spoke regarding the Life Guard restroom station at Grand Ave, (El Segundo Beach). He also spoke regarding the study by Los Angeles County regarding assuming the Fire Department services for El Segundo. He expressed hope that these services would be kept local and not have the County take over our local services.

MEMORIALS – Shirley Mathews, former City Employee.

**CLOSED SESSION – NONE** 

ADJOURNMENT at 8:17 p.m.

Cindy Mortesen, City Clerk